

versions) of the National Institute of Ayurveda, Jaipur, for the year 1993-94 together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Institute of Ayurveda, Jaipur, for the year 1993-94.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT-7147/95]

[English]

12.58 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha:—

- (i) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Securities Laws (Amendment) Bill, 1995 which has been passed by the Rajya Sabha at its sitting held on the 21st March, 1995."
- (ii) "In accordance with the provisions of rule 115 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 21st March, 1995, agreed to the following amendments made by the Lok Sabha at its sitting held on the 15th March, 1995, in the Cable Television Networks (Regulation) Bill, 1994:—

ENACTING FORMULA

1, Page 1, line 1,—

for "Forty-fifth" substitute "Forty-sixth"

CLAUSE-1— Short title, extent and commencement

2, Page 1, line 6,—

for "1994" substitute "1995"

CLAUSE—23—Repeal and Savings

3, Page 7,—

for lines 13 and 14 substitute—

Ord. 3 of 1995 "23. (1) The Cable Television Networks (Regulation) Ordinance, 1995 is hereby repealed."

12.58½ hrs.

SECRETARY GENERAL, Sir, I lay on the Table the Securities Laws (Amendment) Bill, 1995, as passed by Rajya Sabha on the 21st March, 1995.

[English]

12.581/ hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

Thirty-Eight Report

SHRI S. MALLIKARJUNAIAH (Tumkur): Sir, I beg to present the Thirty-eighth Report (Hindi and English versions) of the Committee on Private Members' Bills and Resolutions.

[English]

12.58¼ hrs.

PUBLIC ACCOUNTS COMMITTEE

Eighty-fifth Report

SHRI BHAGWAN SHANKAR RAWAT (Agra): Sir, I beg to present the Eighty-Fifth Report (Hindi and English versions) of the Public Accounts Committee (18th Lok Sabha) on Induction of an Aircraft.

[English]

12.59 hrs.

STANDING COMMITTEE ON PETROLEUM AND CHEMICALS

Eleventh Report and Minutes

SHRI SRIBALLAV PANIGRAHI (Deogarh): Sir, I beg to present the Eleventh Report (Hindi and English versions) of the Standing Committee on Petroleum and Chemicals on Molasses-Distribution and Pricing' and Minutes of the sittings of the Committee relating thereto.

[English]

12.59½ hrs.

STANDING COMMITTEE ON HUMAN RESOURCE DEVELOPMENT

Fifteenth and Sixteenth Reports

SHRI BRAJA KISHORE TRIPATHY (Puri): Sir, I beg to lay on the Table a copy each (Hindi and English versions) of the Fifteenth and Sixteenth Reports of the Department-related Parliamentary Standing Committee on Human Resource Development on the Constitution (Seventy-ninth Amendment) Bill, 1992 and the Assam University (Amendment) Bill, 1994 respectively.

[English]

MR. SPEAKER: Now, Dr. Silvera to make a statement.

SHRI INDRAJIT GUPTA (Midnapore): Sir, we have not yet been supplied with copies of the statement.

MR. SPEAKER: These are the kinds of statements of which copies are not supplied. They make the statement on the floor of the House.

SHRI INDRAJIT GUPTA: Are we not supposed to have copies?

MR. SPEAKER: He is reading it out.

SHRI INDRAJIT GUPTA: It is a big statement, as far as I can see.

[English]

13.00 hrs.

STATEMENT BY MINISTER

Situation arising out of the strike by resident doctors in the All India Institute of Medical Sciences, New Delhi. The Minister of state in the Ministry of health and Family Welfare (Dr. C. Silvera):

Sir, The Resident Doctors at AIIMS have resorted to an indefinite strike from 7th February, 1995 on their demand for withdrawal of the orders of termination of residency (M.Ch.

course in Neuro-surgery) served on Dr. Pankaj Kumar Upadhyay. Dr. Upadhyay had joined the AIIMS as Senior Resident in the Deptt. of Neuro-surgery in July, 1993. He was repeatedly warned to improve his functioning but there was no improvement in his work and conduct. Subsequently, all the Members of the Faculty of Neuro-surgery were asked by the Dean to give their personal assessment and all of them graded him poor or very poor. Finally on 25th January, 1995 the residency of Dr. Upadhyay was terminated and his registration as M.Ch. student in Neuro-surgery was cancelled. Earlier also he did not complete his tenures in PGI, Chandigarh and G.B. Pant Hospital, New Delhi. There is also a case of alleged financial abuse by him in AIIMS. This case was entrusted to CBI which after preliminary enquiry, has registered a case against him U/S 13(1)(d) and 13(2) of Prevention of Corruption Act and under sections 34, 506, 342 of Indian Penal Code.

Senior Residents of AIIMS are governed by the Residency Scheme, according to which, they are treated as temporary government servants for fixed tenure and are governed by the terms of their tenure appointment. The termination order served on Dr. Upadhyay is in accordance with terms of appointment. In such cases, the aggrieved person can seek relief by preferring an appeal to the Appellate authority. Dr. Upadhyay has neither filed an appeal to the Appellate Authority nor any petition to the Ministry of Health & Family Welfare.

Termination of the services of individual cannot be a valid cause for strike by any Association. While the administration has been exceedingly sympathetic in trying to resolve the matter, many patients have been suffering on account of the continuing strike of junior doctors.

During the strike of the Resident Doctors, the undergraduate students of AIIMS also resorted to an agitation demanding that the reservation in the post-graduate admission should not be departmentalised. This matter has since been resolved through proper administrative channels.

The striking Resident Doctors indulged in slogan shouting, holding rally and blocking the main entrance to the Institute. On 23rd February, 1995, the students blocked the passage to the Examination Section. They were later joined by Resident Doctors and blocked the main entrance to the Institute. Later on, police help was taken to disperse them. The Students and resident doctors went on the rampage and caused damage to Government property. The services of striking ad-hoc Resident Doctors were terminated and resignations of some Residents Doctors were accepted.

An agreement signed by the Director-AIIMS, the Dean-AIIMS, and the representatives of RDA on 26th February, 1995 was forwarded to the Ministry by the Director-AIIMS. Later on, on 28th February, 1995 the Director-AIIMS informed the Ministry that the agreement with the RDA did not have the mandate of the Faculty and, therefore, it should be treated as withdrawn. The main points of the agreement were:

- (i) Termination of Dr. Pankaj Upadhyay be stayed and he be posted in an allied department pending the result of inquiry.
- (ii) An inquiry be instituted to be conducted by an inde-

pendent external person and the RDA representative be allowed as observers in the inquiry and the inquiry be completed within two weeks.

- (iii) A Grievance Redressal Mechanism for residents/tel-low research officers/interns be set up.
- (iv) Payment of salary and allowance be allowed for the strike period.

Such points are unacceptable in the light of prescribed rules and precedents. There are set procedures for seeking relief against order of termination of services. Dr. Pankaj Upadhyay could have filed an appeal but this has not been done despite this being repeatedly pointed out to RDA and Dr. Pankaj Upadhyay during negotiation. Provision for appeal already exists as the grievance redressal mechanism in such cases. As per Government policy and directions, the principle of "no work no pay" has to be followed. This has also been upheld by the Supreme Court.

The AIIMS Faculty have unanimously rejected the demand for the reinstatement of Dr. Upadhyay. A list of cases of negligence of Dr. Pankaj Upadhyay, received from AIIMS, is laid on the table of the House along with this statement. The Faculty itself constituted a Committee of 5 Members to hold discussions with Resident Doctors' Association (RDA) and persuade them to resume duty. Long discussions were held with the RDA in the Ministry also with a view to ending the stalemate. During negotiations, no solution emerged because of the RDA'S insistence on staying or withdrawing the order of termination of services of Dr. Upadhyay. As the negotiations broke down, this Ministry advised AIIMS that medical post graduate teaching and post graduate examination should be suspended upto 30th June, 1995; all non-medical courses and medical under graduate teaching should continue; hospital services should be maintained; and sponsored candidates who did not attend their duties should be sent back to the Sponsoring Authorities.

On 15th March 1995 some doctors from some CGHS dispensaries, Dr. R.M.L. Hospital, Safdarjung Hospital were deputed to perform duties in the AIIMS Hospital. The striking Resident Doctors prevented these doctors from performing any duty. The Institute has been advised to make fresh recruitment of required number of ad-hoc residents upto 30th June, 1995. Hospital services are being maintained by the Faculty.

On 16th March, 1995, the Karmachari Union of AIIMS, gave a 14 days notice to Director-AIIMS under Trade Union Act, indicating their support to RDA and also submitting a charter of 21 demands. The AIIMS administration is already engaged in a dialogue with them.

The Faculty has been maintaining OPD and Indoor services and even attending the ward duties, for which they deserve full appreciation. The output in terms of patient care services has declined. On 21st March, 1995, AIIMS reported 1,832 OPD attendance and 711 indoor patients. The AIIMS Faculty are doing their best to attend the incoming patients. Against a total number of 610 senior/junior residents, 98 residents doctors attended the work on 21st March, 1995.

A Public interest writ petition has been filed on 04th

March, 1995 in Delhi High Court by Shri R.M. Bagai, Advocate, seeking a direction to RDA to attend to their duties. The hearing is fixed on 24th March, 1995.

The Ministry has been reviewing the situation on a daily basis. This is strike on account of the termination of the services of an individual senior resident whose performance was continuously poor. It is the responsibility of all right-thinking people to keep persuading the RDA that action against Dr. Pankaj Upadhyay is not a valid reason for their strike and that as members of the noble medical profession they should not subject the patients to continuing distress.

SPECIFIC CASES OF NEGLIGENCE

1. Patient's Name: T.O. Johri, Pvt. Ward (Room No. 619). Operated transsphenoidally on 10.8.1994, assisted by Dr. Pankaj Upadhyaya. In his post-operative Note, he ordered for Insulin injection for the patient, who was not diabetic. His actual Blood-sugar levels were: Fasting: 70 mg.% and P.P.: 86 mg.%. On asking for explanation, he forged the report to be 156 mg.%, where actually no blood was sent for blood-sugar test for this patient on that data.
2. patient: Mr. Ramesh Chandra Joshi (24 years), admitted on 5th August, 1994—A Infracranial pressure monitoring bolt was put in by Dr. Pankaj Upadhyaya, which was put at a totally incorrect site.
3. Patient: Mr. D. Khandelwal (13.8.1994): Dr. Pankaj Upadhyaya was the senior resident in charge of the patient. His operative wound has gaped which was detected in the morning round by the consultant and an order was given to stitch the wound immediately. But it was not attended till evening round of the consultant (for 11 hours) and was stitched only after evening round by some other resident. Such a serious patient was not even seen by Dr. Pankaj Upadhyaya till late in the evening.
4. Patient: Shri Vijay, operated upon for anterior cervical discectomy with bone-graft on 31.8.1994, assisted by Dr. Pankaj Upadhyaya. There are standing orders that such patients should have a hard collar when shifted to O.T. But no hard or even soft collar was arranged for the patient. This can result in quadriplegia if graft slips/or dislocation takes place while shifting the patient.
5. Patient's name: Ujwala Karnadikar, admitted on 14.9.1994 at 12.34 hrs. and was extremely critical with subarachnoid haemorrhage (gr. JV/V). Till the evening round of 15.9.1994, i.e., more than 24 hrs. she was not worked up by Dr. Pankaj Upadhyay, who was directly in charge Senior Resident on duty. On the 15th morning round, Dr. Pankaj Upadhyaya had claimaxi that transcranial doppler had been done on this patient, which was normal. On enquiring, it was found to be totally false and a complete transcranial doppler examination had not been done and no values or record of this examination were found in the case-sheet.
6. Patient: Om Prakash (45 years, OPD No. 2857/93) a

follow-up case of Brain-tumour with head injury came to OPD with vomitings and visual deterioration. The consultant who saw the case in the OPD, asked for an urgent contrast enhanced CT scan of head by the Senior Resident on duty (Dr. Pankaj Upadhyaya). He referred the patient to the Mool Chand Hospital without even discussing the case with the Senior consultant.

7. Patient: Beena Lamba (ICU C/10) operated case of Aneurysm on 18.1.1995. On 19.1.1995, she developed ventriculo-megaly and deteriorated. Dr. Pankaj Upadhyaya was asked in put are external ventricular drain. Dr. Upadhyaya put an infant feeding tube instead of ventricular catheter. As a result of this, the patient developed infracerobral hematoma which had to be operated upon again. This patient later died.
8. Patient: Basant Ram (ICU B/1) a case of Head Injury. Dr. Pankaj Upadhyaya was the Senior Resident in charge. The patient's serum sodium was low but Dr. Upadhyaya was still continuing Mannitol on this patient. Mannitol acts as a diuretic and causes further lowering of serum sodium.

SHRI INDRAJIT GUPTA (Midnapore): Sir, it is a very serious matter. One or two comments I have to make.

SHRI CHETAN P.S. CHAUHAN (Amroha): Sir, even I would like to make one or two comments. ...(*Interruptions*)

SHRI INDRAJIT GUPTA: This one statement is a clear indication that they want the strike to continue.

MR. SPEAKER: if you give a notice, I will allow Half-an-Hour Discussion.

SHRI INDRAJIT GUPTA: I want to know what has happened to the Agreement which was signed on 26th of February, 1995. ...(*Interruptions*)

MR. SPEAKER: I will allow Half-an-Hour Discussion

SHRI INDRAJIT GUPTA: It was signed by the Director of the Institute himself.

MR. SPEAKER: if the others also want to participate they will be allowed to participate. Give me a notice, I will allow.

[Translation]

DR. LAXMINARAYAN PANDEYA (Mandsaur): Mr. Speaker, Sir, if the strike continues, it will create great problems for the common people.

13.08 hrs.

MATTERS UNDER RULE 377

- (i) NEED TO PROVIDE MORE POSTAL FACILITIES AT

GADCHIROLI IN CHANDRAPUR DISTRICT HEAD-QUARTERS, MAHARASHTRA

[English]

SHRI SHANTARAM POTDUKHE (Chandrapur): Chandrapur district in Maharashtra was divided into two separate districts, namely Chandrapur and Gadchiroli districts in the year 1982. After bifurcation all the district head post offices of the Government were shifted to Gadchiroli in 1982 except the Department of Posts. Even after 12 years of