



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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(CSMT) Mumbai – 400 001



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AMB/Case No.– 55/13/16/2025 | 2/80

Name of the Complainant : Pallavi Sachin Patil
Social Worker
Address not mentioned
Email: pallavipatilawao@gmail.com
Mobile : 92222 20144

V/s.

Name of Respondent : The Municipal Commissioner
Municipal Corporation of Greater Mumbai
Mumbai

Date : 6th October 2025

Coram : Justice A. M. Badar, Chairperson

ORDER

1. Dr. Rajeshree Wayal, Medical Officer, Shatabdi Hospital, Mumbai is present in person on behalf of the Respondent Corporation. Under signature of the Incharge Chief Medical Officer, Pt. Madan Mohan Malviya Shatabdi Hospital, Mumbai, reply is filed via email by the Respondent Municipal Corporation which is taken on record. Heard Dr. Mrs. Rajeshree Wayal for Municipal Corporation of Greater Mumbai (MCGM for the sake of brevity).

2. Despite order of this Commission, directing the Municipal Commissioner, MCGM to conduct a fact finding inquiry and submit his report in this case alleging serious violation of human rights, no such report of fact finding inquiry is received by this

Commission from the Municipal Commissioner, MCGM. Hence, the case is being decided by considering response in the form of 'Abhipray' under signatures of the Incharge Chief Medical Officer and other Officers of the Municipal Corporation.

3. The crux of the complaint of Mrs. Pallavi Patil is to the effect that that sanitary workers (Safai Karamachari) of this Shatabdi Hospital run by the Municipal Corporation is taking ECG of the patient. Considering this grave and serious allegations it was expected of the Municipal Commissioner, MCGM to conduct fact finding inquiry personally as the subject matter of the complaint is related to human life of thousands of patients visiting the Shatabdi Hospital run by the MCGM. This was not done indicating apathy of the civil servant in protecting right to life enshrined in Article 21 of the Constitution of India.

4. Be that as it may, the Incharge Chief Medical Officer of the said Hospital, along with his covering letter has forwarded opinion (अभिप्राय) of panel of Doctors comprising himself and Dr. Chandrakant Pawar apart from the Dy. Commissioner Shri. Sharad Ughade of the Municipal Corporation. That opinion (abhipray) / response mentions that ECG of the persons on whom surgery is due, is taken by the "प्रशिक्षित कर्मचारी", meaning thereby a trained employee. Thus, this opinion (abhipray) / response of the Municipal Corporation of Greater Mumbai to the complaint shows that in order to ascertain fitness of the patient for undergoing surgery, actual work of taking the ECG is done by a 'trained employee' and report upon examining that ECG is

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prepared by the Doctor. It is not disputed by the MCGM that Pt. Madan Mohan Malviya Shatabdi Hospital is owned and run by the MCGM, Mumbai, whose Administrative Head is the Municipal Commissioner.

5. During the course of hearing the Commission made a query as to what is meant by "trained employees" (referred to in the reply as प्रशिक्षित कर्मचारी) and whether they had acquired some professional training apart from formal education for the purpose of handling the ECG machine, so also whether they are having any professional qualification. Upon that Dr. Wayal answered that the employees who are doing the work of taking ECG of patients for ascertaining fitness for undergoing surgery are the 'Ward Boys' working in the Shatabdi Hospital, who by length of their service in the Hospital as Ward Boys can do this work. She further states that post of ECG Technician of that Hospital is vacant since last one year and therefore, this work is being done by the 'Ward Boys' working in the Hospital. The Commission notes that this submission of Dr. Wayal is perfectly in consonance with the opinion (Abhipray) / response submitted under signatures of the Incharge Chief Medical Officer and other officers, as that response contains an averment that proposal for filling up the vacant posts in Subordinate Medical Services is being prepared by the Incharge Chief Medical Superintendent and Head of the Department of the Municipal Corporation. This implies that ECG Technician is not at all on the roll of Shatabdi Hospital, Mumbai.

6. It is thus clear that averments made by complainant Mrs. Pallavi Patil are true as ECG of the patient due for surgery at this Shatabdi Hospital run by Municipal Corporation is taken, not by the ECG Technicians but by the 'Ward Boys' of that Hospital. This reminds me the fact situation in some parts of the country where medical treatment is given by quacks called as 'Zola Chaap Doctor' but this Commission never even dreamt of such situation prevailing in the Hospital run by one of the richest Municipal Corporation in the country. These 'Ward Boys' as per their job requirements have not acquired any professional training imparted either In-house or through some Training Institute in the medical field. Dr.Wayal made an attempt to make out a point that 'Ward Boys' in the Shatabdi Hospital are trained because they are doing this work since long under supervision of the Doctor. The Commission is unable to concur with this submission because the fact remains that had the Doctor being available there at the time of taking the ECG, there was no point in delegating this work to the 'Ward Boys'. The Doctor himself would have very well taken out the ECG of the patient. Along with the complaint, photocopy of the photograph is filed by the complainant showing that a Sweeper is taking the ECG of the patient in the said Hospital. This documentary evidence coupled with the response of the MCGM certainly establishes a fact that as trained ECG Technician is not available at the Shatabdi Hospital, work of taking ECG of the patients is done by 'Ward Boys' of the Hospital or by the Sweepers as alleged in the complaint.

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7. It hardly needs to put on record that specialized training to the concerned staff is must in the health care field as a minor mistake in such medical investigation can cost a life. Without training there cannot be health service of requisite quality. Field of health care is a dynamic field which requires continuous professional training and its upgradation for safety of life of the patients. Hospitals are bound to recruit trained staff for handling sensitive medical equipments which may give wrong result if handed by the untrained workers and such eventuality can cost a life of a patient. In the instant case upon query by this Commission, Dr. Wayal representing the MCGM states that post of the ECG Technician in the Shatabdi Hospital is vacant since last one year or so. Upon query she further submits that in past, qualifications found in the advertisement issued by the MCGM for recruitment of this post was Graduate in Science Stream. Nothing is placed on record to show that the Ward Boys who are made to do this work of ECG Technicians are graduate in Science and that the Hospital had chalked out training programme mentioning the days fixed for training and by hiring services of experts in the field, for imparting training to work as ECG Technicians to the 'Ward Boys' working in the said Shatabdi Hospital. It is not shown by producing documents on record that after imparting such training to 'Ward Boys', only those who completed such training successfully are assigned with the work of taking ECG for ascertaining fitness of the patients for undergoing surgery. Such is not even the pleadings in the response of the MCGM. It needs to put on record that the

purpose of ascertaining fitness for undergoing surgery by examining the ECG is aimed at securing safety of life of the patient. However, delegating this crucial and highly skilled task to the 'Ward Boys' of the Hospital is nothing but playing with lives of thousands of patients whose surgeries were fixed in near future.

8. Medical jurisprudence makes it clear that Electrocardiogram report (ECG Report) is a standard part of the pre anesthesia checkup conducted to assess of cardiac health of a patient before performing surgery on him. It aims to identify existing health issues and uncover new ones that could impact on survival of the patient during and after surgery and to make the surgery safer to protect life of the patient. It improves safety of patient by identifying risk and by minimizing complications during and after surgical procedure on the patient. Taking out ECG by a trained Technician prior to undergoing high risk surgical procedure specially if a patient has one or more clinical risk factor like coronary artery disease which is in present days a very common ailment, is a sine quo non for safety of the patient who has to undergo the surgery. Thus, ECG is an important part of preoperative investigation which has direct nexus with safety of the patient, so also his life.

9. ECG machine is a diagnostic tool which is to be operated by a highly trained medical professional. Wrongly drawn ECG by untrained layperson can certainly give wrong conclusions when it is interpreted by a Doctor for dealing fitness of the patient for operation, jeopardizing safety and risking life of the patient. Infact

medical professionals working in public healthcare Hospital run of Municipal Corporation shoulders a bit higher responsibility of not allowing invalidated ECG data provided by untrained ECG machine operators like Ward Boys / Sweepers, as in the instant case. Taking out ECG is not a simple procedure which can be performed by a layman. It is a non-invasive procedure which has to be performed by a highly trained medical technician because it involves attaching about 12 to 15 electrodes to various locations of body of a patient including specific areas of chest, arms and legs. Those electrodes are attached by small suction cups or adhesive patches. For getting the accurate data, an expert eye and expert brain is required to check the placement of electrodes and functioning of suction cups or adhesive patches during the procedure of taking out the ECG. Even it is not the case of MCGM that taking out the ECG is a procedure which does not require any medical expertise and it can be performed by any Tom, Dick and Harry. The MCGM has deliberately not produced on record the evidence available with it in the form of advertisement issued by it in the past for recruitment of ECG Technicians, to show that it is recruiting uneducated person to man such post in several Hospitals run by it in the metropolitan city of Mumbai, as this job is unskilled job requiring no education or training. Neither there is such stand of the MCGM nor such stand can be accepted by a person of ordinary prudence.

10. Hospitals run by the MCGM, which may be the richest Municipal Corporation in India having hundreds of crore rupees

in deposit, apart from the biggest budget, headed by the top bureaucrat, is expected to provide safest, affordable, accessible and high quality healthcare to the citizens especially when they are coming from weaker sections of society. It cannot be said that this is a case involving under resourced Municipal Corporation of the State. Health care facilities in a private Hospitals are not within reach of even a middle class citizen who hope and expect that his life is safe, if the treatment is taken at the Hospital run by the richest Municipal Corporation. He expect that he is in safe hands of a well-trained medical staff in such Municipal Hospitals. However facts of the instant case shows grim reality of the big hospital run by the richest Municipal Corporation in India where EGG test on the patients awaiting surgeries is performed by the Ward Boys / Sweepers because trained ECG Technician is not recruited since last twelve months. This shows the dark side of the picture of health care facilities in the Municipal Hospital and speaks volumes about negligence in protecting human rights of patients by the MCGM. The fact situation emerging on record shows that there is utter failure on the part of the MCGM to protect life of the patients or least to say, it has failed to protect human rights of patients which had undergone surgeries at the said Shatabdi Hospital since last one year. In such situation there is no point in taking pride that the MCGM has hundreds of crores in deposit when basic health care facility is not taken care of. The MCGM has not produced data of patients operated at that Hospital since last one year to demonstrate the success rate of surgeries threat, to point out that

no precious human life is lost in that Hospital during or after performance of surgical procedure because ECG were taken out by Ward Boys. As an annexure to the 'abhipray' / response of the MCGM, a chart has been filed to show total number of ECG taken from January 2025 to August 2025 in the Shatabdi Hospital. The chart shows that in these eight months only, staggering figure of taking out 3344 ECG is reflected threat. This figure of 3344 ECG in eight months do show that this work of taking ECG is continuously available at the Shatabdi Hospital, still the Municipal Commissioner of MCGM has turned Nelson's eye to the safety and health care of large number of patients attending Shatabdi Hospital for medical treatment by not providing trained ECG Technician. The MCGM is headed by a Municipal Commissioner who is duty bound to manage the Municipal Hospitals to ensure that proper health care facilities are provided threat through the expert and trained staff for protecting safety and life of patients who generally belongs to poor strata of the Society. Providing proper health care facility is an essential service of the MCGM for maintaining public health but facts of the instant case shows that the top brass of the MCGM is least concerned with this obligatory duty of the Municipal Corporation, as for a last one year this busy Municipal Hospital is functioning without an ECG Technician and by delegating that work to the Ward Boys and Sanitary Workers. This shows utter contempt to the fundamental right enshrined in Article 21 of the Constitution of India.

11. The instant complaint is filed by an activist to point out serious violation of human rights by the MCGM. In a sense, this case can be considered as a class action complaint as it affects a community as a whole and victims of violation of human rights in this case are thousands of unascertained patients who had undergone surgeries at Shatabdi Hospital for a period of more than one year. Class action in this case has a purpose of safeguarding consumers of health care facilities of the Hospitals run by the MCGM. By not providing a trained staff and getting the work of taking ECG done by the untrained staff like Ward Boys and Sweepers, clear case of violation of human rights and not taking care of protection of human rights of patients at the Shatabdi Hospital by the MCGM is established from the record. Magnitude of such negligence and violation of human rights of Shatabdi Hospital can be seen from the chart annexed to the response of MCGM which shows atleast 3344 patients were subject to the ECG by untrained staff in just eight months. Thus, affected patients are large in number who are victims of gross negligence of the officer at the helm of the MCGM due to his failure or inaction in providing services of ECG Technicians at the Shatabdi Hospital. Slack supervision of the health care facility of the MCGM is evident from the facts borne from the record. As negligence in prevention of violation of human rights as well as commission of violation of human rights of thousands of patients by the MCGM at its Shatabdi Hospital is clearly established on record, mandate of Section 18 of the Protection of Human Rights Act, 1993 requires this Commission to make payment of

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adequate compensation to such victims of violation of human rights by the MCGM.

12. Now the question which falls for consideration is how to compensate the unidentified victims who are large in number for violation of their human rights by the public authority i.e. MCGM and what should be the quantum of compensation. The chart filed with response shows that on an average ECG of about 418 patients is taken monthly and that of about 5016 patients yearly. This figure is to be kept on record for assessing compensation as those patients can be considered as victims of violation of human rights. For the period of about one year such a large number of patients were exposed to untrained staff for important medical procedure. Hence, interest of justice would be served if compensation payable by the MCGM is assessed modestly at Rs. 1,00,000/- (Rupees One Lac Only) per month which comes to Rs. 12,00,000/- (Rupees Twelve Lacs Only) for an year during which period of time this violation of human rights was going on.

13. Now comes the question as to whom the compensation so assessed be paid, as victims of violation of human rights in the case are unidentifiable patients who visited the Shatabdi Hospital for their treatment. In such situation, cause of justice would be served in the best possible manner, if the compensation so assessed is directed to be paid to the Maharashtra State Legal Services Authority. This Authority is constituted by the Legal Services Authorities Act, 1987 for providing free and competent legal services to the weaker sections of the Society to ensure that opportunities for securing justice are not deprived to any

citizen by reason of economic or other disabilities so also to promote cause of justice on a basis of equal opportunity. Payment of compensation to the Maharashtra State Legal Services Authority by the MCGM will certainly result in better utilization of such amount as it appears that due to lack of legal knowledge, not a single victim out of such a large number of victims of violation of their right to life had approached this Commission for ventilating their grievance on this issue. The Maharashtra State Legal Services Authority can certainly use this amount of compensation for imparting legal education by undertaking preventive and strategic legal aid programmes and by giving legal aid to needy victims. May be, because of their legal illiteracy not a single victim had approached this Commission, a public spirited complainant who happens to be a social worker has to bring the cause to the Commission for taking cognizance thereof. By directing payment of compensation to the Maharashtra State Legal Services Authority, there is hope that in future benefited by spread of legal literacy, the victims of violation of human rights shall know the forum to ventilate their grievance. By virtue of provision of Section 16 of the Legal Services Authorities Act, 1987, the Maharashtra State Legal Services Authority has created the State Legal Aid Fund, which amongst other sources, also comprises of any amount received by the Maharashtra State Legal Services Authority under the orders of any Court or from any other source. Hence, this Commission chooses to direct the MCGM to pay compensation so assessed to the Maharashtra State Legal Services Authority.

14. Therefore, by invoking powers under Section 18 (e) of The Protection of Human Rights Act, 1993 and Regulation 22 to 24 of the Maharashtra State Human Rights Commission, (Procedure), Regulations, 2011, complaint is allowed by making the following recommendations and as such the order:-

- a) **The Municipal Commissioner, Municipal Corporation of Greater Mumbai should immediately provide services of trained ECG Technician to the Pt. Madan Mohan Malviya Shatabdi Hospital, Mumbai run by the MCGM, Mumbai.**
- b) **The Municipal Commissioner, Municipal Corporation of Greater Mumbai should pay compensation of Rs. 12,00,000/- (Rupees Twelve Lacs Only) for violation of human rights as well as for negligence in protecting human rights of large number of patients from Pt. Madan Mohan Malviya Shatabdi Hospital, Mumbai due to non-providing services of ECG Technicians since last about one year. The compensation so quantified should be paid to the Maharashtra State Legal Services Authority within one month of this order, failing which it shall carry an interest at the rate of 8% per annum from the date of this order till realization.**
- c) **Copy of this recommendation and order be sent to the Municipal Commissioner, MCGM, Mumbai forthwith and the said authority shall within a period of one month from the receipt thereof shall forward the action taken report to the Commission.**

- d) Office of the Ld. Secretary attached with this Commission to take follow up action.
- e) Ordered accordingly.
- f) Inform to all the parties concerned.


(Justice A. M. Badar)
Chairperson