

Many probes, few answers

Ensuring supply: A hospital employee checks newly arrived oxygen cylinders at the Baba Raghav Das Medical College Hospital in Gorakhpur on August 12. AP Rajesh Kumar Singh

News of children dying in a district hospital in Gorakhpur reached Delhi as a newsflash from ANI's Twitter handle at 7.22 a.m. on August 11. It said 23 children had died in the Intensive Care Unit of the district hospital after "supply of liquid oxygen was disrupted y'day (sic) due to pending payment". At 8.26 p.m., the official Twitter handle of Uttar Pradesh government tweeted a complete denial, insisting that the deaths were not related to oxygen shortage: "*Gorakhpur mein BRD Medical College mein oxygen ki kami se kisi rogi ki mrityu nahin hui hai.*"

Since August 11, five parallel investigations — a three-member Central government-appointed committee, a State government-appointed committee, by the Indian Medical Association (IMA), the National Human Rights Commission (NHRC), and lastly the police — have been set up, apart from the District Magistrate's report, to answer one question: did medical negligence lead to a spike in deaths, in a hospital showing high mortality rates annually during the monsoon season due to Japanese encephalitis (JE)?

The State government-appointed committee hand-picked by Chief Secretary Rajive Kumar included Health Secretary Alok Kumar, Finance Secretary Mukesh Mittal, and Hem Chandra, medical superintendent of the Sanjay Gandhi Post Graduate Institute of Medical Sciences (SGPGI), Lucknow. In effect, the Health Secretary, who holds the additional post of Mission Director of National Health Mission, under which the JE programme is implemented, investigated his department. Similarly, the Finance Secretary investigated the issue of delay in payments of his own department. The SGPGI professor is the only one in this committee without a conflict of interest.

This conflict of interest has been flagged by Amnesty International India, which in a statement issued on August 19 said that it "remains concerned about the thoroughness and impartiality of these investigations... Furthermore, the findings of investigations released so far have shown serious discrepancies. The Central government inquiry found that the deaths did not take place due to a lack of oxygen. Simultaneously, a probe by the district administration found that 63 of these deaths were linked to a shortage of oxygen. A criminal complaint was also filed against the oxygen supplier."

On August 12, Uttar Pradesh Health Minister Sidharth Nath Singh held a press conference and said no post-mortems were done as they "died due to their illnesses". However, no attempt has been made by the government to establish if that statement, made within a day of the deaths, was in fact backed by evidence.

More pertinently, medical records, which document the line of treatment of the patients, have not been handed over by the hospital to at least seven families contacted by this newspaper; interviews revealed that most families are denied hospital records when bodies are handed over. Brahmdev, a father of twins who died, alleges that the hospital made him 'forfeit' medical records without informed consent before handing over the death certificates. Zahid, whose five-year-old daughter Khushi also succumbed, says he didn't get the medical records either. Bahadur, whose four-year-old boy Deepak died on August 10, is still trying to retrieve medical records from the hospital.

In the absence of autopsies, the medical records could have helped to establish what the children were being treated for, why they needed oxygen support, and most importantly, did the ailment

cause the death or was it medical negligence?

For any meaningful inquiry, the original medical records contemporaneously maintained (not updated later) and the post-mortem reports are the most important pieces of evidence — which the State government appears to be frantically trying to erase.

The families now face an uphill task in proving that the spike in fatalities on August 10 and 11 was caused by criminal negligence on the part of the entire health system at the State and district level. While the odds are against the families, there are several questions that remain unanswered in the wake of some quick decisions taken by the U.P. government to fix accountability. The central pattern emerging from the interviews with families is that the hospital administration actively dissuaded them from conducting autopsies by withholding medical information.

Further, despite the State government denying that a shortage of oxygen caused the deaths, why was Pushpa Sales, the oxygen supplier, charged? And why suspend the principal of the Gorakhpur medical college if there was no negligence on the part of the hospital?

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