

WPA (P) 180 of 2021
Court on its own motion
vs.
State of West Bengal and others

**Re: Mismanagement and Wastage of Medicines in
Government Hospitals**

Before : Hon'ble Justice Rajesh Bindal, Chief Justice (Acting)
Hon'ble Justice Arijit Banerjee

Dated : June 22, 2021

The Court:

1. Noticing a disturbing news published in the daily Hindi newspaper 'Sanmarg' regarding apprehension of waste of medicines worth a crore of rupees in Beliaghata ID hospital, Shivakant Prasad, J., brought this to the notice of the Chief Justice (Acting) for taking up the matter in larger public interest. The relevant part of the communication from Shivakant Prasad, J., is extracted below:

“On perusal of the article, it seems that such problems are usually faced by State hospitals in West Bengal, wherein the medicines are getting expired due to lack of patients requiring such medicines. The Health Department is merely publishing a list of such medicines on its website whereas considering the value of medicines in the current pandemic it is expected that a pro active step is taken by the State Government to avoid such huge loss of medicines.

Publication of the news in the newspaper Sanmarg in page 3 of Apna Kolkata Column reflects apprehension of medicinal wastage worth Rs. 1 crore, whereas the patients are crying for the medicines and injections, a big chunk of medicine is lying without use in Beliaghata ID hospital and if it is not allowed to be looked into then it is going to be wastage which is sheer loss to public exchequer and the patient go without medicine and injection in other hospitals.

It apparently appears that there is no proper management and distribution of medicine and injections by the Health Department, Government of West Bengal as in other hospitals, people are crying

for medicines and injections who are in dire need whereas at one place all the medicines and injections worth Rs. 1 crore are lying idle without use. These problems need to be addressed, so that, the public health services are not disturbed because of mismanagement in public health department.

The administration of Health Department appears to be well aware of the up keeping of medicine in Beliaghata ID hospital but there was no timely intervention of distribution of these medicines to different hospitals.

The Health Department was having knowledge of such storage in one single hospital but not taken proper steps for in time, beforehand, distribution to other hospitals, who may be, in need.

There is every likelihood that other hospitals even if required, will not opt for those medicines which are on the verge of expiry.

The Health Department appears to have done nothing to prevent such wastage of medicine without being used in different hospitals.

The interest of public is likely to suffer in absence of the medicine in different hospitals for treatment of patients.

It would not be out of the context to note that medicines are key elements of a well-functioning healthcare system. However, one third of the global populations do not have regular access to medicines. The extent of the problem is even worse in some of the lowest-income countries in Africa and Asia where more than half of the populations have regular access to essential medicines. One of the reasons for such high inaccessibility of medicines is waste due to expiry for not being utilised properly.

The World Health Organization (WHO) has defined wastage of medicines as unwanted medications which include expired, unused split and contaminated pharmaceutical products, drugs, vaccines and sera that are no longer required and need to be disposed of appropriately as wastage of essential medicines, for the health care indicates medicines expired, damages, lost, obsolete and unsafe for

use of the large number of ailing public at large and there should be study by using the logistics Indicators Assessment Tool so that the medicines are distributed to the health care units for the patients in need and the medicines are utilised properly without any waste due to expiry.

The undersigned understands that all the medicines are managed by store management system and all essential medicines are provided by budget demanded by all District Medical system including District Hospitals/CHC and PHC through proper channels mostly civil surgeon and CMOH and all budget are provided by Health and Family Welfare Department of the Government or the Central Government.

Now, the questions are, how the demands are made whether during last year consumption of this year epidemic was properly made considering wise utilisation of such medicines and whether the Government has proper system for displaying the list of all available medicines with their expiry dates and updated on regular basis.

Ergo, it appears from the above mentioned report published on June 21, 2021 in Sanmarg daily that there is proper mechanism to exchange medicines from overstocked facilities to under stocked one and health facilities. Therefore, Government should be directed to place such a mechanism to improve store management capacity by employing competent professionals, equipping the store with necessary technology and introducing a monitoring and evaluating health supply chain performance system in the health facilities.”

2. The aforesaid note is self-explanatory. There is a need to develop a mechanism whereby wasteful expenditure on purchase of medicines in different hospitals and also the medical colleges which are not required and have to be thrown in dustbin after its expiry, need to be examined. The news pertains to one hospital in the State. There are many more and as a result, the loss also may be

running into crores of rupees. The wasteful avoidable expenditure may also be on purchase of medicines which are not required at all.

3. Let notice of the petition be issued to the State of West Bengal through its Chief Secretary and the Secretary, Health and Family Welfare Department. They shall apprise the Court about the amount spent on purchase of different medicines and other consumables in the State of West Bengal during the last five years in different hospitals and medical colleges and the amount of medicines which had to be disposed of as the same could not be utilized before their expiry date, and also whether there is any software used for monitoring the purchase, supply and utilization of medicines in different hospitals in the State to check wastage and unnecessary purchase thereof. Publication of list on the website or sending letters to different hospitals and departments, is not the solution. The entire system has to be maintained with the help of information and technology, the era in which we are living. One needs to keep in mind that taxpayers' money of which the State is a trustee cannot be allowed to be wasted like this. The government has to plan to save the money also wherever possible. The entire mind and energy should not be used for framing the schemes to make the voters happy. This Court be also apprised of the fact as to whether all the hospitals in the State are computerized and connected to a network or not.

4. For the present, the aforesaid information be furnished.

5. Adjourned to July 8, 2021.

[Rajesh Bindal, C.J.(A)]

[Arijit Banerjee, J.]