



Mains Practice Question

More than a hundred children, who were being treated at a government hospital, have lost their lives in the course of a month. The agitated family members have accused the hospital of having extremely unhygienic conditions and negligence. Relatives of one of the families have staged a protest, carrying the body of a three-day-old girl who was born via c section. The relatives have alleged that the doctors did not treat her properly and that the paramedical staff was mostly busy on their mobile phones. The representatives of the hospital have denied the allegations claiming that the children are mostly referred from other hospitals and many of them come when they are at the terminal stage of their illness. They have also claimed that infants develop serious problems during transit. Quoting data from a national-level survey conducted by the government, the hospital management has also stated that they do not receive the required amount of funds to upgrade the infrastructure.

You are the DM of the district. What are the possible courses of actions available to you? Which one do you think will be the most appropriate step that can be taken and why?

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The case pertains to alleged administrative/medical negligence and poor health facilities in government hospitals. It also involves the issue of compassion toward aggrieved families.

Internationally, health is regarded as a basic fundamental human right. In India too, right to health is a part of the **fundamental right** under **Right to Life (Article 21)**. **Article 47** of the Constitution directs the state to improve public health. Similarly, **Article 42** also makes provision to protect the health of the **infant** and mother by maternity benefit.

| Facts of the Case | Stakeholders Involved | Ethical Issues Involved |
|---|---|--|
| More than 100 children died in the government hospital | District administration and the state | Duty of the DM and the state |
| Unhygienic conditions in the hospital | Hospital staff | Duty of the hospital staff |
| Alleged medical negligence by the hospital staff | Families of died children | Justice for the aggrieved families and public interest |
| Inadequate funds available for necessary infrastructure facilities | Family of the girl child who staged a protest | Objectivity |
| Most children referred to the government hospital were at the terminal stage of illness | Society at large | Compassion towards the weaker sections |

A spike in cases of medical negligence in India was seen recently. Given the circumstances and ongoing protest by the family of the deceased child, there is pressure on the district administration to take some action. Hence, various possible courses of action are available.

Course of Action

- **Immediately suspend the concerned officials and staff**
 - Within a month, more than 100 children have lost their lives hence, it is a matter of medical and administrative negligence.

- Strict action will prompt officials to ensure every possible facility and care to patients. It will send a strong signal for future actions and might prevent these kinds of cases from occurring. Moreover, it would pacify aggrieved families as the action was taken for negligence.
- Cons: Immediately suspending officials would put additional burden on the remaining staff. It can further deteriorate the existing situation.
- **Inspect the hospital and leave the officials with a warning of strict action if the things go as usual**
 - As a DM my first duty is to inspect the hospital and get acquainted with ground realities.
 - I will talk to the chief of the hospital and the staff and direct them to ensure quality healthcare along with a warning for strict action if status-quo was maintained.
 - I will support the staff for time being as it necessary for a leader in the time of crisis.
 - Cons: It does not address negligence issues in present or future. It also shows a lack of compassion for aggrieved families.
- **Immediately set up a committee of experts to examine the situation and ensure the efficient delivery of quality healthcare services**
 - The situation demands responsible leadership in the time of crisis while at the same addressing concerns of the aggrieved families and possible administrative/medical negligence by the hospital staff.
 - Therefore, I would set up a committee comprising a senior doctor of the hospital, a health NGO member, medical expert and government officer of the health department.
 - I would direct them to submit the report in a **time-bound** manner after examining the situation in its entirety.
 - Unhygienic conditions pose a serious health threat to everybody in the hospital.
 - I would direct the hospital administration to maintain and monitor cleanliness on the premises on a regular basis and provide the **action taken report**.
 - I would also ensure strict implementation of **Biomedical Waste Management Rules 2016**.
 - National Health policy proposes to deliver quality health care services to all and reduce under 5 mortality along with increasing **health expenditure** by the government from 1.15% to **2.5% of GDP** by 2025.
 - Therefore, after examining the report if the claim of the hospital officials about **lack of funds** found be true then I would write to the state government to **release enough funds** to meet the deficit in infrastructure facilities and more staff to ensure affordable, accessible and efficient health care services to poor and vulnerable sections of the society in line with objectives of the **Article 21 and 47** of the constitution.
 - If the above-mentioned claim is **found false** then the case shall be filed under relevant sections of the acts against the concerned staff. It would ensure that dereliction of duty is an unpardonable offence.
 - To reduce the burden of the present staff I would direct the staff of other hospitals to assist the concerned hospital.
 - Moreover, to provide instant relief, I would order to identify the families who are covered under any government schemes like **Ayushman Bharat** and get them treated in private hospitals.

The Infant Mortality Rate is high in India and medical/administrative negligence is an unpleasant reality. To reduce the death rates, **health and nutrition should be the topmost priority** as it directly connected to the infant and child deaths. Regular inspection of the health facilities by the public officials along with increasing the health budget to upgrade the existing public facilities would go long way to ensure that these kinds of unfortunate incidents do not occur in future. This will also help India achieving SDGs related to health.

