**EIGHTEENTH QUARTERLY REPORT ON BEHALF OF MONITORING COMMITTEE**

**With Compliance Report of Order dtd. 16/09/2021 in WP No. 15658/2012**

Hon'ble High Court has directed Monitoring Committee to inspect and give specific report on improvement in treatment and other facilities to gas victims and other patients after control of BMHRC was entrusted to ICMR. It is submitted that the Monitoring Committee had submitted detailed report relating to BMHRC by way of 16th quarterly report to Hon'ble High Court. In the said report dtd. 11/02/2021 various aspects and shortcomings of BMHRC were pointed out in detail with particulars of non-compliance of recommendations of Monitoring Committee, since long.

**2.** In pursuance of order dtd. 16/09/2021 of Hon'ble High Court in WP No. 15658/2012, a letter No. 945, dtd. 27/09/2021 (ANN.1) was sent to the Director BMHRC to furnish details regarding compliance on various aspects, covered by 16th quarterly report dtd.11/02/2021. Response thereof received by Monitoring Committee from BMHRC vide letter No. 1087, dtd. 30/09/2021 is marked as ANN.2.

**3.** The Monitoring Committee also visited BMHRC on 06/10/2021 and discussed in detail about the improvement with regard to treatment and other facilities after control of BMHRC was entrusted to ICMR and the points mentioned in ANN.1. The Monitoring Committee instructed the Director, BMHRC to give the reply of the same in detail. Subsequently, responses were received vide letter No. 1092 and letter No. 1093 dtd. 07th October, 2021 marked as ANN.3 and ANN.4. BMHRC also sent a letter No.1095,dtd. 08/10/2021 in this regard (ANN. 5).

**4.** The Monitoring Committee has also received a letter No. 1088, dtd. 30/07/2021 from the Director, BMHRC along with the action taken in respect of the points/issues discussed at the meeting held on 17/06/2021 under the chairmanship of Shri Mohd. Suleman, Additional Chief Secretary, Public Health & Family Welfare and Bhopal Gas Tragedy Relief & Rehabilitation Department narked as (ANN.6)

**5.** It would appear from the said response ANN.2, ANN.3, ANN.4 and ANN.5 that there is still substantially a wide gap and scope for improvement as not much progress has been made towards improvement in functioning of BMHRC after its control has been entrusted to ICMR, as would be presently pointed out.

**6.** The following observations are made on the responses:

**6.**1 The matter of filling of posts of faculty/doctors/specialist though pending for long, as has been pointed out in the sixteenth quarterly report, and also on several occasions earlier, the same still remains at the stage of issuance of advertisement only and for that also, only posts of Assistant Professors have been advertised while 07 posts of Professors and 10 posts of Associate Professors are lying vacant (reference ANN.7 furnished by BMHRC). Efforts of lateral entry or deputation has not been explored for 07 posts of Professors and 10 posts of Associate Professors. Clearly adverse on treatment facility on account of lack of senior faculty, need not be over emphasised.

The Director BMHRC in its letter No. 1087 dated 30/09/2021 (ANN.2) stated that :

*“Please find enclosed a copy of advertisement for medical faculty in BMHRC (Encl-I). The interviews for medical faculty are planned to be held shortly after due process of scrutiny of applications.”* On the same point the Director BMHRC in its letter No. 1093 dated 07/10/2021 (ANN.4) stated that *“Please find enclosed a copy of advertisement for Assistant Professors medical faculty in BMHRC (Encl-I). The interviews for Assistant Professor are planned to be held shortly after due process of scrutiny of applications. In the meanwhile, contractual Assistant Professor have been engaged and are presently working in the departments of Anaesthesia. Neurosurgery, Cardiology, Cardiac Surgery. Microbology in order to maintain continuity of services. Two Specialists Grade-III had been selected for recruitment but have not joined.”*

 Clearly, the above does not reflect improvement in health care services. 82 applications have been received vide their advertisement for 15 posts on 24/06/2021, but it appears that no doctors have been recruited till date of inspection.

**6.2**  The response from BMHRC regarding availability of the services of Nephrologist in its letter No. 1087, dtd. 30/09/2021 (ANN.2) is as under:

 “The direct recruitment of Nephrologist is under process as detailed above” while in letter No. 1093, dtd. 07/10/2021 (ANN.4) states:

“*Advertisements had been made for engagement of Nephrologist on contractual basis. However, here were no applicants. A tender was also floated for Nephrology services. There were no participants in the tender. The post of Nephrologist has again been advertised for direct recruitment. It is anticipated that appointment through direct recruitment will be made shortly*.”

It would thus be clear that posting of Nephrologist has not yet taken place, though the said post is lying vacant since long. Thus, the response does not show any visible improvement.

Further, no Super-Specialist is recruited in the department of Cardiology, Neurology so far, even after a long lapse of time. This matter also appears to be lingering at the stage of issuance of advertisement that too only for some posts. Thus, the matter of recruitment of specialists is most unsatisfactory, and there appears to be no improvement.

**6.3** Similarly, despite repeated directions by Monitoring Committee as per particulars given in 16th quarterly report, dialysis facility which is an urgent requirement for large number of gas victim kidney patients has not been adequately augmented. As a result, there is virtual denial of this facility to large number of gas victim patients as they are not being given timely dialysis at BMHRC.

The response of BMHRC in its letter No. 1087, dtd. 30/09/2021 (ANN.2) in the above regard is that:

*“In principle approval for procurement of hemodialysis machines through due process as per delegation of power received for ICMR. The process of procurement of hemodialysis machine has been initiated in order to increase the capacity of the dialysis unit.”*

Similarly, the response of BMHRC on the above aspect,in its letter No. 1093, dtd. 07/10/2021 (ANN.4) reiterates that:

 *“In principle approval for procurement of hemodialysis machines through due process as per delegation of power has been received from ICMR. The process of procurement of hemodialysis machine has been initiated in order to increase the capacity of the dialysis unit. As per delegate of power, bidding of Two Dialysis machines has been carried out on the Govt. E-Market place as per guidelines and GFR on 01st October, 2021. Proposals for central procurement of the remaining four machines has been sent to ICMR New Delhi vide our letter No. BMHRC/PUR/2020-22/086 dated 04th October, 2021.*

It was informed that approval for the procurement of six dialysis machines has been given to the Director BMHRC. However, at the time of inspection by the Committee it was informed that status of purchase process of these dialysis machines was in progress. However, no satisfactory answer was given as to when these machines would be actually available for the treatment of Dialysis patients. This delay and apathy to comply with the above urgent requirement is far from satisfactory, and no improvement on this aspect also is noticed.

**6.4** Similarly, there is no concrete improvement and implementation for cancer surgery of gas victims and other patient of BMHRC.

The director BMHRC in its letter No. 1087, dated 30-09-2021 (ANN.2) stated that:

*“Two Super Specialists doctors have been engaged in Cardiology. The above mentioned advertisement for medical faculty seeks to recruit Oncosurgery Specialist, Neurologist and Nephrologist.”* Again in its letter No. 1093, dtd. 07/10/2021 (ANN.4) it was reiterated that:

 “*Two super specialist doctors have been engaged in Cardiology. Advertisement had been made for contractual engagement of Neurologist but there were not applicants. A tender was also floated for Nephrology services. There were no participants in the tender. The post of Nephroloist and Neurologist has again been advertised for direct recruitment. It is anticipated that appointment through direct recruitment will be made shortly.”*

It may be mentioned here that the Director BMHRC in its letter No. 1088 dated 30**-**09-2021 (ANN.6) stated that:

*“A request by Director BMHRC has been sent to Director AIIMS, Bhopal on 07th July, 2021, for collaborating between BMHRC, Bhopal and AIIMS, Bhopal for Nephrology and Medical Gastroenterology services as well as for comprehensive cancer care which includes Medical Oncology and Radiotherapy as well.”*

It may be noticed in the above reference that reply by the BMHRC does not indicate that gas victim cancer patient are getting free treatment at AIIMS, Bhopal. Moreover, as noticed above posting of Oncosurgeon, Nephrologist, Neurologist is yet to be done.

**6.5** Similarly, on the suggestion and recommendation of Monitoring Committee for opening of Medicine department, the response of the Director BMHRC in its letter No. 1087, dtd. 30/09/2021(ANN.2) is that:

“*The proposal regarding opening of General Medicine department at BMHRC is under submission at ICMR Hqrs*” and the same reply was given in its letter No. 1093, dtd. 07/10/2021 (ANN.4). It is also not mentioned in the above response, as to when it was submitted and what is its present status and how much time would be taken for it to materialise and implementation.

At present there is no concrete implementation of establishing department of General Medicine. The above reply would indicate that the matter is only at proposal stage, and its implementation has not made any substantial progress.

**6.6** The response of BMHRC also does not spell out steps taken for developing adequate system for procurement, availability as well as distribution of required medicines, gadgets and implements to the patients. Director BMHRC in its letter No. 1087, dtd. 30/09/2021 (ANN.2) stated that:

 *“Adequate system of procurement of medicines, gadgets and implants are streamlined it compliance with the mandatory GFR Rules. Opening of an outlet of Pradhan Mantri Jan Aushdhi Kendra in BMHRC premises is under submission for approval. A central procurement cell has been established at ICMR, New Delhi to facilitate and streamline procurement of the equipments” and the same* reply was given in its letter No. 1093, dtd. 07/10/2021 (ANN.4).

Though it has been stated in the above response of BMHRC (ANN.2) that to ensure availability of medicines, steps to open “Pradhan Mantri Jan Aushadhi Kendra” has been taken up and proposal thereof is under submission to ICMR. This however does not at all relate with the treatment of Gas Victims, whenever as per the directions of Hon’ble Supreme Court, all the Gas Victim Patients should get free treatment. It may be mentioned in the above reference that even after a long lapse of time, the matter appears to be only moving on files, but no concrete solution has been put in place. As such the plight of patients and their grievance of non-supply and non-availability of medicines subsists, resulting in frequent complaints being received in the above regard by the Monitoring Committee. The complaints of the patients indicate that they on several occasions are required to purchase medicines prescribed by the Specialist of referred hospital at their own expense which is undeniably heavy burden on them.

 Director BMHRC had expressed that medicines prescribed by Specialists are not available in BMHRC. However, as per the directions of Hon’ble Supreme Court, all Gas Victim Patients should get treatment free of cost. It is obligatory for BMHRC to supply medicines to the patients. BMHRC should also make adequate arrangements for disbursal of all medicines. In the above regard advisably services of Social worker/Male Nurse/Nurses etc. to reach and help disabled patients, also deserves to be arranged.

**6.7** The response regarding proper referral system, the Director BMHRC in its letter No. 1087, dtd. 30/09/2021 (ANN.2), stated that *“A common referral system is in place for referral of patients to other hospitals of the State Government for treatment of diseases which are not available in BMHRC, Bhopal. Ambulance services are provided as and when required for the same. A patient centric system has been put in place to cater to the patients coming to BMHRC for treatment. Public Relation Officers are available to proved help to patients as per their needs. Medical Social Workers have been engaged to assists patients in the hospital. Patients are being provided necessary assistance for treatment and referral to other Gas Rahat Hospital as required in BMHRC, Bhopal.”*

However, the matter of referral of patients to other hospitals by BMHRC, also does not show much improvement.

**6.8** In its response in the matter of interlinking data of BMHRC and Gas Relief Hospitals run by State Government, the Director BMHRC by letter No. letter No. 1087, dtd. 30/09/2021 (ANN.2) and letter No.1093, dtd. 07/10/2021 (ANN.4) has given the same reply stating that:

 *“The smart cards of Gas Victims are prepared on regular basis in BMHRC, Bhopal. A meeting was conducted on 02nd August, 2021 between BMHRC and Department of Gas Tragedy Relief & Rehabilitation, Govt. of Madhya Pradesh and National Informatics Centre to discuss the matter related to interlinking of computer data of two different platforms-one BMHRC and another of hospitals run by State Government for Gas Victim patients. NIC officials agreed to facilitate the same”.*

It may be mentioned that computerization of medical data and issuance of smart cards of all gas victim patients, as detailed in 16th quarterly report, is still not complied with. The interlinking of data of BMHRC and other Gas Rahat Hospitals run by State Government, would ensure that complete medical history of gas victims is reflected at a glance, to the treating doctor which would be a great help in the treatment of gas victims. However, above aspect which is lingering since long, still remains to be acted upon and complied with.

**6.9**In its response regarding teaching in various departments of BMHRC, the Director BMHRC in its letter No. 1087, dtd. 30/09/2021 (ANN.2), stated that:

*“Teaching has been made operational in Department of Ophthalmology. A letter of permission for starting MD, Anaesthesia course from the Ministry Health & Family Welfare, Govt. of India, has been received”* and also in its letterNo.1093, dtd. 07/10/2021 (ANN.4) stated as below:

 *a. Permission received form medial education division of Ministry of Health and Family Welfare to start MD Anaesthesia Course Counselling is scheduled to start through NEET-PG in October 2021, following which there will be intake of MD Anaesthesia PG Students. Application for the statutory permission for having PG Courses in other departments will be submitted in due course as the mandatory Medical Council of India MCT requirements medical faculty are fulfilled.*

 *b. DNB Ophthalmology course started and ongoing.*

 *c. B.Sc. Nursing and M.Sc. Nursing are ongoing in the college of Nursing.*

 *d. The Paramedical Institute conducts diploma courses in various disciplines.*

 *e. Trainings are imparted to Doctors, PG students and Graduate students and others in Microbiology, Pathology, Physiotherapy, Mental Health, Cardic Anaesthesia, Biotechnology, Hospital Management, Dietetics, Blood Safety etc.*

It may be stated in the above reference, that teaching in various departments should be ensured, as directed by Hon'ble Supreme Court in WP No. 50/1998 on 09/08/2012.

 The response given by BMHRC would show that necessary formalities regarding teaching, e.g. availability of necessary staff, infrastructure etc. is still not complied with and required adequate steps are still to be taken.

**6.10** The response of BMHRC for collaboration with AIIMs in its letter No.letter No. 1087, dtd. 30/09/2021 (ANN.2) and letter No.1093, dtd. 07/10/2021 (ANN.4) has given the same reply stating that:

“*A request by Director BMHRC, has been sent to Director, AIIMS, Bhopal on 07th July, 2021 for collaboration between BMHRC, Bhopal and AIIMS, Bhopal for Nephrology and Medical Gastroentrology services as well as for comprehensive cancer care which includes Medical Oncololgy and Radiotherapy as well. A reply was received from AIIMS, Bhopal, detailing their present inability regarding the above collaboration.”*

 From the above it is clear that the matter appears to be only moving on files, but no concrete solution is visible which is again far from satisfactory.

**7.** It may be noticed that Hon'ble Supreme Court by its order dtd. 09/08/2012, in Writ Petition (C) No. 50/1998, observed as under:

***"The Union of India, the State Government and the ICMR should even consider the proposal for providing autonomy to BMHRC and even make it a teaching institution so as to provide attractive terms, studies and job satisfaction therein. This will not only help in providing better opportunities of employment but would better serve the purpose of providing care and treatment of high quality to the gas victims".***

**8.** Monitoring Committee is persistently receiving complaints about inadequate care and treatment at BMHRC resulting in grievances of the patients and much more deserves to be done by ICMR and BMHRC Management in the above regard to ensure that patients get adequate care and treatment in BMHRC, and for the restoration of its reputation and the object and purpose of its setting up as Super-speciality hospital, as it used to enjoy earlier. The matter deserves serious consideration and adequate steps taken for implementation.

**9.** It is therefore submitted that in the opinion of the Committee no substantial progress appears to have been made, on various aspects of patient care and treatment of gas victims as well as other patients, after the control of BMHRC has been entrusted to ICMR. In the opinion of the Committee the matter deserves serious consideration and action by ICMR and the Administration of BMHRC to augment and improve treatment facilities, as per directions of Hon’ble Supreme Court.

(Justice V.K. Agarwal) (Dr. Nirbhay Shrivastava)

 Chairman Member

 (Dr. B.P. Dubey) (Purnendu Shukla) (Dr.Pankaj Shukla)

 Member Member Member Secretary