

THIRTY FIFTH REPORT
COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

MINISTRY OF HEALTH & FAMILY WELFARE
(DEPARTMENT OF HEALTH)

(Presented to Lok Sabha on 05.12.2007)



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COMPOSITION OF THE COMMITTEE ON PETITIONS

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THIRTY FIFTH REPORT OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this Thirty Fifth Report of the Committee to the House on the Petition regarding recognition of BDS degree awarded by different dental colleges in Darbhanga, Bihar.

2. The Committee considered and adopted the draft Thirty Fifth Report at their sitting held on 4th December, 2007.

3. The Observations/Recommendations of the Committee on the above petition have been included in the Report.

NEW DELHI;
04 December, 2007

13 Agrahayana, 1929 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

REPORT

PETITION FOR RECOGNITION OF B.D.S. DEGREE AWARDED TO THE STUDENTS OF THREE DENTAL COLLEGES OF DARBHANGA, BIHAR AFFILIATED TO L. N. MITHILA UNIVERSITY BY DENTAL COUNCIL OF INDIA

In his letter dated 15.02.2006 addressed to the Secretary-General, Lok Sabha, Shri Mohan Singh, MP informed that he desires to present a petition signed by Shri Imtiyaz Maqbool, President of Lalit Narayan Mithila University (L.N.M.U.) Dental Students Federation on behalf of all the degree holders/students of (i) Mithila Minority Dental College and Hospital; (ii) Dr S. M. Naqvi Imam Dental College and Hospital; and (iii) Darbhanga Dental College and Hospital requesting for recognition of their B.D.S. degree (Appendix).

2. In the petition, the petitioners *inter-alia* stated that they had taken admission to BDS Course in the three dental colleges located in Darbhanga, Bihar *i.e.* Darbhanga Dental College, Darbhanga, Mithila Minority Dental College, Darbhanga, and Dr. S. M. Naqvi Imam Dental College, Darbhanga, Bihar between 1989 and 2001. These dental colleges were affiliated to L.N. Mithila Minority Dental College, Darbhanga, Bihar. Further, it was stated that :

- (i) They belonged to different States of the country and got admission in above dental colleges in Darbhanga, Bihar in different sessions from 1989-1990 to 2000-2001.
- (ii) These colleges were approved by Dental Council of India, New Delhi and affiliated to L.N. Mithila University.
- (iii) That suddenly, the University stopped their examinations. For seeking justice, the students approached Patna High Court and Supreme Court of India. The Hon'ble courts in various judgements showed full sympathy with the students and directed L.N. Mithila University, Darbhanga, Bihar to conduct all the examinations of those students to complete their degrees who got admission in these colleges prior to 2001. So, the students who got the admission before 2001 are legal students and are covered by the approval of Dental Council of India. In 2001, Ministry of Health and F.W. *vide* letter No.F.V.12025/16/2000-PMS stopped admission in these colleges from the academic session 2001-2002. As they got admission in these colleges before the notification, therefore, Dental Council of India and Health Ministry are bound to recognize their BDS degrees.
- (iv) That after long years, they have completed the BDS course of 4 years and received the BDS degree from L.N. Mithila University, Darbhanga, Bihar.

But neither the Dental Council of India nor Ministry of Health had recognized these degrees.

- (v) That, they have nothing to do with the affairs of colleges from where they have passed, like the essentially certificates/NOC's from the State Government, infrastructure and teaching facilities of these colleges as they have completed their courses and it relates to the future of these colleges.
- (vi) That the Ministry of Health *vide* notification No.V.12018/1/2001-PMS dated 12.12.2001 have issued orders recognizing three batches of Dr. S.M. Naqvi Imam Dental College and hospital. Unfortunately, no step has been taken in this regard for the students of all the batches of Mithila Minority Dental College and Hospital, Darbhanga Dental College and Hospital and for onward batches of Dr. S.M. Naqvi Imam Dental College and Hospital. All the students of these three colleges are on same footing and thus the same relief must be provided to them without delay.
- (vii) That *vide* letter No.V.12017/45/2005 PMS (Part) Ministry of Health and Family Welfare stated that the matter is under consideration of the Government and till date nothing concrete and practical had been done.

According to the petitioners as their degree has not been recognized by the Central Government, the students are neither able to pursue higher studies nor practice dentistry and thus, their future is bleak as they had lost 10 to 15 years and lakhs of rupees. Further, most of them had crossed the age limit and it was not possible for them to go for any further litigation.

3. The petitioners, therefore, requested for recognition of their BDS degree awarded to them by the different dental colleges in Darbhanga, Bihar.

4. The above petition was forwarded to the Ministry of Health and Family Welfare on 28 March, 2006 requesting them to furnish their comments on the issues raised in the petition.

5. At the instance of the Committee, the Ministry of Health and Family Welfare *vide* their O.M. dated 29 April, 2006 furnished the following replies:—

- (2) During 2001 Dental Council of India (DCI) recommended for stopping admission in the 4 dental colleges affiliated to L.N. Mithila University, Darbhanga, Bihar, including the 3 dental colleges indicated above, on account of grave deficiencies in the dental colleges. The deficiencies identified by DCI were broadly as follows: —
 - (a) Most of the teaching staff were full time private practitioners outside Bihar.
 - (b) Grave deficiency in teaching faculty.
 - (c) Most of the teaching staff was ineligible to hold the post assigned to them by the college authorities.

- (d) Deficiency in terms of infrastructure and facilities.
- (e) Admission to BDS course not made in accordance with the direction of the Hon'ble Supreme Court of India in Unnikrishnan Case and as per the norms prescribed in the DCI Regulations.

In addition to the above deficiencies and recommendations of DCI, L. N. Mithila University, Darbhanga, Bihar notified during April 2001 that its affiliation to the four private dental colleges affiliated to it was void *ab initio*.

Having regard to the foregoing, the admission to BDS course in the four dental colleges was stopped from the academic session 2001-2002.

- (3) From 2002 onwards, Government of India is making efforts to resolve the issue. In this direction, a series of meetings were held at the level of Joint Secretary and Secretary of this Ministry with the representatives of the State Government, University and DCI too. It was finally decided on 1.3.2004 that the State Government would issue its NOC after satisfying itself of the availability of infrastructure in the dental colleges, L. N. Mithila University would thereafter issue its affiliation and thereupon DCI would undertake inspection of these dental colleges through a broad based inspection team and send suitable recommendation to the Central Government and the Government would take appropriate decision thereon.
- (4) However, despite the repeated efforts and also having another meeting at the level of Secretary on 1.3.2004, the State Government is not issuing NOC for starting the colleges. The stand of the State Government is that since these are Pre-1993 colleges, there is no need for issuing NOC. The Government of India has clarified that while the essentiality certificate is a must in respect of Post-1993 colleges, the role of the State Government in establishment of new medical/dental colleges prior to 1993 cannot be undermined. Before 1993, the colleges could be established in the States only with the approval of State Governments and affiliation with the University. The DCI only facilitated in determining the admission capacity. Accordingly, without the State Government's cooperation, which has become pre-requisite for granting affiliation for those colleges, which were earlier affiliated to L.N. Mithila University. The process of allowing the colleges to readmit may not be feasible.
- (5) In compliance of the orders of various Courts, L. N. Mithila University has been conducting all the pending BDS examinations in respect of the four dental colleges affiliated to it.
- (6) The Government of India has conducted three meetings at the levels of Joint Secretary/Secretary to settle the issue. The State Government of Bihar has been requested to give its NOC for initiating the process of verification of the facilities in these colleges, so that necessary decisions

regarding opening of admission in these colleges may be taken. During the last meeting held on 27.4.2006, the State Government has informed that the matter would be taken up for necessary action for issuing the NOC at their end. The Government of India would be taking immediate action after receiving the NOC from the State Government and necessary University affiliation for seeking recommendations of DCI.

- (7) With regard to the Petition submitted by Shri Imtiyaz Maqbool, President, LNMU Dental Students Federation for recognition of their BDS Degree, it may be mentioned that Dental Council of India have been requested to examine the matter and furnish their comments. A decision would be taken based on the comments received."

6. The above petition was admitted under Rule 160 (iii) of the Rules of Procedure and Conduct of Business in Lok Sabha and Shri Mohan Singh, MP presented the petition to Lok Sabha on 17.03.2006. In accordance with Rule 169 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Committee took up for examination the above Petition.

7. The Committee desired to know the procedure for establishing a dental college in the State. The Ministry of Health and Family Welfare, in their written reply, stated as under:—

"From 1993 onwards, it is mandatory to obtain the permission of the Central Government prior to establishment of a new Dental College in terms of Section 10A of the Dentists Act and the Regulations framed thereunder. But, prior to coming into force of the Dentists (Amendment) Act, 1993 on 27.08.1992, the permission of the Central Government was not required for establishment of a new dental college. Central Government used to only grant recognition after receiving recommendation from DCI. Before 1993, the approval of the State Government and the consent of the University was required for establishment of a Dental College. However, in the case of colleges affiliated to Mithila University since the University affiliation in held as *ab initio void* and that for want of required facilities admission to these colleges were stopped. It is necessary to have a No Objection Certificate in view of the imperative involvement of State Government required in this context to subject these colleges for DCI Inspection."

8. On being asked to state the guidelines for establishing a medical college including dental college in the State, the Ministry of Health and Family Welfare, in their written reply stated as under:—

"Central Government has prescribed Regulations under the Dentists Act and Indian Medical Council Act for establishment of Dental Colleges and Medical Colleges. Copies of the relevant regulations are appended herewith."

9. The Committee enquired about the system to monitor the activities of the colleges to see that these colleges strictly adhere to the guidelines/norms fixed by the

Union/State Government. The Ministry of Health and Family Welfare, in their written reply, stated as under:—

"Dental Council of India and Medical Council of India monitor through annual/periodic inspections of the dental and medical colleges in the States to ensure availability of the requisite infrastructure and facilities for proper training of the students."

10. On being asked to state whether the college were established after completing all the required formalities prescribed under the rules, the Ministry stated:—

"In this connection, it may be stated the above colleges are pre 1993 Dental Colleges. As per the instructions circulated by GOI to all States and the Universities, it was, *inter-alia*, brought to their notice that no Dental College is permitted to start functioning unless and until the DCI has satisfied itself through inspection of other wise that the teaching staff, equipment, building etc. provided for, are in conformity with the minimum requirements as laid down by the Council and approved by the Central Government. The Darbhanga Dental College, Darbhanga, was inspected on 5th & 6th July 1996 in compliance with the Order of the Hon'ble High Court of Patna dated 03.04.1996 in CWJC No. 965/1994-Darbhangha Dental College Vs. State of Bihar & Ors. And the college was allowed an intake of 40 seats from academic session 1990-1991 *vide* DCI's letter dated 24.07.1996.

Dr. S.M. Naqvi Imam Dental College: This college was inspected on 13th & 14th April 1995 in compliance with the direction of the Hon'ble Supreme Court of India *vide* its Order dated 20.02.1995 in SLP no. 20394-20396/1994 - S.M. Naqvi Imam Dental College Vs. DCI and allowed intake of 60 admissions from the academic 1989 *vide* DCI's letter dated 09.08.1996.

Mithila Minority Dental College, Darbhanga: This Dental College, Darbhanga, was inspected on 16th & 17th July 1996 in compliance with the Order of the Hon'ble High Court of Patna dated 19.01.1996 in CWJC No. 1989/1994— Acharya Shaukat Khalil, MMDC Vs. State of Bihar & Ors. and the college was allowed an intake of 60 seats from academic session 1989-1990 *vide* DCI's letter dated 13.11.1997 after receipt of compliance report from the college authority.

According to the State Government of Bihar, it had not issued permission to establish these colleges."

11. When asked to state the role of Dental Council of India in establishment of dental college, inspection of infrastructure and facilities, the Ministry replied as under:—

"Prior to 1993 the role of DCI was to satisfy itself through inspection or otherwise for ascertaining the availability of infrastructural facilities available with the concerned Dental Colleges including teaching staff, equipment, building etc. and granting its recommendations to the college authorities which have been established with the approval of State Government and affiliated to a University.

As against this, the present procedure is that the applicant desirous of establishing a Dental college is required to submit his application/scheme to the Central Government in the prescribed format, complete in all respects, including the affiliation letter of university and the essentiality certificate from the concerned

State Government. If the scheme is complete, the Central Government forwards the same to the DCI for evaluation and recommendation. After ascertaining the availability of infrastructural facilities/faculty as per DCI norms, DCI will make appropriate recommendation to the Central Government. The Central Government, as per provision of Section 10 A (4) of Dentists Amendment Act, 1993 after considering the scheme, the recommendations of the DCI and after obtaining where necessary such other particulars as may be considered necessary from the Institutions, approve with conditions, if necessary or disapprove the scheme. However, no scheme is disapproved by the Central Government without giving an opportunity to the concerned institutions of being heard."

12. The Committee desired to know when these dental colleges were established. The Ministry in their written reply stated:—

"The above named dental colleges were established prior to 1993 when there was no requirement for seeking the permission of the Central Government to establish a dental college. Only the permission of the State Government and the concerned University was required."

13. When the Committee desired to know whether these colleges had achieved the objectives, for which they were established, the Ministry in their written reply stated:—

"The above colleges lacked infrastructure and facilities for conducting BDS courses. The deficiencies pointed out by the DCI in these colleges were broadly as follows:

- (a) Most of the teaching staff were full time private practitioners outside Bihar.
- (b) Grave deficiency in teaching faculty.
- (c) Most of the teaching staff was ineligible to hold the post assigned to them by the college authorities.
- (d) Deficiency in terms of infrastructure and facilities.
- (e) Admission to BDS course not made in accordance with the direction of the Hon'ble Supreme Court of India in Unnikrishnan Case and as per the norms prescribed in the DCI Regulations.

Further, L.N. Mithila University had notified its affiliation to these dental colleges *void ab initio* during 2001. It is apparent from the above, these dental colleges could not have imparted the desired standard of education. In this context it may be relevant to quote the observation of the Hon'ble Supreme Court of India while delivering its judgement on 16.07.1998 in Civil Appeal No. 3275 of 1998 (arising out of SLP (C) No.14839/97 — Medical Council of India Vs. State of Karnataka & others (para 32 and 34) *vide* JT 1998 (4) of SC 40 :

"32. A medical student requires grueling study and that can be done only if proper facilities are available in a medical college and hospital

attached to it has to be well equipped and teaching faculty and doctors have to be competent enough that when a medical student comes out he is perfect in the science of treatment of human beings and is not found wanting in any way. Country does not want half-backed medical professionals coming out of medical colleges when they did not have all facilities of teaching and were not exposed to the patient and their ailments during the course of their study xxxxx".

"34. What we have said about the authority of the Medical Council under the Indian Medical Council Act would equally apply to the Dental Council under the Dentists Act".

14. About the procedure for admission to dental colleges and the fee structure, the Ministry of Health and Family Welfare stated as under:—

"As per the procedure then obtaining, the admission to dental colleges was made through Common Entrance Examination (CET) held by the State Governments for filling up the seats for which the approved/recognized colleges were included in the Seat Matrix in accordance with the scheme laid down in the Unnikrishnan Judgement of the Hon'ble Supreme Court of India. The maximum fees to be charged both for free and payment seats except management seats was determined by the Central Government and the colleges were permitted to charge fees within their limits prescribed. As reported by DCI, the dental colleges of Bihar do not seem to have followed the above procedure.

However, as of now as per the Supreme Court's judgement in TMA Pai Case followed by subsequent judgement in Islamic Academy Case, the admissions to the dental colleges and their Fee structure is to be regulated by the Committees formed by the State Governments for the purpose."

15. On being asked to state the reasons for stoppage of admission in the colleges affiliated to LNMU from the academic session 2001-2002, the Ministry of Health and Family Welfare in their written reply stated that :—

"Dental Council of India had stopped admission in all the 7 dental colleges of Bihar, including the four affiliated to L. N. Mithila University, in 2000. However, the Central Government allowed admission in 2000 in the interest of the student community, with the stipulation that the dental colleges rectify the deficiencies identified by DCI by 30.4.2001. Again during June 2001, DCI recommended stopping of admission to BDS Course in the dental colleges since the college authorities had not allowed the DCI to inspect the colleges to ascertain whether deficiencies have been rectified.

The deficiencies pointed out by DCI in these colleges were broadly as follows:—

- (a) Most of the teaching staff were full time private practitioners outside Bihar.
- (b) Grave deficiency in teaching faculty.

- (c) Most of the teaching staff was ineligible to hold the post assigned to them by the college authorities.
- (d) Deficiency in terms of infrastructure and facilities.
- (e) Admission to BDS Course not made in accordance with the direction of the Hon'ble Supreme Court of India in Unnikrishnan Case and as per the norms prescribed in the DCI Regulations.

Further L. N. Mithila University had notified its affiliation to these dental colleges *void ab initio* during 2001. Having regard to the above factors, admission was stopped in the four dental colleges affiliated to L.N. Mithila University from the academic session 2001-2002."

16. The Committee desired to know the reasons for withdrawal of affiliation by L.N. Mithila University of the four Dental Colleges. Replying, the Ministry stated:—

"The L.N. Mithila University, Darbhanga, withdrew the affiliation as the same was stated to have been issued without following the procedure before passing of the order granting provisional affiliation by the then Vice-Chancellor of the University and hence the orders and letters of affiliation based upon them were declared *void ab Initio*. But pursuant to the Order dated 22.07.2002 of the Hon'ble Supreme Court in the case of Dr. S.M. Naqvi Dental College, Bahera, Distt. Darbhanga, in SLP No. 12282 of 2002 and in pursuance to the direction of the Hon'ble Chancellor, the operation of the Notification of the L.N. Mithila University, Darbhanga, declaring affiliation granted to the said college as *void ab initio* was stayed during the pendency of the Appeal before the Hon'ble Supreme Court and incomplete examinations in respect of students already admitted were completed and results declared etc. *vide* Notification dated 25.07.2003 of the L.N. Mithila University, Darbhanga."

17. When asked to state as to why college authorities did not allow inspection of the college by Dental Council of India, the Ministry stated as under:—

"Since the Government of India stopped the admissions, from 2002 onwards the GOI has been making efforts to resolve the issues and a series of meetings were held at the level of Joint Secretary and the Secretary, GOI with the representatives of State Government, the University and the DCI. Since the Mithila University was insisted that it would affiliate these colleges only after NOC is granted by the State Government, it was decided that the State Government would issue its NOC after satisfying itself of the availability of infrastructure in the dental colleges, L.N. Mithila University, Darbhanga, would thereafter issue its affiliation and thereupon DCI would undertake inspection of these dental colleges through a broad based inspection team and send suitable recommendation to the Central Government and the Government would take appropriate decision thereon. However, despite the repeated efforts and also having another meeting at the level of the Secretary on 01.03.2004, the State Government was not issuing NOC for starting the colleges. The stand of the State Government is that since these are Pre 1993 colleges, there is no need for issuing NOC. The Government of

India has clarified that while the essentiality certificate is a must in respect of Post-1993 colleges, the role of the State Government in establishment of new medical/dental colleges prior to 1993 cannot be undermined. Before 1993, the colleges could be established in the States only with the approval of the State Governments and affiliation with the University. Accordingly, without the State Government's approval, which has become pre-requisite for granting affiliation for those colleges, which were earlier affiliated to L.N. Mithila University, the process of allowing the colleges to reopen admissions was not feasible. However, in 2006, the State Government furnished No Objection for re-affiliation/inspection of the colleges for starting admissions. The University affiliated the colleges and the colleges were inspected by the DCI in 2006-07/2007-08 and based on its recommendation, they were allowed to reopen admissions.

The DCI had been carrying out inspection of the above concerned colleges prior to 2000 but when it was noticed that gross deficiencies exist, the DCI was constrained to recommend to the Central Government to stop further admissions in these Dental Colleges. DCI will conduct annual inspection in respect of colleges where renewal permission is to be recommended to Central Government till the Degree of the University in respect of the students of the college is recognized. However, DCI can also inspect any college at any time/stage to ascertain the availability of infrastructural facilities as per DCI norms in the overall interest of maintaining the high standard of dental education in the dental colleges in the country."

18. The Committee noted that these colleges were functioning prior to 1993. However, DCI pointed out grave deficiencies in 2000. When asked to state the reasons, the Ministry stated:—

"The colleges which were established as per the procedure obtaining prior to 1993 were inspected by the DCI in 1996 for ascertaining the availability of infrastructure etc., in 2000 the DCI, inspected these colleges for ensuring continued maintenance of standard in dental education in these colleges. However, for establishment of dental colleges in the State prior to 1993, it is mainly the responsibility of the State Government and the University to ensure that the colleges meet the requirements for providing dental education. Even after Dentists Amendment Act, 1993, the State Government is required to issue essentiality certificate indicating the desirability of the establishment of a dental college in the public interest in the State after ascertaining the availability of the infrastructure etc., as per DCI norms and also furnishing an undertaking that in case the applicant fails to create infrastructure for the dental college as per DCI norms the State Government shall take over the responsibility of the students already admitted in the college with the permission of the Central Government."

19. On being asked to state as to why the matter was pending for the last 15 years in terms of recognizing the degrees from the said college, the Ministry replied that: —

"The BDS Degree in respect of a dental college is recognised on the basis of the recommendations of DCI. Prior to conveying their recommendation, DCI satisfy

themselves about the availability of necessary infrastructure and facilities after inspection of the concerned dental college and verification of the standard of University Examination, in terms of Section 10 of the Dentists Act, 1948 (16 of 1948). As per the procedure obtaining, when the first batch of students appears for Final examination, the college sends its application for recognition to the Central Government through the University. No such application has been received as yet. However, as the colleges were found to be having serious deficiencies, so that the admissions were stopped. In such a scenario it would be possible to consider the issue of recognizing the degree as per the Act/ Regulation only after the admission to the college is reopened after due process. With regard to recognition of the three batches of students of Dr. S. M. Naqvi Imam Dental College, it may be mentioned that as indicated above, it was in compliance of the directions of the Hon'ble Supreme Court of India."

20. Subsequently, at the instance of the Committee, series of meetings were held. Informing about the development as a result of these meetings, the Ministry of Health and Family Welfare *vide* their communication dated 11.08.2006 stated as under:—

"The Government of Bihar, *vide* their letter dated 6.7.2006, conveyed their no objection to DCI conducting inspection of the concerned private Dental Colleges in the State towards restarting the admission process therein. The State Government also informed that while the L.N. Mithila University's affiliation continued in respect of Surjug Dental College. The withdrawal of affiliation in respect of Dr. S.M. Naqvi Imam Dental College was stayed by the hon'ble Supreme Court of India. In the cases of Mithila Minority Dental College and Darbhanga Dental College, the affiliation stood withdrawn.

The State Government further informed that Vigilance Cases were pending against Mithila Minority Dental College, Darbhanga Dental College. In respect of Dr. B.R. Ambedkar Dental College, Vigilance as well as Criminal cases were pending. The Vigilance Department of the State has been requested to initiate proceedings against Buddha Institute of Dental Sciences, for admitting 734 students in excess of its approved capacity. Upon receipt of the above letter from the State Government, DCI were requested to conduct inspection of the dental colleges, *vide* this Ministry's letter dated 12.7.2006.

It may be mentioned in this context that the students as well as certain affected private Dental Colleges had moved the hon'ble Supreme Court of India for recognition of the BDS Degree and reopening of the admission process in the colleges respectively. The hon'ble Supreme Court, during hearing of the cases jointly in the last week of July, 2006, ordered DCI to conduct inspection of the Dental College and furnish their recommendations to UOI. To consider the issue of recognition of the BDS Degree in respect of the students admitted before 2001, another meeting under the Chairmanship of Secretary (Health & Family Welfare), GOI, was called on 8.8.2006 with the President, DCI, the representatives of the State Government, L.N. Mithila University and the authorities of Darbhanga Dental College, Mithila Minority Dental College and Dr. S.M. Naqvi Imam Dental College.

After a detailed discussion, it was decided that:

- (1) Each of the above Dental Colleges will give by 15.8.2006 to L.N. Mithila University the requisite application with details of batches of students admitted by the prior to 2001 and in respect of whom examination has been conducted.
- (2) L.N Mithila University, after due processing of the applications, will forward the same to the Central Government by 25.8.2006 for recognition of the BDS Degree in respect of the students of the above Dental Colleges admitted prior to 2001 in respect of whom the University has conducted examination and awarded degree.
- (3) The Central Government will forward the application within 3 days of its receipt to DCI.
- (4) DCI will forward its recommendations within 15 days after due process of the application.

The recommendations of DCI have been received on 9.8.2006 and are being processed.

Soon after the necessary inputs are received from all concerned in pursuance of the decision taken at the meeting held on 8.8.2006, a decision regarding possible recognition of the BDS Degree in respect of the students the three Dental Colleges located within the jurisdiction of L.N. Mithila University, Darbhanga, Bihar, would be taken and communicated to the Lok Sabha Secretariat."

21. Subsequently the Ministry *vide* their communication dated 4.10.2006 informed as under:—

"The BDS Degree in respect of the batches of students admitted between 1989-1990 and 2000-2001 in (1) L.N. Mithila Minority Dental College, (2) Darbhanga Dental College and (3) and batches of students admitted between 1992-1993 and 2000-2001 in Dr. S.M. Naqvi Imam Dental College, all located in Darbhanga District of Bihar and affiliated to L.N. Mithila University, Darbhanga, Bihar, has been recognized by Government of India, *vide* the Notification dated 23.9.2006."

22. On being asked to state as to when the process of admission to these colleges would start, the Ministry stated:—

"The Central Government notified in 2006, recognizing as a one time measure, the degree of students admitted prior to 2000, in these colleges and who had been examined and declared successful by the University, in the interest of students. However, the colleges were inspected by DCI after the State Government has furnished 'No Objection Certificate' for granting re-affiliation/inspection the college and the University re-affiliated these colleges. Based on the recommendations of the DCI, Surjug Dental College and Mithila Minority Dental College, affiliated to L.N. Mithila University, were granted permission for

2006-2007 to admit fresh batch of students with the stipulation that they would subject themselves for annual inspection, as they were only fulfilling the requirement for admission for the first year even as per old requirement of 1993. However, Darbhanga Dental College and Dr. S.M. Naqvi Imam Dental College were permitted to admit students only in the academic year 2007-2008 with the same stipulations. Accordingly, the grievance of the students admitted to these colleges and of the colleges for re-admission of students stand fulfilled."

23. The Committee took oral evidence of the representatives of the Ministry of Health and Family Welfare on 21.11.2007. Explaining the position regarding recognition of BDS degree, the representative of the Ministry of Health and Family Welfare during evidence stated as under:—

"There had been some reasons for delay. Sir, as far as the matter of dental colleges are concerned, they have been given permission but the Council would have to inspect them, because it is the responsibility of the council to monitor whether the hospitals are maintaining the standards. They should instruct that the department should have adequate facilities which should be according to the standards. We have already given permission. Now the responsibilities lie on those institutions that they set up their institute as per the given standards, only then their students will get the benefit. It would not be in their interest to get sub-standard education. We too want the students to get standard education."

Observations/Recommendations

24. The Committee note that Mithila Minority Dental College and Hospital and Dr. S.M. Naqvi Imam Dental College and hospital were established in 1989-90 respectively and Darbhanga Dental College and hospital was established in 1990-91, and those colleges were affiliated to L.N. Mithila University in Darbhanga, Bihar when permission of Central Government was not required for establishing a dental College. Only the permission of the State Government and the concerned University was required. A dental college could start functioning only after the Dental Council of India had satisfied itself through inspection or otherwise that the teaching staff, equipment, building etc. provided for, were in conformity with the minimum requirements as prescribed by the Council and approved by the Central Government. According to the Ministry of Health and Family Welfare, Darbhanga Dental College was inspected on 5th & 6th July 1996 in compliance of the orders of High Court of Patna and allowed an intake of 40 seats from academic session 1990-1991. Dr. S.M. Naqvi Imam Dental College was inspected on 13th & 14th April 1995 in compliance of Supreme Court orders and allowed an intake of 60 admissions from academic session 1989-1990. Mithila Minority Dental College was inspected on 16th & 17th July 1996 in compliance of orders of Patna High Court and allowed an intake of 60 seats from academic session 1989-1990. The Committee have been informed that the State Government of Bihar had not issued permission to establish these colleges.

25. The Committee further note that the Dental Council of India recommended for stoppage of admission in all the seven Dental Colleges of Bihar including the above three dental colleges in the year 2000 after identifying serious deficiencies in the infrastructure and faculty of these colleges. However, the Central Government

allowed admission in the interest of students with the condition that these dental colleges would rectify the deficiencies identified by Dental Council of India by 30.04.2001. However, the college authorities did not allow Dental Council of India to inspect the colleges to ascertain whether deficiencies have been rectified. Further L.N. Mithila University also withdrew its affiliation to the four private dental colleges affiliated to it as *void ab initio*. As such, the Government of India *vide* its letter dated 23.08.2001 directed the concerned Dental Colleges to stop admission in their Colleges for BDS Course from the academic session 2001-2002. The State Government of Bihar and L.N. Mithila University were also informed. However, the State Government of Bihar maintained that they have not granted permission for establishment of these colleges.

26. The Committee have been informed that Dental Council of India identified the following deficiencies in the infrastructure and faculty of the above named colleges:—

- (a) Most of the teaching staff were full time private practitioners outside Bihar.
- (b) Grave deficiency in teaching faculty.
- (c) Most of the teaching staff was ineligible to hold the post assigned to them by the college authorities.
- (d) Deficiency in terms of infrastructure and facilities.
- (e) Admission to BDS course not made in accordance with the direction of the Hon'ble Supreme Court of India in Unnikrishnan case and as per the norms prescribed in the DCI Regulations.

27. The Committee further note that in view of the recommendations of Dental Council of India for stopping of admission/de-recognition and subsequent withdrawal of affiliation by L.N. Mithila University of these dental Colleges, the University stopped conducting BDS examination for the students. With the intervention of various Courts, the University conducted BDS examination for students already admitted and awarded the degree. However, the degree was not recognized by the Government of India in view of the recommendations of Dental Council of India. The petitioners, therefore, approached the Committee seeking intervention for recognition of their degree.

28. According to the Petitioners, they got admission to BDS courses in different sessions from 1989-90 to 2000-2001. After completing the BDS courses they have received the degree but the Dental Council of India has not recognized the same. Further the petitioners submitted that their future was bleak as they had lost 10 to 15 years and were unable to pursue higher study due to non-recognition of their degree.

29. The Committee note that the role of Dental Council of India and the Central Government is to ensure the maintenance of standards required so that the degree awarded by the University can be recognized under the relevant Act. The BDS degree is recognized on the basis of recommendations of Dental Council of India. Prior to conveying their recommendations, the Council satisfies itself about availability of infrastructure and facilities after inspection of the concerned dental college and verification of the standard of the University examination. Since the above named

dental colleges lacked infrastructure and facilities for conducting BDS course, the Dental Council of India recommended stoppage of admission. The Committee observe that the above colleges were afforded adequate opportunity to rectify the deficiencies pointed out by the DCI. However, the private Dental College in Bihar never allowed the inspection to be conducted by the stipulated date. The Committee feel that when serious deficiencies were pointed out by DCI in the infrastructure and faculty of these colleges, the Central Government should have persuaded the State Government to intervene and initiated the process of verification of the facilities in these colleges so as to ensure the removal of all deficiencies by the management of these dental colleges by 30th April 2001. Timely action could have avoided a situation where the Dental Council of India had to recommend stoppage of admission to these colleges. The Committee consider it unfortunate that the college authorities did not ensure compliance of the recommendations of Dental Council of India.

30. The Committee further observe that it was possible to re-start admission to these colleges only after affiliation with the concerned University. Since L.N. Mithila University insisted that it would affiliate these colleges only after 'No Objection Certificate' has been granted by the State Government of Bihar, the admission process could not start. Initially the State Government did not agree to issue the 'No Objection Certificate' on the plea that these colleges were established prior to 1993. The impasse on issue of 'No Objection Certificate' between the Central Government and State Government of Bihar continued from the year 2002 to 2006.

31. In order to mitigate the sufferings of thousands of students as mentioned in the petition presented to the Lok Sabha, the Committee intervened and impressed upon all the concerned authorities to resolve the matter. The matter was also discussed by the Committee during study visit to Patna wherein the Committee advised the Central as well as the State Government to settle the issue expeditiously by seeking inputs from the Bihar Government regarding specific points of concern. The intervention of the Committee yielded positive results when the Ministry of Health and Family Welfare on 04.10.2006 informed the Committee about recognition of the degree of the students admitted prior to 2000 in L.N. Mithila Minority Dental College, Darbhanga Dental College and Dr. S.M. Naqvi Imam Dental College. Finally the State Government of Bihar on 06.07.2006 conveyed 'No Objection' for inspection of these dental colleges for re-starting the admission process. Thereafter the University affiliated the colleges and they were inspected by Dental Council of India in 2006-07/2007-08. Based on its recommendations, they have been allowed to reopen the admission.

32. The Committee are pleased to note that its intervention prompted all authorities to settle their specific area of dispute which ultimately paved the way for the Ministry of Health and Family Welfare to issue the Notification recognizing the BDS degree awarded to the students of three dental colleges affiliated to L.N. Mithila University, namely, Mithila Minority Dental College, Darbhanga Dental College and Dr. S.M. Naqvi Imam Dental College. The recognition of BDS degree would bring a sense of relief amongst the students, as they would be able to pursue higher studies and practice dentistry as well.

33. The Committee are also pleased to note that the admission process in these colleges have also started and Mithila Minority Dental College has been granted

permission from 2006-07 to admit fresh batch of students with the condition that they would subject themselves for annual inspection. Darbhanga Dental College and Dr. S.M. Naqvi Imam Dental College have also been permitted to admit students from the academic year 2007-08 with the same stipulations.

34. The Committee hope that with the recognition of BDS degree and re-starting of the admission process, these dental Colleges will strive to maintain the desired level of education and will also ensure continued availability of requisite infrastructure/ facilities for proper training to students. Since Dental Council of India will conduct annual inspection of colleges where renewal permission is to be recommended to Central Government till recognition of the degree, it becomes all the more important for these colleges to maintain all the facilities in conformity with the relevant Act. The Committee also hope that these dental colleges would not give any cause to the Dental Council of India from taking harsh steps like recommending stoppage of admission/de-recognition of Dental Colleges in future.

NEW DELHI;
04 December, 2007

13 Agrahayana, 1929 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

LOK SABHA

PETITION NO. 11

(Presented to Lok Sabha on 17-3-2006)

To

Lok Sabha,
New Delhi.

The humble petition of Shri Imtiyaz Maqbool, President, L.N.M.U. Dental Student's Federation, C/o Parwez Hassan, D-15/261, Sector-3, Rohini, New Delhi, on behalf of the Degree Holders/Students of the three Dental Colleges of Darbhanga, Bihar.

SHEWETH

I, the undersigned, petitioner on behalf of all the Degree Holders/Students of the three Dental Colleges of Darbhanga, Bihar submit that, we all are the ill fated, innocent, jeopardized and harassed degree holders/students of different dental colleges of Darbhanga, Bihar namely Mithila Minority Dental College and Hospital, Dr. S.M. Naqvi Imam Dental College and Hospital, Darbhanga Dental College and Hospital, request humbly with folded hands to take merciful steps by keeping the below facts of our tragedy in view:—

1. That we are from the different States of the country and got admission in above said dental colleges in Darbhanga, Bihar in different sessions from 1989-1990 to 2000-2001.
2. That these colleges were approved by Dental Council of India, New Delhi and affiliated to L.N. Mithila University.
3. That all of a sudden the University stopped our examinations and we knocked the door of every authority and out of frustration tried to self immolate at various times. For seeking justice we the students knocked the door of the Hon'ble Patna High Court and Supreme Court of India. The Hon'ble Courts in various judgements (CWJC. No. 2583/2000, [CWJC. No. 4166/2001, I.A. No. 2233/2001, LPA. No. 610/2001, S.L.P. (c) 12282/2002, S.L.P.(c) 5233/2002, S.L.P.(c) 5988/2002, CWJC No. 6428/2001) showed full sympathy with, we the students and directed L.N. Mithila University Darbhanga, Bihar to conduct all the examinations of those students to complete their degrees who have got admission in these colleges prior to 2001. So, we the students who have got the admission

before 2001 are legal students and we are covered by the approval of Dental Council of India. In 2001, Ministry of Health and F.W. *vide* letter number F.No.V. 12025/16/2000-PMS stopped admissions in these colleges from the academic session 2001-2002. We all the students have got admission in these colleges before this notification and thus the DCI and Health Ministry are bound to recognize our BDS degrees.

4. That after a long battle of 10—15 years we have now completed the B.D.S. course of 4 years and have received the BDS degree from L.N. Mithila University, Darbhanga, Bihar. But, these degree is merely a piece of paper and we can neither go for any further studies nor can apply for any job on the basis of these degree. The reason behind this is that Dental Council of India and Union Health Ministry to whom we had put our career are not recognizing our degrees. We want to ask the authorities what is our fault and are not 15 years enough to complete the BDS course. The DCI *vide* letter number DE-22(60)-2001/1337 Dated 13 June, 2001 directed the L.N. Mithila University to inform the present position of entire, due examination of BDS course of we the students. If we were not the legal students, what was the need to write this letter?
5. That we want to make it clear that we have nothing to do with the affairs of our colleges where from we have passed, like the essentially certificates/ NOC's from state government, infrastructure and teaching facilities of these colleges etc. as we have completed our courses and this all is related to the future of these colleges.
6. That *vide* notification number V. 12018/1/2001-PMS dated 12/12/2001 of the Government of India, Ministry of Health and Family Welfare, New Delhi the students of three batches of Dr. S.M. Naqvi Imam Dental College and Hospital has already been recognized but, unfortunately no step has been taken in this regard for the students of all the batches of Mithila Minority Dental College and Hospital, Darbhanga Dental College and Hospital and for the onward batches of Dr. S.M. Naqvi Imam Dental College and Hospital. We all the admitted students of these three colleges are of same footing and thus the same relief must be provided in our favour without any further delay.
7. That *vide* letter No. V. 12017/45/2005 PMS (Part) Ministry of Health and Family Welfare, Department of Health stated that the matter is under consideration of the government and till date nothing concrete and practical has been done. Would it take further 15 years..... Are not 15 years enough?

We, therefore, request you that already we have lost 10 to 15 years and lakhs of rupees and most of us have now crossed the age limit and it is not possible for we people to go for any further litigation. The Ministry and Dental Council of India are spoiling our career. Thus, it is prayed to make a merciful intervention in this grave matter and save our career from ruination. The only solution is the recognized Degree.

And your petitioner as in duty bound will ever pray.

Name	Address	Signature
Shri Imtiyaz Maqbool, President LNMU Dental Students Federation.	C/o. Parwez Hassan, D-15/261, Sector-3, Rohini, New Delhi-110085.	Sd/-

Countersigned by Shri Mohan Singh, M.P.

ANNEXURE-II

MINUTES OF THE SIXTY-NINTH SITTING OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Tuesday, 27th November, 2007 from 1500 hrs. to 1645 hrs. in Chairman's Room No. 45(II) Ground floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh—*Chairman*

MEMBERS

2. Shri Shingada Damodar Barku
3. Shri N.S.V. Chitthan
4. Shri Anant Gangaram Geete
5. Shri C. Kuppusami
6. Adv. Suresh Kurup
7. Kunwar Jitin Prasada
8. Shri Paras Nath Yadav

SECRETARIAT

- | | | |
|---------------------|---|----------------------------|
| 1. Shri A.K. Singh | — | <i>Director</i> |
| 2. Shri U.B.S. Negi | — | <i>Deputy Secretary-I</i> |
| 3. Shri H.R. Kamboj | — | <i>Deputy Secretary-II</i> |
| 4. Shri V.P. Gupta | — | <i>Under Secretary</i> |

WITNESSES

Ministry of Health and Family Welfare

- | | | |
|----------------------------|---|------------------|
| 1. Shri Naresh Dayal | — | Secretary |
| 2. Smt. Bhavani Thayarajan | — | Joint Secretary |
| 3. Dr. Anil Kohli | — | President, DCI |
| 4. Dr. P.N. Awasthi | — | Secretary, DCI |
| 5. Shri R. Ravi | — | Deputy Secretary |

3. Thereafter the Committee took oral evidence of the representatives of the Ministry of Health and Family Welfare (Department of Health) on the petition for recognition of BDS degree awarded by different Dental Colleges in Darbhanga, Bihar. The Chairman welcomed the officials of the Ministry of Health and Family Welfare and drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings.

4. The representatives of the Ministry of Health and Family Welfare informed the Committee that the notification recognizing BDS degree to the students admitted prior to 2000 in dental Colleges in Darbhanga, Bihar had already been issued by the Government of India. Further they informed that after the State Government of Bihar had issued 'no objection certificate' these colleges were inspected by Dental Council of India. Based on the recommendations of the Council, the admission process in Mithila Minority Dental College, Darbhanga Dental College and Dr. S.M. Naqvi Imam Dental College has started and permission has been granted to admit students. The other queries raised by the Members of the Committee were also resolved by the officials of the Ministry.

5. A copy of the verbatim proceedings of the sitting of the Committee has been kept on record.

The witnesses then withdrew.

The Committee then adjourned.

ANNEXURE-III

MINUTES OF THE SEVENTIETH SITTING OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Tuesday, the 04th December, 2007 from 1500 hours to 1530 hours in Chairman's Room No. 45(II) Ground Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh—*Chairman*

MEMBERS

1. Shri N.S.V. Chitthan
2. Shri C. Kuppusami
3. Adv. Suresh Kurup
4. Shri Dharmendra Pradhan
5. Kunwar Jitin Prasada
6. Shri Jyotiraditya M. Scindia

SECRETARIAT

- | | | |
|-------------------------|---|----------------------------|
| 1. Shri P.K. Grover | — | <i>Joint Secretary</i> |
| 2. Shri A. K. Singh | — | <i>Director</i> |
| 3. Shri U.B.S. Negi | — | <i>Deputy Secretary</i> |
| 4. Shri H.R. Kamboj | — | <i>Deputy Secretary-II</i> |
| 5. Shri V.P. Gupta | — | <i>Under Secretary</i> |
| 6. Smt. Jagriti Tewatia | — | <i>Committee Officer</i> |

2. The Committee considered and adopted the following reports of the Committee without any modifications:—

- (1) Thirty-Fifth Report pertaining to Ministry of Health and Family Welfare on the Petition from Shri Mohan Singh, MP requesting for recognition of BDS degree awarded by different dental colleges in Darbhanga, Bihar.
- (2) Thirty-Sixth Report on the representations concerning with the Ministries of Coal, Home Affairs and Railways.

3. The Committee also authorised the Chairman to finalise and present the Reports to the House.

The Committee then adjourned.