

NATIONAL HUMAN RIGHTS COMMISSION
Manav Adhikar Bhawan, New Delhi

Visit of NHRC team headed by Member, Smt. Jyotika Kalra at hospitals and crematorium at District Gautam Buddha Nagar on 25th June 2021

Background

To guarantee protection of human rights as mentioned in section 12 (c) and (j) of the Protection of Human Rights Act 1993, the team of NHRC visited Jaypee Hospital, GIMS, Sharda Hospital, Yatharth Hospital, Information received from Covid hospital Sector- 39 and Crematorium Sector- 94 Noida on 25.06.2021. The NHRC team led by Smt. Jyotika Kalra, Member, NHRC consisted of Dr. Manish Kumath, Forensic Expert, Safdarjung Hospital, on panel of Commission and Shri Dushyant Singh, DySP, NHRC and Pratap Singh Rawat, Steno.

The Commission received complaint No. 11416/24/30/2021 on 29.04.2021 as well as took cognizance of the media report that District Authorities of Gautam Buddha Nagar failed to support the residents /general public with the necessary information, infrastructure support, adequate medical set up, distribution of life saving drugs, oxygen and medicines, emergency response help lines, ambulances, details of Covid hospitals describing number of beds and ventilators etc. during April- May 2021.

Considering the gravity of the issues concerning human lives, it was felt that stock taking of dedicated COVID Hospitals is necessary to know the ground reality. A questionnaire for the District Magistrate, Hospital Administration and Commissioner of Police, G.B. Nagar was sent in advance before the visit. Primarily the information sought included hoarding, black marketing of essential medicines, oxygen cylinders, concentrators, crematoriums, registration of death, ambulance services, NHRC advisory, dedicated District helpline/website, comprehensive medical oxygen management, standardized medical treatment protocol, payment to the doctors and frontline workers, assault on doctors, hoarding of medicines etc. (*Copy of the questionnaire attached as **Annexure -A***)

During the visit, the team interacted with the following officials of District :

- (i). Shri Suhas LY, IAS, DM, GB Nagar.
- (ii) Smt Vandita Shrivastava, IAS. Addl DM (Finance), GB Nagar
- (iii) Ms Sharma, IPS, Addl DCP, GB Nagar,
- (iv) Dr Deepak Ohri, CMO, GB Nagar,
- (v) Shri Chandan Soni, Deputy CMO, GB Nagar
- (xv) Police officers of Police Stations Expressway, Kasna and Bisrakh etc.

VISIT

1. **Jaypee Hospital, Noida:**

Dr. Sushil Kumar Shrivastava, CEO along with his team, gave a brief Powerpoint presentation on handling Covid Pandemic between April to June 2021.



- The Hospital has 504 beds of which 184 beds were dedicated for Covid.
- The official website of Jaypee Hospital had no information about Covid.
- Some Covid related information i.e., list of Covid hospitals along with availability of beds including ICU beds, were shown to the team from <https://gbncovidtracker.in/> .
- The Hospital could not satisfactorily answer as to for treatment of Covid, which Medical Treatment Protocol was followed and whether it was reviewed .
- No unrest from the families of patients was reported.
- It was reported that the doctors and para medical staff have been paid their dues periodically.
- The oxygen plant consists of 250 LPM, 1000 LPM and 1000 LPM with pressure of 50CC **are installed in the hospital**. The plant was supplying the oxygen to the bed through a pipe.
- In addition to that there were 100 oxygen cylinders D-Type.
- They were transporting covid +ve dead bodies with help of administration. (Only 3 vehicles were attached for this work in the whole district)

2. **Government Institute of Medical Sciences (GIMS), Greater Noida:**

- Dr. (Brig.) Rakesh Gupta (Retd.), Vice Chancellor, Medical College/ hospital along with his team and Distirct Magistrate, G.B. Nagar briefed the team of NHRC.
- He revealed that GIMS is an autonomous institution and not under the DGME. The institution reports to the Medical Secretary directly and not through DGME.
- A 300 bedded Hospital for local and referral patients having 120 dedicated Covid beds however in April 2021, it was upgraded to 450 bedded Covid hospital.
- The institute had 74 sanctioned projects funded by ICMR and WHO and provided data regarding deliveries of Covid positive mothers by the hospital.
- The faculty was around 130 and the non-teaching staff was around 220, only 50 faculty were permanent and the rest were contractual, almost 80 % of staff is not permanent, it may be contractual or ad hoc etc.
- Hospital does not refer the patients to other hospitals rather it discharges the patients on their personal request.



- As per the help desk, Rs 50/- are charged for a OPD booklet (valid for 3 months) and Rs 2000/- per day is charged per bed for Covid treatment.

- Some posters mentioned that Covid beds were charged for Rs 2000/- per day for private wards excluding the treatment and administrative charges.
- The Hospital treated 2784 Covid patients during the second wave (April-June 2021).
- The Standard Treatment Protocol for Covid-19 pandemic was followed by GIMS in line with ICMR protocol from April 2020 onwards. The hospital failed to share any document reflecting periodic review of treatment protocol.
- Disposal of dead bodies: All the dead bodies were disposed of as per protocol and the hospital assisted the relatives of the deceased till their last rites.

3. Sharda Hospital and Medical College, Noida

The team was briefed by Dr. Ashutosh Niranjana, Medical Superintendent and Dr. Manisha Jindal, Dean, Medical College along with their team.

- There were a total 1200 beds including that of the Medical College, 720 Covid beds in the hospital with 90 ICU and 400 beds with Oxygen.
- There is no static Oxygen Plant installed in the Campus and the whole supply was maintained through mobile LMO tankers with direct supply by a local vendor. Hence no maintenance of static emergency oxygen reserve by the Hospital.

- The treatment for 90% in house patients was free and was borne by the State Government. Only 10% in house patients were required to pay for their treatment. but no display of such information available.



- There is no dedicated Help Desk for Covid Patients and the signage for the route to reach the temporary structure was also not visible to the general public.

4. Yatharth Hospital, Greater Noida West.

- Dr. Ajay Kumar Tyagi, Chairman along with his team briefed the team.
- Hospital was declared as Covid dedicated hospital on 12-06-2020 and all the 375 beds were oxygen beds including 45 ICU ventilators beds. The management is running two more hospitals with the same name and was utilising facilities of those hospitals also.

- Attendants were allowed to visit their Covid patients by wearing PPE kits on a daily basis.
- A WhatsApp group was maintained which included the hospital staff, patients and their family members.
- The Hospital used body bags having transparent face cover.
- The ICMR protocol for treatment was adhered from time to time
- Disposal of dead bodies were managed by the Hospital along with the relatives of the deceased.

5. **Covid Hospital, Sector- 39, Noida-** the report is based on the information supplied by the hospital in response to the questionnaire :

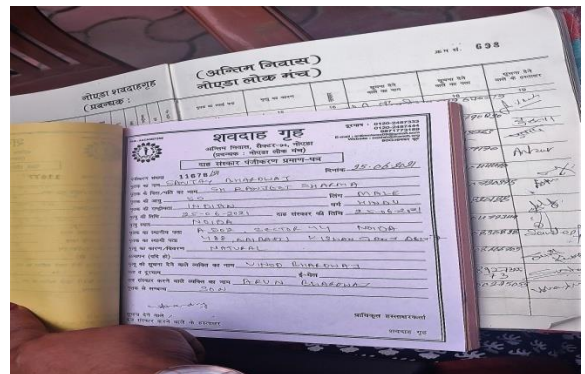
- The Standard treatment protocol of AIIMS, Delhi, September 2020 guidelines is being followed from the beginning itself (Oct 2020 onwards).
- A dedicated help desk along with two mobile Nos 8448246720 and 6397963108 are displayed at the entrance of the hospital.
- A set protocol chart reflecting facilities and free of cost signage is available for every admitted patient/relative at the time of admission.
- 2 PSA oxygen plants have been installed inside the hospital and 1 is fully functional. A nine ton LMO storage facility would be made functional soon.

6. CNG Crematorium sector - 94, Noida

- The Crematorium is managed by an NGO and Shri Mahesh Sexena, General Secretary briefed about the working of the crematorium.



- The register entering the details of deceased and certificate of cremation was examined (photo attached). After seeing the registration register Hon'ble Member noticed that most of the deaths at present were at home.



- It was told that in order to avoid air pollution, Gobar (cow dung) moulded woods were produced and used in place of regular wood which is eco-friendly and cost effective too.
- On normal days 10-12 cremations are performed whereas during 15th April to 15th May 2021 the number rose to 50 – 60 bodies per day.
- The last rites of COVID deaths were performed at CNG crematoria, during the peak, the bodies were also cremated on the floor.
- Hon'ble Member mentioned curtailing the use of wood for the cremation purposes. She was informed that the crematorium is in the process of shifting to the cow dung logs for the cremation.

- Around 30-40% of the cremation is done through a CNG furnace and it is popular with the public as it takes 1.5 hrs to complete the cremation against 3-4 hrs in wood based cremation. There is no mechanism for filtering the smoke of cremation.

7. District Magistrate Office:

A. DM, explained to the team that the total projected population of the District is around 21 lacs. As per census of 2011, around 36,000 families are eligible for the Gold Card under Ayushman Bharat Yojana out of which 17000 families have been given the cards.



- B. To cover the rest of the population, the State Government had introduced Mukhyamantri Aarogaya Yojana for 2000-2500 families whereby treatment upto Rs 5 lacs treatment was free.
- C. It was said that in order to encourage donation of plasma, coffee with collectors was arranged with the plasma donors.
- D. The Integrated command control centre (ICCS) of the District was outsourced to HCL, which answered to 7.66 Lacs calls during the Covid-19 pandemic. The Covid Call Centre number was 18004192211.
- E. The State centralized ambulance service was available on 108. There are 14 working ambulances in the district. Payment of Ambulances have been fixed by Govt. order dated 08.05.2021.
- F. The District had 500 Nigrani Samiti consisting of one local Asha worker, one Anganwadi worker and one local lady volunteer that was tracking covid patients and were helping in distributing food and medicines. Subsequently, Zomato supplied essential medicine packets.
- G. More than 100 of the Administration staff was Covid positive during the entire drive. One Sweeper and One ANM died during the Pandemic. A Proposal for sanctioning Rs 50 lacs compensation, besides a Govt Job to the NOKs, was sent by the DM, GB Nagar.
- H. One Nodal Doctor of District Administration was permanently posted with the covid hospitals of the district and his mobile number was shared with the public through social media and print media.
- I. There are 2 Hearse Van to transport the dead bodies to cremation ground.
- J. There is one cremation ground at Sector 94, Noida. It was told that there are 17 cremation grounds at panchayat levels and one each at village level.
- K. The District Administration is said to have implemented the comprehensive medical oxygen management guidelines in due compliance of the orders of Hon'ble Supreme Court of India. The oxygen demand had increased from 58.58 MT to 120 MT and four oxygen plants were functional and another nine were about to be started. Augmentation of Liquid Medical Oxygen Storage capacity was done in the District. However, there was no mention of any buffer stock for emergency purposes by the District Administration.

- L. The District Administration said that the NHRC (Advisory 2.0) is implemented in GB Nagar effectively and is used as a guiding principle in implementing health interventions for prevention of Covid-19 pandemic.

Observations of the team:

Although, as of now, the severity of Covid has come down, there are very few cases of covid in the District. However, the guards can't be lowered, one has to be prepared for the third wave of covid also. Apart from that this pandemic should be utilised for streamlining and strengthening the health infrastructure of the State as such team has identified following gaps and best practices and finally its recommendations:

Gaps identified:

1. Team found that for the treatment of Covid patients there were **two different sets of payment structures** i.e. in the cases where the State Government acquired the beds of Private Medical Colleges, the cost of the treatment was Rs. 2000 per bed, per day exclusive of treatment cost. However in case of treatment at the private hospital the payment was to be made as per the Paul Committee report according to which, Simple Bed -Rs 10,000/- per day, Oxygen Bed- Rs 15,000/- per day, ICU Bed - Rs 18,000/- per day.
2. While searching the covid hospital/ covid treatment Gautam Budh Nagar or Noida on google, no information was coming, even on the **website** of the **District**, information about the covid hospitals or available beds was not found. On being enquired, the officials of the District informed that there is a Bed tracker website <https://gbncovidtracker.in/>, which is giving details of available beds. After the concerns expressed by the Member, this website was linked with the website of the district after about an hour.
3. There was no **Standard Medical Treatment Protocol** put in place in all the visited hospitals. Moreover, there was no formal in-house periodic review of protocol particularly after large numbers of deaths in the second covid wave and anticipating the inevitable third covid wave.
4. There were no dedicated **Help Desks** at the entrance of the visited Hospitals, only some signage depicting the vaccination drive was visible. NHRC's patient's charter was also not found on the help desk of any of the hospitals .
5. At Sharda Hospital, facility of **free covid treatment** was not predominantly written at the entry or other conspicuous places of the hospital. Only one notice about free treatment was found on A3 size paper pasted with sellotape.
6. Only the Jay Pee Hospital has installed its **in-house oxygen plant** for generating oxygen for its 184 beds. Rest of the hospitals have tied up with LMO suppliers or oxygen cylinders suppliers.
7. As stated above almost 80% of the staff at GIMS is **contractual** and during the pandemic they were exposed to high risk still there is no mechanism ensuring their medical treatment including reimbursement of expenses on treatment.

8. DM, GB Nagar, while replying to the questionnaire of NHRC, has given details of 16 FIRs registered at various police station pertaining to **hoarding/black marketing of essential medicines** including Remdesivir, Cefoperazone, Pantoprazole, Sulbactam besides oxygen cylinders and Plasma. A total of 42 accused were arrested in the above 16 FIRs. Hence the allegations of Hoarding/Black marketing stands substantiated as alleged in the complaint.
9. The allegations of **overcharging by the hospitals/diagnostic labs** also stands substantiated as Jaypee Hospital, Yatharth Hospital and NIMS Hospital were directed by the District Administration to refund the extra amount to various complainants (Annexure-)
10. The scheme of **universal health insurance** i.e. Ayushman Bharat, appears to be not reaching to the deserving people.
11. Woods in large quantities are used for **cremation purposes** and no mechanism is adopted for filtering the smoke, before it enters the environment.
12. Only 2 Hearse Van to transport the dead bodies to cremation grounds are insufficient in the District .

Best Practices:

- a. The **Integrated Covid Control and Command Centre (ICCC)** established by the District Administration in association with HCL. The Toll Free No. 18004192211 has been successful in imparting information to the public regarding Covid Hospitals (L1,L2 & L3) and Ambulances. During the meeting, the Covid Call Centre number 18004192211 was dialed, it was picked up and the caller was informed, he may also dial 108, any of the ambulances will reach him, a return call from the center was also received after about 20 minutes.
- b. All the hospitals informed that **payment to doctors** and paramedical staff is made regularly.
- c. In every covid hospital, a **nodal officer** from the Administration was deputed, who facilitated the admission and treatment of patients.
- d. Administration acquired the **medical college beds** and ensured free treatment to patients.
- e. The idea of making a **whatsapp group of patients**, their relatives and hospital administration is a good practice for the quick redressal of the problems.
- f. **Permitting attendants** (with covid protocol) in the wards to take care of their covid patients, seems to have worked well to boost the morale of the patients.
- g. Use of **bags with transparent face** cover of the dead bodies, ensured dignity of dead and resolved the issue of mixing of bodies

Recommendations :

1. The District Administration (in agreement with the State), should ensure that the **same standardised cost of treatment** is available to all the residents.

2. The **website of the District** should open with key words like hospital and covid etc. and should have a list of all hospitals of district and number of beds, icu beds, oxygen beds, source of life saving drugs and whether treatment is paid or free. Every information should have the phone number and email number, so that information can be sought online.
3. A **medical protocol for treatment of covid** should be developed and if an already existing protocol is to be adopted, that should be formally adopted and periodic review meetings of the protocol should be held and deliberations of the meetings, should be duly minuted.
4. **Help Desks** at the entrance, should clearly depict covid related information. NHRC's patient's charter should also be put on the help desk of the hospitals .
5. The Hospitals having **free covid treatment** facility should predominantly write the same at the entry and other conspicuous places of the hospital.
6. In order to control the oxygen crisis in future, the State Govt. may evolve a policy on **in-house oxygen plants** for generating oxygen.
7. Contractual staff, that are exposed **to high risk**, their medical treatment including reimbursement of expenses on treatment and life insurance should be ensured.
8. **Hoarding/black marketing of essential medicines** should be checked on a regular basis, a mechanism for the same be developed. Investigation & trial in these FIRs, should be followed so as to ensure that the guilty are punished.
9. The allegations of overcharging by the hospitals/diagnostic labs should be regularly checked and action be taken against the guilty.
10. The scheme of universal health insurance i.e. Ayushman Bharat, needs to be revisited to ensure that the maximum benefits reach out to the maximum number of people.
12. At crematoriums, use of wood for burning purposes should be gradually reduced and be replaced by the cow dung. Some mechanism should be evolved for filtering the smoke of cremation before it enters the environment.
13. More Hearse Van to transport the dead bodies to cremation grounds should be made available in the District. Facility of ambulances in the entire district should be strengthened and the response time once the patient calls should be reduced.
14. The best practices as mentioned above are highly appreciated, vide publicity be given to them and be followed at other institutions also.

The Commission may transmit the NHRC Team's visit report to the Chief Secretary, Govt. of U.P. calling upon for an action taken report within a period of 8 weeks.

Jyotika Kalra
Member
National Human Rights Commission

QUESTIONNAIRE

Annexure – A

NHRC File No 11416/24/30/2021

1. **Questionnaire of DM, Gautam Budh Nagar, Uttar Pradesh.**

1. Whether any complaints were received on **hoarding/black marketing** of essential medicines, oxygen cylinders, oxygen concentrators etc received, if yes what action was taken?
2. **How many crematorium** and burials are there in the Distt. and what is their current capacity at a particular time ?
3. If the **capacity of the Burials** is near full, what is the plan of adding burial spaces?
4. Whether Facility for registration **of deaths** is available at crematorium and burial places ?
5. What procedure is being followed to provide a death **certificate** and how much time does it take?
6. Whether, District Administration is planning to increase the **Covid testing** facilities in the District?
7. What efforts are made to ensure adequate **ambulance services** (Basic life care) at a reasonable price? Whether these facilities are available with the centralized **District dashboard/ website** and accessible for online booking? What is the response time of an ambulance reaching out to a patient once it is booked.
8. What efforts have been put up by the District Administration for augmenting the health care work force to fight the probable **third wave** of Covid-19 Pandemic?
9. Whether **guidelines** issued by the State Government U/s 24 of the **Disaster Management Act, 2005** were followed in true spirit by the District authorities? If not, what action was taken in this regard? (*copy attached*)
10. How many complaints were received pertaining to **overcharging by the Hospitals/ Diagnostic Labs** and allegations of retaining dead bodies by the Hospitals due to non-payment of dues? If yes, how were they dealt with?
11. Whether the District Authorities have explored how the synergy between the public and the Administration can be improved?
12. Whether Covid-19 related websites/dashboards displaying real time Covid bed availability including oxygen beds, ICU beds etc are functional in the District? (As recommended by NHRC Advisory on Right to Health, dated 24-05-2021)
13. Whether NHRC advisory on Right to Health in view of the second wave of Covid-19 Pandemic (Advisory 2.0) has been implemented in District Gautam Budh Nagar? (*copy attached*)
14. Whether the comprehensive Medical Oxygen Management guidelines of the State/District has been followed in due compliance of the orders of Hon'ble Supreme Court of India vide Suo Motu Writ Petition (Civil) No-3 of 2021? If not, the reason thereof and the action taken by your office in this regard? (*operative portion-copy attached*)
15. Whether a **dedicated District level Helpline/ website** is working to cater to basic needs of the public such as:
 - (a) Which hospital is meant for which sets of treatments/specialization
 - (b) The real time bed availability
 - (c) Information whether the Hospital and the suggested treatment is paid or non-paid
 - (d) whether Ambulance service is available (paid or non-paid)(*NHRC Advisory on Right to Health, dated 24-05-2021*)

B. Questions from the Hospitals

1. Whether a standard treatment protocol is being followed for every incoming Covid patient in the Hospital?
 - a) If not, then what efforts are being planned in this regard?
 - b) Whether there is in-built provision for periodic review of standard operating protocol ?
2. Whether dedicated Help Desks are functional at the entrance/ emergency of a Hospital for providing essential information to incoming/reporting patients and their family members? *(NHRC Advisory on Right to Health, dated 24-05-2021)*
3. Whether disposal of dead bodies is made by following the Covid protocol and upholding the dignity of the deceased and also timely intimating the family members? *(NHRC Advisory to the Centre and States to ensure dignity and the rights of the dead 14.05.2021)*
4. Whether Hospitals display the Covid Charter and Patient's Rights prominently at the 'Help Desk'? If not, what action was taken in this regard? *(NHRC Advisory on Right to Health, dated 24-05-2021)*
5. How many cases of assault on doctors by the relatives of patients were reported, if yes what action was taken in that regard?
6. Whether the doctors and frontline workers have been paid UpTo Date salary ?
7. What protection is there for the doctors or frontline workers for their treatment of Covid and compensation in case of death due to covid related complications ?
8. Whether the comprehensive Medical Oxygen Management guidelines of the State/District has been followed in due compliance of the orders of Hon'ble Supreme Court of India vide *Suo Motu W.P. (C) No. 3 of 2021*? If not, the reason thereof and the action taken by your office in this regard? *(operative portion of Judgement -copy attached)*

C. Questions from the SSP Gautam Budh Nagar

1. How many FIRs have been registered in District Gautam Budh Nagar pertaining to :
 - (a) over charging by Ambulances,
 - (b) overcharging by chemist shops for life saving drugs,
 - (c) Hoarding and Black marketing of Remdesivir and other drugs.
 - (d) medical negligence by doctors and para medical staff,
 - (e) over charging of oxygen cylinders and oxygen concentrators.
 - (f) General public for beating medical staff and creating law and order situation
 - (g) for non compliance of Covod-19 protocol pertaining to disposal of dead bodies (cremation/burial)
2. How many complaints were received pertaining to Commission or Omission on the part of Public Servants, causing harassment and human indignity to women and children? What action was taken in this regard?
3. How many complaints were received pertaining to overcharging by the Hospitals/ Diagnostic Labs and allegations of retaining dead bodies by the Hospitals due to non-payment of dues?
4. How many complaints were received regarding assault on doctors?
