

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1982-83)**

(SEVENTH LOK SABHA)

FORTIETH REPORT

**MINISTRY OF HEALTH AND FAMILY WELFARE
(DEPARTMENT OF HEALTH)**

**Educational facilities for Scheduled Castes and Scheduled
Tribes in the Medical Colleges under the control of,
or aided by Central Government**



Presented in Lok Sabha on 29-4-1983

Laid in Rajya Sabha on 29-4-1983

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 THE WELFARE OF SCHEDULED CASTES AND
 SCHEDULED TRIBES (SEVENTH LOK SABHA)

<u>PAGE</u>	<u>PARA</u>	<u>LINE</u>	<u>CORRECTION</u>
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7	2.1	11	<u>Add</u> seats before the word are
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59		1	<u>Add</u> that before the word out
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60	4.13	2	<u>Delete</u> of after the word reservation

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**COMMITTEE ON THE WELFARE OF SCHEDULED
CASTES AND SCHEDULED TRIBES
(1982-83)**

Shri A. C. Das

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INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to submit the Report on their behalf, present this Fortieth Report (Seventh Lok Sabha) on the Ministry of Health and Family Welfare (Department of Health—Educational facilities for Scheduled Castes and Scheduled Tribes in Medical Colleges under the control of, or aided by the Central Government.

2. The Committee took the evidence of the representatives of the Ministry of Health and Family Welfare (Department of Health), Directorate General of Health Services, Medical Council of India and Central Medical Colleges on 7th February, 1983. The Committee wish to express their thanks to the officers of the Ministry of Health and Family Welfare (Department of Health) and representatives of Directorate General of Health Services, Medical Council of India and Central Medical Colleges for placing before the Committee material and information the Committee wanted in connection with the examination of the subject.

3. The Report was considered and adopted by the Committee on 23rd April, 1983.

4 A summary of conclusions/recommendations contained in the Report is appended.

NEW DELHI;

April 27, 1983.

Vaisakha 7, 1905 (S).

A. C. DAS,
Chairman,
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.

CHAPTER I

ORGANISATION

A. Central Medical Colleges

At present the following Medical Colleges/Institutes are under the control of or aided by the Central Government :

S. No.	Name of Medical College/Institute	Method of financing	Remarks
1	2	3	4
1.	All India Institute of Medical Sciences, New Delhi.	The Institute is fully financed by the Central Government by way of grants.	The Institute was set up as an institution of national importance under the All India Institute of Medical Sciences Act, 1956.
2.	Post-graduate Institute of Medical Education and Research, Chandigarh.	—do—	The Institute was set up as an institution of national importance under the post-graduate Institute of Medical Education and Research, Chandigarh, Act, 1966.
3.	Jawaharlal Institute of Post-graduate Medical Education and Research, Pondicherry (JIPMER)	The expenditure is provided for in the budget of the Ministry of Health and Family Welfare as a subordinate office of	Earlier a French School of Medicine (known as Ecole de Medicine of Pondicherry) was maintained by the French Government. It was

1	2	3	4
		the Director General of Health Services.	taken over by the Central Government in November, 1956 and was set up as a Medical College. It was given its present name in July, 1964. It is affiliated to the Madras University,
4.	Lady Hardinge Medical College and Hospital, New Delhi.	—do—	The College was taken over by the Cen- tral Government under the Lady Hardinge Medical College and Hospital (Acquisition and Miscellaneous Provisions) Act, 1977. It is affiliated to the Delhi university.
5.	University College of Medical Sciences, New Delhi.	The College is a Maintained insti- tute of the Delhi University.	
6.	Maulana Azad Medical College New Delhi.	The College is ad- ministered by the Delhi Union Terri- tory Administra- tion.	It is affiliated to the Delhi University.
7.	Goa Medical College, Panaji.	The College is ad- ministered by the Union Territory Administration of Goa, Daman and Diu.	It is affiliated to the Bombay Uni- versity.

1	2	3	4
8.	Institute of Medical Sciences, Varanasi.	It is a maintained institute of the Banaras Hindu University.	It is under the administrative control of the Ministry of Education and Social Welfare.
9.	Jawaharlal Nehru Medical College, Aligarh.	It is a maintained Institute of the Aligarh Muslim University.	It is under the administrative control of the Ministry of Education and Social Welfare.
10.	Mahatma Gandhi Institute of Medical Sciences, Wardha.	It is a private college managed by Kasturba Health Society. 50% of the expenditure is borne by the Centre, 25% by the Maharashtra Government and 25% by the Kasturba Health Society.	

B. Medical Council of India

1.2 Section 3 of the Indian Medical Council Act, 1956 provides for constitution of a Medical Council of India consisting of the following members :—

- (a) One member from each State other than a Union territory, to be nominated by the Central Government in consultation with the State Government concerned;
- (b) One member from each University, to be elected from amongst members of the medical faculty of the University by members of the Senate of the University or in case the University has no Senate, by members of the Court;

- (c) One member from each State in which a State Medical Register is maintained, to be elected from amongst themselves by persons enrolled on such Register, who possess the medical qualifications included in the First or the Second Schedule or in Part II of the Third Schedule;
- (d) Seven members to be elected from amongst themselves by persons enrolled on any of the State Medical Registers who possess the medical qualifications included in Part I. of the Third Schedule;
- (e) Eight members to be nominated by the Central Government.

1.3 Under section 16 of the Indian Medical Council Act, the Medical Council of India has the power to call for information from the Universities/medical institutions regarding the courses of study and examinations. This section reads as under :

“Every University or medical institution in India which grants a recognised medical qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and examination to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.”

1.4 Section 17 of the Act relating to inspection of examinations provides that the Executive Committee of the Medical Council of India “shall appoint such number of medical inspectors as it may deem requisite to inspect any medical institution, college, hospital or other institution where medical education is given, or to attend any examination held by any University or medical institution for the purpose of recommending to the Central Government, recognition of medical qualifications granted by that University or medical institution.”

1.5 Under section 19 A(1) of the Indian Medical Council Act, 1956 the Medical Council of India is empowered to prescribe minimum standards of medical education required for granting recognised medical qualifications (other than post-graduate medical qualifications) by Universities or medical institutions in India. Section 19 A(2) also provides that copies of the draft regulations and of all subsequent amendments

thereof shall be furnished by the Council to all State Governments and the Council shall, before submitting the regulations or any amendment thereof, as the case may be, to the Central Government for information, take into consideration the comments of any State Government received within 3 months from the furnishing of the copies as aforesaid.

1.6 The Committee were informed during evidence that the Indian Medical Council Act does not contain any specific provision for representation of any person belonging to Scheduled Caste/Scheduled Tribe community on the Medical Council of India. However, there was one Scheduled Caste member in the present Council and he was also Chairman of the Post-graduate Committee by virtue of his eminent position. Asked whether a provision would be made in the Act to include one member from Scheduled Caste/Scheduled Tribe community, the representative of the Ministry of Health Stated during evidence that he would take up the matter with the Government.

C. Post-Graduate Committee

1.7 Section 20 of the Indian Medical Council Act, 1956 provides that the Medical Council may "prescribe standards of post-graduate medical education for the guidance of Universities and may advise Universities in the matter of securing uniform standards of post graduate medical education throughout India, and for this purpose the Central Government may constitute from among the members of the Council a post-graduate Medical Education Committee." This section provides that the post-graduate Committee shall consist of nine members all of whom shall be persons possessing post-graduate medical qualification and experience of teaching or examining post-graduate students of medicine. Six of the members of this Committee are nominated by the Central Government and the remaining three members are elected by the Council from amongst its members. Section 20 further provides that "the views and recommendations of the Post-graduate Committee shall be placed before the Council and if the Council does not agree with the views expressed or the recommendations made by the Post-graduate Committee on any matter, the Council shall forward them together with its observations to the Central Government for decision."

1.8 The Medical Council of India is constituted under section 3 of the Indian Medical Council Act, 1956. It consists of representatives of State Governments and Universities; representatives from State elected by persons enrolled on State Medical Registers who possess prescribed medi-

cal qualifications; and 8 members nominated by the Central Government. One of the functions of the Council is to prescribe the minimum standards of medical education required for granting recognised medical qualifications (other than post-graduate medical qualifications) by Universities or medical institutions. The Committee were informed during evidence that the aforesaid Act does not contain any specific provision for representation of or any person belonging to Scheduled Caste/Scheduled Tribe community on the Medical Council of India. However, there is one Scheduled Caste member in the present Council and he is also the Chairman of the Post-graduate Committee by virtue of his eminent position. The Committee recommend that in order to protect the interests of Scheduled Castes and Scheduled Tribes and to promote their medical education, at least one person from among these communities should be included as a member of the Council.

CHAPTER II

RESERVATIONS IN ADMISSIONS

A. Reservation of Seats in Admissions to Medical Colleges

2.1 The Committee have been informed that in terms of the special provisions made in the Constitution of India, the Government of India, Ministry of Education had requested the Vice-Chancellors of the various Universities in February, 1964 to reserve 20% of the seats for Scheduled Caste/Scheduled Tribe candidates and to give a concession of 5% marks in the minimum percentage of marks required for admission to any course. In October, 1971 the Ministry of Education suggested that in case 20% seats earmarked for them remain unfilled, a further relaxation in the marks should be given to them in the order of merit *inter-se* amongst themselves so that all the Caste/Scheduled reserved are filled by candidates belonging to the Scheduled Tribe categories. It was also impressed upon the Vice-Chancellors of the Universities that all possible concessions in the matter of admissions without seriously affecting the standards of education should be given to these categories.

2.2 Section 33 of the Indian Medical Council Act, 1956 provides that the Council may, with the previous sanction of the Central Government, make regulations generally to carry out the purposes of the Act. In April, 1977, the Council made certain recommendations for amendment of the Regulations on Under-graduate Medical Education. The amendments were approved by the Central Government under section 33 of the Act and were communicated to all Medical Colleges, Universities State Government etc. by the Medical council of India *vide* letter No. MCI-26 (3)/79-Med./17058 dated 19.10.1979. In the amendment to Section II of the Regulation, the Council has recommended that the selection of students for admission in a medical college in the under-graduate courses should be based solely on merit of the candidate. For determination of merit, the Council has recommended the following criteria to be adopted uniformly throughout the country :—

- (a) In States having only one Medical College and one University/ Board/Examining body conducting the qualifying examination,

the marks obtained at such qualifying examination be taken into consideration.

- (b) In States having more than one University/Board/Examining Body conducting the qualifying examination or where there are more than one medical college under the administrative control of one authority, a competitive entrance examination should be held so as to achieve a uniform evaluation due to the variation of the standard of qualifying examinations conducted by different agencies ;
- (c) Where there are more than one college in a State and only one University/Board conducting the qualifying examination, then a joint selection board be constituted for all the colleges.
- (d) A competitive entrance examination is absolutely necessary in the case of Institutions of All India Character.
- (e) To be eligible for competitive entrance examination, candidate must have passed any of the qualifying examinations as enumerated under the head-note "Admission to Medical Course".

Provided that a candidate who has appeared in a qualifying examination the result of which has not been declared, may be provisionally allowed to take up the competitive examination and in case of his selection for admission to a medical college, he shall not be admitted thereto unless in the meanwhile he has passed the qualifying examination.

Provided also that a candidate for admission to the Medical course must have obtained not less than 50% of the total marks in English and Science subjects taken together, (i) at the qualifying examination (or at a higher examination), in the case of medical colleges where the admissions are made on the basis of marks obtained at these examinations or (ii) 50% of the total marks in English and Science subjects taken together at the competitive entrance examination where such examinations are held for selection.

Provided further that in respect of candidates belonging to Scheduled Castes/Scheduled Tribes the minimum marks required for admission shall be 40% in lieu of 50% for general candidates.

2.3 When the seats reserved for Scheduled Caste and Scheduled Tribe students in any State cannot be filled for want of requisite number of candidates fulfilling the minimum requirements prescribed from that State, then such vacant seats may be filled up on all India basis with Scheduled Caste and Scheduled Tribe candidates getting not less than the minimum prescribed pass percentage or reverted to general category.

2.4 In July, 1980 the Medical Council of India were requested to impress again on all medical Institutions. Universities and other authorities concerned to follow strictly the procedure set out in the revised regulations of the Medical Council of India in the matter of reservation of seats for candidates.

2.5 Asked whether the requirement of having 40% marks can be relaxed in the case of Scheduled Caste/Scheduled Tribe candidates, the representative of the Ministry of Health and Family welfare has stated that the condition of having 40% marks is a statutory requirement and it cannot be relaxed. But in Madhya Pradesh the condition was relaxed and one of the students challenged this relaxation and filed a writ in the Supreme Court. The Supreme Court had held that the requirement of 40% marks fixed through a regulation by the Medical Council of India with the prior approval of the Government is not mandatory in character but it is an enabling provision. The witness stated that in Bihar the percentage had been reduced to 35 or 30 and it is reported that some of the students had taken up the matter in the Supreme Court.

2.6 The Ministry of Education and Culture have furnished a copy of the Judgement of the Supreme Court dated 22nd September, 1981 in Civil Appeal Nos. 554-555 of 1981 in the State of Madhya Pradesh and another vs. Kumari Nivedita Jain and others. The case is briefly mentioned below :

2.7 Under the "Rules for Admission into the Medical, Dentistry and Ayurvedic Colleges in Madhya Pradesh", the Government of Madhya Pradesh is empowered to grant in case of candidates belonging to the categories of Scheduled Castes and Scheduled Tribes special relaxation in the minimum qualifying marks to the extent considered necessary in the event of the required number of candidates in these two categories not being available. For the total number of 720 seats in the Medical Colleges of the State, there were 9400 candidates in all. Of the 9400 candidates, there were 623 candidates belonging to the category of Scheduled Castes for whom 108 seats were reserved; and, for the 108

seats reserved for candidates of the Scheduled Tribes category, there were 145 candidates belonging to that category. On the result of the Pre-Medical Examination only 18 seats in the category of the Scheduled Castes and 2 Seats in the category of Scheduled Tribes could be filled up, because the other candidates of these categories did not secure qualifying marks prescribed by rule 20. As 90 seats had remained vacant in the category reserved for Scheduled Castes after selection of the 18 candidates and 106 seats remained unfilled in the category of seats reserved for Scheduled Tribes after selection of the two candidates on the result of the examination, the Board in exercise of the power under Note (i) to Rule 20 made a relaxation of 5 per cent in terms thereof and thereafter 7 more candidates in the category of Scheduled Castes and one more in the category of Scheduled Tribes got admitted. Thus out of 108 seats reserved for each category of the Scheduled Castes and Scheduled Tribes' only 25 seats could be filled in the category of Scheduled Castes and three in the category of Scheduled Tribes. As only a very few candidates of these two categories could get admitted into Medical Colleges and a large number of seats reserved for them could not be filled up by the candidates of these two categories on the basis of the result of the examination even after relaxation had been made in terms of the provisions contained in Note (i) to Rule 20, the State Government passed an order on the 9th September, 1980 completely relaxing the conditions relating to the minimum qualifying marks for these two categories. The validity of this order was questioned in a writ petition filed in the High Court by Nivedita Jain who was a candidate for admission into a Medical College in the general seats.

2.8 The High Court accepted the contention of the writ petitioner that the order in question violated Regulations of the Council holding that "the executive power of the State under Article 162 cannot be so exercised as to override the statutory provisions, more so when the said provision is in a field occupied by the Union List. The executive power can be used to supplement a law but not to supplant it". The High Court further held that "the total relaxation of minimum marks for the candidates belonging to these categories cannot be supported under Article 15 (4) being violative of the Regulations which have the force of law"

2.9 In the result, the High Court allowed the writ petition and struck down the order of the State Government dated 9th September, 1980.

2.10 In the appeal by special leave, the State of Madhya Pradesh and the Controller of Examinations pre-medical test challenged the correctness of the decision of the High Court.

2.11 The Supreme Court in its judgement dated 22nd September 1981 held that Regulation II of the Medical Council of India which relates to selection of candidates is merely directory and in the nature of a recommendation and has no such statutory force as to render the order in question which contravenes the said regulation illegal, invalid and unconstitutional. In the result the order of the State Government dated 9th September, 1980 was not, therefore liable to be struck down as being violative of Regulation II or Article 15 of the Constitution. The Supreme Court set aside the Judgement and order passed by the High Court and the writ petition was dismissed. Relevant extracts from the judgement of the Supreme Court are at Appendix-I

2.12 It has been stated that under section 33 of the Indian Medical Council Act, before issuing regulations under the Act, they are first approved by the Central Government. This gives authority to the Central Government to approve the regulations which the Medical Council of India wants to implement. There is no provision in the Act itself to issue directive to the Medical Council of India. The representative of the Ministry of Health stated that over a period of time a series of instructions had been issued by the Ministry of Health in regard to reservation of seats both at undergraduate and post-graduate levels. The Medical Colleges funded by the Ministry were given instructions to reserve 15% seats for Scheduled Caste and 5% for Scheduled Tribe candidates at under-graduate level. At under-graduate level a concession of 10% marks is given to Scheduled Caste/Scheduled Tribe candidates.

In this connection during evidence, the representative of the Ministry of Health and Family Welfare stated as follows :—

"I put the problem in two parts. Firstly, we have got certain institutions which are directly under the Ministry of Health and Family Welfare. For them we provide finances, as for example, the All India Institute of Medical Sciences and also the PGI at Chandigarh. They are also constituted under the specific Acts of Parliament. In other words they are statutory organisations, They are funded by us, but they are autonomous like the Central Universities. But in regard to these institutions they implement the provisions. In the case of All India Institute of Medical Sciences, they are able to implement them."

2.13 The Committee wanted to know whether the Statutes relating to Central Medical Colleges should be amended so as to

enforce the implementation of the reservation policy both in respect of admissions and services. In this connection, the representative of the Ministry of Health stated as follows :—

"So far as the institutions which are under our direct control are concerned, we have no problem. They conform to what we want them to do. The problem arises in regard to universities which are being set up under the State Acts. As far as those universities are concerned, if the UGC Act were to be amended, that would help. After all, the UGC gives grants not only for medical education but for the whole gamut of education. They can say that unless and until the reservation policy is adhered to in regard to all the faculties under them, whether it is the faculty of medical education or technical education or legal education or what you have they will not give the grant. If a provision like that was embodied in the UGC Act and if our concurrence is required, we will strongly support it. It is that Act which is a crucial Act. It is the University Grants Commission with a substantial amount of money at their disposal which is funding not only Central Universities but also other universities.

2.14 The representative of the Ministry of Health stated during evidence that instructions to all the Central Medical Colleges including those of Banaras Hindu University and Aligarh Muslim University are issued directly and not through the Ministry of Education and Culture.

2.15 Asked if it would be better to bring all the Central Medical Colleges including those of Aligarh Muslim University and Banaras Hindu University under the administrative control of the Ministry of Health, the representative of the Ministry of Health stated as follows :—

"As far as the medical standards are concerned, it is governed by the Indian Medical Council Act, 1956. The fact that these institutions are administratively under the control of the Ministry of Education has not in any way affected the maintenance of standards under the Act. In other words, wherever they have to comply with the standard of the Medical Council of India, they have done so. In fact, we have received maximum help from them in the implementation of national programmes. I am referring to one aspect of administration."

2.16 The Committee have been informed that Government of India had set up a Medical Education Review Committee in September, 1981.

2.17 The Terms of Reference of the Medical Education Review Committee were as follows :—

- (i) To review the current admission procedure (including entrance tests) and domiciliary restrictions for admissions to under-graduate and postgraduate courses and to make suitable recommendations separately, in regard there to ;
- (ii) To suggest measures aimed at bringing about over-all improvement in the under-graduate and postgraduate medical education paying due attention to :—
 - (a) institutional goals ;
 - (b) content, relevance and quality of teaching and training and learning settings; and
 - (c) evaluation systems and standards.
- (iii) to recommend the optimum duration of under-graduate and post-graduate courses of study separately;
- (iv) to examine the existing Internship programme and to recommend its future pattern;
- (v) to review the working of the Residency Scheme along with the Housemanship Programme and to make recommendations regarding a uniform pattern of post-graduate training;
- (vi) to examine the current requirement of Thesis or Dissertation as an essential part of post-graduate medical education and to make suitable recommendations in regard thereto; and
- (vii) to examine the feasibility of a period of service in the rural areas for medical graduates and post-graduates.

2.18 The Committee have been informed that the Review Committee was also to evolve realistic projections of medical manpower requirements i.e. M.B.B.S, doctors, general specialists and super-specialists during the Sixth Five Year Plan and beyond, taking into consideration:

- (a) the needs of Government based health care programme;
- (b) the requirement of doctors in the private sector;
- (c) the needs arising from bilateral agreements, international commitments and Technical Co-operation among Developing Countries; and

- (d) necessity to redress regional imbalances in the distribution of medical manpower.

2.19 The Committee pointed out during evidence that in the terms of reference of the Medical Education Review Committee there was no mention of reservation of seats for Scheduled Caste/Scheduled Tribe candidates. When the Committee wanted to know whether the Review Committee has made any recommendation about reservation, the Secretary, Ministry of Health stated as follows :—

“What the honourable Member has observed is very correct that there is no specific and concrete term of reference relating to the reservations as such. But what I wanted to submit is when I see the current system of admission, it obviously includes that and I am given to understand that the Committee has also considered this issue and given their view-point on it.”

2.20 In a note furnished to the Committee after the evidence, it has been stated that the Medical Education Review Committee has made the following recommendations regarding reservation of seats for Scheduled Castes and Scheduled Tribes :—

- (i) The State Governments may be permitted to fix percentage-wise reservations for Scheduled Caste/Scheduled Tribe candidates as may be prescribed by the Central Government the same being related to the Scheduled Caste and Scheduled Tribe population in the State;
- (ii) Any reservation over and above that in (i) above, for other categories of beneficiaries, should be done only after procuring the prior sanction of the Medical Council of India;
- (iii) The aggregate of various categories of reservations, including Scheduled Caste/Scheduled Tribe, should not exceed 33-1/3% of the total number of seats available in each college;
- (iv) There should be no further relaxation of the existing Medical Council of India prescription requiring Scheduled Caste/Scheduled Tribe candidates to possess atleast 40% marks (against 50% for general category candidates) in English/General Knowledge, Physics Chemistry and Biology, taken together at the entrance examination for admission to the Medical course;

- (v) There should be no carry forward of reserved seats of any category, from one year to the next. All seats reserved for Scheduled Caste/Scheduled Tribe candidates which remain unfilled may be utilised by admitting eligible Scheduled Caste/Scheduled Tribe candidates from neighbouring States/ Union Territories. If unabsorbed Scheduled Caste/Scheduled Tribe candidates from other States/Union Territories are not available in the requisite number, the vacant seats should be thrown open to the general category candidates. The Government of India would have to establish a suitable mechanism to operate the above recommended approach.

2.21 Briefly, under the Regulations framed by the Medical Council of India in 1979 with the approval of the Central Government, the following requirements have been prescribed for admission of Scheduled Caste/ Scheduled Tribe students to the MBBS courses in the medical colleges in the country :

- (a) They should have obtained the minimum percentage of 40% at the qualifying examination as against 50% for general candidates.
- (b) Where the seats reserved for Scheduled Caste/Scheduled Tribe students in any State cannot be filled for want of requisite number of candidates fulfilling the minimum requirements prescribed by the State, then such vacancies may be filled up on an All India basis with Scheduled Caste/Scheduled Tribe candidates getting not less the minimum prescribed pass percentage.

2.22 When the Committee enquired about the device to ensure implementation of reservation orders, the Secretary, Ministry of Health stated during evidence that the Medical Council of India was constantly in touch with medical colleges as it was concerned with the maintenance of standards of education. It was stated that through visits/inspections, the Council ensured that the regulations relating to medical education were followed by the medical colleges. The witness stated that the Ministry of Health did not directly come in contact with the medical institutions as they were administered through the Medical Council of India. In this connection, the representative of the Medical Council of India added :

"We have routine inspection of colleges every five years. We can have emergent inspection. During that inspection, our

inspectors or visitors make sure that all our requirements are followed by our colleges. They also check up whether as per University regulations, seats are being filled up”.

2.23 When the Committee enquired whether the Ministry of Health and Family Welfare was consulting the Medical Council of India for implementation of reservation orders in Medical Colleges, the representative of the Ministry has stated as follows :—

“The Secretary of the Medical Council explained as to how whenever they carry out the inspection of a medical college they go into the question as to whether the medical college adheres to the stipulations concerning the reservations for Scheduled Caste/Scheduled Tribe. For the reservation of seats for Scheduled Caste/Scheduled Tribe the University and the medical colleges under the University go by the percentages stipulated by the State Governments. It is not 15% plus 5% uniformly throughout India. For example there are some States where it is 14% plus 4%. But then each State Government, has stipulated with reference to each university, what the university should do. So, when the Medical Council of India inspectors go to carry out the inspections, this is one of the aspects they look into, namely, whether the college concerned fulfilled the reservation of seats for Scheduled Caste/Scheduled Tribe which have been stipulated by the concerned authority, namely, the State Government.”

2.24 As regards reservation for Scheduled Caste and Scheduled Tribe candidates in admissions and appointments, the University Grants Commission had, in their letter No. F. 6-4/82(SCT) dated 25th August, 1982 to all Central Universities, stated that “it has since been decided that in context of the population percentages of Scheduled Castes and Scheduled Tribes in the country the reservation percentages would be 15% for scheduled Castes and 7.5% for Scheduled Tribes (instead of 5% fixed hitherto) in admissions to various courses of studies and appointments to non-teaching posts and also teaching posts upto the level of Lecturer/Assistant Professors”.

2.25 When the Committee pointed out during evidence that the Ministry of Education has made provision for 22½% reservation for Scheduled Caste/Scheduled Tribe candidates, 15% for Scheduled Castes and 7½% for Scheduled Tribes and wanted to know why the same percentages of reservation are not being followed in the Central Medical Colleges the representative of the Ministry of Health has stated as follow:—

“Here we follow the general guidelines of the Government. In fact they come through the Education Ministry. We derive this from them. It applies Engineering and other Institutions also. If the Education Ministry were to say that it should be 22½%, then we follow that and fall in line.”

2.26 The University Grants Commission have issued instructions on 25th August, 1982 to all the Central Universities that in the context of the population percentages of Scheduled Castes and Scheduled Tribes in the country, the reservation percentages would be 15% for Scheduled Castes and 7.5% for Scheduled Tribes (instead of 15% for Scheduled Castes and 5 per cent for Scheduled Tribes as was prescribed till then) for admissions to various courses of studies and appointments to non-teaching posts and also teaching posts upto the level of Lecturer/Assistant Professor. When the Committee asked why the reservation percentages in medical colleges/institutes were being continued at 15% for Scheduled Castes and 5% for Scheduled Tribes, the representative of the Ministry of Health stated during evidence that “If the Education Ministry were to say that it should be 22½%, then we will follow that and fall in line”. The Committee are surprised that the instructions issued by the University Grants Commission on 25th August, 1982 raising the reservation percentage from 22½% have neither been conveyed by that Ministry to the Ministry of Health nor officers of the Ministry of Health were aware of these instructions till the matter was raised during evidence before the Committee on 7th February, 1983. The Committee recommend that necessary instructions in this regard should be issued to the Medical Colleges/Institutes, Universities etc. without further delay.

2.27 The Institute of Medical Sciences, Varanasi and the Jawaharlal Nehru Medical College, Aligarh, are maintained institutes of the Banaras Hindu University and Aligarh Muslim University respectively. These universities function under the administrative control of the Ministry of Education and Culture. Consequently, the instructions issued by the Ministry of Education to all Universities regarding reservations for Scheduled Castes and Scheduled Tribes in teaching and non-teaching posts under them are required to be implemented by the Banaras Hindu University and the Aligarh Muslim University and through them by the Institute of Medical Sciences, Varanasi and the Jawaharlal Nehru Medical College, Aligarh. So far as medical standards are concerned, these two institutions are governed by the Indian Medical Council Act, 1956. Therefore, the instructions issued by the Ministry of Health and Family Welfare Medical Council of India to all Central and State Medical Colleges are

required to be implemented by these two institutions also. When the Committee discussed this matter during evidence, the representative of the Ministry of Health averred that the fact that these two institutions are under the administrative control of the Ministry of Education has not in any way affected the maintenance of medical standards. The Committee consider it rather anomalous that the Ministry of Health is concerned with the implementation of Government orders regarding maintenance of medical standards, eligibility criteria for selection of students for admission etc., whereas the Ministry of Education is concerned with the implementation of orders of the Government regarding reservations for Scheduled Castes and Scheduled Tribes in teaching and non-teaching posts in these two institutions. The Committee suggest that Government may examine whether it would be more appropriate to transfer the administrative control of these two institutions from the Ministry of Education and Culture to the Ministry of Health and Family Welfare so that only one Ministry becomes responsible for ensuring proper implementation of orders regarding reservations for Scheduled Castes and Scheduled Tribes in admissions to these two institutions as well as in their services.

B. Reservation of seats in under-graduate courses

2.28 The reservation of seats provided for Scheduled Castes/Scheduled Tribes in the under-graduate courses in the Central Medical Colleges and the relaxation in marks given to them in the qualifying examination, are briefly mentioned below.

College/Institute	Reservation of seats in under-graduate courses	Relaxation in marks	Remarks
1	2	3	4
All India Institute of Medical Sciences, New Delhi.	20% (SC/ST) (Total seats-50 Reservation since inception of Institute in 1956.	Concession of 10%	Separate merit list is prepared for SC/ST. They compete among themselves for admission against reserved seats. Sufficient number of SC/ST candidates are available for admission.

1	2	3	4
Post-Graduate Institute of Medical Education and Research, Chandigarh.	—	—	There are no undergraduate courses in the Institute.
3. Jawahar Lal Institute of post-graduate medical Education and Research, Pondicherry,	Total seats-65 Reserved for SC/ST-12 (Reservation-16% for SC & 5% for ST)	Concession of 10% in the qualifying examination and in the competitive examination.	Required number of SC/ST students are available for admission.
4. Lady Harding Medical College & Hospital. New Delhi.	20% for SC/ST (since 1970-71) Total seats-130	Concession of 10% marks in the qualifying examination.	Separate entrance examination is held for SC/ST candidates. Seats reserved for SC/ST are filled each year.
5. University College of Medical Sciences, New Delhi.	Total seats-100 Reserved for SC/ST- 20%	Concession of 10% marks in the minimum marks required for eligibility.	Generally seats reserved for SC/ST are filled each year.
6. Maulana Azad Medical College, New Delhi.	15% for SC 5% for ST	Concession of 10% marks.	Adequate SC/ST candidates are available.
7. Goa Medical College, Panaji.	15% for SC 5% for ST	do	Unfilled reserved seats are added to the general pool.
8. Institute of Medical Sciences, Varanasi.	15% for SC 5% for ST	—	Generally candidates from SC/ST communities are available.

1	2	3	4
9. Jawaharlal Nehru Medical College Aligarh.	No reservation of seats		
10. Mahatma Gandhi Institute of Medical Sciences, Wardha	13% for SC 9% for ST	Concession of 10% marks	Seperate merit list is prepared for SC/ST candidates. Quota of SC/ST is normally fully utilised.

Jawaharlal Nehru Medical College, Aligarh

2.29 The Committee have been informed that reservation of seats for Scheduled Castes/Scheduled Tribes has not been provided by the Jawaharlal Nehru Medical College, Aligarh which is a constituent unit of the Aligarh Muslim University. This university is under the control of the Ministry of Education. When asked why reservation has not been provided for Scheduled Castes/Scheduled Tribes in the above College, the representative of the Ministry of Health stated during evidence that the Aligarh Muslim University was under the Ministry of Education and so far that Ministry had not taken any view in the matter. He stated that the Aligarh Muslim University had a proposal for increasing the number of seats in the Medical College so that reservations could be made for Scheduled Castes/Scheduled Tribes. But additional seats could be created if additional facilities like hostel etc. were created. In this connection, the witness added as under :

"As the Ministry of Health has got a vital stake in the reservation of seats for Scheduled Caste/Scheduled Tribe in regard to medical education, we are keen that Aligarh Muslim University also should fall in line with other universities. On that account, there cannot be absolutely two opinions."

2.30 It has been stated in a note furnished to the Committee after evidence that the Aligarh Muslim University has taken a decision to reserve 5% of seats for admission of Scheduled Caste/Scheduled Tribe eligible candidates at the discretion of the Vice-Chancellor in all courses except M.B.B.S course.

All India Institute of Medical Sciences, New Delhi.

2.31 The following statement indicates the number of Scheduled Caste/Scheduled Tribe candidates given admission in under-graduate

M.B.B.S. course in the All India Institute of Medical Sciences, New Delhi in various disciplines during the academic years 1979-80, 1980-81 and 1981-82 :--

Total admissions

		S/C	S/T
1979-80	50	7	3
1980-81	50	7	3
1981-82	50	7	3

JIPMER PONDICHERRY

2.32 The following statement indicates the total number of seats in M.B.B.S. course in JIPMER, Pondicherry the number of seats filled by Government by nomination and the seats reserved for Scheduled Caste/Scheduled Tribe candidates during the academic years 1979-80, 1980-81 and 1981-82 :—

Year	Total seats in MBBS	Seats for Govt. nomination	Seats reserved for				Seats filled by				Remarks	
			Scheduled Caste	Scheduled Tribe	Scheduled Caste	Scheduled Tribe	Scheduled Caste	Scheduled Tribe				
1	2	3	4	5	6	7	8	9	10	11	12	
1979-80	65	15	6	3	2	1	6	4	2	—	—	One, PST sent filled by PSC as no PST candidate was available
1980-81	65	15	5	3	2	1	6	2	2	—	—	2 seats of PSC/PST- one each were filled by PG as no suitable candidates were available
1981-82	65	15	6	3	2	1	6	—	2	—	—	3 PSC and 1 PST seats were filled by PG candidates as there were no suitable candidates available

N.B.: OSC = Open Scheduled Caste
PSC = Pondicherry Scheduled Caste
OST = Open Scheduled Tribe
PST = Pondicherry Scheduled Tribe
OG = Open General
PG = Pondicherry General

*Lady Hardinge Medical College and Hospital,
New Delhi.*

2.33 Out of 130 seats for M.B.B.S. the number of seats filled up by Scheduled Caste/Scheduled Tribe candidates during the last three academic years was as under :—

	S.C.	S.T.
1979-80	23	3
1980-81	20	6
1981-82	18	8

2.34 Jawaharlal Nehru Medical College, Aligarh, is a constituent unit of the Aligarh Muslim University which is under the administrative control of the Ministry of Education and Culture. The Committee note that the orders of the Central Government, regarding reservation of seats for Scheduled Castes and Scheduled Tribes have not been implemented in this College. When this matter was discussed during evidence, the Vice-Chancellor of the Aligarh Muslim University stated that the University had a peculiar position and it had been established to promote cultural and educational advancement of the Muslims in India. He stated that any changes in the admission policy would have to go to the Court of the University. The Committee are of the view that being a Central University fully financed by the Government of India, it should fall in line with other Universities and the orders of the Government regarding reservation of seats for Scheduled Castes and Scheduled Tribes for admission to the Jawaharlal Nehru Medical College should be implemented.

C. Special Coaching

2.35 The Ministry of Health had, in their letter No. 15-5/70-ME (UG) dated 7-10-1970 to the State Governments, suggested that special coaching may be arranged in the medical colleges for such of the Scheduled Caste/Scheduled Tribe students who are considered to be below the standard as revealed by their performance in the terminal examinations. The Ministry of Health had suggested that during vacations the students could work in laboratories and also given instructions in small tutorial groups. It was envisaged that special coaching would also be required in the first year of the course for students belonging to Scheduled Castes and Scheduled Tribes who are found to be weak in English. The Ministry of Health had requested the State

Governments to issue directives to the principals of the Medical Colleges accordingly.

2.36 The Medical Council of India had in its recommendations on under-graduate medical education which were approved by the Central Government in October, 1979 as regulations under section 33 of the Indian Medical Council Act, 1956, prescribed that the concerned authorities i.e. State Governments and Universities, should arrange special coaching classes for Scheduled Caste/Scheduled Tribe candidates before qualifying competitive examination to enable them to come upto the appropriate standard for admission to the medical course.

In October, 1981, the Medical Council of India had sent a circular to all the Principals and Deans of the Medical Colleges to ensure compliance of the aforesaid recommendation of the Council. This matter was also considered by the Medical Education Review Committee constituted by the Government of India in September, 1981. The Review Committee has, in its report, recommended that "with a view to providing effective protection to the Scheduled Caste/Scheduled Tribe candidates, the existing Medical Council of India prescription regarding the establishment of special coaching facilities should be enforced most vigorously. Such coaching should be arranged for Scheduled Caste/Scheduled Tribe candidates who intend to appear for the entrance examination. Also, special counselling arrangements should be made for the Scheduled Caste/Scheduled Tribe students admitted to the MBBS course."

2.37 The Commissioner for Scheduled Castes and Scheduled Tribes has, in para 6.54 of his 26th Report (1978-79) observed that the performance of Scheduled Caste/Scheduled Tribe students admitted to various courses in medical colleges, on relaxed standards against reserved seats, was not satisfactory. A study conducted by a study team of his organisation in Madhya Pradesh in 1979 revealed that although all the candidates including Scheduled Castes/Scheduled Tribes had to take the entrance tests for admission to Jawaharlal Nehru Medical College, Raipur, the State Pre-Medical Test Board had lowered the minimum percentage of qualifying marks for Scheduled Caste/Scheduled Tribe candidates to 35. Since very few Scheduled Caste/Scheduled Tribe candidates could secure this percentage, it was sometimes lowered to even 15% so that more reserved seats could be filled up. The performance of Scheduled Caste students in the college from 1964-73 revealed that out of 42 Scheduled Caste students admitted during these years, 4 students took 4½ years to pass the final examination, 6 students took 5 to 6 years, 6 students took 6 to 7 years and 7 students took 7 to 8

years to pass the examination. Three students were rusticated and 2 students got migration to other colleges.

2.38 The performance of Scheduled Tribe students was equally unsatisfactory. Out of 23 Scheduled Tribe students admitted during the period, only one passed the examination within 4½ years, 5 students passed it in 5 to 6 years, 5 students took 6 to 7 years, 3 students took 7 to 8 years, and 2 students took 8 to 10 years. Fourteen Scheduled Caste and 4 Scheduled Tribe students were also reported to have left their studies.

2.39 In another study, reported to have been conducted in the Medical Faculty at Baroda from April 1976 to October 1980 it was revealed that out of 120 students belonging to Scheduled Castes and Scheduled Tribes who appeared for the final MBBS examination, 21 passed in the first attempt, 24 in the second, 9 in the third and 4 in the fourth attempt. 62 students could not get through even after the fourth attempt. In 1980, out of the 28 Scheduled Caste/Scheduled Tribe students who appeared for the final MBBS examination, only 13 could get through. Out of these 13, 3 passed in the fourth attempt and 7 in the second attempt. Only 2 students could pass in the first attempt. (para 6.63 of the 27th Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1979-81).

2.40 It has been stated that the Government of Pondicherry is providing special coaching from 1982 onwards for Scheduled Caste/Scheduled Tribe students for appearing in the entrance examination for admission to the under-graduate medical courses.

2.41 During evidence, the Principal, Lady Hardinge Medical College, New Delhi, stated that after admission students who are found weak in their studies are given extra coaching irrespective of the fact whether they belong to Scheduled Castes/Scheduled Tribes or to general category.

2.42 The Committee notes that as early as October, 1970, the Ministry of Health had issued instructions to the State Governments for arranging special coaching in the medical colleges for Scheduled Caste/Scheduled Tribe students who are considered to be below the standard revealed by their performance in the terminal examinations. It was envisaged that the coaching could be arranged during vacations and the students could also be given instructions in small tutorial groups. Emphasis was also laid on coaching in the first year of the course for Scheduled Caste/Scheduled Tribe students found to be weak in English.

The Ministry of Health have not been able to furnish detailed information regarding the action taken for arranging special coaching by the authorities of the medical colleges in the various States.

2.43 The regulations framed by the Medical Council of India provide that in respect of candidates belonging to Scheduled Castes/Scheduled Tribes, the minimum marks required for admission to undergraduate medical courses shall be 40% whereas this percentage will be 50% for general candidates. The Commissioner for Scheduled Castes and Scheduled Tribes has in his 26th and 27th Reports for the years 1978-79 and 1979-81 observed that the performance of Scheduled Caste/Scheduled Tribe students admitted to the medical colleges with relaxed standards was not satisfactory. Quite a good number of students could qualify in the MBBS examination after several attempts and several students could not get through at all. Some students left the studies before the completion of the course. The Committee are concerned that a number of Scheduled Caste/Scheduled Tribe students thus lose valuable years of life in their career. The Committee feel that when Scheduled Castes/Scheduled Tribe students are admitted with relaxed standards, it is obligatory on the part of the authorities of the medical colleges to arrange for special coaching after their admission so that they are able to come upto the required standard.

2.44 The Committee find that in the Pre-medical examination conducted by the Government of Madhya Pradesh in the year 1980, out of 108 seats reserved for Scheduled Castes in the Medical Colleges of the State, 18 Scheduled Caste candidates (out of 623 Scheduled Caste applicants) could qualify on merit and 7 more after giving relaxation of 5% marks. As regards Scheduled Tribes, out of 108 seats reserved for them 2 qualified on merit (out of 145 Scheduled Tribe applicants) and one more after giving relaxation of 5% marks. In the result, 83 seats reserved for Scheduled Castes and 105 seats reserved for Scheduled Tribes had remained vacant. The State Government therefore passed an order on 9th September, 1980 completely relaxing the condition relating to the minimum qualifying marks for Scheduled Caste/Scheduled Tribe examinees.

The Committee recommend that the system followed by the Government of Madhya Pradesh should be introduced in the Central Medical Colleges so that all reserved seats are filled by Scheduled Caste/Scheduled Tribe candidates only. The candidates admitted by relaxing the minimum qualifying marks should be given special coaching after admission in the colleges.

At present, under a scheme of the Ministry of Home Affairs, a number of Pre-examination Training Centres are functioning in different

parts of the country for Engineering Services and Central Services examinations conducted by the Union Public Service Commission. If the intake of Scheduled Caste/Scheduled Tribe students in the medical colleges in the country on merit on the basis of pre-medical examinations conducted by the various State Boards has to be increased, the Committee are of the view that pre-examination training centres on the lines of such centres functioning for Central Services examinations should be opened in various parts of the country for the benefit of Scheduled Caste/Scheduled Tribe students. The admission of a larger number of Scheduled Caste/Scheduled Tribe students in the medical colleges on merit would eventually result in their qualifying in the MBBS final examinations within the prescribed durations and reduce the wastage being experienced hitherto. The Committee recommend that the Ministry of Health should in consultation with the Ministry of Home Affairs, give a serious thought to the question of starting pre-examination training centres for the benefit of Scheduled Caste/Scheduled Tribe students aspiring to take to medical profession in their career.

D. Reservation of seats in post-graduate courses

2.45 The Ministry of Health in their letter No. 8-41/69-ME (PG) dated 12. 12. 1972 to the Vice-Chancellors of Universities having Medical Faculties conveyed the following Government's decision regarding concessions to be given to Scheduled Castes/Scheduled Tribes in the matter of admission to post-graduate medical and dental courses:—

“With a view to ameliorating the condition of Scheduled Castes and Scheduled Tribes candidates and to bring them to level of candidates of more advanced sections of community, it is considered necessary to give them all possible concessions in the matter of admission to post-graduate courses in medical and dental/education without seriously affecting the standard of education. It is, therefore, requested that the Universities may consider the desirability of reserving 20% of the seats in post-graduate medical and dental colleges (15% for Scheduled Castes and 5% for Scheduled Tribes). It is also suggested that these candidates may also be given a concession of 5% marks in the minimum percentage of marks required for admission to any course. It is further suggested that in case 20% seats earmarked for them remain unfilled, a further relaxation in the marks may be given to them in order of merit *inter-se* among themselves so that all the reserved seats are filled by candidates belonging to these categories.”

2.46 In their letter No. U. 14014/6/74-ME (PG) dated 19 October, 1974, to the Universities having medical faculties, the Ministry of Health had observed that the State Governments/Universities/Medical Colleges etc. were not giving the concessions in the matter of admission to post-graduate medical and dental courses to the students belonging to Scheduled Castes and Scheduled Tribes. The Ministry of Health reiterated their earlier instructions issued on 12.12.1972 that all possible concessions in the matter of admission to post-graduate courses in Medical and Dental Education be given to Scheduled Castes and Scheduled Tribes without seriously affecting the standard of medical education.

2.47 The Committee enquired about the action taken by the Ministry of Health/Medical Council of India on the recommendation made by the Commissioner for Scheduled Castes and Scheduled Tribes in his reports for the years 1974-75, 1975-76, 1977-78 and 1978-79 that the Ministry of Health should persuade the medical colleges who had not made the required reservation of seats as well as relaxation of minimum standards for admission of Scheduled Castes/Scheduled Tribe candidates to post-graduate medical courses. The Committee have been informed in a note that for admission to post-graduate courses, there is no mandatory provision for reservation of seats in favour of Scheduled Castes and Scheduled Tribes candidates. However, the Ministry of Education and the Ministry of Health and Family Welfare have advised the State Governments/Universities/Institutions to consider the desirability of reserving 15% and 5% seats for Scheduled Castes and Scheduled Tribes candidates respectively in the various post-graduate courses. Individual medical institutions follow varying patterns of reservation in favour of Scheduled Castes/Scheduled Tribes candidates as well as for other categories of beneficiaries. The Committee have been informed that the Government shall take a view in the matter after receiving recommendations of the Medical Education Review Committee.

2.48 Asked whether the Medical Council of India has recommended reservations in post-graduate courses, the representative of the Ministry of Health has stated :—

“They have not suggested. But we have written to the State Governments once in December, 1972 and once in December, 1974 that they should observe these proportions for both. This did not go as part of the framework of the Medical Council of India.”

2.49 The question of providing reservations in post-graduate medical courses for general candidates as well as Scheduled Caste/Scheduled

Tribe candidates was considered by the Medical Education Review Committee which was constituted by the Government of India in September, 1981. The Review Committee has in its report, recommended the following approach :—

"The Committee is of the opinion that there should be no reservation for admission to the various post-graduate courses. Merit in the proposed National Entrance Examination should be the only basis. The Committee also recommends that all admissions to the post-graduate courses, in any institution, should be open to candidates on all India basis and there should be no restriction regarding domicile in the State/UTs in which the institutions is located.

As regards Scheduled Caste/Scheduled Tribe candidates, the Committee is of the view that such of them who have passed the MBBS examination and gained full registration may be enabled to secure admissions to higher courses by providing them with special coaching/counselling facilities. Arrangements for this should be made by the State and UT Governments in consultation with the local University (ies) and the Deans/Principals of the concerned medical institutions. Needless to say, such special coaching facilities would be required to assist such SC/ST candidates who are not likely to secure admissions on merit basis through the National Entrance Examination."

2.50 When the Committee enquired during the evidence whether sufficient number of Scheduled Caste/Scheduled Tribe candidates are available for admission to post-graduate courses, Secretary, Ministry of Health stated that there is no mandatory provision regarding reservation for the post-graduate courses. But the Ministry of Health ensures the implementation of the reservation policy by giving necessary instructions. In this connection, the witness stated as under :—

"As far as the Indian Medical Council Act of 1956 is concerned, under this Act, the mandatory provision is with regard to minimum qualifications for admissions. For general Candidates, it is 50 percent and for Scheduled Castes/Scheduled Tribe candidates it is 40 percent. As far as the reservation of seats is concerned, they follow the instructions which the Education Ministry in the first instance gave and which we sent to various universities. In other words, it is not mandatory stipulation under the Act. The mandatory stipulation

under the Act is only with reference to the qualifying marks, namely 40 per cent as against 50 percent in the case of general category candidates. The legal position is that under the Act, we cannot make a mandatory stipulation that 15 per cent of seats will be reserved for Scheduled caste candidates for postgraduate courses."

2.51 The reservation of seats provided for Scheduled Castes and Scheduled Tribes and the relaxation in marks given to them in the post-graduate courses in the Central Medical Colleges are briefly mentioned below :

Medical College Institute	Reservation of seats provided	Relaxation	Remarks
1. All India Institute of Medical Sciences, New Delhi.	20 percent for SC/ST		
2. Post-graduate Institute of Medical Education and Research, Chandigarh.	20 per cent for SC/ST		
3. Institute of Medical Sciences, Banaras Hindu University			Admission to post-graduate courses is made primarily from candidate coming from under-graduate courses of the University
4. Jawaharlal Institute of Post-graduate Medical Education and Research, Pondicherry (Jipmer)	25% for SC/ST Rural quota		
5. Goa Medical College, Panaji.			Number of post-graduate seats sanctioned small. Hence no reservation made.

All India Institute of Medical Sciences, New Delhi

2.52 20% of the total seats in post-graduate courses are reserved for the candidates belonging to the Scheduled Caste/Scheduled Tribe communities. These candidates are given a concession of 5% marks for calculating the minimum eligibility marks for admission to post-graduate courses. During evidence, the Director, AIIMS, New Delhi stated that the Institute is making reservations in every course of study. He stated that in subjects in M.D. and MS programmes proportionate reservations are made for Scheduled Caste/Scheduled Tribe candidates and this is being done even in the clinical subjects which are in greater demand. But the reservation orders may not be applicable in each individual subject like Medicine, Gynaecology and Obstetrics in which Scheduled Caste/Scheduled Tribe candidates may not apply.

2.53 The following statement indicates the number of Scheduled Caste/Scheduled Tribe candidates given admission in postgraduate courses in the Institute in various disciplines during the academic years 1979-80, 1980-81 and 1981-82 :—

Year	Total no. of admissions made		S/C	Admitted	SC	*
	Clinical	Non-clinical	Clinical	Non-Clinical	clinical	Non-Clinical
1979-80	74	26	2	4	1	—
1980-81	77	23	12	4	4	1
1981-82	85	12	4	5	5	—

Post-graduate Institute, Chandigarh

2.54 The Director, Post-graduate Institute of Medical Education and Research Chandigarh stated during evidence that normally there had been no difficulty in filling up the reserved seats for admission to the post-graduate courses. However, only recently the Institute could not fill up all the reserve seats. The Institute sought permission of the Ministry of Health to fill up the unfilled reserved seats by general candidates but permission was not given.

* Very limited number of candidates belonging to Scheduled Caste and Scheduled Tribe categories apply for admission to post-graduate courses in non-clinical subjects.

2.55 The Committee have been informed in a subsequent note furnished to the Committee after the evidence that this Institute the total number of seats filled up by Scheduled Caste/Scheduled Tribe candidates in the various post-graduate courses was 12 in 1980 17 in 1981 and 15 in 1982.

Institute of Medical Sciences, Banaras Hindu University

2.56 The Director, Institute of Medical Sciences, Banaras Hindu University has stated that admissions to the post-graduate courses are made from the candidates coming from the under-graduate courses. The candidates are registered in different subjects and they have to qualify in an open competitive examination. In 1982-83 academic session there were 66 seats and out of them 9 seats were filled up by Scheduled Caste/Tribe candidates. Advertisement for outside candidates was made only in respect of 4 seats as 62 were admitted automatically from under-graduate level. Now the present position is that for MD courses there is no new entry point because all internal candidates are admitted. Only the seats which are left over are advertised.

2.57 About the suggestion that BHU should also made reservation in post-graduate courses in the manner in which AIIMS, New Delhi is doing, the Director, Institute of Medical Sciences, BHU stated that in July, 1982 the Academic Council has accepted that there should be reservation at all new entry points.

Jipmer, Pondicherry

2.58 The Committee have been informed that in post-graduate courses, 25% seats are reserved for "SC/ST/Rural Quota."

2.59 The Committee enquired why separate quota has not been fixed for Scheduled Castes and Scheduled Tribes in respect of post-graduate courses. The representative of the Ministry of Health has agreed during evidence that the percentages of reservation should be earmarked separately for Scheduled Caste, Scheduled Tribe and the candidates coming from rural areas.

2.60 It has been stated that out of 58 seats available for admission to various post-graduate courses in this Institute, 25% of seats (i.e. 15 seats) are reserved for Scheduled Castes, Scheduled Tribes and Rural Service Candidates.

2.61 The following statement indicates the number of seats reserved for SC/ST/Rural candidates in post-graduate courses in the Institute and

the number of seats filled up by Scheduled Caste/Scheduled Tribe candidates during 1979-80, 1980-81 and 1981-82:—

Year	Seats reserved for S.C./S.T./Rural	Seats S C.	filled up S.T.
1979-80	15	8	Nil
1980-81	15	5	Nil
1981-82	15	4	Nil

2.62 It has been stated that since the reservation is combined for Scheduled Castes/Scheduled Tribes and Rural Service candidates, there is no separate number of seats earmarked for Scheduled Caste/Scheduled Tribes.

Goa Medical College, Panaji

2.63 The Committee have been informed that the total number of post-graduate seats sanctioned by the Medical Council of India and University of Bombay to which this college is affiliated for post-graduate degrees in various specialities is very small. It is not possible to make any reservation for Scheduled Caste/Scheduled Tribe students for admission to post-graduate medical courses as in most of the cases the reservation will be of the order of 50%.

2.64 The Medical Education Review Committee constituted by the Government of India in September, 1981 has, in its report, submitted recently expressed the opinion that there should be no reservations for admissions to the various post-graduate courses in the medical colleges. As regards Scheduled Caste/Scheduled Tribe candidates, the Review Committee is of the view that such of them who have passed the MBBS examination and gained full registration may be enabled to secure admissions to higher courses by providing them with special coaching/counselling facilities.

At present 20% seats are reserved for Scheduled Caste/Scheduled Tribe candidates for admissions to the post-graduate courses of the All India Institute of Medical Sciences, New Delhi and Post-graduate Institute of Medical Education and Research, Chandigarh. In the Jawaharlal Institute of Post-graduate Medical Education and Research, Pondicherry (JIPMER), 25% seats are reserved for Scheduled Caste/Scheduled Tribe/Rural candidates for admission to its post-graduate courses.

The Committee feel that if the recommendation of the Review Committee that there should be no reservations for admissions to the various postgraduate courses is accepted by the Government it would be detrimental to the interests of Scheduled Caste/Scheduled Tribe candidates who aspire to gain higher qualifications in medical education and research. The Committee recommended that the reservations in post-graduate courses should be insisted.

2.65 In the Jawaharlal Institute of Post-graduate Medical Education and Research, Pondicherry 25% seats are reserved for Scheduled Castes/Scheduled Tribe/Rural candidates for admission to the Post-graduate courses. When the Committee asked during evidence why separate quota has not been fixed for Scheduled Caste and Scheduled Tribes the representative of the Ministry of Health agreed that the percentages of reservation should be earmarked separately for Scheduled Caste/Scheduled Tribe and candidates coming from rural areas. The Committee recommended that the present combined reservation quota should be split up and the prescribed percentages of seats be reserved for Scheduled Castes Scheduled Tribes.

CHAPTER III

A. Scholarships

Post Matric Scholarships

3.1 The scheme of Post-Matric Scholarships to the Scheduled Castes/Scheduled Tribes is operated by the Ministry of Home Affairs through the State Governments/Union Territory Administrations. The scheme *inter alla* provides that a scholarship holder will not hold any other scholarship/stipend. If awarded any other scholarship/stipend, the student can exercise his option for either of the two scholarships/stipends, whichever is more beneficial to him and should inform the awarding authority through the Head of the Institution about the option made. No scholarship is payable to the student under this scheme from the date he accepts another scholarship/stipend. The student can, however, accept free lodging or a grant or *ad-hoc* monetary help from the State Government or any other source for the purchase of books, equipment or for meeting the expenses on board and lodging in addition to the scholarship amount under this scheme.

3.2 Candidates belonging to one State but studying in another State are awarded scholarships by the State to which they belong and submit their applications to the competent authorities in that State. The scholarship money is paid to the selected students by the Government of the State/Union Territory to which they belong in accordance with the procedure laid down by them in this regard.

3.3 Scheduled Caste/Scheduled Tribe students studying in under graduate courses in the Central Medical Colleges who fulfil the eligibility criteria and other conditions laid down in the post-matric scholarship scheme are entitled to get the benefits available under the scheme. The present rate of scholarship is Rs. 185/- per month for boys and Rs. 195/- per month for girls in the first year and Rs. 185/- per month for boys and Rs. 200/- per month for girls from the second year onwards. The Director, All India Institute of Medical Sciences, New Delhi stated during evidence that the expenditure incurred by a hosteller in the Institute was about Rs. 350/- per month. The representative of the Ministry of Health agreed that the scholarship amount was inadequate and that it should be raised,

3.4 The Committee wanted to know whether the Scheduled Caste/Scheduled Tribe students were being assisted by the Ministry of Health in getting the scholarships. The representative of the Ministry of Health stated during evidence that the students studying in the Central Medical Colleges were applying direct to their respective State Governments and these scholarships were sanctioned and disbursed by the concerned State Governments.

3.5 The Committee pointed out that in some of the Indian Institutes of Technology, the scholarship amount was paid by the Institutes to the students and then the claims were got reimbursed from the concerned State Governments. In this connection the representative of the Ministry of Health stated as follows :—

“The post-matric scholarship scheme is a hundred per cent Centrally funded scheme. I do not know if there can be any objection to the Ministry of Home Affairs giving some money directly to the Central Institutions treating them as constituent units. Why should it go to the State Governments first?”

3.6 When asked whether there was any proposal that the expenditure which cannot be met by the hostellers out of the scholarship amount received by them, should be given as a loan, the representative of the Ministry of Health stated that the difference was only of Rs. 100/-and giving loan would be a cumbersome procedure. When it was suggested that the State Governments should provide financial assistance from their own resources, the witness stated as follows :—

“We cannot start a scheme for covering the difference between the post-matric scholarship and the amount that is incurred in terms of tuition fees, hospital charges etc. The difference to be funded from the funds of the institution really means funding from the funds of the State Government.”

Residency Scheme

3.7 In the All India Institute of Medical Sciences, New Delhi and the Post-graduate Institute of Medical Education and Research, Chandigarh, all post-graduate students including students belonging to Scheduled Castes and Scheduled Tribes are covered under the Residency Scheme. They are paid emoluments in the scale of Rs. 500-50-600 per month plus D.A. and C.C.A. as admissible to Central Government employees,

3.8 The Commissioner for Scheduled Castes and Scheduled Tribes has in his annual reports repeatedly drawn attention to the inordinate delays in the sanction and disbursement of Post-matric scholarships by the State Governments/Union Territory Administrations to Scheduled Caste/Scheduled Tribe students studying in various educational institutions in the country. In this connection, reference may be made to the observations made in para 6.35 of his 26th Report (1978-79) and para 6.156 of the 27th Report (1979-81). The Committee recommended that the question of payment of scholarships by the Central Medical Colleges to the students in advance and later claiming reimbursement of the amounts from the State Governments/Union Territory Administrations should be considered.

B. Grants to Central Medical Colleges

3.9 The All India Institute of Medical Sciences, New Delhi, and Post-graduate Institute of Medical Education and Research, Chandigarh are fully financed by the Central Government by way of grants. The Jawaharlal Institute of Post-graduate Medical Education and Research, Pondicherry, and Lady Hardinge Medical College and Hospital, New Delhi, are subordinate offices of the Director General of Health Services, under the Ministry of Health and Family Welfare and expenditure on them is included in the budget of that Ministry. The University College of Medical Sciences, New Delhi, is a maintained institute of the Delhi University and expenditure on its development and maintenance is met out of grants sanctioned by the University Grants Commission. Maulana Azad Medical College, New Delhi is administered by the Delhi Union Territory Administration. The Goa Medical College is administered by the Union Territory Administration of Goa, Daman and Diu. The Institute of Medical Sciences, Varanasi, and Jawaharlal Nehru Medical College, Aligarh are maintained institutes of the Banaras Hindu University and Aligarh Muslim University respectively. These two institutions are under the administrative control of the Ministry of Education and are Sulture and are financed by way of grants sanctioned by the University Grants Commission. Mahatma Gandhi Institute of Medical Sciences, Wardha is a private college managed by the Kasturba Health Society. 50% of the expenditure is borne by the Central Government, 25% by the Mararashtra Government and 25% by the Kasturba Health Society.

3.10 The Committes desired to know the basis of giving grants to the Central Medical Colleges. The Secretary, Ministry of Health stated that these grants consisted of two parts, i. e. plan side and the non-plan

side. On the plan side, the schemes were properly fed, examined and were taken up. New schemes were taken up after they were cleared by the Planning Commission. Expansion or addition of new schemes was examined in consultation with the Planning Commission.

3.11 The Committee wanted to know why the Ministry of Health had in a written reply stated that no percentage of grant had been specifically earmarked for providing facilities to Scheduled Castes and Scheduled Tribes. The Secretary, Ministry of Health stated that so far as medical institutes which were centrally funded were concerned, it was not possible to provide any specific percentage in schemes for the benefit of Scheduled Castes and Scheduled Tribes.

3.12 No indication is at present available from the published documents as to the flow of benefits to Scheduled Castes and Scheduled Tribes out of the funds made available by the Government of India to the Central Medical Colleges. The Committee recommend that in the budget of the Central Medical Colleges funds should be separately earmarked for the educational development of Scheduled Caste/Scheduled Tribe students and for benefit to be provided to the Scheduled Caste/Scheduled Tribe teaching and non-teaching staff of the Colleges. Details of the amounts provided for various schemes as also their utilisation should also be included in the annual Reports of the Universities and Medical Colleges/Institutes.

CHAPTER IV

RESERVATION IN SERVICES

A. Teaching Posts

4.1 The Government of India, Cabinet Secretariat (Department of Cabinet Affairs) had, in their O.M. No. 85/11/CF-61(1) dated 28th December, 1961, informed the various Ministries that "Scientific or technical" posts should include all posts for which qualifications in the natural/exact sciences or applied sciences or in technology are prescribed and the incumbents of which have to use that knowledge in the discharge of their duties.

4.2 Later, the Ministry of Home Affairs in their O.M. No.9/2/63-SCT (1) dated 2nd November, 1963 to all the Ministries, conveyed Government of India's decision that reservation orders in favour of Scheduled Castes and Scheduled Tribes will not apply in the case of appointments to posts for conducting research, or for organising, guiding and directing research. In the Ministry of Home Affairs O.M. No. 9/4/69-Eatts. (SET) dated 6th October, 1969, instructions were issued that the orders of the Minister concerned should be obtained by the Ministry/Department concerned before exempting any gazetted scientific and technical post from the purview of the reservation orders.

4.3 The Ministry of Health and Family Welfare, in their letter No. F. 2-157/71-ME (PG) dated 7th September, 1971, drew the attention of the All India Institute of Medical Sciences, New Delhi, to the aforesaid orders of the Government of India and stated that the posts which were proposed to be exempted from the purview of the reservation orders should be examined and necessary action taken in the light of the orders of the Government.

4.4 When the Committee wanted to know why teaching posts in medical colleges were treated as scientific, technical and pertaining to research and thereby exempting from the purview of reservation orders. The Director General, Health Services, stated during evidence that this decision had been taken in the light of instructions issued by the Cabinet

Secretariat. When the Committee further pointed out that the instructions for exemption from reservation orders were in respect of scientific and technical posts and not about the teaching posts, the Director, All India Institute of Medical Sciences, New Delhi, stated as follows :—

“In the Faculty it is not merely teaching alone. Research is an essential part of their duties. We treat them as scientific staff. This is for conducting research, for organising, for guiding and directing research. So this comes under that category. So, these were exempted by the Ministry of Home Affairs. Their circular exempts these categories.”

4.5 The Director General, Health Services, however, informed the Committee during evidence that a decision has now been taken that even at the Faculty level, at the entry point, i.e. in the case of Lecturers, the reservation orders would be made applicable both in the All India Institute of Medical Sciences, New Delhi and in the Post-graduate Institute of Medical Education and Research, Chandigarh. The witness further added that the Minister of Health was the President of the Governing Bodies of these Institutes and a conscious decision had been taken to provide reservations and appointments to Faculty posts. In a note furnished the Committee after the evidence, the Ministry of Health have forwarded copies of the Resolutions passed by the Governing Bodies in this connection. It is observed from these resolutions that the Governing Body of the All India Institute of Medical Sciences, New Delhi, at their meeting held on 11.1.1983, have decided that “the policy of reservations for Scheduled Castes/Scheduled Tribes, as prescribed by the Government, be followed for appointment to Faculty posts also.”

4.6 The Governing Body of Post-Graduate Institute of Medical Education and Research, Chandigarh, at their meeting held on 14.1.1983, have also decided that the “Rules and the guidelines issued by the Government of India with regard to reservations for Scheduled Castes/Scheduled Tribes categories be followed in respect of posts including teaching and non-teaching posts in the Institute. However, where a difficulty arises in implementation, the matter may be brought before the President of the Institute for his decision.”

4.7 As per information furnished to the Committee the representation of Scheduled Castes/Scheduled Tribes in Group A posts in the Central Medical Colleges is as follows :—

	Name of Medical College/Institute	Number of posts			Remarks
		Total	SC	ST	
1.	All India Institute of Medical Sciences, New Delhi.	234	—	—	
2.	Post-Graduate Institute of Medical Education and Research, Chandigarh.	179	—	—	
3.	Jawaharlal Institute of Post-Graduate Medical Education and Research, Pondicherry (JIPMER)	108	1	—	
4.	Lady Hardinge Medical College and Hospital, New Delhi.	118*	1	—	*including CGHS Staff
5.	University College of Medical Sciences, New Delhi	82	—	—	
6.	Maulana Azad Medical College, New Delhi.	136	1	—	
7.	Goa Medical College, Panaji.	59	1	—	
8.	Institute of Medical Sciences, Varanasi.	1449	2	—	
9.	Jawaharlal Nehru Medical College, Aligarh.				Information not furnished.
10.	Mahatma Gandhi Institute of Medical Sciences, Wardha.				— do —
Total :		2365	6	—	

4.8 It is seen that out of 2365 teaching staff in 8 Central Medical Colleges for which information has been furnished, the number of posts held by Scheduled Castes is 6. There is no Scheduled Tribe in the teaching staff.

4.9 The Committee note that out of 2365 teaching posts in the Central Medical Colleges for which information has been furnished by the Ministry of Health, the number of teaching posts held by Scheduled Caste persons is only 6. There is no person belonging to the Scheduled Tribes in any of these Colleges. This position exists because there is no reservation for Scheduled Castes/Scheduled Tribes in teaching posts. Had there been reservations in these categories, the position would have been better. Hence the Committee recommend that there should be reservations in teaching posts at all levels.

The Committee recommend that the Ministry of Health/Education should issue instructions immediately for the implementation of reservation orders in the teaching posts in the remaining 8 medical colleges. The State Governments/State Universities having Medical Faculties may also be advised to fall in line with Government of India's policy in this regard.

The Committee would like to observe that non-implementation of reservation orders in the teaching posts all these years on the ground that these were "scientific and technical posts" and hence exempt from the purview of reservation orders was hardly justifiable and has in effect resulted in depriving the Scheduled Castes/Scheduled Tribes in getting their due share in the teaching profession. The Committee strongly feel that the Ministries of Education and Health must take prompt and effective measures to implement the reservation orders.

B. Non-Teaching Post

4.10 The representation of Scheduled Castes/Scheduled Tribes in non-teaching posts in the Central Medical Colleges, as per information supplied to the Committee, is given below :—

Name of the Medical College/Institute	Group B			Group C			Group D			Remarks
	Total	SC	ST	Total	SC	ST	Total	SC	ST	
1	2	3	4	5	6	7	8	9	10	11
1. All India Institute of Medical Sciences, New Delhi.	102	2	—	1733	175	23	1411*	745*	41	*Includes Sweepers and Scavengers number being 383.
2. Post-Graduate Institute of Medical Education and Research Chandigarh	171	5	—	1349	113	—	941*	546*	—	*Includes 336 Safaiwalas.
3. Jawabarlal Institute of Post-Graduate Medical Education and Research, Pondicherry (JIPMER).	22	—	—	1055	44	2	798*	53	1	*Excludes 113 Scheduled Caste Safaiwalas.
4. Lady Hardinge Medical College and Hospital, New Delhi.	37	—	—	526	22	—	283*	76	—	*Excludes 249 sweepers.

	1	2	3	4	5	6	7	8	9	10	11
5. University College of Medical Sciences, New Delhi.		--	--	--	--	--	--	--	--	--	Detailed information not furnished.
6. Maulana Azad Medical College, New Delhi.		7	--	--	156	13	--	152*	48	--	*Excludes 100 Sweepers.
7. Goa Medical College, Panaji.		31	--	--	721	7	2	310*	--	--	*Excludes 220 Sweepers
8. Institute of Medical Sciences, Varanasi.		192	--	--	2287	48	--	2209*	196	28	*Excludes Sweepers.
9. Jawaharlal Nehru Medical College, Aligarh		--	--	--	--	--	--	--	--	--	Information not furnished.
10. Mahatma Gandhi Institute of Medical Sciences, Wardha											Detailed information not furnished.

4.11 The Committee find that out of 562 Group 'B' non-teaching posts in 8 Central Medical Colleges, the number of posts held by Scheduled Caste persons is only 7. In fact, in 6 of these colleges, no Group (B) post is held by any Scheduled Caste person. No Group 'B' post is held by any Scheduled Tribe person in any of the colleges.

The Committee find that Jawaharlal Nehru Medical College, Aligarh Muslim University, has not furnished any information regarding representation of Scheduled Castes and Scheduled Tribes in the non-teaching posts in the college. The Committee are not aware whether separate data regarding employment of Scheduled Castes and Scheduled Tribes in this college is being maintained at all. The Committee recommend that necessary instructions should be issued by the Government in this regard.

4.12 The Committee wanted to have information regarding the dates from which orders regarding reservation in direct recruitment and promotions in non-teaching posts were made applicable in the Central Medical Colleges. The information furnished to the Committee in respect of some of the colleges is quite vague. About Jawaharlal Institute of Post-Graduate Medical Education and Research Pondicherry and Mahatma Gandhi Institute of Medical Sciences, Wardha it has been stated that the orders were made applicable "from the very inception of the Institutes". About Institute of Medical Sciences, Banaras Hindu University it has been stated that the orders were issued "from the date of directives by the University authorities." About Goa Medical Institute, Panaji, it has been stated that the orders were made applicable "from the date when the Government of India issued orders". About University College of Medical Sciences, New Delhi it has been stated that the information was "not available." From replies of this nature furnished to the Committee, the conclusion is inescapable that the authorities of the Central Medical Colleges are not fully aware of the various reservation orders or of the procedure regarding maintenance of prescribed rosters and determination of reserved vacancies as per instructions of the Government of India. The Committee suggest that the staff of the Central Medical Colleges dealing with reservation matters should be trained in regard to proper maintenance of rosters and applicability of reservation orders.

4.13 The Committee express their displeasure over the implementation of reservation policy in the Central Medical Colleges. Neither the Ministry of Health nor the Ministry of Education have cared

to look into the matter and set things right. The Committee recommend that immediate action should be taken to set right the records and to implement various orders for reservations. The Committee would like to be informed of the action taken in this regard.

NEW DELHI;

A.C. Das,
Chairman.

April 27, 1983
Vaisakha 7, 1905 (S)

*Committee on the Welfare of
Scheduled Castes and Schedur-
led Tribes.*

APPENDIX 1.

(see para 2.11)

IN THE SUPREME COURT OF INDIA

(Civil Appellate Jurisdiction)

(Civil Appeal Nos. 554—555 of 1981)

State of M.P. and Anr.	...	Appellants
vs.		
Kumari Nivedita Jain and Ors.	...	Respondents
xxx	xxx	xxx

An analysis of the various sections of the Act indicate that the main purpose of the Act is to establish Medical Council of India, to provide for its constitution, composition and its functions ; and the main function of the Council is to maintain the medical register of India and to maintain a proper standard of medical education and medical ethics and professional conduct for medical practitioners. The scheme of the Act appears to be that the Medical Council of India is to be set up in the manner provided in the Act and the Medical Council will maintain a proper medical register, will prescribe minimum standards of medical education required for granting recognised medical qualifications, will also prescribe standards of post-graduate medical education and will further regulate the standards of professional conduct and etiquette and code of ethics for medical practitioners. The Act further envisages that if it appears to the Council that the courses of study and examination to be under-gone in, or the proficiency required from candidates at any examination held by any University or Medical Institution do not conform to the standard prescribed by the Council or that the staff, equipment, accommodation, training and other facilities for instructions and training provided in such University or medical institution or in any college or other institution affiliated to that University do not conform to the standards prescribed by the Council, the Council will make a representation to that effect to the Central Govern-

ment and on consideration of the representation made by the Council, the Central Government may take action in terms of the provisions contained in S. 19 of the Act. The Act also empowers the Council to take various measures to enable the Council to judge whether proper medical standard is being maintained in any particular institution or not.

Now coming to the consideration of the question involved in this appeal, it appears from the provisions of the Act that the authority of the Council extends to the sphere of maintaining proper medical standards in medical colleges or institutions necessary for obtaining recognised medical qualifications. By virtue of this authority it may be open to the Council to lay down the minimum educational qualifications required of a student who may seek admission into a medical college. In other words, the eligibility of a candidate who may seek to get admitted into a medical college for obtaining recognised medical qualifications may be prescribed by the Council. All the candidates who are eligible for admission into Medical Colleges or Institutions to for getting themselves qualified as medical practitioners are entitled seek admission into a Medical College or Institution. As to how the selection has to be made out of the eligible candidates for admission into the Medical College is a matter which has necessarily to depend on circumstances and conditions prevailing in particular States. Though the question of eligibility for admission into the medical curriculum may come within the power and jurisdiction of the Council, the question of selection of candidates out of the candidates eligible to undergo the medical course does not appear to come within the purview of the Council. The observations of the Supreme Court in the case of *State of Kerala v. Kumari T.P. Roshana and Ors.* (supra) quoted earlier relate to the question of qualification or eligibility of students for admission into a medical college and the said observations are not intended to apply to a case of selection of students for admission into a Medical College out of the eligible candidates. As the number of candidates seeking admission to medical colleges largely exceed the number of vacancies available to such candidates for admission, some kind of procedure has to be evolved for such selection. The process of selection of candidates for admission to a medical college out of the candidates eligible for admission for filling up the limited vacancies has no real bearing on the question of eligibility or qualification for admission or on the standard of medical education. The standard of medical education really comes into the picture in the course of studies in the medical colleges or institutions after the selection and admission of candidates into medical colleges and institutions. Students who satisfy the require-

ments of Regulation I become qualified or eligible to seek admission into the Medical Course. Regulation I prescribes the requisites which have to be satisfied to enable every student to become eligibled orqualified to seek admission and the process of selection comes thereafter.

Undoubtedly, uuder S. 33 of the Act, the Council is empowered to make regulations with the previous sanction of the Central Government generally to carry out the purposes of the Act and such regulations may also provide for any of the matters mentioned in S.33 of the Act. We have earlier indicated what are the purposes of this Act. Sub-ss. (j), (k), (l) and (m) of the Act which we have earlier set out clearly indicate that they have no application to the process of selection of a student out of the eligible candidates for admission into the medical course. Sub-s (j), (k), and (l) relate to post admission stages and the period of study after admission in medical colleges. Sub- s. (m) of S.33 relates to a post-degree stage. Sub- s. (n) of S.33 which has also been quoted earlier is also of no assistance as the Act is not concerned with the question of selection of the students out of the eligible candidates for admission into medical college. It appears to us that the observations of this Court in the case of *Arti Sapru v. State of Jammu & Kashmir and Ors.* (supra) which we have earlier quoted and which were relied on by *Mr. Phadke*, were made on such consideration, though the question was not very properly finally decided in the absence of the Council.

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Regulation I prescribes the eligibility of a candidate for admission to medical courses. For maintaining proper standards in medical colleges and institutions it comes within the competence of the Council to prescribe the necessary qualification of the candidates who may seek admission into the Medical Colleges. As this Regulation in within the competence of the Council has framed this Regulation is a manner which leaves no doubt that this Regulation is mandatory. The language of this Regulation, which starts with the words "no candidate shall be allowed to be admitted to the medical curriculum until, makes this position absolutely clear. On the other hand the language in Regulation II which relates to selection of candidates clearly goes to indicate that the Council itself appears to have been aware of the limitation on its powers to frame any such regulation regarding the procedure or process of selection of candidates for admission to the Medical Course out of the candidates qualified or eligible to seek such admission. As, however, the question of selection of candidates for admission into medical colleges out of the eligible candidates is a problem more or less

common to all the States, the Council might have considered it desirable to recommend certain guidelines which may be followed in the matter of selection of students out of the eligible candidates for admission into medical colleges. It is well-known that all over India candidates who aspire to get admission into medical college and who are otherwise eligible or qualified for admission to medical courses on the basis of the provisions contained in Regulation I of the Council, cannot all be admitted into the medical college or institution for dearth of seats. By way of solution of this problem, the Council appears to have thought it fit to suggest the procedure which will have the effect of selecting such candidates on the basis of merit only. The procedure suggested is intended to do away with nepotism and favouritism and any unfair practice in the matter of such admission, as the procedure recommends merit to be the criterion. The Council itself appears to have apprehended that what is contained in Regulation II is merely in the nature of a recommendation and this is evident from the language used in Regulation II particularly when the same is contrasted with the language used by the Council in Regulation I. Regulation II begins with the words "selection of students in a medical college *should be* based solely on merit". We are of the opinion that the use of the words "*should be*" in Regulation II is deliberate and is intended to indicate the intention of the Council that it is only in the nature of a recommendation. Regulation I which lays down the conditions or qualifications for admission into Medical Course comes within the competence of the Council under S. 33 of the Act and is mandatory and the Council has used language to manifest the mandatory character clearly, whereas Regulation II which deals with the process or procedure for selection from amongst eligible candidates for admission is merely in the nature of a recommendation and directory in nature, as laying down the process or procedure for selection for admission of candidates out of the candidates eligible or qualified for such admission under Regulation I. Regulation II recommending the process of selection outside the authority of the Council under S. 33 of the Act and the Council has advisedly and deliberately used such language in Regulation II as makes the position clear and places the matter beyond any doubt. There is another aspect of the matter which also goes to suggest that Regulation II is merely directory and does not have any mandatory force. Apart from reservations of seats for Scheduled Castes and Scheduled Tribes categories and other reservations, reservation of seats is commonly made for being filled up by nomination. In the instant case before us, it appears that the seats not exceeding three per cent are reserved for the nominees of the Government of India apart from the other reservations. These nominees of the Central Government do not have to sit for any

pre-medical examination to qualify themselves for selection to the medical colleges. They must of course be eligible for admission in the sense that they must have the necessary qualification for admission in accordance with Regulation I. The candidates eligible under Regulation I are selected by virtue of nomination and there is no question of any pre-medical test for such candidates nominated by the Central Government. If Regulation II could be considered to be mandatory, there could be no such nomination of candidates by the Central Government.

In the result the order in question is not, therefore, liable to be struck down as being violative of Regulation II or of Art, 15 of the Constitution. The appeal, therefore, succeeds. The Judgement and order passed by the High Court are hereby set aside and the writ petition is dismissed. There will, however, be no order as to costs.

Sd/-

(A. Vardarajan)

Sd/-

(Amerendra Nath Sen)

New Delhi

the 22nd Sept., 1981

APPENDIX II

(Vide Para 4 of Introduction)

SUMMARY OF CONCLUSIONS RECOMMENDATIONS CONTAINED IN THE REPORT

Sl. No.	Reference to Para No. in Report	Summary of Conclusions/Recommendations
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1	2	3
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1. 1.8 The Medical Council of India is constituted under section 3 of the Indian Medical Council Act, 1956. It consists of representatives of State Governments and Universities; representatives from States elected by persons enrolled on State Medical Registers who possess prescribed medical qualifications; and 8 members nominated by the Central Government. One of the functions of the Council is to prescribe the minimum standards of medical education required for granting recognised medical qualifications (other than post-graduate medical qualifications) by Universities or medical institutions. The Committee were informed during evidence that the aforesaid Act does not contain any specific provision for representation of any person belonging to Scheduled Caste/Scheduled Tribe community on the Medical Council of India. However, there is one Scheduled Caste member in the present Council and he is also the Chairman of the Post-graduate Committee by virtue of his eminent position. The Committee recommend that in order to protect the interests of Scheduled Castes and Scheduled Tribes and to promote their medical education, at least one person from among these communities should be included as a member of the Council.
2. 2.26 The University Grants Commission have issued instructions on 25th August, 1982 to all the Central Universities
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that in the context of the population percentages of Scheduled Castes and Scheduled Tribes in the country, the reservation percentages would be 15% for Scheduled Castes and 7.5% for Scheduled Tribes (instead of 15% for Scheduled Castes and 5 per cent for Scheduled Tribes as was prescribed till then) for admissions to various courses of studies and appointments to non-teaching posts and also teaching posts upto the level of Lecturer/Assistant professor. When the Committee asked why the reservation percentages in medical colleges/institutes were being continued at 15% for Scheduled Castes and 5% for Scheduled Tribes, the representative of the Ministry of Health stated during evidence that "if the Education Ministry were to say that it should be 22½%, then we will follow that and fall in line". The Committee are surprised that the instructions issued by the University Grants Commission on 25th August, 1982 raising the reservation percentage from 20 to 22½% have neither been conveyed by that Ministry to the Ministry of Health nor officers of the Ministry of Health were aware of these instructions till the matter was raised during evidence before the Committee on 7th February, 1983. The Committee recommend that necessary instructions in this regard should be issued to the Medical Colleges/Institutes, Universities etc. without further delay.

3. 2.27

The Institute of Medical Sciences, Varanasi and the Jawaharlal Nehru Medical College, Aligarh, are maintained institutes of the Banaras Hindu University and Aligarh Muslim University respectively. These universities function under the administrative control of the Ministry of Education and Culture. Consequently, the instructions issued by the Ministry of Education to all Universities regarding reservations for Scheduled Castes and Scheduled Tribes in teaching and non-teaching posts under them are required to be implemented by the Banaras Hindu University and the Aligarh Muslim University and through them by the Institute of Medical Sciences, Varanasi and the Jawaharlal Nehru Medical College, Aligarh. So far as medical standards are concerned, these two institutions are governed by the Indian Medical Council Act, 1956. Therefore, the instructions issued by the Ministry of Health and Family Welfare/Medical Council of India to all Central and State Medical Colleges are required to be implemented by these two institutions also. When the Committee discussed this matter during evidence, the representative of the Ministry

of Health averred that the fact that these two institutions are under the administrative control of the Ministry of Education has not in any way affected the maintenance of medical standards. The Committee consider it rather anomalous that the Ministry of Health is concerned with the implementation of Government orders regarding maintenance of medical standards; eligibility criteria for selection of students for admission etc., whereas the Ministry of Education is concerned with the implementation of orders of the Government regarding reservations for Scheduled Castes and Scheduled Tribes in teaching and non-teaching posts in these two institutions. The Committee suggest that Government may examine whether it would be more appropriate to transfer the administrative control of these two institutions from the Ministry of Education and Culture to the Ministry of Health and Family Welfare so that only one Ministry becomes responsible for ensuring proper implementation of orders regarding reservations for Scheduled Castes and Scheduled Tribes in admissions to these two institutions as well as in their services.

4. 2.34 Jawaharlal Nehru Medical College, Aligarh, is a constituent unit of the Aligarh Muslim University which is under the administrative control of the Ministry of Education and Culture. The Committee note that the orders of the Central Government, regarding reservation of seats for Scheduled Castes and Scheduled Tribes have not been implemented in this College. When this matter was discussed during evidence, the Vice-Chancellor of the Aligarh Muslim University stated that the University had a peculiar position and it had been established to promote cultural and educational advancement of the Muslims in India. He stated that any changes in the admission policy would have to go to the Court of the University. The Committee are of the view that being a Central University fully financed by the Government of India, it should fall in line with other Universities and the orders of the Government regarding reservation of seats for Scheduled Castes and Scheduled Tribes for admission to the Jawaharlal Nehru Medical College should be implemented.

5. 2.43 The regulations framed by the Medical Council of India provide that in respect of candidates belonging to Scheduled Castes/Scheduled Tribes, the minimum marks required for

admission to under-graduate medical courses shall be 40% whereas this percentage will be 50% for general candidates. The Commissioner for Scheduled Castes and Scheduled Tribes has in his 26th and 27th Reports for the years 1978-79 and 1979-81 observed that the performance of Scheduled Caste/Scheduled Tribe students admitted to the medical colleges with relaxed standards was not satisfactory. Quite a good number of students could qualify in the MBBS examination after several attempts and several students could not get through at all. Some students left the studies before the completion of the course. The Committee are concerned that a number of Scheduled Caste/Scheduled Tribe students thus lose valuable years of life in their career. The Committee feel that when Scheduled Caste/Scheduled Tribe students are admitted with relaxed standards, it is obligatory on the part of the authorities of the medical colleges to arrange for special coaching after their admission so that they are able to come upto the required standard.

6. 2.44

The Committee find that in the Pre-medical examination conducted by the Government of Madhya Pradesh in the year 1980, out of 108 seats reserved for Scheduled Castes in the Medical Colleges of the State, 18. Scheduled Caste candidates (out of 623 Scheduled Caste applicants) could qualify on merit and 7 more after giving relaxation of 5% marks. As regards Scheduled Tribes, out of 108 seats reserved for them 2 qualified on merit (out of 145 Scheduled Tribe applicants) and one more after giving relaxation of 5% marks. In the result, 83 seats reserved for Scheduled Castes and 105 seats reserved for Scheduled Tribes had remained vacant. The State Government therefore passed an order on 9th September, 1980 completely relaxing the condition relating to the minimum qualifying marks for Scheduled Caste/Scheduled Tribe examinees.

The Committee recommend that the system followed by the Government of Madhya Pradesh should be introduced in the Central Medical Colleges so that all reserved seats are filled by Scheduled Caste/Scheduled Tribe candidates only.

The candidates admitted by relaxing the minimum qualifying marks should be given special coaching after admission in the colleges.

At present, under a scheme of the Ministry of Home Affairs, a number of Pre-examination Training Centres are functioning in different parts of the country for Engineering Services and Central Services examinations conducted by the Union Public Service Commission. If the take of Scheduled Caste/Scheduled Tribe students in the medical colleges in the country on merit on the basis of pre-medical examinations conducted by the various State Boards has to be increased, the Committee are of the view that pre-examination training centre on the lines of such centres functioning for Central Services examinations should be opened in various parts of the country for the benefit of Scheduled Caste/Scheduled Tribe students. The admission of a larger number of Scheduled Caste/Scheduled Tribe students in the medical colleges on merit would eventually result in their qualifying in the MBBS final examinations within the prescribed durations and reduce the wastage being experienced hitherto. The Committee recommend that the Ministry of Health should in consultation with the ministry of Home Affairs, give a serious thought to the question of starting pre-examination training centres for the benefit of Scheduled Caste/Scheduled Tribe students aspiring to take to medical profession in their career.

7. 2.64. The Medical Education Review Committee constituted by the Government of India in September, 1981 has, in its report, submitted recently expressed the opinion that there should be no reservations for admissions to the various post-graduate courses in the medical colleges. As regards Scheduled Caste/Scheduled Tribe candidates, the Review Committee is of the view that such of them who have passed the MBBS examination and gained full registration may be enabled to secure admissions to higher courses by providing them with special coaching/counselling facilities.

At present 20% seats are reserved for Scheduled Caste/Scheduled Tribe candidates for admissions to the post-graduate courses of the All India Institute of Medical Sciences, New Delhi and Post-graduate Institute of Medical Education and Research, Chandigarh. In the Jawaharlal Institute of Post-

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graduate Medical Education and Research, Pondicherry (JIPMER), 25% seats are reserved for Scheduled Caste/Scheduled Tribe/Rural candidates for admission to its post-graduate courses.

The Committee feel that if the recommendation of the Review Committee that there should be no reservations for admissions to the various post-graduate courses is accepted by the Government, it would be detrimental to the interests of Scheduled Caste/Scheduled Tribe candidates who aspire to gain higher qualifications in medical education and research. The Committee recommend that the reservations in post-graduate courses should be insisted.

8. 2.65 In the Jawaharlal Institute of Post-graduate Medical Education and Research, Pondicherry 25% seats are reserved for Scheduled Caste/Scheduled Tribe/Rural candidates for admission to its Post-graduate courses. When the Committee asked during evidence why separate quota has not been fixed for Scheduled Castes and Scheduled Tribes, the representative of the Ministry of Health agreed that the percentages of reservation should be earmarked separately for Scheduled Caste/Scheduled Tribe and candidates coming from rural areas. The Committee recommend that the present combined reservation quota should be split up and the prescribed percentages of seats be reserved for Scheduled Castes/Scheduled Tribes.

9. 3.8 The Commissioner for Scheduled Castes and Scheduled Tribes has in his annual reports, repeatedly drawn attention to the inordinate delays in the sanction and disbursement of Post-matric scholarships by the State Governments Union Territory Administrations to Scheduled Caste/Scheduled Tribe students studying in various educational institutions in the country. In this connection, reference may be made to the observations made in para 6.35 of his 26th Report (1978-79) and para 6.156 of the 27th Report (1979-81) The Committee recommended that the question of payment of scholarships by the Central Medical Colleges to the students in advance and later claiming reimbursement of the amounts from the State Governments/Union Territory Administrations should be considered.

10. 3.12 No indication is at present available from the published documents as to the flow of benefits to Scheduled Castes and

Scheduled Tribes out of the funds made available by the Government of India to the Central Medical Colleges. The Committee recommend that in the budget of the Central Medical Colleges funds should be separately earmarked for the educational development of Scheduled Caste/Scheduled Tribe students and for benefits to be provided to the Scheduled Caste/Scheduled Tribe teaching and non-teaching staff of the Colleges. Details of the amounts provided for various schemes as also their utilisation should also be included in the annual Reports of the Universities and Medical Colleges/Institutes.

11. 4.9 The Committee note that out of 2365 teaching posts in the 8 Central Medical Colleges for which information has been furnished by the Ministry of Health, the number of teaching posts held by Scheduled Caste persons is only 6. There is no person belonging to the Scheduled Tribes in any of these Colleges. This position exists because there is no reservation for Scheduled Castes/Scheduled Tribes in teaching posts. Had there been reservations in these categories, the position would have been better. Since the Committee recommend that there should be reservations in teaching posts at all levels.

The Committee recommend that the Ministry of Health/Education should issue instructions immediately for the implementation of reservation orders in the teaching posts in the remaining 8 medical colleges. The state Governments/State Universities having Medical Faculties may also be advised to fall in line with the Government of India's policy in this regard.

The Committee would like to observe that non-implementation of reservation orders in the teaching posts all these years on the ground that there were "scientific and technical posts" and hence exempt from the purview of reservation orders was hardly justifiable and has in effect resulted in depriving the Scheduled Castes/Scheduled Tribes in getting their due share in the teaching profession. The Committee strongly feel that the Ministries of Education and Health must take prompt and effective measures to implement the reservation orders.

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4. 12 The Committee find out of 562 Group 'B' non-teaching posts in 8 Central Medical Colleges, the number of posts held by Scheduled Caste persons in only 7. In fact, in 6 of these colleges, no Group 'B' post is held by any Scheduled Caste person. No Group 'B' Post is held by any Scheduled Tribe person in any of the colleges.

The Committee find that Jawaharlal Nehru Medical College, Aligarh Muslim University, has not furnished any information regarding representation of Scheduled Castes and Scheduled Tribes in the non-teaching posts in the college. The Committee are not aware whether separate data regarding employment of Scheduled Castes and Scheduled Tribes in this college is being maintained at all. The Committee recommend that necessary instructions should be issued by the Government in this regard.

4. 12 The Committee wanted to have information regarding the dates from which orders regarding reservation in direct recruitment and promotions in non-teaching posts were made applicable in the Central Medical Colleges. The information furnished to the Committee in respect of some of the colleges is quite vague. About Jawaharlal Institute of Post-Graduate Medical Education and Research, Pondicherry and Mahatma Gandhi Institute of Medical Sciences, Wardha it has been stated that the orders were made applicable "from the very inception of the Institute. About Institute of Medical Sciences, Banaras Hindu University it has been stated that the orders were issued "from the date of directives by the University authorities." About Goa Medical Institute, Panaji, it has been stated the orders were made applicable "from the date when the Government of India issued orders". About University College of Medical Sciences, New Delhi it has been stated that the information was "not available." From replies of this nature furnished to the Committee, the conclusion is inescapable that the authorities of the Central Medical Colleges are not fully aware of the various reservation orders or of the procedure regarding maintenance of prescribed rosters and determination of reserved vacancies as per instructions of the Government of India. The Committee suggest that the staff of the Central Medical Colleges dealing with reservation

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matters should be trained in regard to proper maintenance of rosters and applicability of reservation orders.

4. 13

The Committee express their displeasure over the implementation of reservation of policy in the Central Medical Colleges. Neither the Ministry of Health nor the Ministry of Education have cared to look into the matter and set things right. The Committee recommend that immediate action should be taken to set right the records and to implement various orders for reservations. The Committee would like to be informed of the action taken in this regard.

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