

महाराष्ट्र राज्य मानवी हक्क आयोग



**Maharashtra State Human Rights Commission
(MSHRC)
Mumbai**

Allotted to Court No. : 1/ 2/ 3
DOCKET SHEET

SUO MOTU CASE NO: 3785/13/16/2022

News item appeared in Hindi Newspaper (Navbharat Times) on 3rd

October, 2022 "व्हॅटिलेटर पर डॉक्टरों का हॉस्टेल !" Mumbai.

Case to :- Hon'ble, Justice K.K.Tated, (Retd.).

Date of allotment :- 03.10.2022

SUMMARY

वेंटिलेटर पर डॉक्टरों का हॉस्टल!

■ रेजिडेंट डॉक्टरों की शिकायत- हॉस्टल में नारकीय जीवन जीने को मजबूर

■ इमारत में 300 डॉक्टरों के रहने की क्षमता रह रहे हैं 500 से अधिक

■ मोफतीद खान, मुंबई

राज्य सरकार द्वारा संचालित जेजे अस्पताल के रेजिडेंट डॉक्टरों खोफ में रहकर सुग्री झोपड़ी से भी बदतर जिविती हॉस्टल में बिता रहे हैं। डॉक्टरों का आरोप है कि हॉस्टल की हालत खस्ताहाल है। कहीं सीलिंग गिर रही है, तो कहीं दीवारों में दरारें पड़ रही हैं। इमारत की दीवारों पर कागजी जमा हो गई है। वॉटर कूलर के पास गंदे पानी का रिसाव हो रहा है। हॉस्टल की इमारत को डॉक्टरों को डर है कि कहीं कोई बड़ा हादसा न हो जाए।

बता दें कि तीन दशक पहले जेजे के रेजिडेंट डॉक्टरों के लिए हॉस्टल का निर्माण किया गया था। इस सात मंजिला इमारत में 300 डॉक्टरों के रहने की व्यवस्था है, लेकिन इस समय इमारत में 500 से अधिक रेजिडेंट डॉक्टरों रह रहे हैं। कमरे के अभाव के चलते रेजिडेंट डॉक्टरों किसी भी तरह यहाँ रहने को मजबूर है, लेकिन यहाँ का हाल देखकर वे सिहर उठते हैं। डॉक्टरों ने कहा कि उन्हें उन कमरों में रहने के लिए मजबूर किया जा रहा है, जो कभी भी बड़ी दुर्घटना का कारण बन सकते हैं। यहाँ ऐसा कोई फ्लोर नहीं है, जहाँ बदहाली न हो।



ये हैं समस्याएं

- ज्यादातर कमरों के प्लास्टर बारी-बारी से गिर रहे हैं, जिससे कुछ को चोट लग सकती है।
- हर कमरे में पानी लीकेज होता है।
- दीवारों पर लगी टाइल्स हर फ्लोर पर उखड़ी हैं।
- इमारत के पिलर पर बड़ी-बड़ी दरारें आ गई हैं।
- हर फ्लोर पर स्लैब में लगी लोहे की सतियां देखी जा सकती हैं।
- इमारत के कुछ फ्लोर के अंतिम छोर की दीवारें पूरी तरह से टूटी हुई हैं।
- थिडिकियों पर बने छज्जे भी जर्जर हो गए और इसका हिस्सा इमारत परिसर में गिरता रहता है।
- इमारत की दीवारों पर कागजी जमी है, जिससे इन्फेक्शन होने का खतरा रहता है।

क्या कहते हैं डॉक्टर

डॉक्टरों के मुताबिक, उनका हॉस्टल किसी बगीचे से कम नहीं है, क्योंकि इमारत में पेड़ उग रहे हैं। सफाई भी ठीक तरह से नहीं होती। हर मंजिल पर कचरे का अंदार है। बार-बार शिकायत के बाद जुलाई में मेडिकल एजुकेशन कमिशनर ने इमारत का निरीक्षण किया था, लेकिन अभी तक ठोस कदम नहीं उठाया गया है। अस्पताल प्रशासन के एक वरिष्ठ अधिकारी ने बताया कि आने वाले दिनों में यहां मेडिकल स्टूडेंट्स की संख्या 1500 के करीब होने वाली है। इसलिए यहां स्टूडेंट्स के लिए नई इमारत की जरूरत पड़ सकती है। हालांकि प्रशासन इस दिशा में भी रुपरखा तैयार कर रहा है।

तीन साल में कई बार भेजा गया प्रस्ताव

इमारत के स्ट्रक्चरल रिपेयरिंग के लिए बीते दिनों अस्पताल प्रशासन की ओर से मेडिकल एजुकेशन विभाग को हॉस्टल सहित जेजे अस्पताल की अन्य इमारतों की मरम्मत के लिए साढ़े 24 करोड़ रुपये का प्रस्ताव भेजा गया है, जिसमें से सिर्फ हॉस्टल की मरम्मत के लिए साढ़े 12 करोड़ रुपये का प्रावधान है। पीडब्ल्यूडी के एक वरिष्ठ अधिकारी ने बताया कि सिर्फ हॉस्टल की मरम्मत के लिए बीते तीन वर्षों में कई प्रस्ताव भेजे जा चुके हैं।

अस्पताल के अधिकारियों का यह कहना

अस्पताल की डीन डॉ. पारुली सायल से संपर्क नहीं हो पाया। जब पीडब्ल्यूडी से इस मामले में जानने की कोशिश की गई, तो पीडब्ल्यूडी के विभागीय अभियंता विजय पाटील ने बताया कि हॉस्टल में छोटो-मोटो मरम्मत का काम निरंतर किया जा रहा है। टाइल्स से लेकर प्लास्टर और सीमेंटों की हानियां जारी हैं। रही बात इमारत के स्ट्रक्चरल मरम्मत की, तो इसके लिए अस्पताल प्रशासन की ओर से मेडिकल एजुकेशन विभाग को साढ़े बारह करोड़ रुपये का प्रस्ताव भेजा गया है। प्रस्ताव पारित होते ही काम शुरू कर दिया जाएगा। उन्होंने यह भी स्पष्ट किया कि डॉक्टरों को बदले की जरूरत नहीं है, क्योंकि ऑडिट में इमारत को डेज पर नहीं बताया गया है।

RECEIVED 8/6/18 CR/2022
RECEIVED DT 3/10/2022
CHIEF CLERK
REGISTRATION

'We live in misery'

JJ resident doctors say chunks of ceiling collapse frequently, walls leak, stairs are broken at this three-decade-old hostel building where hundreds of them live; officials say it's not dangerous

SURAJ PANDEY

suraj.pandey@mid-day.com

RESIDENT doctors at Grant Medical College and Sir JJ Group of Hospitals, one of the most prestigious medical colleges in the city, live in fear as the hostels are on the verge of collapse. mid-day accessed the premises and found out how the 500 postgraduate medicos live in the hostel despite reports of broken beams and staircases and leaking ceilings. The latest structural audit report also stated that there was a need for structural repair work.

Tiles on the floor and on the side wall have crumbled down. Chunks of plaster from ceiling had fallen off in many places, including rooms and lobbies. The doctors even erected plastic sheds inside the rooms to escape the leakage.

A senior resident doctor on the condition of anonymity said, "We have no other option but to stay here. You can see that a part of the ceiling had collapsed. Fortunately, we were on duty at that time, so nobody was harmed."

"We live in misery. There is no floor, plasters are falling down. There are big cracks on pillars and iron rods, all rusted, are visible from the damaged wall. There is leakage issue too, which leads to fungal growth. Even the stairs are broken," said another resident doctor.

A representative from Maharashtra State Association of Resident Doctors (MARD) said, "We have informed the administration about the bad condition of the building many times. But no decisions are being taken by the government. They have applied nets all around the building because the outside structure is falling. Is the government waiting for any mishap to take place?"

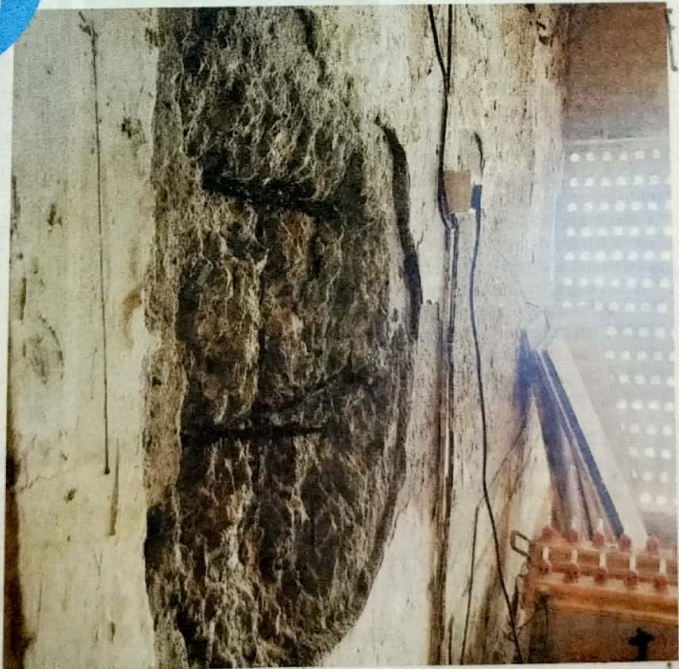
A senior official from JJ hospital said, "The hostel was built around three decades ago to accommo-



The entrance of the hostel where nets have been strung to catch falling plaster; (below) plaster from the wall has fallen off, exposing the iron rods which are completely rusted

500

No. of resident doctors living in the hostel



During the visit, mid-day found that chunks of plasters & ceiling had fallen off in several parts of the hostel at Grant Medical College and Sir JJ Group of Hospitals; (right) broken floor



'I hate such comparisons about them. In fact, she [Falguni Pathak] has also inspired me' Kinjal Dave

ration. » P09





MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

KKT/Suo Moto Case No.- 3785/13/16/2022

Name of Respondent

: The Addl. Chief Secretary
Public Health Department
Mantralaya, Mumbai

The Addl. Chief Secretary
Public Works Department
Mantralaya, Mumbai

The Dean
Sir J J Hospital
Byculla, Mumbai

Date

: 3rd October 2022

Coram

: Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

2. Today we noticed news appeared in Hindi News Paper Nav Bharat Times dated 03.10.2022 on page 5 under caption "वेंटिलेटर पर डॉक्टरों का हॉस्टल!"

3. It is stated in the said news that J J Hospital failed and neglected to maintain the Hostel which is provided to the Doctors. It is also stated in the said news that though the capacity of the Hostel is only for 300 Doctors but as on today more than 500 Doctors are residing. It is stated in the said news that in maximum rooms plaster is not in good condition, there is leakage in room, flooring is not properly maintained, there are cracks in the building etc. Though they intimated to

the Public Works Department time and again they failed and neglected to take appropriate steps.

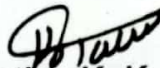
4. Considering these facts the following order is passed:

- a) Office is directed to issue summons to the Addl. Chief Secretary (Public Health Department), Addl. Chief Secretary (Public Works Department), Dean, Sir J J Hospital, Byculla, Mumbai calling upon them to file their affidavit explaining the news appeared in Nav Bharat Times dated 03.10.2022.
- b) Dean, J J Hospital, Byculla, Mumbai is directed to place on record since when the condition of Doctors Hostel is in dilapidated condition, with whom they have made complaint and what action has been taken by the Authority.
- c) Principal Secretary, Public Works Department, Mantralaya, Mumbai whether they have received any complaint from J J Hospital regarding repairs of Doctor's Hostel building when and what steps they have taken?
- d) Considering the facts stated in the news it is necessary to direct Superintendent of Police, Shri. Sachin Pandkar and Registrar Smt. Swaroopa Dholam or her nominee to visit the J J Hospital immediately on 04.10.2022 and verify the facts stated in the news item appeared in Nav Bharat Times dated 03.10.2022 and submit the spot inspection report along with photographs before this Commission immediately. Dean of J. J. Hospital is directed to co-operate with the Officers of this Commission for doing

4

inspection of Doctor's Hostel building. Not only that both of them are entitled to verify other facilities in J J Hospital also.

- e) Matter to appear on board before Division Bench of Justice K.K. Tated, Chairperson and Shri. M.A. Sayeed, Member in Court No.1 on 19th October 2022 at 11.00 a.m.


(Justice K. K. Tated)
Chairperson



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

Division Bench

Suo Motu Case No. - 3785/13/16/2022

Name of the Respondent

: Additional Chief Secretary
Public Health Department,
Mantralaya, Mumbai

Additional Chief Secretary
Public Works Department
Mantralaya, Mumbai

Additional Chief Secretary,
Finance Department,
Mantralaya, Mumbai

Dean
Sir J. J. Hospital,
Byculla, Mumbai

Date

: 20th January, 2023

Coram

: Justice K. K. Tated, Chairperson
Shri M. A. Sayeed, Member

ORDER

(Per Hon'ble Member Shri M. A. Sayeed)

An alarming and shocking media reporting about the pathetic living conditions of the resident doctors of Sir J. J. Groups of Hospital and Grant Medical College, Mumbai appeared in Navbharat Times, 03rd October, 2022, Mid Day 03rd October, 2022, constraining the Commission to take a suo motu action by invoking powers u/s. 12(i)(a) of the Act of 1993.

①

2. Pursuant to the notices issued to the stakeholder head of the departments viz Additional Chief Secretary, Public Health Department, Additional Chief Secretary, Public Work Department, Mantralaya, Mumbai and the Dean, Sir J. J. Groups of Hospital and Grant Medical College, Mumbai, affidavits in reply came to be placed on record. In fact, the Commission was pleased to depute a team of its officers viz. Superintendent of Police, Investigation Wing and Registrar, Legal Wing attached with this Commission to visit the hostel and submit a fact finding report. Accordingly a detail report dated 04.10.2022 came to be submitted for our consideration. On going through this report we noticed that it is more or less in consonance with the news reportings.

3. As mentioned above, after consideration of the affidavits in reply, submitted by the respondent departments at Ex. 'A' to 'E', we were pleased to pass detail directions from time to time on 19.10.2022 and 22.11.2022. The direction passed on 22.11.2022 is relevant for our purpose and reproduced in verbatim as under:

“ Following parties are present:

Mr. P.H. Kadam, Under Secretary, Finance Department, Mantralaya, Mumbai

Smt. J R Chougule, Desk Officer, Finance Department, Mantralaya, Mumbai

Mr. Sudhir Shetty, Desk Officer, Medical Education Department, Mantralaya, Mumbai

Mr. Nitinkumar Mahadik, Asst. Desk Officer, Medical Education Department, Mantralaya, Mumbai

Dr. Sunil Mohanrao Javale, Professor, Sir J. J. Group of Hospitals,
Mumbai Dr. Gajanan Chavan, Dy Superintendent, Sir J. J. Group of
Hospitals, Mumbai

Mr. Pramod Bangosavi, Superintending Engineer is present.

2. In compliance of our direction dated 19.10.2022 (Para.9) of the order, affidavits by the officers of the stakeholders department have been submitted on behalf of their Head of the Department marked Ex. C to F. In our earlier orders we have already pointed out the background of the suo moto petition arising out of a news reporting in Hindi News Paper Nav Bharat Times of 03.10.2022 with heading "हॉटेल पर डॉक्टरों का हॉस्टेल" Same pathetic state of hostel was reported in mid day of 03.10.2022 with "We live in misery".

3. We have gone through the affidavits Ex. C to F referred above. A very shocking aspect which only indicates a casual and lethargic attitude on the part of the Addl. Chief Secretary (Finance) has come to our notice, more particularly, the affirmed statement made in para. 5 of the affidavit, sworn on his behalf by Desk Officer Smt. Jhanvi R. Chougule. Para. 5 reads thus:

"It is brought to the kind notice of the Hon'ble Commission that Medical Education and Drug Department had submitted a common proposal of supplementary demand for meeting pending bills of construction and the amount necessary to carry out further minor repairs works. No separate proposal of major construction work of Sri Jamsheti Jibhoy Group of Hospitals, Mumbai was received from Medical Education and Drug Department as per structural audit done by VJTI. It is also brought to the notice of Hon'ble Commission that the Medical Education and Drug Department did not specified what percentage of the fund allocated to specific works of Trainee Doctors Hostel in Sri Jamsheti Jijibhoy Group of Hospitals, Mumbai out of sanctioned budget. The proposal of the Medical Education and Drug Department was not cleared in indication to what extent amount is necessary for payment of pending bills and to that for carrying out further major works of the Medical Education and Drug Department."

4. Thus it can be seen that the finance department did not pass any financial approval of the proposal submitted by the Medical Education and Drug Department because of common proposal of supplementary demand for meeting pending bills of construction and amt. necessary to carry out repairs work was submitted by it. On probe with officers present before us we were informed that non approval of the proposal was not communicated to the Medical Education and Drugs Department. The officer present was unable to explain to us as to why a proper response was not given. Be that as it may, after having heard the parties, it has been pointed out by Section Officer Shri. Sudhir Shetty, Medical Education and Drugs

Department that on 16.11.2022 administrative approval of total amount Rs. 28,20,75,479/- under various heads as stated in affidavit Ex. F.

5. In consonance with the above Administrative approval submitted to the office of the Public Works Department further follow up action seems to have been taken by the Superintending Engineer (Public Works Department) Shri. Pramod Bangosavi as reflected from his para. 5 of the affidavit which reads thus:

"5) I say that Structural Audit report from V.J.T.I. during March 2018 the Proposal for Structural Repair work of 300 Doctor Residence Building at Sir J. J. Hospital, Byculla, Mumbai has been submitted to Dean, Sir J.J. Group of Hospital vide Letter from Executive Engineer, Integrated Unit Division, Mumbai No. EE/GMC/3373/2018 dt. 28.09.2018 as per State Schedule Rate 2017-18, Rs. 7,94,45,935/- The maintenance proposal had not sanctioned and structural repairs much needed of building so SSR upgradation rates was resubmitted to Dean, Sir JJ. Group of Hospital vide Letter No. EE/U/4452 dated 08.11.2021, as per SSR 2020-21 Rs.10.37.03.904/- for administrative approval and availability of funds. Due to non-approval of this proposal again same proposal resubmitted as per upgradation of SSR 2021-22 the proposal for Structural repair work of said building to Dean, Sir JJ. Group Hospitals, Mumbai with reference letter no. EE/U/Adm/Hosp. /3163 Dt. 21.06.2022, Rs.12,66,33,455/- Then Dean, Sir J.J. Group Hospitals, Mumbai forwarded letter No. GMC/Accounts/Purchase

Dept/Construction/A.A/Estimates/23350/2022 dt. 26/08/2022 to the Hon'ble Commissioner (M.E.) Directorate, Medical Education and Research, Mumbai for administrative approval (Account Head 4210-0041) Estimates amounting to Rs.24.48 crores have been submitted in which the total amount of Rs.12.66 crores for structural repair works of 300 Residential Doctors quarters buildings is submitted for further approval. The said works will be undertaken after the administrative approval and funds are made available for the said works. Proposal reference letter attached herewith. (Annexure-B)"

6. A submission at bar has been made by Mr. Bangosavi that his office would take atleast two months time to complete the procedural and technical niceties of financial release (Financial release and tender processing) etc and would start the renovation work from Jan 2023, He has been directed to submit a compliance report on or before next date.

7. Hence, following order is passed:

a) Four weeks time granted for comprehensive affidavit by Medical Education and Drugs Department in coordination with the Public Works Department and Finance and with the office of Dean, J. J. Hospital and share advance copies with them.

b) Matter to appear on board before Court No.1 on 19th January 2023 at 11.00a.m. "

4. Pursuant to our above noted directions, eventually on 20.01.2023, Mr. Sudhir Jayashetty, Desk Officer, Medical Education Department, Mantralaya submitted a affidavit affirming about the administrative approval of finances to the tune of Rs.28.20 Crores for ten various repairs and renovation estimates related to the maintenance and repair of the various buildings in the premises of Sir J J Group of Hospital. For the sake of clarity para 2 & 3 of the said affidavit Ex. 'H' are reproduced in verbatim as under:

"2. I say and submit that Medical Education and Drugs Dept, has granted Administrative Approval dated 16.11.2022 to the tune of Rs.28.20 Crore to 10 various repair & renovation estimates related to the maintenance and repair of various buildings in the premises of Sir J J Group Hospital. The repairs & renovation estimate of Rs.12.66 Crore for 300 doctor's residence building at J. J. Hospital Compound is also included in the said works. In current financial year Medical Education and Drugs Department has made available a fund of Rs.5.70 Crore for the aforesaid 10 works, of this Rs.2.60 Crore is for 300 doctor's residence building at J. J. Hospital Compound Mumbai.

I further submit that, there will be no shortage of funds for next fiscal year due to adequate budgetary provision will be made by the department for the aforesaid repair & renovation works. Considering progress report of the aforesaid work, the budgetary provision of next fiscal year will be made available as per the demand received from the Public Works Department & concerned Institution by following prescribed procedure.

3. I say and submit that in view of the facts stated above, this affidavit may please be accepted and appropriate order may kindly be passed. "

5. Thus it can be seen that with Commission's intervention, the government swung into action and initiated damage control steps,

which in fact came to be highlighted in the print media as reflected from the articles published in Mid Day October, 20th, and 21st, 2022, reporting that the Guardian Minister ordered immediate repairs of the resident doctors scrambling rooms, canteen and college buildings. (News clippings annexed with the record)

6. Article 25 of the Universal Declaration of Human Rights 1948 provides that everyone has a right to standard of living adequate for health and well being of himself. This spirit of law is reiterated in Article 39(e) of the Constitution which imposes an obligation on the State to frame policies towards securing health and strength of workers, men and women -----

Reliance with advantage is placed on a decision of Supreme Court in re- C. E. S. C Ltd., V/s. Subhash Chandra Bose AIR 1992 SC 573 observing **"The Universal Declaration of Human Rights, International Conventions of Economic, Social, and Cultural Rights recognize their needs which include right to food, clothing, housing, education, right to work, decent working conditions ----- Our Constitution in the preamble and Part IV re-enforces them compendiously as socio-economic justice. A backdrop to egalitarian social order. The right to social and economic justice is thus fundamental right."**

7. Thus, with such legal principles, formulated by Supreme Court and applying it to the facts at hand, we are of the opinion that with the government having taken appropriate action, or rather timely action in rectifying the issues, pointed out in the news reporting supra above and a categorical undertaking in the form of affidavit filed by the

concerned responsible office vide Ex. 'H', we are of the opinion that the present suo motu case does not call for any further intervention. Hence, closed and disposed off.

Ordered accordingly.


(M. A. Sayeed)
Member, SHRC


(Justice K. K. Tated)
Chairperson, SHRC

(7)