

**REPORT OF THE NATIONAL COMMISSION FOR
SCHEDULED CASTES IN TO THE INCIDENTS OF CASTE
BASED DISCRIMINATION AND HARASSMENT AT THE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES**

YEAR 2008

**NATIONAL COMMISSION FOR SCHEDULED CASTES
GOVERNMENT OF INDIA**

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1. INTRODUCTION

It is a well established fact by now that the All India Institute of Medical Sciences had emerged as the epicenter of the anti-reservation agitation that took place in months of May – June 2006. The Commission had learnt of the various incidents of caste based discrimination and harassment that took place with the students, doctors and faculty of AIIMS belonging to reserved category in the wake of the agitation. The widespread coverage of these incidents in the print and the visual media are a matter of public knowledge and has not been dwelt upon here in detail for the sake of brevity. Through various reports in the media the Commission also learnt of the report submitted by the Committee set up by the Union Ministry of Health & Family Welfare (here after referred to as the Ministry) under the Chairmanship of the Prof Sukhdeo Thorat (Chairperson University Grants Commission), that had gone into various incidents of caste based harassment and discrimination at AIIMS.

The Commission was seized of the fact that incidents of caste based discrimination and harassment at AIIMS did not cease with the ending of the anti-reservation agitation and have continued to occur with regularity till date. The Commission has received a number of complaints of caste based discrimination from individual faculty members, doctors and students of AIIMS as well as from the Progressive Medicos and Scientists Forum, an organization that has taken up issues regarding caste discrimination. These complaints are on record with the Commission and are not being attached with the report for the sake of brevity.

It is noteworthy that several honorable members of the Parliament also took up the issue of continuing caste based discrimination at AIIMS by raising the matter in the Parliament as also by conveying their concerns to the Prime Minister. (Annexure 1, 2, 3 & 4)

2. METHODOLOGY

On the basis of the aforementioned facts the Commission issued notice to the Ministry for sending a copy of the Thorat Committee report to the Commission and also to explain the measures taken by it in view of the prevailing situation at AIIMS. Notices were also issued to the then Director of AIIMS, Dr P. Venugopal and other concerned officials of AIIMS to appear before the Commission to depose in the matter of various complaints of caste based discrimination at AIIMS.

Based on the complaints submitted to the Commission, the various reports appearing in the media and facts brought forth by enquiring from the Ministry of Health & Family Welfare, the Commission short listed the following issues for its consideration:

1. Role played by AIIMS administration in helping AIIMS to become the centre of the anti-reservation agitation and perpetuation of caste based discrimination and harassment at AIIMS.
2. Caste based discrimination and ghettoisation of reserved category students in the hostels at AIIMS.
3. Denial of reservations and flouting of reservation policy in appointments to faculty positions and other selections to other vacancies e.g. the posts of senior residents.
4. Cases of harassment of individual members of the faculty, resident doctors and students.

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The Commission appreciates that the Ministry responded promptly to the notice issued to it by the Commission by supplying a copy of the Thorat Committee report. The Union Health Secretary, Mr. Naresh Dayal personally met the Chairperson and appraised him of the decisions taken by the Governing Body of AIIMS in view of the findings of the Thorat Committee to undo the harm caused to the reserved category students and doctors and to prevent the occurrence of such instances in future.

The Commission called the Director, AIIMS and other concerned officials seven times for hearing, the then Director, AIIMS Dr. Venugopal attended only two hearings.

In the first hearing held on 28.8.2007 the Commission expressed its concern and displeasure at the manner in which the reserved category students, doctors and faculty were being harassed at AIIMS and asked the Director, Dr. Venugopal to explain in writing the action taken by the administration to prevent such incidents. The Director denied that there had been any incidents of caste based discrimination and harassment at AIIMS. On being confronted with the findings of the Thorat Committee report, he sought time to reply to the same in writing. However on the second hearing also the AIIMS administration failed to come up with any credible answers.

In the subsequent four meetings Dr. P. Venugopal failed to present himself before the Commission on one pretext or the other. In the third and the fourth hearings only Dr. G.K. Rath (Warden of the hostels & Head of the Department of Radiotherapy), Dr. P.K. Julka and Dr. B.K. Mohanty (both professors in the department of Radiotherapy) were present on behalf of the administration. Since it was felt that no credible discussion could take place in the absence of the director hence date for further hearing was fixed.

In another hearing in the matter regarding AIIMS was held on 7.12.2007 Dr. Venugopal again himself before the Commission. AIIMS administration was represented by Dr. T.D. Dogra (Acting Deputy Director Administration) Dr. S.C. Tiwari, Dr. V.K. Paul, Dr. Rath, Dr. Julka and Dr. Mohanty. Nothing much could be deliberated upon as AIIMS administration was not represented by any officials who were empowered to take any decisions. The Commission however instructed Dr. G.K. Rath verbally to stop forthwith further harassment of Dr. Suman Bhasker (Assistant Professor in dept. of Radiotherapy, whose complaint is under the consideration of the Commission) by making her appear before different committees.

In another hearing held on 5.6.2008 the Director was again absent during the hearing. The Officials of the AIIMS administration present during the hearing were told by the Chairperson of the Commission that the Commission shall have no option but to invoke its power to issue non-bailable warrant against the Director in case he failed to present himself before the Commission on the next date of hearing.

In another hearing on the matter was held on the 27th October, 2008 by which date Dr. P. Venugopal had been removed from the Directorship of AIIMS. In the hearing Dr. T. D. Dogra (Acting Director, AIIMS), Mr. S. Yadav (Deputy Director, Administration AIIMS), Dr. S. C. Tiwari, Dr. Rani Kumar, Dr. C. S. Pandav, Dr. V. K. Paul, Dr. G.K. Rath, Dr. Rajpal were present on behalf of the administration. Dr. Sunil Chumber, Dr. Shashikant, Dr. L. R. Mumu, Dr. K. K. Varma, Dr. Sarman Sing and Dr. Vikas Bajpai were present on behalf of the PMSF

(Progressive Medicos and Scientists Forum) besides Dr Suman Bhasker, whose complaint is under the consideration of the Commission.

During the proceedings the Acting Director was asked as to what steps had been taken by the administration against the resident doctors of the Radiotherapy who had filed false complaints against Dr Suman and had not been cooperating with her to carry out patient care. To this question he replied that the administration is soon going to issue show cause notices to these resident doctors. On Dr Suman's complaint that she was being harassed further by being forced to appear before a so called Shah Committee, the Director gave an undertaking that Dr Suman shall not be forced to appear before any further enquiry committee. The Acting Director was instructed by the Chairperson to send a detailed reply to a questionnaire to be sent to the AIIMS administration by the Commission regarding various instances of caste based discrimination that had been brought to the notice of the Commission.

Hereafter the Commission sent to AIIMS administration a detailed questionnaire containing a set of seven questions to be answered by it. Even after repeated reminders no reply to this questionnaire has been received from the AIIMS administration. (Annexure 5a, 5b & Annexure 6)

At this stage the Commission is of a considered opinion that the AIIMS administration is in no mood to cooperate with the Commission and that this being the case, there is no purpose served by endlessly prolonging the proceedings. Hence the Commission has decided to bring out this report based on the available facts that are to its knowledge.

3. OBSERVATIONS AND FINDINGS

3.1. Role played by the AIIMS administration in the last anti-reservation agitation and perpetuation of Caste based discrimination and harassment

3.1.1. Role in Anti-reservation agitation

The AIIMS administration under Dr Venugopal allowed AIIMS to become the center of the anti-reservation agitation by deliberately ~~did~~ not enforcing the Delhi High Court orders banning all demonstrations and strikes at AIIMS. The administration failed to take disciplinary action against the office bearers of Faculty Association of AIIMS, under the provisions of the CCS-CCA conduct rules for their role in instigating the students and doctors to prolong the anti-reservation agitation.

The Thorat Committee report has dealt in detail as to how the AIIMS administration under the directorship Dr P. Venugopal had not merely remained a silent spectator to the activities of the anti-reservationists at AIIMS, but had done enough to facilitate their actions. Through the study of the facts before it, the Commission reaffirms the findings of the Thorat Committee in this regard.

It has further been brought to the knowledge of the Commission that vides the Delhi High Court order dated 27th Aug. 2001 (Annexure 7) there is a stay order in operation at AIIMS against and kind of protest demonstrations and strikes by students, doctors, karamcharis, nurses or any other section of employees. While in the past, AIIMS administration under Dr Venugopal had invoked this order to take disciplinary action against the leaders of the

employees and initiate contempt proceedings against them for staging protest demonstrations, it did not take recourse to any such measure against the Student's Union, the Resident Doctors Association and the Faculty Association of AIIMS during the anti-reservation agitation. Not only did the anti-reservation agitators paralyze the functioning of the premier medical Institute of the country but spewed venom against the people of the oppressed castes and humiliated their own colleagues belonging to the reserved categories.

The Faculty Association of AIIMS had veritably become the mouth piece of the AIIMS administration, with its office bearers coming out in strong defense of the Director Dr Venugopal. It was very much evident through the reports in the media that the office bearers of the Faculty Association actively took part in the anti-reservation agitation and encouraged the resident doctors and students to continue their strike by addressing their dharna, by sitting on hunger strike in support of the agitation, by calling a formal one day strike of the faculty of AIIMS and by contributing money for the agitation. The President of the Faculty Association of AIIMS, Dr B. K. Khaitan even addressed the rally organized by the Youth For Equality (the front organization of the anti-reservationists) at the Ram Lila Maidan.

In spite of the fact the same CCS-CCA rules as applicable to the government employees, being applicable to the AIIMS faculty as well, the AIIMS administration did not initiate any disciplinary proceedings against the office bearers of the Faculty Association. These facts clearly show that the inability of the AIIMS administration to stop the anti-reservationists from making AIIMS the epicenter of the agitation was not a mere chance occurrence, but a planned and deliberate acquiescence of the administration led by Dr Venugopal to the desires of the anti-reservationists borne out of shared conviction against the constitutional rights of the oppressed castes.

3.1.2. Role in Caste based discrimination

AIIMS administration under Dr Venugopal allowed injustices to be committed against the students, doctors and faculty of reserved category, it was itself involved in such committing such injustices and made every attempt to cover up incidents of caste based discrimination.

People do learn from their mistakes of past so as not to repeat them in future. AIIMS administration however seems to have made itself an exception to this dictum. AIIMS administration instead seems to have been guided by the notion that a guilt that is not accepted is no guilt at all.

No sooner was the report of the Thorat Committee submitted, the AIIMS administration cried foul to its findings. Instead of accepting prevalence of rampant caste based discrimination at AIIMS as documented objectively in the Committee's report, and initiating measures to prevent such unsavory and shameless occurrences at the Institute, the AIIMS administration initiated a cover up operation. The Faculty Association also pitched in its help by blindly condemning the Thorat Committee report to save the skin of the Director.

The then Director, Dr Venugopal set up a committee of some senior faculty members who went about structuring arguments to refute the methodology and the findings of the Thorat Committee. Violating all norms, officers junior in rank were commissioned to judge the findings of a Committee constituted of senior and noted public functionaries and that too by the very person who had been found guilty of wrong doing by the committee. This clearly indicates that not only did the AIIMS administration under Dr Venugopal allowed injustices to

be committed against the students, doctors and faculty of reserved category, but it was itself involved in such committing such injustices and made every attempt to cover up caste based discrimination.

The targeted harassment of the students, resident doctors and faculty who actively opposed caste discrimination, which is dealt with later in the report, bears further testimony to the attempts made by AIIMS administration to terrorize and silence its critics.

3.2. Caste based discrimination and ghettoisation of reserved category students in the hostels at AIIMS.

It is a matter of serious concern that the segregation of reserved category students in the hostels has come to be accepted as a norm over the years. Incidents of blatant intimidation where by such a segregation was ensured have been ignored by the administration. Temporary respite from such incidents in the hostels can easily be disturbed in future also at slightest provocation of caste tensions.

Even before the whole issue of caste based discrimination at AIIMS came up before the Commission, it had become widely known by way of independent investigations by more than one agency that a policy of caste based segregation in the hostels seemed to be in practice at AIIMS. Though the implementation of this policy cannot be claimed in the formal sense, yet it seems to have been an accepted norm by the administration as also the students. It is only the accentuation of such caste based discrimination in the hostels during the heightened caste tension that has resulted in the exposure of such practices.

It seems that caste based divisions among the students in the hostel life of AIIMS seem to exist even at times when the caste tensions are apparently not on the high. One example that points towards this is the filming of a video by some students in the AIIMS hostels in which they burned the books of Dr B. R. Ambedkar and made obscene gestures at his photograph. This video, by the admission of Dr Shakti Gupta (the ex-spokesperson of AIIMS) himself was shot in the AIIMS hostels a few years back, at a time when there was no open caste conflagration.

The attitude of the AIIMS administration towards such incidents has at best been dismissive. AIIMS administration failed to take any action against the students who were involved in the filming of the video derogatory towards Dr B. R. Ambedkar, even though all the students involved in the incident were identifiable. Likewise in the matter of the ghettoization of the reserved category students, the administration and the hostel warden failed to probe the reasons as to why there was a sudden increase in the number of reserved category students seeking a change of rooms to particular hostels. The hostel warden Dr G. K. Rath as a member of the committee of faculty members set up by the Director, tried to cover up the caste based segregation in the hostels by saying that the students sought a change in rooms due to problems like excessive noise and seepage in the rooms. He obviously forgot to explain as to how these problems were confronted by reserved category students alone.

It is indeed a matter of concern that AIIMS administration failed to take any action against the guilty. No steps have been taken by the administration to ensure that there is greater harmony among the students in the hostels. The least that would have been expected was that Dr G. K. Rath be replaced as warden of the hostels. In the absence of any such

measure the prevailing ease in the situation is at best tenuous and may easily be disturbed by heightening of caste tensions in future.

3.3. Denial of reservations and flouting of reservation policy in appointments to faculty positions and in selections to other posts.

3.3.1. Denial of reservations in the faculty selections

AIIMS is the only institution of national importance which has the dubious distinction of giving the go by to the constitutional provision of reservations in selection to faculty positions by improvising an arbitrary system of "floating reservations" instead of the legal provision of the "post based roster system."

The Commission learnt of a five member expert committee that was set up by the Ministry of Health & Family Welfare under the chairmanship of the Lok Sabha MP, Dr Karan Singh Yadav to examine the entire process of selection of Assistant Professors at AIIMS through the Standing Selection Committee of 2003, and their promotion to Associate Professors. The Committee submitted its report to the Hon'ble Minister for Health and Family Welfare, Dr Anabumani Ramadoss on the 4th of Dec. 2007.

After going through the material put to the knowledge of the Commission and perusing the findings of the Thorat Committee and the Karan Singh Yadav Committee the Commission has no hesitation in reaffirming that:

Adoption of "floating" reservation instead of the "post based" criterion in the selection to the posts of 170 positions of Assistant Professors advertised by the Institute in 2003 goes against the Government of India Rules (GOI). This provision was designed only to deny the mandatory reservation to the reserved category candidates and to favor the candidates who had been arbitrarily selected against these posts on an ad-hoc basis. Even on this account only 40% of the advertised 68 reserved seats were filled inspite of suitable candidates being available. Further in contravention of the GOI rules no relaxations and concessions to facilitate the inclusion of SCs and STs, were announced in the advertisements, recruitment ruled, or applied during the selection. All those reserved category candidates who made it to the selected list were found to have made it on open merit. The whole selection process failed to accommodate reserved category candidates in a fair and equitable manner.

This report has already been presented before the Governing Body of the Institute in its 140th Extra Ordinary meeting.

3.3.2. Denial of reservations in the selections to the posts of senior residency

The provision of reservations was flouted in the selections for the posts of Senior Residents held in June – August 2007. No roster based earmarking of seats was done for identifying the reserved seats prior to initiating the selection process. The statutory relaxations in age and eligibility criterion that are due to the reserved category candidates were not included in the advertisement for the posts.

A written exam was held for selection to 106 posts of senior residency on the 20th of June. In this selection for the first time ever a new criterion of obtaining a minimum of 50% marks in the departmental assessment was introduced. This means that even if a candidate scores

100% marks in the objectified written examination, he or she can be easily prevented from being selected by giving him or her less than 50% marks in the totally subjective departmental assessment. This means that a candidate who would have got 100 out of 100 marks in written, but only 49 out of 100 in departmental assessment would still fail to get selected and shall be ranked lower than a candidate getting 50 out of 100 in written as well as assessment.

The purpose of personalized assessment by way of an interview of a candidate, who fulfills the eligibility criterion and has cleared the objectified written exam, can only be in the nature of reaffirming his ability to do the required job. Such a drastic and unjustified change in the policy of making a score of 50% marks in the personal assessment necessary for selection, smell of a conspiracy. This is specially so when the whole atmosphere in the Institute seemed to vindictive towards the reserved category students and doctors.

It is noteworthy that for 106 seats as many as 84 reserved category candidates had qualified in the written examination. However, only 24 of them were finally selected after the departmental assessment as against the required figure of 53.

It has been alleged by the PMSF that "the reserved category candidates were systematically weeded out during subjective assessment by various heads of different departments and members of AIIMS faculty who have been in the forefront of anti-reservation movement and subsequent Institutionalized Caste based discrimination." The Commission is of the opinion that under the overall circumstances of the Institute, this indeed is the fact.

It may further be noted that the Institute Governing Body had been seized of the matter and it appointed a committee under the Chairmanship of the Secretary Health & Family Welfare to go into the whole issue. In its report submitted on the 4th of January 2008 (Annexure 8) the Committee has observed that "the selection process was not in consonance with the judgment of the Division Bench of the Hon'ble Delhi High Court (in W.A. 127 of 2003). The judgment had held that a selection process relying mainly on interview or giving minimum marks for the interview cannot be held valid."

The Committee had annulled these selections and gave recommendations for future selections. It is most unfortunate that a single bench of the Hon'ble Delhi High Court has stayed any proceedings on this selection, which is patently illegal on face of it and violates judgment passed by the Division bench of the same court.

3.4. Cases of harassment of individual members of the faculty, resident doctors and students.

In the aftermath of the anti-reservation agitation the AIIMS administration in collaboration with some members of the faculty and the RDA (Resident Doctors Association) had set out to harass reserved category students, resident doctors and faculty members in general. Those persons who had been in the forefront of opposing the upper caste chauvinist anti-reservation agitation and opposed the caste discriminatory acts of the administration were specifically targeted by the administration.

3.4.1. Case of Dr Suman Bhasker

It seems that the atmosphere in the Radiotherapy department is particularly hostile towards reserved category students and doctors. The head of the department Dr G. K. Rath seems

incapable of restraining his caste hatred towards persons belonging to reserved category. Dr Suman was deliberately targeted by her head of department, Dr G. K. Rath and the resident doctors of her department with full support of AIIMS administration, as a retributive measure for her steadfast opposition to the caste discriminatory policies of AIIMS administration.

Dr Suman Bhasker is working as Assistant Professor in the Department of Radiotherapy. She along with her husband Dr Vikas Bajpai, who is also working at AIIMS, had been in the forefront of opposing the upper caste chauvinist atmosphere prevailing at the Institute and had opposed the caste based discrimination at AIIMS.

In the month of June and July 2007 i.e. one year after the anti-reservation agitation was over, all the resident doctors of the Radiotherapy department filed a number of totally unsubstantiated collective and individual complaints against Dr Suman and her husband Dr Vikas. Their grouse against Dr Suman was that she is an active member of PMSF, that she is all the time busy in PMSF activities, that she has appeared in the media regarding the 'quota issue' and that she has threatened to file complaint against them in the SC Commission. They also complained that she is not guiding them in patient care and is absent from her work and even discriminates against them based on caste (Annexure 9 a, 9 b, 10 & 11). In another set of complaints these residents had claimed that the husband of Dr Suman, Dr Vikas Bajpai had been coming and sleeping in the doctor's duty room of Radiotherapy ward and had threatened the residents with dire consequences. They also alleged that Dr Vikas Bajpai along with some senior faculty members had issued physical threat to the life of RDA President Dr Kumar Harash (Annexure 11).

Making these complaints as an excuse the resident doctors refused to take ward rounds with Dr Suman and stopped taking instructions regarding patient care from her, thus seriously imperiling patient care.

The administration used these complaints as a pretext to initiate enquiry proceedings against her with a view to harass her and make adverse entries in her personal file. No proper procedure like giving chance to cross examine the witnesses and even calling all defendants in the enquiry was observed and the complaints were declared to be true on face value (Annexure 12).

The repeated requests by Dr Suman to the Director AIIMS and the HOD of Radiotherapy Dr G. K. Rath to intervene in the situation in the interest of patient care and take action against the erring resident doctors was totally ignored (Annexure 13 & 14) failed to elicit any response.

That the complaints made by the resident doctors of Radiotherapy department were totally false and motivated is proved by a number of facts. A letter was written on the 6th of July 2007 by Dr B. K. Mohanty (Annexure 15), Professor in the department of Radiotherapy, to the Head of the department Dr G. K. Rath stating that "residents refuse to carry out patient care-related works and ward rounds as per assigned schedules and under supervision and guidance of faculty in the unit." He wrote that "residents engage in collective allegations and have taken up the attitude that they can do patient care and training processes in the department on their own" and that "this is a dangerous trend." He further states that the residents have involved in "indiscipline and collective allegations."

The H.O.D of Radiotherapy Dr G. K. Rath, Dr P. K. Julkha and Dr B. K. Mohanty themselves admitted that they were constrained to take harsh measures against the resident doctors of their department and that they shall themselves take rounds with Dr Suman. (Annexure 16) This indicates that the complaints of the residents were patently false and motivated.

Most interestingly these residents in a letter dated 3rd October 2007 (Annexure 17) themselves negated their earlier complaints by writing that "there is no question of any caste coming to picture between us and any faculty member" and that "we will do our duties and go for rounds with all faculty members including Dr Suman Bhasker." They however leveled fresh charges against Dr Suman's husband Dr Vikas that "they had genuine complaints against him," that "he does politics" and that "he has joined AIIMS to fight with the RDA." None of these complaints were however substantiated with any specific incident.

Dr Vikas Bajpai has himself sought the intervention of Director AIIMS in the matter of allegations made against him by the resident doctors of Radiotherapy department (Annexure 18). No action was however taken by the Director in the matter.

From the aforementioned facts it is clear that the complaints filed by the resident doctors of the Radiotherapy department were totally false and motivated. The statements made by the H.O.D Dr G. K. Rath and other professors of the department, namely Dr B. K. Mohanty and Dr Julka and the averments made by the residents themselves support this conclusion. There have been no complaints against Dr Suman by any of her colleagues, in more than 7 years stay in the department. The sudden manner in which the present complaints were made, on the same day and that too not by one or two people but all the resident doctors in the department raises doubts over the motive of the complaints.

The resident doctors have themselves mentioned that they had objection to her involvement in the activities of PMSF. This can hardly be a grouse. RDA of AIIMS was involved in organizing the anti-reservation agitation. How can they have any objection to other people expressing a different opinion through their organizations? How is it possible that Dr Suman became irresponsible in her work and started discriminating against the resident doctors on the basis of caste, all of a sudden and that too almost a year after the anti-reservation stir was over?

It is difficult to conceive that the resident doctors of Radiotherapy department could have launched their tirade against a consultant in the department without the blessings of someone senior in the department and the complicity of AIIMS administration. It is an accepted fact that the resident doctors had imperiled patient care by their conduct. The conduct of the H.O.D. Dr G. K. Rath during the whole episode and his failure to take any disciplinary action against the resident doctors, inspite of being their administrative head points to his direct involvement in the whole episode. Dr Suman had represented her case before the then Director Dr Venugopal. He however did not take any action in the matter. This shows the complicity of the AIIMS administration in the harassment of Dr Suman. Dr Rath has himself admitted in a conversation with Dr Vikas, husband of Dr Suman, that the problems being faced by her had been initiated at the behest of the then Director Dr Venugopal and some of office bearers of FAIMS in collaboration with Dr Harsh, President of the RDA. Dr Harsh is also a senior resident in the Radiotherapy department. A CD of this conversation along with the transcript was made available to the Commission.

It seems that the atmosphere in the Radiotherapy department is particularly hostile towards reserved category students and doctors. The head of the department Dr G. K. Rath seems

incapable of restraining his caste hatred towards persons belonging to reserved category. His role in perpetuating caste discrimination in the hostels has already been discussed above. This was followed by the harassment of Dr Suman. At the time of the anti-reservation agitation another reserved category doctor Dr Ajita Gill was removed from her job in a project by another professor of the department Dr P. K. Julka, because she had consistently participated in dharnas and demonstrations in support of reservation organized by the PMSF. Her case has been discussed in detail in the Thorat Committee report. Dr Kumar Harsh, one of the main leaders of the anti-reservation agitation and the president of the Resident Doctors Association of AIIMS is also a senior resident doctor in the department.

Recently another case has happened in the department in which a M.D. student of the department belonging to reserved category; Dr Vinay Kumar was criminally assaulted by the attendants of a patient known to Dr Kumar Harsh. In a complaint submitted to the National Commission for Scheduled Tribes by the mother of Dr Vinay she has alleged that her son was being constantly harassed in the department because he belonged to reserved category (Annexure 19). Dr Rath, Dr Julka, Dr Harsh and a few other doctors in the department had warned Vinay against making any complaint in the matter of assault on him. They along with AIIMS administration even prevented an F.I.R. being registered on the basis of the complaint submitted by Vinay. The situation became so serious that Dr Vinay suffered a mental break down due to extreme stress that he was subjected to and had to be admitted in the psychiatry ward for treatment.

3.4.2. Case of Ajay Singh

Ajay was a final year M.B.B.S student belonging to reserved category who boldly took a stand against the caste discrimination prevalent in the hostels. He also released to the press the video shot in AIIMS hostel in which certain students were shown burning books of Dr Ambedkar and making obscene gestures about him. Ajay was made to pay a price for his audacity by being failed in the final professional exams that took place after the anti-reservation agitation. Some of the examiners made oblique references to his active role in opposing caste discrimination while taking his practical examination.

Subsequently Ajay's case was even discussed in the Governing Body of AIIMS, which passed a resolution instructing the Director to conduct a re-examination for Ajay Singh, with a different set of examiners under the overall supervision of Dean Academic. Dr Venugopal had a re-examination taken for Ajay in Jan 2007, but in gross violation of the directions of the Governing Body, the exam was conducted by the same set of examiners against whom Ajay had raised charges of caste discrimination. The exam was got videotaped without prior consent of the student. The lack of desire on part of the authorities to conduct a fair examination was obvious and this resulted in Ajay scoring even less marks than the first exam.

AIIMS administration refused to conduct Ajay's exam as per the directions of the Governing Body so long as Dr Venugopal remained the director of AIIMS. Ajay's exam could finally be conducted in accordance with the directions of the Governing Body only in Jan 2008, after Dr Venugopal ceased to be the director, but by then Ajay's one full academic year was lost.

3.4.3. Case of Dr Sukhbeer Bhadal

Dr Sukhbeer Bhadal was an MD student belonging to reserved category in the department of Laboratory Medicine. At the time the anti-reservation agitation broke out he was in the

executive of the RDA of AIIMS and was made to resign when he opposed the anti-reservation agitation. He was subsequently in the forefront of the anti-reservation agitation.

After Dr Sukhbeer cleared the MD examination he appeared in the entrance exam for the post of senior residency in his department. Dr Sukhbeer topped the overall list of successful candidates of both general and reserved category, yet he was denied the post of senior resident in the main department at AIIMS and was posted at the AIIMS Trauma Centre. The post in the main department was given to a candidate of general category who had got a lower rank than Dr Sukhbeer.

Even though the Dean had passed an order allotting the seat in the main department to Dr Sukhbeer, the same was annulled by initiating a separate file with the noting of the sub-dean on the instructions of Dr Venugopal.

This was done with a clear design to mar the future career prospects of Dr Sukhbeer. Completion of three years senior residency from an academic institution is an essential pre-requisite for getting appointment in a faculty position. The Trauma centre of AIIMS is not designated as an academic institution. This would have resulted in Dr Sukhbeer's senior residency not being counted as academic experience.

Dr Sukhbeer ultimately managed to get senior residency in the main department by taking the entrance exam once again and qualifying it with distinction, but he lost six precious months in the bargain. His case once again reaffirms as to how the AIIMS administration went about systematically hounding all the students, resident doctors and faculty who firmly opposed the upper caste chauvinist anti-reservation agitation.

3.5. Role played by the AIIMS Governing Body

The Governing Body of AIIMS is the body that is in effect responsible for directing the functioning of the Institute and has an overall supervisory role to correct the deviations in the functioning of the Institute from time to time. The Governing Body is the true repository of the autonomy of AIIMS and not the Director. In this context, the Governing Body also cannot be absolved of its failure to check the malaise afflicting AIIMS.

The Commission is aghast to note that the entire concept of floating reservation introduced in the selections for the posts of Assistant Professors had been done with the approval of the Governing Body. This means that the senior government functionaries who are member of the Governing Body were themselves involved in flouting established government rules regarding implementation of reservation policy and impinged upon the fairness of the selection process itself. The government itself was party to flouting implementation of reservation policy in the faculty selections at AIIMS. Not only were these selections made in violation of rules but also approved by the Governing Body.

Though not informed by the Ministry, the Commission learnt of the report submitted by Karan Singh Yadav Committee into the irregularities committed in the faculty selections at AIIMS through reports that appeared in the media. As mentioned above the report had found that several improprieties had been committed in the manner in which the faculty who were already working on ad-hoc basis were regularized and denial of reservations as per the established norms. To the best knowledge of the Commission even though the report was submitted to the Governing Body quite some time back, it has yet to initiate any action on the same.

During the entire anti-reservation agitation and the subsequent period the AIIMS administration under its director Dr Venugopal openly indulged in the discrimination against and harassment of students, resident doctors and faculty belonging to reserved categories. The Governing Body seems to have become ineffective and helpless in front of the recklessness of Dr P. Venugopal. It is indeed difficult to conceive as to how a body that is constituted of experienced government functionaries, members of Parliament, prominent personalities and administrators from the field of science and medicine was so incapacitated as to fail in getting its own decisions implemented by the director AIIMS who is the member secretary of the Governing Body. Vis-à-vis the waywardness of Dr Venugopal, it may be pointed here that on the 5th of September 2007, he tried to force his way through along with about 15 faculty members while a meeting of the Governing Body was on. None of these faculty members were either members or invitees to the Governing Body. It is clear that the director tried to browbeat the Governing Body into submission before his arbitrariness and autocracy. Such an instance has never occurred in the history of AIIMS. In spite of this the Governing Body failed to take any disciplinary action against Dr P. Venugopal.

It seems that while the Governing Body made formal protestations regarding the actions of Dr Venugopal, it lacked in seriousness to get its own decisions implemented which resulted in the avoidable harassment of the students, doctors and faculty of reserved categories. The Governing Body needs to seriously introspect over its failures and initiate measures to rectify the same. It may be noted that none of the victims could be benefited by the decisions of the Governing Body. The decision of the Governing Body to have the re-examination of the final year student Ajay Singh conducted under a different set of examiners was implemented only one year after the due date, by which time the student lost one full academic year.

4. OPINION AND RECOMMENDATIONS

The Commission is pained to see that a premier institution of the country is suffering from the vice of caste hatred. The administration at the helm of affairs turned a blind eye to blatant cases of atrocities perpetrated on the members of reserved category. Instead of taking action against the culprits, they were given protection and patronage. This not only harmed the individual victims, but also destroyed the democratic secular culture of the campus. The reactionary forces inimical to affirmative policy of the government made sure that the AIIMS community is divided along caste lines. Unfortunately, the administration allowed these regressive elements to flourish at the cost of dying and suffering patients, who came for treatment during the period of anti-reservation agitation.

On receiving complaints as well as news reports appearing in the media, the Commission sought to find out the various dimensions of caste atrocities from its own source as well as adducing evidence from other inquiry reports such as Thorat Committee etc. The commission particularly looked into the following four areas and aspects of caste prejudice:

1. Role played by AIIMS administration in helping AIIMS to become the centre of the anti-reservation agitation and perpetuation of caste based discrimination and harassment at AIIMS.
2. Caste based discrimination and ghettoisation of reserved category students in the hostels at AIIMS.

3. Denial of reservation and flouting of reservation policy in appointments to faculty positions and selections to other vacancies e.g. the posts of senior residents.
4. Cases of harassment of individual members of the faculty, resident doctors and students.

The commission was surprised when the then Director Dr.P. Venugopal, who was asked to explain in writing the action taken by the administration to prevent caste based discrimination and harassment, denied that any such incidents took place. However, when he was confronted with the findings of Thorat Committee report, he sought time to reply but neither reply came nor did he appear in any of the subsequent meetings with the Commission. Meanwhile, many senior faculty members, namely Dr.G.K.Rath, Dr.P.K.Julka, Dr.B.K.Mohanty, Dr.S.C Tiwari, Dr.V.K.Paul and Dr.T.D.Dogra met the Commission but no credible discussion could take place in the absence of the Director. The Commission took note of the regular absence of the Director, and told the AIIMS officials that Commission may be constrained to issue non-bailable warrant against the Director to assure his presence.

Meanwhile, Government removed Dr.P. Venugopal from the post of the Director and Dr.T.D.Dogra was appointed as the acting Director. The Commission instructed the new incumbent to give a detailed reply to a questionnaire sent to the AIIMS administration, regarding various instances of caste based discrimination that have been brought to the notice of the Commission. Unfortunately, despite repeated reminders, no reply came from the AIIMS administration. Hence the Commission has decided to bring out this report.

4.1. Role played by AIIMS administration in helping AIIMS to become the centre of the anti-reservation agitation and perpetuation of caste based discrimination and harassment.

The AIIMS administration under Dr.Venugopal allowed AIIMS to become the centre of the anti-reservation agitation by deliberately not enforcing the Delhi High Court orders banning all demonstrations and strikes at AIIMS. In fact, the Thorat Committee report has dealt in detail, how Dr.P.Venugopal had not merely remained silent spectator to the activities of the anti-reservationists at AIIMS, but has done enough to facilitate their actions.

Recommendation: Disciplinary action be initiated against the office bearers of Faculty Association of AIIMS under the provisions of the CCS-CCA conduct rules for their role in instigating the students and doctors to prolong the anti-quota agitation. The Director, being the main actor of entire drama be prosecuted not only under the provision of CCS-CCA conduct rules but also under the provisions of SC/ST Prevention of Atrocities Act.

4.2. Role in Caste based discrimination

AIIMS administration under Dr.Venugopal, instead of accepting the Thorat Committee report and taking corrective measures against caste discrimination, tried to cover up the misdeeds by making an in-house committee of select group of faculty. Such an administrative venture indicates that not only did Dr.Venugopal allow injustices to be committed against the students, doctors and faculty of reserved category, the administration itself was involved in the crime and made every attempt to cover up caste based discrimination.

Recommendation: Mechanism be developed within the Institute to prevent and correct cases of caste injustice. It is an absolute must that those who are found guilty by the Thorat

Committee be prosecuted under the provisions of SC/ST Prevention of Atrocities Act. To convey any impression that the perpetrators of such crimes can be allowed to walk away scot free is to condone such acts.

4.3. Caste based discrimination and ghettoisation of reserved category students in the hostels at AIIMS

It seems that caste based divisions among the students existed even before the anti-reservation agitation started. For example, film shot by some students that showed Dr. Ambedkar's books being burned and obscene gestures made at his photograph. AIIMS administration failed to take any action against the students responsible for filming of the video derogatory towards Dr. B. R. Ambedkar, even though all students were identifiable.

It is a matter of serious concern that the segregation of reserved category students in the hostels has come to be accepted as a norm over the years. Incidents of blatant intimidation where by such a segregation was ensured have been ignored by the administration. The smug contempt of the AIIMS authorities towards the reserved category students is borne out by the fact that after incidents of caste discrimination in the hostels came to light the authorities did not in the feel obliged to at least change the hostel warden Dr G. K. Rath. Rather the warden was included in the AIIMS committee set up to refute the findings of Thorat Committee wherein he explained away the ghettoization by saying that the reserved category students had shifted due to reasons like seepage in their rooms and excessive noise.

Recommendation: Concrete steps be taken by the administration to ensure that there is greater harmony among the students in the hostels. Hostel committees comprising of students of all categories be set up. These committees should meet at regular intervals and all contentious issues should be resolved amicable in time. Administration must take action against those who are indulging in any act of caste harassment under the provision of SC/ST prevention of atrocities Act. Case under the provisions of the Act should be registered against the students who filmed the derogatory video in the hostel. The Institute Governing Body should take action against the responsible officials for not taking action in the matter. Those officials who are entrusted with responsibility of hostel must be asked to explain their conduct. The officials who have tendency to ignore the incidents of caste oppression must be removed, and reprimanded. The hostel warden Dr G. K. Rath should immediately be removed from the post.

4.4. Denial of reservation and flouting of reservation policy in appointments to faculty positions and in selections to other posts.

4.4.1. Denial of reservation in the faculty selection

The Institute has failed to implement reservation policy in the letter and spirit of the Constitution, there is under representation of SC/ST/OBC in the faculty. In the last selection held in 2003, for 170 posts of Assistant Professors only 40% of the advertised 68 posts were filled up even though suitable candidates available. Since no relaxation and concessions were given in terms of qualification and experience, all those reserved category candidates who got selected should be considered to have made it on open merit. This practice of adjusting meritorious SC/ST/OBC candidates against reserved seats is patently illegal.

Furthermore, AIIMS is yet to design and maintain a post based roster for faculty appointment.

Recommendation: AIIMS administration is directed to make post based roster immediately. It has been established beyond doubt that the selections for the faculty posts made in the year 2003 were in gross violation of the rules and regulations for reservations and the principles of fair selections. The entire selection process should be annulled and re-conducted in conformity with government rules and regulations for providing reservations and a fair chance to all applicants irrespective of whether they have worked at AIIMS or not. Counting the period of ad-hoc service in the seniority of the selected candidates instead of taking seniority from the date of regular appointment neither has justification in the government rules nor in law. Such a patently illegal action should be reversed forthwith. Likewise promotion of the ad-hoc Assistant Professors to the post of Associate Professor by counting ad-hoc service in seniority is illegal and has to be annulled. The GOI guidelines must be followed for providing due relaxation and concession for reserved category candidates. The disciplinary proceedings must be initiated against officials responsible for flouting reservation rules. All such officers who are known to harbor antipathy towards SC/ST/OBC must be posted in non-sensitive area, where they could not influence the welfare measures.

4.4.2. Denial of reservation in the selections to the posts of senior residency

In June 2007, a written test was conducted to short list candidates for 106 posts of senior residents. It may be noted that 84 reserved category candidates qualified the test and they were called for interview. If the past practice of selection were to be followed, the nominal marks of interview were supposed to be added to the theory marks and final selection list made.

The AIIMS administration instead of being happy that so many reserved candidates had done so well, devised a wholly illegal procedure that ignored the marks of theory, and dismissed 53 candidates based on 100% subjective and hitherto nonexistent departmental assessment.

The Institute Governing Body had set up a committee under the Chairmanship of the Secretary Health & Family Welfare. This committee has observed, quoting Hon'ble Delhi High Court's division bench judgment, that aforesaid departmental interview can not be held valid. Hence, the Commission is aggrieved by the fact that a single bench of Hon'ble Delhi High Court has stayed any proceedings on this selection.

Recommendation: The Commission would like the AIIMS to follow the reservation policy in the selection of senior residents. The post based roster system must be made applicable for this purpose henceforth. The illegal selection must be quashed, and for that AIIMS should move the Supreme Court. Those responsible for masterminding the designing of this illegal method to deny justice to SC/ST/OBC must be taken to task by way of departmental disciplinary action. If a case is made out for criminal action under the provisions of SC/ST Prevention of Atrocities Act, it should be pursued.

4.5. Cases of harassment of individual members of the faculty, resident doctors and students.

Those persons who had been in the forefront of opposing the upper caste chauvinist anti-reservation agitation and opposed the acts of caste discrimination were specifically targeted by the administration.

4.5.1. Case of Dr.Suman Bhasker

One year after the anti reservation agitation, all the resident doctors of her department, at the behest of her head of department of Radiotherapy Dr.G.K.Rath, and the Director, AIIMS Dr.Venugopal filed several complaints against Dr.Suman and her husband Dr.Vikas. All these complaints were totally baseless and remained unsubstantiated till today. Nevertheless, administration set up various committees not to get at the truth but intended to harass both, just because they took active part in defending reservation policy and opposing the caste discriminatory actions of AIIMS administration.

The commission after going through the documents, is convinced that it is a plain case of caste harassment, and it is being done with blessings and the complicity of department head and the administration. Accordingly, the Commission has ordered that this kind of harassment be stopped forthwith. Noting that residents are not listening to Dr.Suman, the HOD is instructed to accompany Dr.Suman in the rounds.

Recommendation: Cases be filed under the provisions of SC/ST Prevention of Atrocities Act, against all those who made malicious, frivolous and false complaints against Dr.Suman and also against all those officials (including HOD, and Director) who failed to discharge their Constitutional duty. In addition departmental inquiry must be instituted to investigate the role played by all those responsible in harassing Dr.Suman, and appropriate disciplinary action be taken against them. Not following consultant's order is a clear case of insubordination, the HOD and the administration are duty bound to take action on this. The head of the department of Radiotherapy Dr G. K. Rath has shown himself as having a rabidly malicious attitude towards reserved category doctors and students on more than one occasion. He should be removed from the post of Chief of the Institute Rotary Cancer Hospital and the Head of the department of Radiotherapy and placed under suspension in order to facilitate a free and fair enquiry.

4.5.2. Case of Ajay Singh

A final year student of MBBS, Ajay was victimized for his bold stand against caste discrimination in the hostel, and his active participation in the pro-reservation program. He was failed in the final professional exams, in fact during the practical examination some examiners made oblique references to his active role in opposing caste oppression.

The Governing Body of AIIMS recognized his grievance, and ordered for a re-examination with new set of examiners under the supervision of Dean Academic. In contravention to this Dr. Venugopal, conducted the re-examination with the same set of examiners, and failed him again. Following removal of Dr.Venugopal, the re-examination was carried out as per the Governing Body order, though Ajay passed the exam but he lost one full academic year because of caste prejudice in the Institute. The Dean academic, Dr R. C. Deka's recommendation to conduct re-examination under different set of examiners was overruled by the then Dean Examinations, Dr T. D. Dogra, the faculty incharge of examinations Dr K. K. Deepak and the then registrar Dr.Sandeep Aggarwala.

Recommendation: The faculty with known caste prejudice be barred from being examiners. There should be neutral observers during the examination. If any faculty is found to indulge in the practice of caste discrimination, such people must be barred permanently from any responsibility that has a bearing on the welfare of SC/ST/OBC candidates/employees. The final decision making power for the Institute lies with the Governing Body. The then Director Dr Venugopal and officials who acted at his behest, namely Dr T. D. Dogra, Dr K. K. Deepak and Dr Sandeep Aggarwala should be prosecuted under the provisions of the CCS-CCA service rules for insubordination of the orders of the higher authority. They should also be prosecuted under the provisions of SC & ST Prevention of Atrocities Act for harassing Ajay and causing loss of one full academic year.

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4.5.3. Case of Dr. Sukhbeer Bhadal

Dr. Sukhbeer Bhadal, a MD student in the department of Laboratory Medicine, was in the executive of the RDA at the time of anti-reservation agitation. He opposed the anti-quota stand of RDA and quite the executive.

After MD, when he topped the selection test for senior residency, he was denied the post in the main department and shunted to Trauma Centre, AIIMS. The department post was given to low ranked general candidate. The administration's caste animosity against Dr. Sukhbeer was so strong that even the Dean's order to post him in the main department was ignored. He was forced to appear in the exam second time to secure the main department post, meanwhile he lost six months apart from harassment and mental agony just because of being SC.

Recommendation: If any faculty / official are found to be indulging in the practice of caste discrimination, such people must be barred permanently from any responsibility that has a bearing on the welfare of SC/ST/OBC candidates/employees. Departmental action be initiated against all those officials who disobeyed the legal and valid order of the Dean.

4.6. Actions to be taken by the Governing Body of AIIMS

The Commission desires that the Governing Body of AIIMS should accept the recommendations made in this report at the earliest. The Governing Body should issue executive orders to the AIIMS administration for implementing these recommendations. It is high time that not only the atrocities committed on the victims of the caste discriminatory policies of AIIMS administration are undone but through going measures be taken to insure that such atrocities are not committed in future. This cannot be done unless and until the Governing Body takes it upon itself to implement these measures.

Annexure 1

Nirmala Deshpande

Member of Parliament
(Rajya Sabha)



AB-98, SHAHAJAHAN ROAD,
NEW DELHI-110003
Tel : 23782683 Telefax : 23782781
Mobile : 9868181093
E-mail : nirmala567@yahoo.co.in
nirmala.d@sansad.nic.in

26th August 2006

Respected Prime Minister,

This is to bring to your kind notice that the anti-reservation movement in Delhi is being organized by the director of All India Institute of Medical Sciences, New Delhi and his close associates, which is an act of indiscipline and is causing immense harm to the patients. People fail to understand, how can a person continue to be the director even after superannuation. All this is bringing a bad name to the institution and needs an immediate corrective action.

1) (Nirmala Deshpande)

Nir - Deshpande
CR.S.

2) MANGANI LAL MANDAL
M.P. (RS)

Mangani Lal Mandal
D.N.
26.08

3. DEVENDRA PRASAD YADAV
M.P. (L.S.)

DEPUTY LEADER,
RJD, PARLIAMENTARY PARTY

D.P. Yadav
26.8.2006

4. Mahendra Sahani
M.P. (RS)

Mahendra Sahani

5. श्री. राम देव मंडल
सांसद,
नेता, आर.जे.डी. राज्य सभा

D.N. - 15/8
26/8/06
D.N. - 77

6. आलोक कुमार मेहता सांसद (लोकसभा) - दिल्ली का मे.
26/08/2006

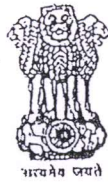
7. राम प्रताप सिंह सांसद (लोकसभा) - दिल्ली का मे.
26/08/2006

8. ... M P (L.S.)

Annexure 2

Nirmala Deshpande

Member of Parliament
(Rajya Sabha)



AB-98, SHAHAJAHAN ROAD,
NEW DELHI-110003
Tel. : 23782683 Telefax : 2378278
Mobile : 9868181093
E-mail : nirmala567@yahoo.co.in
nirmala.d@sansad.nic.in

Ni
Memb
AE

26th August 2006

Respected Prime Minister,

It has now become common knowledge, after being publicized in media, that a ghetto like situation exists in the All India Institute of Medical Sciences, New Delhi. The reserved category students in hostels are forced to live together separately because of the ill-treatment by other students. They are not allowed to play certain games along with the upper caste students and have to play only football. It is also learnt that the director of AIIMS, is allowing such a situation to continue. Such a deplorable state of affairs in a prestigious Institution in New Delhi, the National Capital, should not be tolerated and needs immediate attention.

1) (Nirmala Deshpande)

Nirmala Deshpande

2) MANGANI LAL MANDAL — Mangani Lal Mandal
M. P. (L.S.)
E.R.S.
D.N. - 9
26.08.06

3. DEVENDRA P.D. YADAV
M.P. (L.S.)

DEPUTY LEADER,
RJD, PARLIAMENTARY PARTY

Devendra Yadav
26.8.2006

4. Mahendra Sahani
M.P. (L.S.)

Mahendra Sahani

5. श्री. राम देव भंडारी, सांसद, रा. स.
नेता, राजद, राजसभा

D.N. 17

26/8/06

6. आलोक कुमार मिश्रा, सांसद (लोक सभा)

26/8/06

7. राम इंदुल पंडे, सांसद (लोक सभा)

Div No-270

8. A.R. S. S. S.

26/8/06

Annexure 3

Nirmala Deshpande

Member of Parliament (Rajya Sabha)
AB-98, SHAHAJAHAN ROAD,
NEW DELHI-110011



Tel. : 23782683 Telefax : 23782781
E-mail : nirmala567@yahoo.co.in
nirmala.d@sansad.nic.in

12th March 2007

Respected Prime Minister,

This is to bring to your kind notice, about the injustice being done to the scheduled caste students in All India Institute of Medical Science (AIIMS), New Delhi.

Mr. Ajay Singh, a good student was deliberately failed because he was opposing caste-based discrimination. The All India Institute of Medical Science governing body ordered reexamination to be held under the supervision of Dean (Acad) with independent observers and different team of examiners. But the director declined to implement the unanimous decision of the governing body of the Institute and Ajay Singh was again failed by the same set of examiners.

You are requested to ask the director of the Institute to implement the governing body's decision and give justice to a poor student of the reserved category.

We would like to bring to your kind notice about another incident of injustice done to a scheduled caste senior resident, Dr. Rakesh Kumar, department of Surgery. His tenure was not extended despite recommendation from the consulting incharge, casualty, while the tenure of two other senior residents, in the department of dental surgery and neuro surgery was extended. This is a clear case of discrimination on the basis of caste.

Your personal intervention is needed to end this caste discrimination in the All India Institute of Medical Science.

With kind regards,

Nirmala Deshpande
(Nirmala Deshpande)

- 1) Shri E.M.Sudarshan Natchiappan (RS) (Sd)
- 2) Shri Suravaram Sudhakar Reddy (LS) (Sd)
- 3) Shri A.R.Shaheen(LS) (Sd)
- 4) Shri Syed Azceez Pasha (RS) (Sd)
- 5) Shri Laxman Naik (RS) (Sd)
- 6) Shri Manguni Lal Mandal (RS) (Sd)
- 7) Shri B.S.Gnanadesikan (RS) (Sd)
- 8) Shri Saman Pathak (RS) (Sd)
- 9) Ms. Prema Cariappa (RS) (Sd)
- 10) Ms. A. Kshatriya (RS) (Sd)
- 11) Shri Ramdeo Bhandari(RS) (Sd)
- 12) Shri Praveen Rashtrapal (RS) (Sd)
- 13) Ms. Viplove Thakur(RS) (Sd)
- 14) Shri Shahid Siddiqui (RS) (Sd)

Annexure 4

Nirmala Deshpande

Member of Parliament (Rajya Sabha)
98, SHAHAJAHAN ROAD,
NEW DELHI 110011



Tel. : 23782683 Telefax : 23782761
E-mail : nirmala557@yahoo.co.in
nirmala.d@sansad.nic.in

21st May 2007

Respected Shri Shekhawatji,

I am writing this letter with a heavy heart.

I have sent a request for 'calling attention' along with about 18 members of Rajya Sabha, across the party lines, immediately after the findings of Prof. Sukhdeo Thorat Committee report were published in the newspapers. I was inquiring daily about it, but as nothing happened, I met you personally in the morning on Thursday 17th of May 2007 and requested to give permission to take up that issue. You told me that it will be taken up tomorrow i.e. 18th May 2007. Later on I came to know that you were aware that the session of Rajya Sabha was to adjourn sine die the same day and still you promised me that it will be discussed tomorrow. You could have told me plainly that it is not possible in this session. Instead you gave your word in the presence of Deputy Chairman, Secretary General and many others and I left the room quite happy. When I came to know after two hours that the session was to be adjourned the same day, I raised it in the House as to what happened to the word given by the Chairman. I felt cheated by one of the highest authority of this country. One wonders what will be the state of our Parliament if the Chairman himself gives a word knowing full well that it will not be honored, and an important burning issue like the ill treatment given to the scheduled castes is treated like this by the Chairman himself, while the 'Setusamudram' issue was allowed for 'half an hour discussion', which continued for one & half hours.

With personal regards,

(Nirmala Deshpande)

H.E. Shri Bhairon Singh Shekhawat
Hon'ble Vice President of India
6, Maulana Azad Road
New Delhi

To,

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Annexure 5a

By special Messenger



No.S-13/Health-11/07/SSW-II

Government of India

National Commission for Scheduled Castes

(A Constitutional body set up under Article 338 of the Constitution of India)

5th Floor, Loknayak Bhawan

New Delhi-110003

Dated 29-1-2008

To,

The Director,
AIIMS,
Ansari Nagar,
New Delhi

Sub: Representation of Dr. Suman Bhaskar, Radiotherapy Department, AIIMS.

Sir,

I am directed to refer to the subject mentioned above and to say that the Hon'ble Chairman, Dr. Buta Singh, of this Commission had held a number of meetings with your Institute with this Commission wherein different issues relating to the grievances of Scheduled Castes were discussed. Now, the Hon'ble Chairman has desired that a set of Questionnaire along with the grievances raised by the Petitioner through Dr. Vikash Bajpai, Progressive Medicos & Scientists Frum's letter dated 10.12.2007 be sent to the Institute.

In view of it you are requested to furnish your reply with regard to the points of these documents within 20 days to this Commission.

Enclosure: As Stated.

Yours faithfully,

(S.S. Kanwar)
Section Officer

Copy to: ✓ Dr. Suman Bhasker,
Assistant Professor,
Dept. of Radiotherapy,
F-82, Ansari Nagar, (west),
AIIMS Campus, New Delhi-29.

Annexure 6

By special Messenger



No.S-13/Health-11/07/SSW-II

Government of India

National Commission for Scheduled Castes

(A Constitutional body set up under Article 338 of the Constitution of India)

5th Floor, Loknayak Bhawn

New Delhi-110003

Dated 10.03.2008

To,

The Director
AIIMS
Ansari Nagar
New Delhi

Sub: - Representation of Dr. Suman Bhaskar, Radiotherapy Department, AIIMS.

Sir,

I am directed to refer to the subject mentioned above and to say that vide National Commission for Scheduled Cates letter of even no. dated 29.01.08 a Questionnaire was sent to you with the request to send it back with complete information within 20 days. But, so far no reply has been received from you. In view of it, you are requested to expedite it for further necessary action at this end.

This may kindly be treated as most urgent.

Yours faithfully,

(S.S. Kanwar)
Section Officer

Copy to:

✓ Dr. Suman Bhasker,
Assistant Professor,
Dept. of Radiotherapy,
F-82, Ansari Nagar, (west),
AIIMS Campus, New Delhi-29.

27.08.2001

Present : Court on its own motion.

C.W. 5166 /2001

We take suo moto notice of the ongoing strike by the Resident Doctors Association of the All India Institute of Medical Sciences and of the agitating category C and D Employees Association declaring to go on indefinite strike from today thereby paralysing the working of Nation's premier medical centre, namely, All India Institute of Medical Sciences. The news of strike has appeared today in number of papers including 'The Pioneer', 'The Hindu' and 'The Hindustan Times'. Register to keep a cutting from The Pioneer, The Hindu and The Hindustan Times on two paper books and register the same as a writ petition as PIL captioned as Court of its own motion vs. All India Institute of Medical Sciences & ors through the Chairman as respondent No.1, Director of AIIMS as respondent No.2, Resident Doctors Association as respondent No.3 and AIIMS Karamchari Union through its President Sat Prakash Kaila or the Joint Secretary of the said Association as respondent No.4. Thereafter, the books be laid before Hon'ble the Chief Justice for putting up the writ petition today before appropriate Bench at 2.00 P.M. today.

Sd/-
Devinder Gupta
Judge

Sd/-
Sanjay Kishan Kaul
Judge

August 27, 2001
ms

True Copy

27.08.2001

Present: Court on its own motion.
Mr. Mukul Gupta for AIIMS.
Mr. Nishakant Pandey for UOI.

+ CWP 5166/01

* A Division Bench of this Court took suo motu notice of the on-going strike by doctors and employees of All India Institute of Medical Sciences (in short 'AIIMS') and the grave situation created on account of such strike.

As was observed by the Apex Court in *Surjit Singh v. State of Punjab and Others* 1996 (2) Supreme-II, every person has a fundamental right under Article 21 of the Constitution of India, 1950 (in short 'Constitution') to take steps in self-preservation in case of ailment. It is to be borne in mind that self-preservation of one's life is the necessary concomitant of the right to life enshrined in Article 21 of the Constitution. Maintenance and improvement of public health have to rank high as these are indispensable to the very physical existence of the community and on the betterment of these depends the building of the society which the Constitution makers envisaged (See: *Vincent v. Union of India* AIR 1987 SC 990). The hospitals and persons manning it have a big role to play for keeping a person in a condition which makes his life meaningful and for that purpose to be

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(DR.K.M
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4.1.2008

Minutes of the meeting of the Committee appointed to look into the unfairness
selection to the posts of Senior Residents of All India Institute of Medical Sciences.


Annexure 8

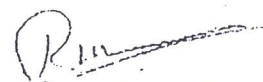
The Committee perused the documents and information provided by the
Director, Prof.T.D.Dogra and came to the conclusion that the selection process was not
consonance with the judgment of the Division Bench of the Hon'ble Delhi High Court
(in W.A. 127 of 2003) which stated that a selection process relying mainly on interview
or giving minimum marks for the interview cannot be held valid.

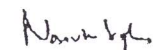
Taking into account the document and information provided and the above
judgment of the Hon'ble Delhi High Court, the Committee recommends that

- a) the process of selection of Senior Residents done during the months of Jul
August, 2007 be done de novo,
- b) recommends that future selections should have a 80% component of written
test with questions on clinical and practical knowledge and a 20%
component of viva voce to ascertain the attitude, aptitude, knowledge of
research methodology and communication skills and
- c) the Senior Residents selected during the above period will continue to be in
position till a fresh process of selection is completed and results announced
and that they may also be allowed to appear for written and viva voce for the
posts of Senior Residents to be done de novo.

The Committee reaffirms the Governing Body decisions that all selections to
Junior Resident and Senior Resident Posts should comply with Government of India's
directive of implementing the post-based ^(role-based) reservation.


(DR.K.M.SHYAMPRASAD)
MEMBER
VICE-PRESIDENT, NBE
4.1.2008


(DR.R.K.SRIVASTAVA)
MEMBER AND
DGHS
4.1.2008


(NARESH DAYAL)
SECRETARY (HFW)
AND CHAIRMAN OF THE COMMITTEE
4.1.2008

LIST ON 29th AUGUST 2001.

SS

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CHIEF JUSTICE

SD/-

AUGUST 27, 2001

SG

D.K. JAIN
JUDGE

physically fit and mentally healthy. In case of Consumer Education and Research Centre and Others v. Union of India and others 1995 SCC (3) 42, the Apex Court observed that right to health and medical care is a fundamental right. Security against sickness and disablement is a fundamental right under Article 25 of the Universal Declaration of Human Rights and Article 7(b) of the International Convention of Economic, Social and Cultural Rights and under Articles 39(e), and 21 of the Constitution. Preservation of human life is of paramount importance and even denial to treat an injured man considered violative of the right guaranteed under Article 21 in Paschim Banga Khet Mazdoor Samity and others v. State of West Bengal and another (1996) 4 SCC 37.

Considered in that background, denial of treatment or preventing any doctor or any other member of the staff of the hospital from attending to patients or rendering medical assistance to him/her would be prima facie denial of every citizen's right to live with dignity. In the circumstances, we direct that the AIIMS through its Chairman as respondent No.1, Director of AIIMS as respondent No.2, Resident Doctors Association as respondent No.3 and AIIMS Karamchari Union through its

President or the Joint Secretary as respondent No. 3 be impleaded in the petition. Notice be issued to them at the costs of the Registry for their appearance and to show cause as to why action shall not be taken as deemed proper in the matter.

In the meantime, the Secretary, Ministry of Health and Family Welfare and the Director ATMS shall take necessary steps as the situation warrants. They and UOI shall ensure that normalcy in rendering services is restored in the ATMS within a period of not later than 36 hours and to report compliance on 29th August 2001. It shall be open to them to take such steps as may be necessary for ensuring compliance of our order and if need arises to invoke the provision of the Essential Services Maintenance Act, 1981.

We request learned Solicitor General of India to assist the Court in this matter, which we feel is of great social importance and relevance. A copy of the order be sent to the learned Solicitor General by the Registry immediately.

A copy of our order be handed over to Mr. Nishakant Pandey learned counsel for UOI and Mr. Mukul Gupta learned counsel for ATMS under the signature of the Court Master.

List on 29th August 2001.

J.F.

641

CHIEF JUSTICE

80/-

AUGUST 27, 2001

SG

D.K. JAIN

JUDGE

Minutes of the meeting of the Committee appointed to look into the unfairness selection to the posts of Senior Residents of All India Institute of Medical Sciences.


Annexure 8


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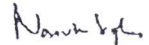
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(DR.K.M.SHYAMPRASAD)
MEMBER
VICE-PRESIDENT, NBE
4.1.2008


(DR.R.K.SRIVASTAVA)
MEMBER AND
DGHS
4.1.2008


(NARESH DAYAL)
SECRETARY (IFW)
AND CHAIRMAN OF THE COMMITTEE
4.1.2008

To

The H.O.D.
Dept. of RT. (Radiotherapy)
IRCH, AIIMS.

Ann-9a

Sir,

With due respect I want to draw your attention toward Dr. Human Bhaskar who is not coming to her work areas regularly, which is causing inconvenience to the students while taking discussion. Moreover she is discriminating over the basis of casteism that is not a healthy life. Kindly take steps to improve the situation.

Thanking you

Sincerely,

Dr. Kuldeep Shalim

Dr. Kuldeep Shalim
S/R - Rt-II

28/5/07

To,
The Head
Deptt of RT.
AIIMS
New Delhi.

Sir, ~~With~~ With due respect I want to draw your attention to the fact that Dr Suman Bhatia is very useful in guiding us in planning. usually she is not coming in planning room. she is also documenting on the basis of casts. It will be very kind of you if you take some step against this.

Thanking you

Yours sincerely

DR ANIL THAKURANI

SR RT

AIIMS

New Delhi

Forwarded

28/5/07

Forwarded to N A L

Director AIIMS

Dr. VINOD RAINA MD, FRCP.
Professor & Head of Medical Oncology
Head Delhi Cancer Registry
Institute Rotary Cancer Hospital
AIIMS, New Delhi-110029

Acting Chief
28/5/07

To Prof BKMohanti,
Head, Unit II, Dept of Radiotherapy,
IRCH, AIIMS

JULY 9th 2007

Respected Sir,

We are aware that over the last few days you and the other faculty members of the Dept are upset with us. In the meeting held on 15th June 2007 (which was attended by the faculty members of our dept and Prof Vinod Raina, HOD, of medical oncology), all of us have very clearly explained of our precarious position.

Dr Suman Bhasker

1— Is the active member of PMSF along with Dr Sushmita Pathy, Dr Bikash Bajpayi, Dr Anoop Saraya, Dr CS Yadav and others which is leading a campaign against all of us

2— She is busy all the time in the activities of PMSF

3— You must have seen the news paper report yesterday, which appeared in **TIMES OF INDIA** which read **QUOTA ROW AT AIIMS HALTS APPOINTMENTS OF DOCS**

4— 17 departments are affected by this very very wrong and biased decision. One of our colleagues, Dr Sandeep is also affected by this unprecedented step of PMSF and Dr Sunil Chumber, who is a close associate of Dr Suman Bhasker and is an active member of PMSF. Dr S Bhaskar and Dr S Pathy have been threatening us with dire consequences if we don't fall in line and now they have executed their threat. We have been repeatedly telling you, the head and the chief about this threat, but you all have been ignoring. You please advise us, who will accept a PG from AIIMS when AIIMS itself refuses to accept its own PGs as Senior Residents. The candidates for whom Dr Suman Bhasker and Dr Sunil Chumber and their group are pleading to be appointed have not even qualified. This has happened in 17 departments of AIIMS. She herself is not working and now she and her group are trying to take substandard doctors as senior residents. Do you and other respected faculty of AIIMS agree to all this?

5— During the strike, you would have seen pictures of Dr Suman Bhasker almost daily in electronic or print media, holding posters of PMSF and delivering speeches against us.

6— She spends most of her time in the hospital in such activities, rather than patient care or teaching

7— Whenever we have to show a tps plan or IMRT plan to her, she is just not available

8— She has no time for the dept work which includes patient care services. Hence patients are not being looked after well in our unit

10— We appreciate that you always try to solve our problem

11— You have already told this over several times in front of us

12— Dr S Bhaskar and Dr S Pathy were very active when the beds of the RT dept in the first floor was to be shifted to 2nd floor and number was going to be reduced from 32 to 28 to accommodate chemotherapy beds. You are aware that Medical Oncology has the maximum beds. Dr S Bhaskar was allotted a clinic without any knowledge of the dept. You are aware that you were not even consulted for allotting Breast clinic to a

Explained and stressed upon all Residents-RT II
(that this kind of working atmosphere
will be detrimental for patient care,
training and teaching activities.)
JMD - 11/7/07

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of
faculty member to your unit. Obviously it is these very faculty members who are
conniving with antidept forces.

SIR, here is a faculty members at AIIMS, who is not only refuses to perform their
own duties, but along with their group try to degrade the standard of AIIMS.

They threaten us

They donot help in patient care or any activity in the deptt

They file FIRs against us and the RDA representatives

They carry guards for themselves.

They even dared to threaten the Deputy Director of Administration in his office.

You please advise us what to do. The RDA in its GBM has already asked for removal
of Dr Subdean

Yours Sincerely,

- (1) Dr. Anur Kumar Vats Anur
- (2) Dr. Anil Kumar Anil
- (3) Dr. P. S. Bhattacharya P. S. Bhattacharya
- (4) Dr. Jitendra Kumar Jitendra Kumar
- (5) Dr. JAGADESAN P Jagadeesan
- (6) DR JASPREET KAUR J
- (7) DR. MANJIT JINDAL Manjit
- (8) DR KUMAR HARSH Kumar Harsh
- (9) Dr. Anil Kumar Anil Kumar
- (10) DR. ANIL THAKUR Anil
- (11) Dr. Ruchi Sharma Ruchi
- (12) Dr. P. S. Kumar P. S. Kumar
- (13) Dr. Randeep Sharma Randeep
- (14) Dr. Shrawan Shrawan
- (15) Dr. Anur Anur
- (16) Dr. Rakat Rakat

cc

1. HOD, RT, 2. Chief, IRIH, 3. DDA, AIIMS, 4. Director, AIIMS

To Prof BKMohanti,
Head, Unit II, Dept of Radiotherapy,
IRCH, AIIMS

JULY 9th 2007

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From 3

Explained and stressed upon all Residents-RT II
that this kind of working atmosphere
will be detrimental for patient care,
training and teaching activities.
JMD - 11/7/07

Annex 11

To
Dr Suman Bhasker,
Asst Prof,
Dept of Radiotherapy,
AIIMS.

14-06-07,
New Delhi.

Madam,

This is in response to your written remarks that the residents are not attending the ward rounds. This is to clarify that all residents are regularly and sincerely doing their ward rounds and other duties assigned to them. In fact, you don't come for rounds and to cover yourself you are putting the blame on the residents.

Moreover you along with your husband Vikas Bajpayee, and Dr Anoop Saraya, Dr Sudhir Gupta, Dr Sashikant and Dr CS Yadav have threatened our RDA president with physical threat to his life. This threat was made in front of DDA, AIIMS. You have also threatened all of us residents that you will file cases against us in the SC/ST Commission. We are now informing the higher authorities of AIIMS about the problems created by you through this letter. We are also sending a copy of this to the police since the threat of life has been made by you against our RDA president.

Dr. Suman Bhasker

Dr. Suman Bhasker

Dr. Suman Bhasker

Dr. Mary Jane

Dr. Ashish Rastogi

Dr. Arif Tahirani

Dr. Partha Sarathi Bhattacharya

Dr. JALADESHAN P. Jagadeesan

Dr. JASPREET KAUR Jaspreet

Dr. Sandeep Munde

Dr. Kuldip Sharma

Dr. Milind Kumar

Dr. Pankaj Kumar

Copy to: Dr. Suman

1. HOD, Radiotherapy, AIIMS.

2. Chief, IRCH, AIIMS.

3. Director, AIIMS.

4. DDA, AIIMS.

5. Police post, AIIMS.

DR. RAHAT HADI

Forwarded for ...
Suman

Annex 12

Laboratory Oncology Unit, Dr. BRAIRCH
All India Institute of Medical Sciences, New Delhi

June 4, 2007

Sub: Report of preliminary inquiry into allegations of senior residents of Radiation Oncology department against Dr. Suman Bhaskar, Asst. Professor, Radiation Oncology.

A preliminary inquiry on the above was carried on the orders of the Acting Chief of IRCH, Dr. V. Raina, on June 2, 2007, Saturday, in the IRCH Committee Room by Dr. Rajive Kumar, Professor & Head, Laboratory Oncology Unit, Dr. Rajive Kumar was assisted by Mr. Raju Simon, Asst. Admin. Officer, Dr. BRA IRCH. The inquiry started at 9:30 AM and was over at about 2 PM.

Written complaints against Dr. Suman Bhaskar had been made by Dr. P.S. Bhattacharyya, Dr. Rakesh Kumar Gupta, Dr. Anil Thakwani, Dr. Ruchi Sharma, Dr. Ashish Rustogi, Dr. Shrawan Kumar, Dr. K. Ideep Sharma, and Dr. Manjit Jhara.

The above senior residents, Dr. D.N. Sharma, Asst. Professor and Acting Head of Radiation Oncology, and Dr. Suman Bhaskar were called for the inquiry. Dr. Manjit could not attend.

After the senior residents had been questioned regarding their complaints, a fresh batch of written complaints were handed to the inquiry committee by the senior residents.

The complaints made by the senior residents were essentially two.

1. That Dr. Suman Bhaskar is often not available at the place of her duty (OPD, Ward etc).
2. That she discriminates on the basis of caste.

In the course of the inquiry the residents reiterated both their complaints, pointing out that irregular attendance on the part of Dr. Bhaskar was creating problems for them as they did not have a faculty member to consult for dealing with problem cases. They have given signed statements saying that they stand by what they had earlier written. They have also stated that they have brought this matter to the notice of Dr. D.N. Sharma, Asst. Professor and Acting Head of Radiation Oncology.

Dr. D.N. Sharma has stated and given in writing that he has received verbal and written complaints from the residents.

निदेशक सचिवालय ओ.पी.ओ. ऑफिस
Director's Secretariat, A.I.I.M.S.
आदेश क्र. 766
दिनांक 06/06/07

Chief IRCH to take appropriate
action and verify the ^{professional} credentials in view
of earlier Expert Committee recommendations
P.H.

Dr. Suman Bhasker first submitted a letter dated 2.6.07 to the inquiry committee, stating that she be given the documents so that she could respond. She was handed over photocopies of complaint of all senior residents as well as forwarding note of Acting Chief requesting inquiry and requested to appear again for responding to the charges against her.

Dr. Suman Bhasker then submitted her reply dated 2.6.07. Her reply essentially says:

- (1) The complaints are part of a sinister campaign against her.
- (2) It is she who has been at the receiving end of things as she belongs to the reserved category.
- (3) The residents should point out specific instances of their two complaints against her.
- (4) She has always done her duty in a responsible manner.

The fresh batch of written complaints dated 2.6.07 from Dr. Ashish Kastoogi, Dr. Kuldeep Sharma, Dr. P.P. Bhattacharya, Dr. Shravan Kumar, Dr. Rakesh Kumar Gupta and Dr. Anil Thakwani, while reiterating the earlier two charges, makes the following additional charges:

1. The husband of Dr. Dr. Suman Bhasker, Dr. Vikas Vajpaye, who is not an IICM staff member, sleeps in the Radiation Oncology residents duty room.
2. They (Dr. Vajpaye and Dr. Bhasker) have threatened the residents of dire consequences.
3. In addition, a complaint from one of the residents, Dr. Shravan Kumar, has stated that Dr. Suman Bhasker has taken files of a few ward patients, which coming in the way of patient care.

The issues contained in the repeated complaints by a large number of residents alleged non-availability of Dr. Suman Bhasker at the place of duty, alleged discrimination on grounds of caste and alleged presence of Dr. Vikas Vajpaye, husband of Dr. Suman

Bhaskar, and their alleged threats to the residents in Radiotherapy department are all serious matters. The atmosphere looks charged.

I suggest the following for consideration by the competent authority:

1. Dr. Vikas Vajpayee is not an employee of Dr BRAIRCH. Hence he should be directed not to use the duty of the department of Radiation Oncology or enter other areas of IRCH without legitimate reason, so that the residents are not disturbed and can carry out their duties properly.
2. Dr Suman Bhaskar should be advised to not act in a manner which disturbs the harmony of the department so that the residents do not feel threatened on caste lines.
3. Dr Suman Bhaskar may be advised to be punctual and remain in the place of duty so that the residents can seek her guidance in managing patients.
4. Dr Suman Bhaskar is advised not to take patients' files from the wards/ records unless otherwise required by the competent authority.
5. Further disciplinary steps if deemed fit may be instituted by the competent authority in order to resolve the crisis in the interest of patient care and harmonious functioning of the Institute.

Rajive Kumar
Dr Rajive Kumar
Inquiry Officer

Enclosures: Original copies of the following documents:

- (1) Initial complaints of the Senior residents' with remarks of Acting Chief, IRCH.
- (2) Written statements of the residents
- (3) Written statement of Dr. D.N.Sharma
- (4) Written statement of Dr. Suman Bhaskar
- (5) Fresh complaints received from the senior residents during the conduct of the inquiry.

To Chief, Dr BRAIRCH

4/6/07

Rajive Kumar

04/6/07

she reported that she

I asked my PA to contact her at 3.30 pm
was at home and could not come — PTD

Director

for, The recommendation of the first funding committee is forwarded.
(Preliminary inquiry for instantiating charitable for ~~the~~ Dr. Vikas Vajpayee may be immediately advised to accept for as he is not part of it (except for benevolent purpose).

4/6/07

Am S. R.
Acting Secy I.R.C.

Dr. VINOD RAINA MD, FRCP.
Professor & Head of Medical Oncology
Head Delhi Cancer Registry
Institute Rotary Cancer Hospital
All India Institute of Medical Sciences, New Delhi-110029

Annex 13

To
The Director AIIMS
New Delhi-29.

Date: 11.08.07

Through proper channel

Subject: Inaction by the HOD Radiotherapy in
the matter of indiscipline by resident doctors of
the department, at the cost of patient care.
Through Proper Channel.

Sir,

With respect to the aforementioned subject kindly find attached herewith annexure where by I have brought to the notice of my Unit Head and the HOD of the department, Prof. G. K. Rath, the irregularities and non-cooperation of the resident doctors of my unit in patient care. In response to the same Dr Rath has expressed his inability to do anything in the matter as according to him he is not the disciplinary authority for the resident doctors.

On their part the resident doctors have given in writing that they have not been participating in the ward rounds taken by me and will continue to do so as a consensus decision by them thereby meaning that they will not follow my instructions in the matter of patient care. This is indeed a very serious situation from the point of view of patient care. In face of the HOD not being in a position to take any action against the errant resident doctors even after my repeated appeals I am left with no recourse but to bring the matter to your kind attention for necessary action.

Thanking You

Yours Sincerely

(Dr Suman Bhasker)
Assistant Professor
Dept of Radiotherapy
DrBRAINCH, AIIMS
New Delhi-29.

Received
11/8/07

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Annex. 14

Assistant Professor, Department of Radiotherapy, AIIMS.

Ph: 9810275314

To
Dr G.K. Rath
Prof. & Head Department of Radiotherapy
Head IRCH
AIIMS, New Delhi.

Date: 8. 10.07

Sub: Your action taken report vide letter dated 3.10.07.

Dear Sir,

I am indeed disappointed and exasperated by your above letter for it fails to reflect any sincerity on your part to resolve the problem at hand.

It is obviously expected that I be satisfied with these so called punitive measures which in reality mean nothing to the erring Senior Residents of my unit. You may further be aware that these resident doctors have themselves admitted their guilt for harassing, insulting and humiliating me without any reason or fault of mine.

It has been communicated to me that in a letter dated 3.10.2007, written to Dr S. C. Tiwari, Head of the Hospital Management Board, they have said that they have no grouse against me and that there is no question of there being any caste feeling between them and any faculty member including me. This means that their earlier allegations against me were false and malafide.

However on the basis of their false and malafide complaints an urgent enquiry was instituted against me and aspersions were cast against me by the enquiry officer without being able to unearth a single evidence against me apart from the written statements given by the resident doctors, which have now been rebutted by they themselves.

Perhaps it has been seen in the fitness of things to let go of these Senior Residents without any disciplinary proceeding for lodging patently false complaints while a faculty member can be humiliated by a trumped up enquiry. My repeated requests to take action against the senior residents were only met with constant refrain that you have no disciplinary control over them while the fact is that they are employees of the Institute and are bound by the same service rules those applicable to other employees. I can appreciate your difficulty in undoing the damage at this stage when the Frankenstein created by you yourself has gone out of your control.

Unfortunately there seems to be little desire on your part to sort out things in a justifiable manner. You may recall having been severely reprimanded by the SC Commission Chairman, Dr Buta Singh for making suggestions to the effect that my husband Dr Vikas

Rajpai is the actual cause of the whole problem. The same suggestion is now sought to be put forth before the Commission through the Senior Residents.

The decision to stop all teaching activity in the department is most unfortunate and uncalled for and shall only harm the post-graduate students as the senior resident doctors are not students and as such do not require teaching.

Your resolve not to take the MD Radiotherapy exam from the forth coming exam session is any way meaning-less as there is no MD student in the department who is due to take his or her exam this year. Even if there were one I would not favor jeopardizing career of any innocent MD (RT) student.

The above submissions are for your kind consideration.

Thanking you,

Yours' Sincerely,



(Dr Suman Bhasker)

tc

06/07/07

To

The Head, Dept of Radiation Oncology
and
Chief, Dr. BRA IRCH, AIIMS
New Delhi-110029

Sub: Request to relieve the undersigned from currently assigned responsibilities in the department.

Respected Sir,

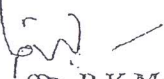
I will request you to take official decision in light of following facts, and in pursuance of my earlier letter dated 29/6/07.

1. I enclose copies of allegations and counter allegations received during last few days, which pertain to the functions of Residents vis-à-vis faculty in RT II unit.
2. I have tried my best to impress upon each one concerned that these are adversely leading to an atmosphere which affect patient care, training and teaching processes, and over all team work.
3. I have observed that residents refuse to carry out patient care-related works and ward rounds as per assigned schedules and under supervision and guidance of faculty in the Unit.
4. I have observed that residents engage in collective allegations and have taken up the attitude that they can do patient care and training processes in the department on their own. This is a dangerous trend, which can have adverse impact. You can appreciate that there are several areas of Patient care and supervision of works of Residents for a department/Unit, on a day to day basis, which is impossible for me to do alone and hence there are work schedules assigned to faculty and Residents, which should be adhered.
5. I have come to know that in this atmosphere of indiscipline and collective allegations, the residents have made insinuations involving the undersigned and the overall functioning which pertains to the primacy of faculty/dept's authority.
6. Under the circumstances, I will request you with due humility, my reluctance to carry the responsibility of RT II unit, and teaching and Resident posting etc. Since my written or verbal instructions, placing of work schedules (and repeated meetings) donot have any value and donot change the atmosphere, I foresee a situation where there can be serious implications for the patient care, training and teaching activities.

I will like to do my duties as faculty or team leader, which is meaningful, dignified and effective for the department. In the present situation, I request your early decision by 15th July 2007, since summer vacation will end and new academic session will start.

Kind regards.

Yours sincerely


(Dr. B.K. Mohanti)
Professor
Dept of Radiation Oncology
DR.BRAIRCH, AIIMS
New Delhi-110029

Enclosed: letters of Allegations from Residents and Faculty

Annex 16

पता मेडिन्स्ट

Address: "MEDINST"

फोन : 6864851-9

Telephone: 6864851-9

660110 } 4665
661130 }



संस्थान रोटरी केन्टर अस्पताल
अखिल भारतीय आयुर्विज्ञान संस्थान

अन्सारी नगर,
नई दिल्ली-110029

INSTITUTE ROTARY CANCER HOSPITAL
ALL INDIA INSTITUTE OF MEDICAL SCIENCES
ANSARI NAGAR
New Delhi-110029

.....200

CONFIDENTIAL

Dated: September 26, 2007

Prof. S.C. Tiwari,
Chairman, HMB
Committee to look into the complaints
of Dr. Suman Bhasker, Asstt. Prof. in R.T.
AIIMS

Dear Prof. Tiwari,

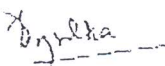
This is in continuation of the meeting held under your Chairperson yesterday to solve the above matter. During the meeting, you and the other members also have tried their best to amicably sort out the problem. For the Unit-II patients, Dr. Rath and Dr. Mohanti are already taking the rounds alongwith Dr. Suman Bhasker. Hence there is no problem for patients. We have tried our level best to persuade the residents to sort out the differences with Dr. Suman Bhasker. Since this has not been sorted out, we are constrained to take some harsh measures.

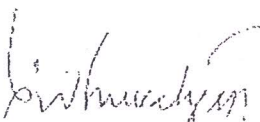
As a first step we are stopping teaching activities of all the residents of the department of Radiotherapy.

If things do not improve, we will have to take harsher steps.

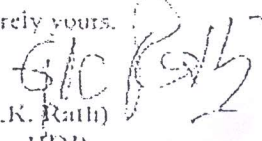
We will review this action in precisely one week and take the next step. This has been communicated to them.

With regards,


(P.K. Julka)
Professor, Dept. of RT
Head Unit-I


(B.K. Mohanti)
Professor, Dept. of RT
Head Unit-II

Sincerely yours,


(G.K. Rath)
HOD
Dept. of RT

c.c.

Prof. I.D. Dogra, Dean (Exams), AIIMS
Director, AIIMS
Hon'ble Chairman, National Commission for Scheduled Castes
Hon'ble Secretary, National Commission for Scheduled Castes

To :

3rd October 2007

Dr SC Tiwari,
The Chairman,
Hospital Management Board

Sir,

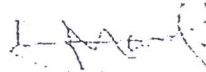



You had called to hear us. As we have all already told you during the meeting with your committee, we again want to tell you that there is no question of any caste coming to picture between us and any faculty member. The fact is that some of us also belong to scheduled caste and other reserved categories. We will do our duties for which we are paid.

But our genuine complain against Dr Vikas Vajpayi (Husband of Dr Suman Bhasker), who belongs to a political party and does active politics should be addressed. There was no problem between us and Dr Suman for more than 5 years before Dr Vikas Vajpayi joined AIIMS in a job which is not the job of a doctor. He has joined AIIMS to fight with the RDA (resident doctors association). We will do our duties and go for rounds with all faculty members including Dr Suman Bhasker. But Dr Vikas Vajpayi should not be allowed to send threatening sms to us and do politics with us.

Copy to

1. Shri Buta Singh Ji,
Chairman SC Commission
2. Director, AIIMS,
3. Subdean, AIIMS
4. Faculty members of RT Dept

Yours truly,

1. 
2. 
3. 
4. 

(Dr Manish Doshi)

(Dr Kaldeep Shalun S/F)

(Dr Shrawan Kumar)

(Dr Pankaj Kumar Gupta)

RECEIVED
Dr. Jagat Singh

JAGADESAN P

Dr. Luck Sharma

DR. ANIL TARKHANI

DR. ANIL

Dr. Anil Kumar

Dr. Anil Kumar

Dr. Anil Kumar

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To
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Annex 18

Date 10.07.2007

To
The Director,
AIIMS, New Delhi.

Subject: False allegations leveled on me personally
and the enquiry regarding the same.

Sir,

This is to bring to your notice the fact that all sorts of false allegations are being traded by the senior residents of Radiotherapy department against me. It is also known that Kumar Harsh among others is directly instrumental in this.

The residents in Radiotherapy department have been pressurized to complain against me that I have been visiting the Radiotherapy wards and sleeping in the doctor's duty room there, which has on occasions resulted in altercation with the residents apart from hindering patient care, where as the fact is that ever since I underwent a complete Bendal's procedure in December last I have not visited the Radiotherapy department even once. Above all the most interesting thing is that the date or timing of not a single such incident has been specified where in I had gone to their ward.

This complaint of the Residents was promptly forwarded to your office and you ordered an urgent enquiry in to the matter without loosing time. The said enquiry was conducted by Prof. Rajive Kumar on the 4th of June. That the observations of the enquiry were premeditated is clearly borne out by the fact that I being the accused was never summoned by the enquiry officer to take my view regarding the matter, even though I am presently working at AIIMS itself. This goes to confirm that the complaint made by the residents was motivated and instigated to frame me under some pretext to fulfill nefarious designs of the powers that be.

I strongly demand that

- A copy of the report conducted in the matter be provided to me
- That the findings of this enquiry be rendered null and void.
- And that the purpose of false complaints made against me be looked into

Thankfully Yours

(Dr Vikas Bajpai)
Research Associate,
Dept. of Bio-Physics,
AIIMS, New Delhi
Ph: 9810275314

Annex.19

From

27th march, 2008

Mrs. Siddamma

M/O Dr. R. Vinay Kumar

(Junior Resident, Radiotherapy, AIIMS)

No. 140/A 8th cross

2nd block, 2nd Stage

Nagarabhavi

Bangalore 560072

Gurga Printing Works, Delhi Ph. 261019685

JOYDE BHAKAR (116611)

SP ED4156712151W

Counter No: 1, SP-066101

THE CHAIRPERSON, 4 5 0 0 03

New Delhi, PIN: 110001

CHAIRPERSON, A. D.

117890000

At: 12.00, 28/03/2008, 15:22

Message: 1.31 (Have a nice day)



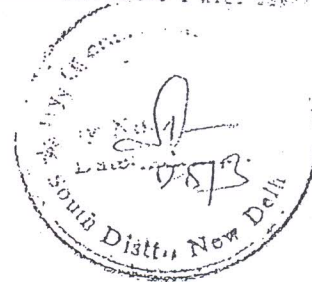
To,

The Deputy Commissioner of Police (Delhi police)

South district, Police Station Haus khas

Delhi Police

New Delhi 110016



Subject: Request for Registration of FIR for physical assault and verbal abuse by patient's sons on my son Dr. R. Vinay Kumar (JR Radiotherapy, A.I.I.M.S)

Dear Sir,

My son Dr R Vinay Kumar is a junior resident in the department of Radiotherapy All India Institute of Medical Sciences (A.I.I.M.S). He was physically assaulted and verbally abused by two sons of Mr. Bijay Kumar Srivastava, 53 years male, admitted in Room no 305, Private Ward, Institute Rotary cancer Hospital (IRCH), under Prof P K Julka. This incident happened on 16th March at 1.30 am at 3rd floor IRCH, A.I.I.M.S, in presence of senior resident on call of Radiotherapy Dr Anil Thakwani, Security staff and others while he was on duty. The patient is a known to of Dr Kumar Harsh, President of Resident Doctors Association (R.D.A), who is also a senior resident in Dept of Radiotherapy.

A written police complaint has been lodged by my son, Dr. R Vinay Kumar, (Copy attached) on 16th of March, 2008 and by administration of AIIMS on 20th of March, 2008 at defence colony police station. In spite of repeated requests and complaints to SHO, Defence colony police station, no FIR has been lodged, nor has any legal action been taken against the people involved.

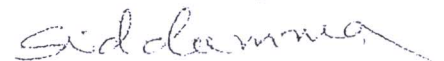
My son had locked himself in his room because of threat to his life and at present he is admitted in psychiatry ward, AIIMS due to mental trauma as a result of physical assault and verbal abuse that he suffered.

It may be noted here that my son had been facing harassments in the department of Radiotherapy as he belong to reserved category (Scheduled tribe). The discriminatory attitude of the head of the department Dr G K Rath, the unit head Dr P K Jalkha and other doctors of the department namely Dr D N Sharma (Asst Prof Radiotherapy), Dr Kumar Harsh (senior resident and President R.D.A) and Dr Anil Thakwani (senior resident) is borne out by the facts that instead of defending my son against the assault, they have been involved in suppressing the matter. These persons have been involved in the spreading the conards that my son is of unsound mind. The fact is that this incident in which he was physically assaulted and verbally abused along with the harassment he was being subjected in his department by the above mentioned persons has precipitated his present mental trauma. It seems that these people are being fully backed by the AIIMS administration. The department of Radiotherapy has been particularly known for discriminatory practices against reserved category students and doctors.

I request you to kindly register FIR against these persons as well as others involved in this incident under appropriate sections. Hoping for a expeditious positive response to our request.

Thanking you,

Your's faithfully



Mrs. Siddamma

Copy to:

The Commissioner of Police, Delhi police

The Chairperson, NIIRC, New Delhi, India

The Chairperson, National commission for Scheduled Tribe, New Delhi

The Secretary, Ministry of Health and Family welfare, Govt of India