

**COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(2023-2024)**

**(SEVENTEENTH LOK SABHA)**

**THIRTIETH REPORT**

**ON**

**MINISTRY OF HEALTH AND FAMILY WELFARE**

**Action taken by the Government on the recommendations contained in the Fifteenth Report (17<sup>th</sup> Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject “Role of autonomous bodies/educational institution Including Central Universities, Engineering Colleges, IIMs, IITs, Medical Institutes, Navodaya Vidyalayas and Kendriya Vidyalaya etc. in socio-economic development of Scheduled Castes and Scheduled Tribes” with special reference to implementation of reservation policy in the All India Institute of Medical Sciences (AIIMS)”.**

*Presented to Lok Sabha on 06.02.2024*

*Laid in Rajya Sabha on 06.02.2024*



**LOK SABHA SECRETARIAT**

**NEW DELHI**

6 FEBRUARY, 2024/ MAGHA ,1945 (Saka)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED  
CASTES AND SCHEDULED TRIBES (2023-24)**

**Dr.(Prof.) Kirit Premjibhai Solanki– Chairperson**

**MEMBERS - LOK SABHA**

2. Shri Girish Chandra
3. Shri Anil Firojiya
4. Shri Tapir Gao
5. Smt. Goddeti Madhavi
6. Smt. Pratima Mondal
7. Shri Ashok Mahadeorao Nete
8. Shri Vincent H. Pala
9. Shri Chhedi Paswan
10. Shri Prince Raj
11. Shri A. Raja
12. Shri Upendra Singh Rawat
13. Smt. Sandhya Ray
14. Shri Ajay Tamta
15. Shri Rebati Tripura
16. Shri Krupal Balaji Tumane
17. Shri Guman Singh Damor
18. Shri Jagannath Sarkar
19. Shri Mohammad Sadique
20. Shri Kamlesh Paswan

**MEMBERS - RAJYA SABHA**

21. Shri Abir Ranjan Biswas
22. Shri Niranjana Bishi
23. Smt. Kanta Kardam
24. Shri Samir Oraon
25. Shri Nabam Rebia
26. Shri Anthiyur P. Selvarasu
27. Smt. Phulo Devi Netam
28. Dr. V.Sivadasan
29. Dr. Sumer Singh Solanki
30. Shri Kamakhya Prasad Tasa

**SECRETARIAT**

- |    |                      |   |                     |
|----|----------------------|---|---------------------|
| 1. | Shri D.R. Shekhar    | - | Joint Secretary     |
| 2. | Shri Ram Lal Yadav   | - | Director            |
| 3. | Shri Rakesh Bhardwaj | - | Additional Director |
| 4. | Shri N.Touthang      | - | Under Secretary     |

## INTRODUCTION

I, the Chairperson, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the Report on their behalf, present this Fifteenth Report (Seventeenth Lok Sabha) on Action Taken by the Government on the recommendations/observations contained in the Fifteenth Report (Seventeenth Lok Sabha) on the "Role of autonomous bodies/educational institution Including Central Universities, Engineering Colleges, IIMs, IITs, Medical Institutes, Navodaya Vidyalayas and Kendriya Vidyalaya etc. in socio-economic development of Scheduled Castes and Scheduled Tribes" with special reference to implementation of reservation policy in the All India Institute of Medical Sciences (AIIMS)" pertaining to the Ministry of Health and Family Welfare.

2. The draft Report was considered and adopted by the Committee at their sitting held on 05.02.2024 (Appendix-II).

3. The Report has been divided into the following chapters:-

- I Report
- II Recommendations/Observations which have been accepted by the Government.
- III Recommendations/Observations which the Committee do not desire to pursue in view of replies of the Government.
- IV Recommendations /Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.
- V Recommendations / Observations in respect of which final replies of the Government have not been received.

4. An analysis of the Action Taken by the Government on the recommendations contained in the third Report (Seventeenth Lok Sabha) of the Committee is given in Appendix-II.

**New Delhi;  
6 February, 2024  
Magha, 1945(Saka)**

**DR. KIRIT P. SOLANKI  
Chairperson  
Committee on the Welfare of  
Scheduled Castes and  
Scheduled Tribes.**

## CHAPTER I

### REPORT

This Report of the Committee on Welfare of Scheduled Caste and Scheduled Tribe deals with the action taken by the Government on the Observations/Recommendations contained in their Fifteenth Report (Seventeenth Lok Sabha) on the "Role of autonomous bodies/educational institution Including Central Universities, Engineering Colleges, IIMs, IITs, Medical Institutes, Navodaya Vidyalayas and Kendriya Vidyalaya etc. in socio-economic development of Scheduled Castes and Scheduled Tribes" with special reference to implementation of reservation policy in the All India Institute of Medical Sciences (AIIMS)" pertaining to the Ministry of Health and Family Welfare.

1.2 The Fifteenth Report (Seventeenth Lok Sabha) of the Committee was presented to Lok Sabha on 26<sup>th</sup> July, 2022 and laid on the Table of Rajya Sabha on 26<sup>th</sup> July, 2022. The Report contained 10 Observations/Recommendations. Action Taken Replies in respect of all the Observations/Recommendations contained in the Report have been received from the Government. The Replies have been examined and categorised as follows:

- I. Recommendations/Observations which have been accepted by the Government:  
Recommendations Sl. Nos. 1, 4, 7, 8 & 9  
(Total 5)  
Chapter II
  
- II Recommendations/Observations which the Committee do not desire to pursue in the light of the Replies received from the Government:  
  
Recommendations Sl. Nos. 10  
(Total 1)  
Chapter III
  
- III Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration:  
  
Recommendations Sl. Nos. 2,3,5 & 6  
(Total 4)  
Chapter IV
  
- IV. Recommendations/Observations in respect of which final replies of the Government are still awaited:  
  
-NIL-  
(Total 0)  
Chapter V

**1.3. The Committee trust that utmost importance would be given to implementation of the recommendation/observations accepted by the Government. In cases, where it is not possible for the Ministry/AIIMS, New Delhi to implement the recommendations in letter and spirit for any reason, the matter should be reported to the Committee with reasons therefor. The Committee further desire that Action Taken Notes on the**

**recommendations/observations contained in Chapter-I should be furnished to them at an early date.**

1.4 The Committee in the succeeding paragraphs will deal with the action taken by the Government on some of the Observations/Recommendations which merit comment or reiteration.

### **Recommendation (Sl. No.1)**

#### **Filling of vacant faculty positions**

1.5 The Committee, in their Fifteenth Report, (Seventeenth Lok Sabha) had recommended as under:

“The Committee note that out of total 1111 faculty positions, there are vacancies of 275 Assistant Professors and 92 Professors at AIIMS. The Committee observe that inspite of having proper eligibility, competence, fully experienced SC/ST aspirants are not allowed to be inducted as faculty members even at initial stage. In some of the cases, the Committee are given to understand that some of the Jr. Resident Doctors belonging to SC/ST who worked for number of years on ad-hoc basis were not selected at the time of filling of regular vacancies by stating a stereo-type reply that no candidate found suitable and fit for induction. The Committee, therefore, are of the considered view that all existing vacant faculty positions must be filled within next three months. The Ministry of Health & Family Welfare must submit an action plan within 3 months from the date of presentation of the Report to both the Houses of Parliament. The Committee also have a firm view that in future too after filling up all the existing vacant positions, no faculty seat reserved for SC/ST shall be kept vacant for more than six months under any circumstances”.

#### **Action Taken by Government:**

1.6 The Ministry, in their Action Taken Reply stated as follows:

“The selection for Faculty posts at AIIMS, New Delhi is made by Standing Selection Committee (SSC) consisting of 07 members (including Chairman). This Committee is constituted among members of Institute Body. Institute body comprise of members nominated by Govt. and various ex officio members. This SSC is assisted by external & internal Technical Experts from the specialty for which selection are to be made. These experts are chosen from the panel of experts with the consent of the Chairman of the Standing Selection Committee”.

The Standing Selection Committee conducts the interview of the candidates on the General educational level and particular knowledge of skill including previous occupational experience. Apart from this, the Standing Selection Committee adjudges/assess a candidate on the following aspects also, before making their final recommendation:

1. General ability-his capacity to learn as distinct from what he has already learnt
2. Evidence of any special aptitude – even if underdeveloped
3. His capacity and skill in human relationship
4. His effectiveness in work- degree of energy, drive, thoroughness, care etc.
5. His aims and interest in relation to work he may be required to do
6. His physical capacities
7. The opportunities he has had, and the use he has made of them.

Accordingly, the Standing Selection Committee recommends the candidates on the basis of his/her performance & overall assessment. The recommendations of the Standing Selection Committee are placed before the Governing Body for its approval. After approval of the Governing Body, the recommended candidates are appointed in faculty position.

The composition and the mandate of the Standing Selection Committee is such that the selections are objective. However, as regards to the observations of esteemed Committee regarding “Jr. residents doctors belonging to SC/ST communities, who works for a number of years on ad-hoc basis at the AIIMS were not selected at the time of filling of regular vacancies by stating no candidate was found suitable and fit for induction in spite of having proper eligibility, competence, fully experienced SCs/STs aspirants are not allowed to be inducted as faculty members even at initial stage at the country’s premier college”, it is submitted that the candidates who have worked in institute on ad-hoc basis and are otherwise eligible, may not be found suitable by the Standing Selection Committee based on their performance in the interview.

Further, in the recruitment done in 2018 for regular basis faculty posts, 19 posts were unfilled due to candidates not being found suitable. This included posts of all categories as under:

S.N.	Group	Category	Number of posts
i)	Group-A (Faculty)	UR	03
ii)		OBC	07
iii)		SC	06
iv)		ST	03
<b>TOTAL</b>			<b>19</b>

In the last selection of 2022, against 14 posts, candidates were found not suitable as under:

S.N.	Group	Category	Number of posts
i)	Group-A (Faculty)	UR	02
ii)		OBC	06
iii)		SC	06
iv)		ST	--
<b>TOTAL</b>			<b>14</b>

In this regard it is also submitted that the Standing Selection Committee had recommended reserved category candidates for selection against unreserved posts due to their merit as ‘Meritorious Reserved Candidates’. In the selection referred above, 02 such candidates (01-SC & 01-OBC) were selected against UR seats on merit.

In 2022 selection, 01 SC wait-listed candidate was offered the post of Assistant Professor on regular basis as UR.

Present Status of Faculty posts is as under:

1.	Sanctioned posts	1207
2.	In-position	859 (Regular)
3.	Vacancy	348

**Action Plan:**

- i) 09 candidates of last selection held in 2022 yet to be joined due to extension in joining time.
- ii) 205 posts of Assistant Professor including Tutor in Nursing are going to be advertised in August, 2023.
- iii) 01 Post of Medical Superintendent has been advertised on deputation basis and screening process is going on.
- iv) 23 posts cannot be advertised due to revision of Recruitment Rules/ nomenclatures/ other administrative reasons.
- v) 02 posts of Associate Professor (College of Nursing) cannot be advertised due to resignation of 02 Associate Professor (College of Nursing) on lien.
- vi) 108 posts of Professor (Direct) are not being advertised due to administrative reasons.

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-dated 18.09.2023)

**Comments of the Committee**

**1.7 The Committee take note of the Action Taken Replies that the SC/ST candidates who have worked in the Institute on ad-hoc basis may not be found suitable by the Standing Selection Committee based on their performance in the interview. The Committee also note that the selection for faculty posts at AIIMS, New Delhi is made by the Standing Selection Committee (SSC) consisting of 07 members (including Chairman). The Committee are concerned to note that none of the Member of this Committee belong to SC/ST Community. The Committee are of the considered view that members from SC/ST community should be mandatorily included in the Selection Committee in order to provide representation and to participate in policies being framed to enhance the prospects of SC/ST employees in AIIMS. Though the Committee are pleased to note that action plan is being prepared by the Government to fill the vacant faculty posts yet, they are grieved that 348 vacancy of faculty posts are still lying vacant. The Committee, therefore, would like to reiterate that sincere efforts should be made to accelerate and fast-track the filling up of the vacant posts with a strong monitoring mechanism therein to strictly ensure its implementation within a specified time period. The Committee also have a firm view that in future too after filling up all the existing vacant positions, no faculty seat reserved for SC/ST shall be kept vacant for more than six months under any circumstances.**

**Recommendation (Sl. No.2)****Biased assessment of SC/ST candidates**

1.8. The Committee are not inclined to accept the frequently stereo-type reply of the Government that “no sufficient number of suitable candidate could be found”. This is in



fact not a correct picture of assessment of the SC/ST candidates who are equally bright and deserving. But they are deliberately declared as 'not suitable' because of wrong biased assessment by the Selection Committee just to deprive SC/ST candidates of their legitimate rights to be part of faculty member." This vital issue can be addressed in a right direction by constituting a Selection Committee comprising primarily of SC/ST experts and Chairman. Following this process, induction of the SC/ST suitable candidates will be seen apparently at all positions of the faculty.

### **Action Taken by Government**

1.9 The AIIMS Act has laid down the provisions of constitution for its Institute Body & formation of Governing Body & other various standing Committee including Standing Selection Committee.

At present, 115-SC & 44-ST faculty members are on roll of the Institute on regular basis as under:

S. No.	Faculty Post	SC	ST
1.	Professor	45	12
2.	Additional Professor	25	06
3.	Associate Professor	12	05
4.	Assistant Professor	27	19
5.	Associate Professor (College of Nursing)	04	01
6.	Tutor (College of Nursing)	02	01
<b>TOTAL</b>		<b>115</b>	<b>44</b>

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-Idated 18.09.2023)

### **Comments of the Committee**

1.10 The Committee note that at present there is negligible presence or no presence of SC and ST members in the Standing Selection Committee/Board of AIIMS, New Delhi which in fact deprive SCs/STs to be part of the decision making process and policy matters specially with regard to selection/recruitment processes and also in helping and protecting the interests of SCs and STs in recruitment matters. The Committee is of the opinion that a robust recruitment mechanism need to be in place to ensure that the interest of the socially and economically backward section are safeguarded viz. constitution of a Selection Committee comprising primarily of SC/ST experts or mandatorily inclusion of

members belonging to SC/ST Community in the Standing Selection Committee. The Committee are of the firm view that following this process, induction of the suitable SC/ST candidates will be seen apparently at all positions of the faculty posts. The Committee expect AIIMS, New Delhi to take concrete steps in this regard, if needed, through amendment in AIIMS Act which will henceforth include members belonging to SC/ST Community in the Standing Selection Committee/Board. The reply of the Government stating that a provision is already in place for selections/recruitments as laid down in AIIMS Act is not acceptable to the Committee. The Committee, strongly reiterate their earlier recommendation that a strong mechanism must be in place at the Selection Committee level to protect the interests of SC/ST candidates in an objective manner during the recruitment processes.

### **Recommendation (Sl. No.3)**

#### **Reservation in super-specialty fields**

1.11. The Committee observe that the reservation is not extended/applied in super-specialty courses. As a result thereof, members belonging to SC/ST community are not able to enter the super-specialty courses, resulting in unprecedented and unwarranted deprivation of SCs and STs candidate and monopoly of the unreserved faculty members in the super-specialty fields. Reservation Policy must be enforced in all super-specialty fields at student as well as faculty level strictly to ensure presence of SC and ST faculty members there also. For the purpose, the Committee are of the firm view that effective mechanism be set up to send SC and ST doctors and students to undergo specialized training abroad so that their adequate representation may be seen visibly in all super-specialty fields.

#### **Action Taken by Government**

1.12 It is to intimate that reservation is not provided in Super-Specialty academic courses as per the order passed by the Hon'ble High Court of Delhi under CMP in CWP 2475/97 & CM 4934/97 dated 08.07.1997 (**copy enclosed herewith for ready reference at Annexure-I**). However, the reservation policy is applicable in all disciplines of specialties as well as Super-Specialty in faculty posts at AIIMS, New Delhi.

At present, 17-SC and 05-ST faculty members are working in Super-specialty disciplines like Surgical Oncology, Neuro-anesthesia, Cardiac-anesthesia, Neuro-surgery, Pulmonary Medicines.

There are provisions to facilitate and provide financial support to faculty members to undergo specialized trainings, attend seminars etc. abroad. All faculty members who apply for such trainings are considered as per laid down guidelines. In last 04 years, 70 faculty members (SC-59 & ST-11) who applied were permitted for various events

abroad at this institute.

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-dated 18.09.2023)

### **Comments of the Committee**

**1.13** The Committee are surprised at the complacent stance of AIIMS, New Delhi in their reply stating that reservation is not provided in Super-Specialty academic courses as per the order passed by the Hon'ble High Court of Delhi under CMP in CWP dated 08.07.1997. The Committee are deeply concerned about the attitude of the Ministry/AIIMS, New Delhi in the matter. The non-provision for reservation policy in Super-Specialty academic courses adversely affects the interests of Scheduled Castes and Scheduled Tribes. The Committee observe that no sincere and worthwhile efforts have been made to address this issue in the Court of Law such as filing an appeal in the High Court as seen from the action taken reply. From the reply it may be inferred that the High Court is simply giving its opinion stating that the benefit of reservation has already been availed of at the time of admission and thereafter in post graduation and that merit must come into operation at one time. The Committee are perplexed and not satisfied at the stance taken by the Ministry/AIIMS on the basis of the viewpoint of the High Court since non-provision of reservation for SC/ST in super-specialty fields is not in conformity with the participatory democracy which provides representation/participation of each section of the society in all fields. The Committee are of the firm view that in absence of relaxation, reservation has no meaning because the candidates of Scheduled Castes and Scheduled Tribes community have not reached the stage where they can stand of their own due to centuries of social, economic and educational disparities and backwardness. The Committee, therefore, emphasize that the Ministry/AIIMS should take up the matter in right earnest to the highest authority and also make worthwhile efforts to ensure meaningful and full implementation of the reservation policies in such super-specialty fields in letter and spirit.

The action taken reply also stated that reservation policy is, however, applicable in all disciplines of specialties as well as Super-Specialty in faculty posts. The Committee feel that when there is no reservation in super-specialty courses there is not much significance in having reservation in faculty posts for all such super-specialty disciplines since there will be very negligible or no presence of SC/ST candidates for such faculty posts. The Committee, therefore, strongly reiterate that reservation policy must be strictly enforced in all super-

**specialty fields at student as well as faculty level to ensure presence of SC and ST faculty members there also.**

#### **Recommendation (Sl. No.4)**

##### **Monitoring evaluation system of examination**

1.14. The Committee are given to understand that MBBS students from SC and ST community are declared failed a number of times in the MBBS course at first, second and/or third stages of professional examination despite sincere efforts by them. It has been often seen that these students had invariably done very well in theory examination but declared failed in the practical examinations. This clearly underlines the biasness towards SC/ST students. This must be dealt with firm decision and that a suitable examination monitoring system may be developed to put an end to this biased practice. Further, to prevent such practices, it is suggested that the SC/ST faculty may be involved as a routing in every such examination. Further, the Committee are made to understand that the examiners tend to ask the name of the students and try to judge/know if student belongs to SC/ST community. The Committee, therefore, recommend that the Ministry of Health and Family Welfare should take stern action to check such unfair practice in future. In fact, in order to solve these unfair assessments all students should be allowed to appear in exam using a fictitious code number only. Furthermore, the Dean-Examination must examine cases of all such students declared failed and submit a comprehensive report to the DGHS for further necessary action within a stipulated time limit.

#### **Action Taken by Government**

1.15 In this regard, it is submitted that:

The examination is conducted by the exam section which does not have any details of the candidate' caste or category. Even the names of the candidate are anonymized into roll numbers to avoid any bias. The practical exam is conducted by both internal and external experts. The selection of internal examiners is determined by seniority and eligibility within the departments, irrespective of caste or category. The examiners are not aware of the students' caste or category as per recommendation of Thorat Committee.

Further, as desired by the Parliamentary Committee, compilation of data on all candidates who failed in the practical examination is being done for submission to DGHS for further necessary action.

The compiled data of SC/ST candidates who failed in practical examinations from August 2018 to march, 2023 is given to Committee separately.

### **Comments of the Committee**

**1.16** The Committee are happy to note that efforts are being made by the Ministry/AIIMS for developing a suitable examination monitoring system making the process of examination transparent to ensure that SCs and STs are given fair ranking as per their caliber and merit. The Committee hope that this practice will be continued by AIIMS to provide fair assessment of the SC/ST candidates.

### **Recommendation (Sl. No.5)**

#### **Reservation in contractual and outsourced appointments**

1.17 The Committee do understand that most of SCs and STs community are still living in deplorable conditions of human life and deprived of the basic amenities which are essential to live a respectable livelihood. Under the given situation covering group C posts/lower posts from regular to outsourced/contractual job is akin to depriving a poor of earning its bread and butter. The Committee, therefore, hold a firm view that there should not be contractual/outsourced appointment in even non-core areas like Safaikaramchari, Driver, Data Operator etc. As such in contractual appointment, there is no reservation policy followed which is against the DoPT guidelines and provisions of the Constitution which clearly stipulates for reservation of appointment or posts in favour of SCs and STs, which in the opinion of the State is not adequately represented in the service under the State. Moreover, India, being a Welfare State and largest Democratic Country in the world, must provide reservation/representation, concessions even in all contractual and outsourced work in Government and Private Services for their upliftment and to facilitate deprived SCs and STs to be a part of the mainstream of the Country. Moreover, the policy of contractual appointment creates scope for exploitation of the downtrodden classes through these contractors. The Committee therefore, recommend that Government may evolve a mechanism to check such exploitation of the underprivileged belonging to any class/category. The corrective steps taken in this regard may be informed to the Committee.

### **Action Taken by Government**

1.18 It is to inform that All India Institute of Medical Sciences, New Delhi is an autonomous body established under an act of Parliament under the administrative control of Ministry of Health & Family Welfare, Government of India. The Institute follows the reservation policy/ guidelines of DoPT which is a nodal ministry of Government of India in this regard. There are no provisions of reservation in contractual and outsourced appointments.

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-I dated 18.09.2023)

### Comments of the Committee

1.19 The Committee are not satisfied to the approach of the Ministry/AIIMS with regard to the reservation in contractual and outsourced labour by the Ministry/AIIMS. As per action taken reply AIIMS is an autonomous body established under an act of Parliament under the administrative control of Ministry of Health & Family Welfare, Government of India and that the Institute follows the reservation policy/ guidelines of DoPT which is a nodal ministry of Government of India in this regard but at the same time the reply also further stated that there are no provisions of reservation in contractual and outsourced appointments. The Committee are appalled at the contradictory statement of the Ministry/AIIMS. As per the instructions issued by Department of Personnel & Training (DoPT) on 24<sup>th</sup> September, 1968 and again reiterated on 15<sup>th</sup> May, 2018, there shall be reservation for SCs, STs and OBCs in temporary appointments to Central Government posts and services, which are to last for 45 days or more. As per DoPT instructions all Ministries/Departments/PSUs/Autonomous Bodies are required to issue suitable instructions to all the authorities under their control such as autonomous bodies, Cooperative Institutions, Universities etc., for strict compliance. It is, however, seen that contracts for such outsourced services are awarded to the firms and the personnel engaged in such services are the employees of the private contractors or firms and that reservation for SC/ST are not being implemented in such outsourced jobs. The Committee are of the firm view that that a stringent monitoring mechanism be put in place so that DoPT's instructions on reservation policy issued from time to time are strictly complied with. The Committee legitimately expect from such autonomous bodies that DoPT orders w.r.t contractual/outsourced appointments will be implemented in toto. The Committee may be apprised of the compliance of DoPT order by the Ministry/AIIMS in this regard. The Committee are of the firm view that since the payment to the employees outsourced through private entity are made from the consolidated fund of India and that Department of Personnel Training being the principal body to issue instructions to the employers, the Committee strongly reiterate that the Ministry/AIIMS must provide reservation/representation, concessions even in all contractual and outsourced work in Government. Further, the Committee also reiterate that a mechanism be put in place to ensure minimum wages, safety, health benefits and security to all contractual and outsourced workers.

### **Recommendation (Sl. No.6)**

#### **Inclusion of SC/ST Member in the General Body of AIIMS**

1.20 The Committee note that at present there is no SC and ST members in the General Body of the AIIMS, which in fact deprive SCs/STs of their legitimate rights to be part of the decision making process and policy matters and also to protect the interests of SCs and STs in service matters. It is legitimate expectations of the Committee that there must be an SC/ST member in the General Body of AIIMS to provide representation to SC/ST community and to protect their interests in service matters as well as to be part of the decision making process of the policy being framed by the AIIMS authority and the Ministry of Health and Family Welfare.

#### **Action Taken by Government**

1.21 All India Institute of Medical Sciences, New Delhi is an autonomous body established under an act of Parliament under the administrative control of Ministry of Health & Family Welfare, Government of India. The AIIMS Act, 1956 have the provisions of constitution of Institute Body, Governing Body and various Standing Committee including Standing Selection Committee. There is no such reservation in the Act for reservation of SC/ST community.

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-Idated 18.09.2023)

#### **Comments of the Committee**

1.22 **The Committee note from the action taken reply submitted by the Ministry/AIIMS which stated that there is no provision of reservation in the General Body in the AIIMS Act 1956. In this regard the Committee would once again like to stress the need for an SC/ST member in the General Body of AIIMS. The Committee note that at present there is negligible presence or no presence of SC and ST members in the General Body of AIIMS. The Committee firmly believe that non-inclusion of SC/ST members in the General Body of AIIMS does not augur well for the large number of SC/ST employees. The Committee feel that the absence of SC/ST member deprive SCs/STs employees of their legitimate rights to be part of the decision making and policy matters being framed by the AIIMS authority and the Ministry of Health and Family Welfare. The Committee are of the view that there are highly qualified candidates among SCs/STs and that the Ministry/AIIMS should devise a concrete monitoring mechanism to ensure that such candidates/members belonging to SC/ST are mandatorily included in the decision making bodies. The Committee strongly feel that inclusion of SC/ST member in such decision making body is the need of the hour so as to give**

proper representation and to render justice to the most disadvantaged socio-economic groups of the society. And also in view of the constitutional mandate of socio-economic justice, the Ministry/AIIMS must provide representation of SC and ST through reservation in General Body of AIIMS or atleast by appointing a Director in the General Body through nomination as the case may be to protect the interests of SCs/STs in service matters as well as to be part of the decision making process of the policy being framed by DoPT. The Committee are of the view that that the Ministry/AIIMS should take steps in reviewing the AIIMS Act, 1956 so as to mandatorily include SC/ST member in the General Body of AIIMS. The Committee may be apprised about the progress made by the Government in this regard.

### **Recommendation (Sl. No.8)**

#### **Complaints and grievances**

1.23 The Committee recommend that the Ministry of Health and Family Welfare and AIIMS collectively should made sincere efforts in resolving complaints and grievances of SC/ST faculty members, employees/students upto their satisfaction and ensure that they are not met with undue discrimination on any basis. The Committee have come across a case with a faculty member belonging to SC category who has been discriminated during the promotion of Additional Professor's post inspite of having all meritorious quality of excellent surgeon record and good conduct. Furthermore, inspite of clear cut decision of the National Commission of SCs and STs that gross injustice has been meted out to the surgeon inter-se seniority in the grade of Professor has not been restored so far. The Committee in the interest of justice to the individual a learned SC Professor earnestly request that matter may be placed before Governing body of AIIMS with SC members DGHS to review and decide the matter on merit. If necessary before placing the matter before the governing body of AIIMS matter may be refer to DoPT and Ministry of Law & Justice to take legal opinion in the matter. The Committee feel that after expert review committee decided the matter in favour of SC Professor surgeon, there is no ambiguity to provide him all consequential benefits including inter-seniority in Professor grade alongwith promotions. Legal advice received from the Ministry of Law and DoPT or outcome of the consideration of the Governing Body of AIIMS thereafter to tackle the issue of inter-seniority of SCs and STs at the level of faculty may be provided to the Committee for further course of action, if any, in the matter.

#### **Action Taken by Government :**

1.24 There is a Grievance Redressal Committee constituted for redressal of grievances of SC/ST/OBC employees at AIIMS, New Delhi under the Chairmanship of Dr. Kaushal Kumar Verma, Professor of Dermatology & Venereology.



There is a case of Dr. Biplab Mishra, Professor, General Surgery, Jai Prakash Narayan Apex Trauma Centre of AIIMS, New Delhi regarding inter-se-seniority. Brief of the case is as under:-

Dr. Biplab Mishra, Professor, General Surgery, Jai Prakash Narayan Apex Trauma Centre of AIIMS, New Delhi who was eligible to be considered for promotion to the grade of Additional Professor for the batch w.e.f. 01.07.2012 under Assessment Promotion Scheme. He was, along-with various other candidates, interviewed by the Standing Selection Committee. The Standing Selection Committee declared 17 candidates (including Dr.Biplab Mishra) 'UNFIT' for promotion.

These Faculty members made representation against the decision of the Standing Selection Committee. Their representations were placed before the Governing Body (the Appointing Authority) for consideration and further orders. The Governing Body in its 150<sup>th</sup> Meeting held on 28.02.2014 decided to refer back these cases to the Standing Selection Committee. Standing Selection Committee interviewed them again in April, 2014. Standing Selection Committee found 14 candidates out of 17 (including Dr. Biplab Mishra) fit for promotion.

The recommendations of the Standing Selection Committee were placed before the Governing Body in its 151<sup>st</sup> meeting held on 12<sup>th</sup> May, 2014. The Governing Body also considered the issue of inter se seniority of these faculty members (who were found fit after review interview) & Governing Body decided in this matter as below:-

**“Faculty members, who have been declared ‘FIT’ upon assessment by the Selection Committee, would be promoted to next grade from the date they were eligible. However, those faculty members who have been promoted following the review will be put below those who were declared ‘FIT’ from the respective dates in the first instance in 2013 and have already served in their respective higher grades for over one year”.**

Dr. Biplab Mishra, Professor of General Surgery for Jai Prakash Narayan Apex Trauma Centre, AIIMS, New Delhi made a representation before the National Commission for Scheduled Castes regarding “Service Harassment”. Consequent to this a hearing was held by Dr. (Ms.) SwarajVidwan, Hon’ble Member of the Commission. This was attended by Director, AIIMS, Joint Secretary from Ministry of Health & Family Welfare, Deputy Director (Admn.), AIIMS and Dr. Anurag Srivastava, HOD, Surgery on 25.4.2019 at 02:00 PM in her Chamber.

Subsequently an order was received from National Commission for Scheduled Castes, Govt. of India, dated 07.06.2019 for follow up action subsequent to hearing held on 25.04.2019. It was advised that the matter of inter-se-seniority of Dr. Biplab Mishra may be placed before the Governing Body of the Institute. Accordingly, the matter was placed before the Governing Body in its 158<sup>th</sup> Meeting held on 18.06.2021. “The Governing Body deliberated on the representation at length and held that decision of the Institute is correct and promotion can be given only when Standing Selection Committee finds candidate to be suitable. Governing Body decided that status quo be maintained in case of Dr. Biplab Mishra and his representation was not agreed”.

As regards to the suggestions of esteemed committee that the matter may be placed before GB of AIIMS with SC members, DGHS to review and decide the matter on merit and if necessary, before placing the matter before the GB of AIIMS, matter may be referred to DoPT and Ministry of Law & Justice to take legal opinion in the matter, it is submitted that Institute will take action accordingly.

In compliance of the above recommendations of the Parliamentary Committee, the matter has been referred to DoPT and Ministry of Law & Justice so that the issue can be placed before the Governing Body for deliberation.

The advice of DOPT in the matter is as under:-

DoPT has issued instructions on promotion through the Departmental Promotion Committee (DPC). These instructions provided that the primary objective of holding a Review DPC is to rectify any mistake that took place at the time of holding of original DPC. It is for the MoHFW to examine whether these instructions on holding of Review DPC are applicable in cases covered under the Assessment Promotion Scheme of doctors. It is observed that under the Assessment Promotion Scheme for Doctors, the seniority of the Doctors shall be determined in the order of merit in which they were selected for appointment to the grade in question and those selected on an earlier occasion being ranked senior as a block to those selected later.

It is further informed that para 2.2.1 of the consolidated instructions on seniority issued vide OM No. DoPT-1667564806251 dated 16.09.2022 interalia states that ".....where, however, a person is considered as unfit for promotion and is superseded by a junior such persons shall not, if he/she is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him/her. Persons appointed as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection....."

The advice of Ministry of Law and Justice in the matter is as under:-

That considering the above factual and legal matrix, the first part of the decision taken by the Governing Body upon the assessment of SSC regarding fitness for promotion to the next grade assessment/ decision to those faculty members who have been promoted following the review will be put below those who were declared 'FIT' from the respective dates in the first instance in 2013 is not sufficiently supported by reasons, hence appears to be discriminatory for the affected faculty member(s).

**In view of the foregoing, the administrative Ministry may take a conscious administrative decision in the instant matter desired by the Hon'ble Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes.**

After advice of DOPT and Ministry of Law and Justice it has been decided by AIIMS, New Delhi that the matter of Dr. Biplab Mishra may be placed before the Governing

Body for consideration as directed in the Fifteen Report (17<sup>th</sup> Lok Sabha) of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.  
**Annexure-II**

### **Comments of the Committee**

**1.25** The Committee are pleased to note the action taken reply of the Ministry/AIIMS wherein it was stated that the matter of Dr. Biplab Mishra, faculty member belonging to SC category who has been discriminated during the promotion would be placed before the Governing Body for consideration as per recommendation made by the Committee. Contrary to opinions of DoPT, the Ministry of Law & Justice have submitted its views during evidence that considering the above factual and legal matrix, the first part of the decision taken by the Governing Body upon the assessment of SSC regarding fitness for promotion to the next grade assessment/ decision to those faculty members who have been promoted following the review will be put below those who were declared 'FIT' from the respective dates in the first instance in 2013 is not sufficiently supported by reasons. The Committee also desire that full facts again be sent to DoPT for reconsideration of the issue in question as in the opinion of the Committee, it was a matter of review DPC not the subsequent DPCs stated by them in their reply. The Committee in view of their considered view, decisions of NCSC and also the advice rendered by the Ministry of Law & Justice, firmly believe that the matter will be placed before the General Body again for consideration and to restore inter-seniority of meritorious SC Professors in the matter without further delay.

### **Recommendation (Sl. No.9)**

#### **Maintaining prescribed percentage of reservation**

**1.26** The Committee is made to understand that seats for Under Graduate and Post Graduate courses have been allocated as per counseling process and that only meritorious candidates got admission against unreserved seats and remaining candidates got admission as per their reservation. The Committee note that the overall percentage of admission of SCs and STs in MBBS and other Under Graduate Courses and also Post Graduate Courses in various AIIMS are far below the required level of 15 percent for SC and 7.5 percent for ST. This shows a very dismal picture with respect to filling up of Under Graduate and Post Graduate seats in SC and ST category in various AIIMS. The Committee therefore, strongly recommend that AIIMS should maintain strictly the prescribed percentage of reservation for SCs/STs in all courses. The Committee legitimately re-emphasize the fact that it is mandatory to maintain percentage of reservation to ensure more opportunity for SCs and STs. The Committee expect from the Ministry of Health and Family Welfare to make sincere efforts to fill up all vacant seats meticulously so that deserving candidates from SC/ST are not deprived of their entitled seats.

### **Action Taken by Government**

1.27 The Institute follows the Government of India policy on reservation and requisite reservation is being provided to eligible categories i.e. OBC, SC, ST and EWS as per existing norms in the courses offered for under graduate and post graduate.

The course wise seat allocation as on date is given to Committee separately.

### **Comments of the Committee**

1.28 The Committee note the progress made by the Ministry/AIIMS w.r.t maintaining the mandated percentage of reservation of 15% for SCs and 7.5% for STs from the action taken reply. The Committee, however note that in various PG courses including M.Sc. Courses the percentage of admission of SCs and STs are still below the prescribed percentage and also that seats meant for SCs and STs are being converted to unreserved seats. The Committee, therefore, desire that concerted efforts should be made by the Ministry/AIIMS so that the prescribed percentage of reservation for SCs/STs in all courses is strictly maintained. The Committee may be informed about the progress made by the AIIMS in this regard.

## **CHAPTER - II**

### **RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT**

#### **Recommendation (Sl. No.1)**

##### **Filling of vacant faculty positions**

2.1 The Committee in their Fifteenth Report (Seventeenth Lok Sabha) had recommended as under:

The Committee note that out of total 1111 faculty positions, there are vacancies of 275 Assistant Professors and 92 Professor at AIIMS. The Committee observe that inspite of having proper eligibility, competence, fully experienced SCs/STs aspirant are not allowed to be inducted as faculty members even at initial stage. In some of the cases, the Committee are given to understand that some of the Jr. Resident Doctors belonging to SC/ST who worked for number of years on ad-hoc basis were not selected at the time of filling of regular vacancies by stating a stereo-type reply that no candidate found suitable and fit for induction. The Committee, therefore, are of the considered view that all existing vacant faculty positions must be filled within next three months. The Ministry of Health & Family Welfare must submit an action plan within 3 months from the date of presentation of the Report to both the Houses of Parliament. The Committee also have a firm view that in future too after filling up all the existing vacant positions, no faculty seat reserved for SC/ST shall be kept vacant for more than six months under any circumstances.

#### **Action Taken by Government:**

2.2 The selection for Faculty posts at AIIMS, New Delhi is made by Standing Selection Committee (SSC) consisting of 07 members (including Chairman). This Committee is constituted among members of Institute Body. Institute body comprise of members nominated by Govt. and various ex officio members. This SSC is assisted by external & internal Technical Experts from the specialty for which selection are to be made. These experts are chosen from the panel of experts with the consent of the Chairman of Standing Selection Committee.

The Standing Selection Committee conducts the interview of the candidates on the General educational level and particular knowledge of skill including previous occupational experience. Apart from this, Selection Committee adjudges/assess a candidate on the following aspects also, before making their final recommendation:

8. General ability-his capacity to learn as distinct from what he has already learnt
9. Evidence of any special aptitude – even if underdeveloped
10. His capacity and skill in human relationship
11. His effectiveness in work- degree of energy, drive, thoroughness, care etc.

12. His aims and interest in relation to work he may be required to do
13. His physical capacities
14. The opportunities he has had, and the use he has made of them.

Accordingly, the Standing Selection Committee recommends the candidates on the basis of his/her performance & overall assessment. The recommendations of the Standing Selection Committee are placed before the Governing Body for its approval. After approval of the Governing Body, the recommended candidates are appointed in faculty position.

The composition and the mandate of the Standing Selection Committee is such that the selections are objective. However, as regards to the observations of esteemed Committee regarding "Jr. residents doctors belonging to SC/ST communities, who works for a number of years on ad-hoc basis at the AIIMS were not selected at the time of filling of regular vacancies by stating no candidate was found suitable and fit for induction in spite of having proper eligibility, competence, fully experienced SCs/STs aspirants are not allowed to be inducted as faculty members even at initial stage at the country's premier college", it is submitted that the candidates who have worked in institute on ad-hoc basis and are otherwise eligible, may not be found suitable by the Standing Selection Committee based on their performance in the interview.

Further, in the recruitment done in 2018 for regular basis faculty posts, 19 posts were unfilled due to candidates not being found suitable. This included posts of all categories as under:

S.N.	Group	Category	Number of posts
i)	Group-A (Faculty)	UR	03
ii)		OBC	07
iii)		SC	06
iv)		ST	03
<b>TOTAL</b>			<b>19</b>

In the last selection of 2022, against 14 posts, candidates were found not suitable as under:

S.N.	Group	Category	Number of posts
i)	Group-A (Faculty)	UR	02
ii)		OBC	06
iii)		SC	06
iv)		ST	--
<b>TOTAL</b>			<b>14</b>

In this regard it is also submitted that the Standing Selection Committee had recommended reserved category candidates for selection against unreserved posts due to their merit as 'Meritorious Reserved Candidates'. In the selection referred above, 02 such candidates (01-SC & 01-OBC) were selected against UR seats on merit.

In 2022 selection, 01 SC wait-listed candidate was offered the post of Assistant Professor on regular basis as UR.

Present Status of Faculty posts is as under:

1.	Sanctioned posts	1207
2.	In-position	859 (Regular)
3.	Vacancy	348

**Action Plan:**

- vii) 09 candidates of last selection held in 2022 yet to be joined due to extension in joining time.
- viii) 205 posts of Assistant Professor including Tutor in Nursing are going to be advertised in August, 2023.
- ix) 01 Post of Medical Superintendent has been advertised on deputation basis and screening process is going on.
- x) 23 posts cannot be advertised due to revision of Recruitment Rules/ nomenclatures/ other administrative reasons.
- xi) 02 posts of Associate Professor (College of Nursing) cannot be advertised due to resignation of 02 Associate Professor (College of Nursing) on lien.
- xii) 108 posts of Professor (Direct) are not being advertised due to administrative reasons.

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-dated 18.09.2023)

**Comments of the Committee**

**2.3 Please see Para No. 1.7 of Chapter I.**

**Recommendation (Sl. No.4)**

**Monitoring evaluation system of examination**

2.4 The Committee are given to understand that MBBS students from SC and ST community are declared failed a number of times in the MBBS course at first, second and/or third stages of professional examination despite sincere efforts by them. It has been often seen that these students had invariably done very well in theory examination but declared failed in the practical examinations. This clearly underlines the biasness towards SC/ST students. This must be dealt with firm decision and that a suitable examination monitoring system may be developed to put an end to this biased practice.

Further, to prevent such practices, it is suggested that the SC/ST faculty may be involved as a routing in every such examination. Further, the Committee are made to understand that the examiners tend to ask the name of the students and try to judge/know if student belongs to SC/ST community. The Committee, therefore, recommend that the Ministry of Health and Family Welfare should take stern action to check such unfair practice in future. In fact, in order to solve these unfair assessments all students should be allowed to appear in exam using a fictitious code number only. Furthermore, the Dean-Examination must examine cases of all such students declared failed and submit a comprehensive report to the DGHS for further necessary action within a stipulated time limit.

### **Action Taken by Government**

2.5 In this regard, it is submitted that:

The examination is conducted by the exam section which does not have any details of the candidate' caste or category. Even the names of the candidate are anonymized into roll numbers to avoid any bias. The practical exam is conducted by both internal and external experts. The selection of internal examiners is determined by seniority and eligibility within the departments, irrespective of caste or category. The examiners are not aware of the students' caste or category as per recommendation of Thorat Committee.

Further, as desired by the Parliamentary Committee, compilation of data on all candidates who failed in the practical examination is being done for submission to DGHS for further necessary action.

The compiled data of SC/ST candidates who failed in practical examinations from August 2018 to march, 2023 is given to Committee separately.

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-Idated 18.09.2023)

### **Comments of the Committee**

2.6 Please see Para No. 1.16 of Chapter I.

### **Recommendation (Sl. No.7)**

#### **Verification of roster by DoPT**

2.7 The Committee are of the firm view that AIIMS authority must prepare a proper roster and get it verified from the DoPT. The Committee expect from the Government to fill up all vacant vacancies in teaching and non-teaching faculty including allied



services like para-medical services and administrative service within 3 months from the date of presentation of the report and also to submit Action Taken Report to this effect.

### **Action Taken by Government**

2.8 The Institute is an autonomous body established under the act of Parliament and has its own set of Act, Rules & Regulations for functioning. It is imperative to mention here that the reservation rosters are being prepared/ maintained in accordance with the DoPT norms and Liaison Officer's (SC/ST/OBC/PWBD/EWS) appointed to vet reservation rosters from time to time.

- i) The present status of faculty posts till 19.07.2023 may kindly be seen at Para-I reply.
- ii) The non-faculty 1170 vacancies under direct recruitment have already been advertised and result declared for 807 vacancies, the process of filling up the remaining vacant posts is in progress at various levels.

Also, the process of Departmental Promotion Committee is an ongoing and continuous process and the same is in progress for the mode of Promotion. The process of DPC's for existing vacancies will be completed by October 2023.

- iii) 120 Point Reservation rosters and 13 Point Reservation rosters are being followed in respect of the residents appointed as per Residency Scheme of Govt. of India (Tenure posts).

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-  
dated 18.09.2023)

### **Recommendation (Sl. No.8)**

#### **Complaints and grievances**

2.9 The Committee recommend that the Ministry of Health and Family Welfare and AIIMS collectively should made sincere efforts in resolving complaints and grievances of SC/ST faculty members, employees/students upto their satisfaction and ensure that they are not met with undue discrimination on any basis. The Committee have come across a case with a faculty member belonging to SC category who has been discriminated during the promotion of Additional Professor's post inspite of having all meritorious quality of excellent surgeon record and good conduct. Furthermore, inspite of clear cut decision of the National Commission of SCs and STs that gross injustice has been meted out to the surgeon inter-se seniority in the grade of Professor has not been restored so far. The Committee in the interest of justice to the

individual a learned SC Professor earnestly request that matter may be placed before Governing body of AIIMS with SC members DGHS to review and decide the matter on merit. If necessary before placing the matter before the governing body of AIIMS matter may be refer to DoPT and Ministry of Law & Justice to take legal opinion in the matter. The Committee feel that after expert review committee decided the matter in favour of SC Professor surgeon, there is no ambiguity to provide him all consequential benefits including inter-seniority in Professor grade alongwith promotions. Legal advice received from the Ministry of Law and DoPT or outcome of the consideration of the Governing Body of AIIMS thereafter to tackle the issue of inter-seniority of SCs and STs at the level of faculty may be provided to the Committee for further course of action, if any, in the matter.

### **Action Taken by Government**

2.10 There is a Grievance Redressal Committee constituted for redressal of grievances of SC/ST/OBC employees at AIIMS, New Delhi under the Chairmanship of Dr. Kaushal Kumar Verma, Professor of Dermatology & Venereology.

There is a case of Dr. Biplab Mishra, Professor, General Surgery, Jai Prakash Narayan Apex Trauma Centre of AIIMS, New Delhi regarding inter-se-seniority. Brief of the case is as under:-

Dr. Biplab Mishra, Professor, General Surgery, Jai Prakash Narayan Apex Trauma Centre of AIIMS, New Delhi who was eligible to be considered for promotion to the grade of Additional Professor for the batch w.e.f. 01.07.2012 under Assessment Promotion Scheme. He was, along-with various other candidates, interviewed by the Standing Selection Committee. The Standing Selection Committee declared 17 candidates (including Dr. Biplab Mishra) 'UNFIT' for promotion.

These Faculty members made representation against the decision of the Standing Selection Committee. Their representations were placed before the Governing Body (the Appointing Authority) for consideration and further orders. The Governing Body in its 150<sup>th</sup> Meeting held on 28.02.2014 decided to refer back these cases to the Standing Selection Committee. Standing Selection Committee interviewed them again in April, 2014. Standing Selection Committee found 14 candidates out of 17 (including Dr. Biplab Mishra) fit for promotion.

The recommendations of the Standing Selection Committee were placed before the Governing Body in its 151<sup>st</sup> meeting held on 12<sup>th</sup> May, 2014. The Governing Body also considered the issue of inter se seniority of these faculty members (who were found fit after review interview) & Governing Body decided in this matter as below:-

**“Faculty members, who have been declared ‘FIT’ upon assessment by the Selection Committee, would be promoted to next grade from the date they were eligible. However, those faculty members who have been promoted following the review will be put below those who were declared ‘FIT’ from the respective**

**dates in the first instance in 2013 and have already served in their respective higher grades for over one year”.**

Dr. Biplab Mishra, Professor of General Surgery for Jai Prakash Narayan Apex Trauma Centre, AIIMS, New Delhi made a representation before the National Commission for Scheduled Castes regarding “Service Harassment”. Consequent to this a hearing was held by Dr. (Ms.) SwarajVidwan, Hon’ble Member of the Commission. This was attended by Director, AIIMS, Joint Secretary from Ministry of Health & Family Welfare, Deputy Director (Admn.), AIIMS and Dr. Anurag Srivastava, HOD, Surgery on 25.4.2019 at 02:00 PM in her Chamber.

Subsequently an order was received from National Commission for Scheduled Castes, Govt. of India, dated 07.06.2019 for follow up action subsequent to hearing held on 25.04.2019. It was advised that the matter of inter-se-seniority of Dr. Biplab Mishra may be placed before the Governing Body of the Institute. Accordingly, the matter was placed before the Governing Body in its 158<sup>th</sup> Meeting held on 18.06.2021. “The Governing Body deliberated on the representation at length and held that decision of the Institute is correct and promotion can be given only when Standing Selection Committee finds candidate to be suitable. Governing Body decided that status quo be maintained in case of Dr. Biplab Mishra and his representation was not agreed”.

As regards to the suggestions of esteemed committee that the matter may be placed before GB of AIIMS with SC members, DGHS to review and decide the matter on merit and if necessary, before placing the matter before the GB of AIIMS, matter may be referred to DoPT and Ministry of Law & Justice to take legal opinion in the matter, it is submitted that Institute will take action accordingly.

In compliance of the above recommendations of the Parliamentary Committee, the matter has been referred to DoPT and Ministry of Law & Justice so that the issue can be placed before the Governing Body for deliberation.

The advice of DOPT in the matter is as under:-

DoPT has issued instructions on promotion through the Departmental Promotion Committee (DPC). These instructions provided that the primary objective of holding a Review DPC is to rectify any mistake that took place at the time of holding of original DPC. It is for the MoHFW to examine whether these instructions on holding of Review DPC are applicable in cases covered under the Assessment Promotion Scheme of doctors. It is observed that under the Assessment Promotion Scheme for Doctors, the seniority of the Doctors shall be determined in the order of merit in which they were selected for appointment to the grade in question and those selected on an earlier occasion being ranked senior as a block to those selected later.

It is further informed that para 2.2.1 of the consolidated instructions on seniority issued vide OM No. DoPT-1667564806251 dated 16.09.2022 interalia states that “.....where, however, a person is considered as unfit for promotion and is superseded by a junior such persons shall not, if he/she is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who

had superseded him/her. Persons appointed as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection.....”

The advice of Ministry of Law and Justice in the matter is as under:-

That considering the above factual and legal matrix, the first part of the decision taken by the Governing Body upon the assessment of SSC regarding fitness for promotion to the next grade assessment/ decision to those faculty members who have been promoted following the review will be put below those who were declared 'FIT' from the respective dates in the first instance in 2013 is not sufficiently supported by reasons, hence appears to be discriminatory for the affected faculty member(s).

**In view of the foregoing, the administrative Ministry may take a conscious administrative decision in the instant matter desired by the Hon'ble Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes.**

After advice of DOPT and Ministry of Law and Justice it has been decided by AIIMS, New Delhi that the matter of Dr. Biplab Mishra may be placed before the Governing Body for consideration as directed in the Fifteen Report (17<sup>th</sup> Lok Sabha) of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.  
**Annexure-II.**

### **Comments of the Committee**

**2.11 Please see Para No. 1.25 of Chapter I.**

### **Recommendation (Sl. No.9)**

#### **Maintaining prescribed percentage of reservation**

2.12 The Committee is made to understand that seats for Under Graduate and Post Graduate courses have been allocated as per counseling process and that only meritorious candidates got admission against unreserved seats and remaining candidates got admission as per their reservation. The Committee note that the overall percentage of admission of SCs and STs in MBBS and other Under Graduate Courses and also Post Graduate Courses in various AIIMS are far below the required level of 15 percent for SC and 7.5 percent for ST. This shows a very dismal picture with respect to filling up of Under Graduate and Post Graduate seats in SC and ST category in various AIIMS. The Committee therefore, strongly recommend that AIIMS should maintain strictly the prescribed percentage of reservation for SCs/STs in all courses. The Committee legitimately re-emphasize the fact that it is mandatory to maintain percentage of reservation to ensure more opportunity for SCs and STs. The Committee

expect from the Ministry of Health and Family Welfare to make sincere efforts to fill up all vacant seats meticulously so that deserving candidates from SC/ST are not deprived of their entitled seats.

**Action Taken by Government:**

2.13 The Institute follows the Government of India policy on reservation and requisite reservation is being provided to eligible categories i.e. OBC, SC, ST and EWS as per existing norms in the courses offered for under graduate and post graduate.

The course wise seat allocation as on date is given to Committee separately.

**Comments of the Committee**

**2.14 Please see Para No. 1.28 of Chapter I.**

## **CHAPTER - III**

### **RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN THE LIGHT OF THE REPLIES FROM THE GOVERNMENT**

#### **Recommendation (Sl. No.10)**

##### **Spreading awareness on free treatment/facilities**

3.1. The Committee appreciate the welfare measures and facilities provided by AIIMS, New Delhi to all poor indigent patient having BPL (Below Poverty Line) card by providing completely free treatment in AIIMS Hospital including provision of medicines, surgical consumables etc. The Committee also appreciate the efforts of AIIMS for providing treatment to patients according to their ailment by the concerned specialist doctors without any differentiation on the basis of caste, religions or socio- economic status of the patients. However, the Committee are of the view that since AIIMS is providing such free facilities to poor patients it is also the absolute responsibility of the Ministry of Health and Family Welfare and AIIMS to put all these forth in public domain for information specially to the populous living in remote areas so as to reach the genuinely needy one's including the SC/ST community. For the purpose services of social medical welfare department of AIIMS may be utilised. The Committee therefore recommend that AIIMS should explore all possibility so that information on such free treatment/facilities reach remote/rural and urban areas so that the interests of the poor are well served and the targeted and truly needy ones availed the said facilities.

#### **Action Taken by Government:**

3.2 In this regard, it is submitted that a separate link on Patient Welfare Services highlighting the details of various free of cost services for Poor/ Indigent patients is added and is active under citizen charter and uploaded on AIIMS website which can be accessed through: aiims.edu > Patient > Citizen Charter > Patient Welfare Services and on an URL of [https://www.aiims.edu/en/citizen-charter/79-about-aiims/13722-patient-welfare-services\\_12-09-22.html](https://www.aiims.edu/en/citizen-charter/79-about-aiims/13722-patient-welfare-services_12-09-22.html) at AIIMS, New Delhi.

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-I dated 18.09.2023)

## CHAPTER - IV

### **RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION**

#### **Recommendation (Sl. No.2)**

#### **Biased assessment of SC/ST candidates**

4.1. The Committee are not inclined to accept the frequently stereo-type reply of the Government that “no sufficient number of suitable candidate could be found”. This is in fact not a correct picture of assessment of the SC/ST candidates who are equally bright and deserving. But they are deliberately declared as ‘not suitable’ because of wrong biased assessment by the Selection Committee just to deprive SC/ST candidates of their legitimate rights to be part of faculty member.” This vital issue can be addressed in a right direction by constituting a Selection Committee comprising primarily of SC/ST experts and Chairman. Following this process, induction of the SC/ST suitable candidates will be seen apparently at all positions of the faculty.

#### **Action Taken by Government**

4.2 The AIIMS Act has laid down the provisions of constitution for its Institute Body & formation of Governing Body & other various standing Committee including Standing Selection Committee.

At present, 115-SC & 44-ST faculty members are on roll of the Institute on regular basis as under:

S. No.	Faculty Post	SC	ST
1.	Professor	45	12
2.	Additional Professor	25	06
3.	Associate Professor	12	05
4.	Assistant Professor	27	19
5.	Associate Professor (College of Nursing)	04	01
6.	Tutor (College of Nursing)	02	01
<b>TOTAL</b>		<b>115</b>	<b>44</b>

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-Idated 18.09.2023)

### Comments of the Committee

4.3 Please see Para No. 1.10 of Chapter I.

### Recommendation (Sl. No.3)

#### **Reservation in super-specialty fields**

4.4. The Committee observe that the reservation is not extended/applied in super-specialty courses. As a result thereof, members belonging to SC/ST community are not able to enter the super-specialty courses, resulting in unprecedented and unwarranted deprivation of SCs and STs candidate and monopoly of the unreserved faculty members in the super-specialty fields. Reservation Policy must be enforced in all super-specialty fields at student as well as faculty level strictly to ensure presence of SC and ST faculty members there also. For the purpose, the Committee are of the firm view that effective mechanism be set up to send SC and ST doctors and students to undergo specialized training abroad so that their adequate representation may be seen visibly in all super-specialty fields.

#### Action Taken by Government :

4.5 It is to intimate that reservation is not provided in Super-Specialty academic courses as per the order passed by the Hon'ble High Court of Delhi under CMP in CWP 2475/97 & CM 4934/97 dated 08.07.1997 (**copy enclosed herewith for ready reference at Annexure-I**). However, the reservation policy is applicable in all disciplines of specialties as well as Super-Specialty in faculty posts at AIIMS, New Delhi.

At present, 17-SC and 05-ST faculty members are working in Super-specialty disciplines like Surgical Oncology, Neuro-anesthesia, Cardiac-anesthesia, Neuro-surgery, Pulmonary Medicines.

There are provisions to facilitate and provide financial support to faculty members to undergo specialized trainings, attend seminars etc. abroad. All faculty members who apply for such trainings are considered as per laid down guidelines. In last 04 years, 70 faculty members (SC-59 & ST-11) who applied were permitted for various events abroad at this institute.

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-I dated 18.09.2023)

### Comments of the Committee

4.6 Please see Para No. 1.13 of Chapter I.



### **Recommendation (Sl. No.5)**

#### **Reservation in contractual and outsourced appointments**

4.7. The Committee do understand that most of SCs and STs community are still living in deplorable conditions of human life and deprived of the basic amenities which are essential to live a respectable livelihood. Under the given situation covering group C posts/lower posts from regular to outsourced/contractual job is akin to depriving a poor of earning its bread and butter. The Committee, therefore, hold a firm view that there should not be contractual/outsourced appointment in even non-core areas like Safaikaramchari, Driver, Data Operator etc. As such in contractual appointment, there is no reservation policy followed which is against the DoPT guidelines and provisions of the Constitution which clearly stipulates for reservation of appointment or posts in favour of SCs and STs, which in the opinion of the State is not adequately represented in the service under the State. Moreover, India, being a Welfare State and largest Democratic Country in the world, must provide reservation/representation, concessions even in all contractual and outsourced work in Government and Private Services for their upliftment and to facilitate deprived SCs and STs to be a part of the mainstream of the Country. Moreover, the policy of contractual appointment creates scope for exploitation of the downtrodden classes through these contractors. The Committee therefore, recommend that Government may evolve a mechanism to check such exploitation of the underprivileged belonging to any class/category. The corrective steps taken in this regard may be informed to the Committee.

#### **Action Taken by Government**

4.8 It is to inform that All India Institute of Medical Sciences, New Delhi is an autonomous body established under an act of Parliament under the administrative control of Ministry of Health & Family Welfare, Government of India. The Institute follows the reservation policy/ guidelines of DoPT which is a nodal ministry of Government of India in this regard. There are no provisions of reservation in contractual and outsourced appointments.

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-Idated 18.09.2023)

#### **Comments of the Committee**

**4.9 Please see Para No. 1.19 of Chapter I.**

### **Recommendation (Sl. No.6)**

#### **Inclusion of SC/ST Member in the General Body of AIIMS**

4.10. The Committee note that at present there is no SC and ST members in the General Body of the AIIMS, which in fact deprive SCs/STs of their legitimate rights to be part of the decision making process and policy matters and also to protect the

interests of SCs and STs in service matters. It is legitimate expectations of the Committee that there must be an SC/ST member in the General Body of AIIMS to provide representation to SC/ST community and to protect their interests in service matters as well as to be part of the decision making process of the policy being framed by the AIIMS authority and the Ministry of Health and Family Welfare.

#### **Action Taken by Government**

4.11 All India Institute of Medical Sciences, New Delhi is an autonomous body established under an act of Parliament under the administrative control of Ministry of Health & Family Welfare, Government of India. The AIIMS Act, 1956 have the provisions of constitution of Institute Body, Governing Body and various Standing Committee including Standing Selection Committee. There is no such reservation in the Act for reservation of SC/ST community.

(Vide Ministry of Health & Family Welfare O.M. No. H-11013/7/2022-INI-dated 18.09.2023)

#### **Comments of the Committee**

**4.12 Please see Para No. 1.22 of Chapter I.**

**CHAPTER-V**

**RECOMMENDATIONS/OBSERVATION IN RESPECT OF WHICH FINAL REPLIES OF THE  
GOVERNMENT HAVE NOT BEEN RECEIVED**

----- NIL -----

**New Delhi;  
\_\_\_\_\_ , 2024  
\_\_\_\_\_, 1945 (Saka)**

**DR. KIRIT P. SOLANKI  
Chairperson,  
Committee on the Welfare of  
Scheduled Castes and  
Scheduled Tribes.**

## APPENDIX - II

(Vide Para 4 of Introduction)

### Analysis of action taken by the Government on the recommendations contained in the Fifteenth Report (Seventeenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1. Total number of recommendations-----10
  
2. Recommendations/observations which have been accepted by the Government (vide recommendations at Sl. Nos.1, 4, 7, 8 and 9 ).-----5  
Number Percentage to the total-----50%
  
3. Recommendations/observation which the Committee do not desire to pursue in view of the Government replies (vide recommendations at Sl. No. 8).-----1  
Number Percentage to the total-----10%
  
4. Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (vide recommendations at Sl. Nos. 3 and 9)-----4  
Number Percentage to the total-----40%
  
5. Recommendations/observations in respect of which final replies of the Government have not been received-----0