



## MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

Administrative Staff College Compound, 9, Hajarimal Somani Marg, Opp. C.S.T. Mumbai - 400001.  
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Case No. 4672/2009-10 1195

02  
25/2/2010

**Name of the complainant** : Shri. Sanjay Gurav  
18 Bora Bazar Street, Ground Floor,  
Mumbai-400001.  
V/s.  
1. Director Of Health Service  
M.S. St. George Hospital Mumbai  
2. Dr. Gaikwad, Supt. St. Georges Hospital  
Mumbai

**Date** : 16.02.10.

**Coram** : Justice Kshitij R. Vyas (Former Chief Justice), Chairperson.  
Shri Subhash Lalla, Former IAS

Per Hon'ble Chair person Justice Kshijij R. Vyas

### PROCEEDINGS

The complainant Shri. Sanjay Tanaji Gurav is present with his lawyer Shri. Mahesh M. Mule. Dr. Shri. Chandrakant Gaikwad, Superintendent of St. George Hospital and Shri. M.R. Mundhe, Director of Health Service, the respondents are also present.

The complainant alleges that Dr. Gaikwad, Superintendent St. George Hospital, Mumbai has harassed him when complainant's physically handicap daughter was admitted for treatment in the hospital. He experienced unhealthy environment in the hospital like lizard, mouse and hazardous mosquito's are there under her bed in the ward. The rats eaten away apples, biscuits, powders and coconut oil. When the complainant requested the Superintendent and several members of the hospital to keep the ward neat and clean, they refused to do so. According to the complainant they are misusing their powers, negligence in their duties for keeping hospital clean and hygienic. It is also the grievance of the complainant that even though V.I.P. suit was lying vacant on 12<sup>th</sup> December 2009, the same was not allotted to him, though demanded. Not only that he has questioned the hospital authorities to allot V.I.P. suit No.4 to H.E., the Governor, Shri R.S. Gawai and his staff between 17.12.2009 to 26.12.2009, instead of allotting the said room to him.

He has, therefore, prayed enquiry and action in the matter.

The Commission in order to find out truth with regard to, allegations, by way of interim order directed Assistant Registrar and Superintendent of the Commission to visit the hospital and to take inspection, and submit the report. Accordingly both officers submitted their reports, The reply is also

filed by the Superintendent of the St. George Hospital , Dr.Gaikwad , and by Director Health Department, Mumbai.

Having heard the parties at length it appears that the daughter of the complainant was admitted in the hospital on 12.12.09 and discharged on 10.01.10 She was suffering from contagious disease, which requires isolation and room asked for by the complainant was occupied by the patient under went cataract operation. Since the cataract patient is not immune to contagious disease, the room was not allotted to the daughter of the complainant; and that is the root cause of the entire problem. Dr.Gaikwad has stated that the hospital authorities are allotting rooms as per the norms laid down in the policy decisions. He has placed on record the list of 26 members Visitors Board (grievances redressal committee)of the hospital. The said committee looks after the grievances/problems pertains to the hospital. It is to be noted that Shri.Sachin Aher M.L.A. (now M.O.S.in State Cabinet )is the Chairman of the committee, which includes the present complainant as one of the members. It is ,therefore, expected, that the complainant is in know of the policy decisions regarding allotment of room. In any case it is beyond the purview of the Commission to enter into any policy decision taken by the authorities. Accordingly it is not necessary for us to enter into the controversy as to why complainant's daughter was not allotted V.I.P. room and why certain V.I.P. rooms were though vacant and not allotted to others. As far as the grievances, regarding unhygienic conditions of the ward, in question, and menace of rats are concern, the report submitted by 2 members committee as per our direction, even though it is stated that everything is in order namely that the room bathroom and latrine were clean, having sufficient light and ventilation and that the authorities by taking action, by closing gaps to prevent rodents entry, it is not possible for us to accept each and every statements made in the report as true. Even if it is so, they are all temporary measures. It is a matter of common knowledge , and a judicial notice can be taken that the hospitals run by the Government and Municipal Corporations are not as clean and hygienic as Private hospitals, which may be due to large number of patients, both in-door as well as O.P.D., that these hospitals are catering to due to social obligations of these hospitals. The allegation regarding movements of rats in the hospital is a serious matter and cannot be taken lightly. We are sure that the grievance committee is also aware of this problem. We hope and trust that the said committee, shall take all necessary steps and with the co-operation of hospital authorities, it would, overcome the problem of rat menace.

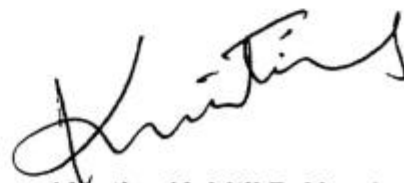
In the result , complaint is disposed off with following recommendations :-

The Visitors Board (grievance Committee) of hospitals is recommended to look into the grievance voiced in the complaint regarding overall conditions of cleanliness and hygienic conditions of the St. George hospitals, free from rats, mosquito's etc.

Complaint accordingly stands disposed off.



(Subhash Lalla)  
Member



(Justice Kshitij R. Vyas)  
Chairperson.