

NATIONAL COMMISSION FOR SCHEDULED TRIBES

PROCEEDINGS of the hearing to discuss the issues raised in the representation of Dr. B.P. Baruah, HoD, Dr. RML Hospital, New Delhi, chaired by Smt. Urmila Singh, Hon'ble Chairperson National Commission for Scheduled Tribes on 08.12.2008 at 1430 hrs.

The following were present:

National Commission for Scheduled Tribes

1. Smt. Urmila Singh, Hon'ble Chairperson
2. Shri Maurice Kujur, Hon'ble Vice-Chairperson
3. Shri Tsering Samphel, Hon'ble Member
4. Shri Aditya Mishra, Joint Secretary
5. Shri R.C. Durga, Director
6. Shri K.N. Singh, PS to Chairperson

Dr. RML Hospital, New Delhi.

1. Shri N.K. Chaturvedi, Medical Superintendent.
2. Shri Anil Kumar, Dy. Director

PETITIONER

1. Dr. B.P. Baruah

ISSUE

2. Discrimination and harassment with Dr. B.P. Baruah (belonging to ST), Consultant and Head Radiology and Imaging Department, Dr. RLM Hospital, New Delhi.

BACKGROUND

3. A representation dated 03.06.2008 alleging discrimination and harassment with him by the Management of Dr. RML Hospital was received in this Commission from Dr. B.P. Baruah (belonging to ST), Consultant and Head of the Radiology and Imaging Department, Dr. RLM Hospital. It was alleged that

- (i) Ever since he took over as HOD in the Radiology and Imaging Department, he has been facing discrimination in this hospital in various ways. In spite of being the Head, he has been ignored and has not been appointed to act as a Member of any important Committee/ Board of the hospital. The officers junior to him have been given the important assignments and he was being discriminated against, while the previous HOD was involved in most of the decision making bodies.
- (ii) The junior officers working under him were encouraged to derail and de-stabilize the smooth working of the Department. All the decisions taken by him in the Department were flouted by some of his junior doctors and staff with immunity and no action is taken against them on the basis of his complaints/ notes submitted to the Medical Superintendent Office.
- (iii) Doctors of the Department were instigated to lodge false and trivial complaints against

him. A trainee doctor (Dr. Shahina Bano) and another senior doctor of the Department humiliated him. The trainee doctor were charged with serious allegations by him and the other senior doctor but the administration has not taken note of these serious instances of indiscipline on her part and on the other hand, he was being asked to comply with the unreasonable demands of posting relating to the trainee doctor.

- (iv) It is clear from the representations made by the trainee doctor that she has been indulging in gross acts of indiscipline and demanding her posting in a particular branch of the Department as a matter of right. However, the administration has been going soft on her and this has further emboldened her.
- (v) There are numerous instances of discriminations against him and ignoring his authority as HoD for smooth functioning of the Department including accommodation, staff and efficient maintenance of services in the Department.
- (vi) Repeated instances of ignoring him and his communications has diluted his authority and encourages his juniors to indulge in indiscipline and insubordination and he is unable to run the Department effectively and it was likely to hamper his career.
- (vii) There is no reply to his repeated communications to the Medical Superintendent about the problems of the Department brought to his notice from time to time ever since Dr. Baruah took over as HoD on 1.3.2006.
- (viii) He was called by the Medical Superintendent and Addl. Medical Superintendent to their chambers and was threatened with a CBI enquiry on a vague and un-sustained charge. This was clearly done with a view to intimidate him and to make him toe their line.
- (ix) He was not given the designation of Professor whereas his juniors in the Department have been given their status of Professor. In spite of his pointing out, no effort has been made to correct the anomaly.

DISCUSSION

4. Shri Maurice Kujur, Vice-Chairman, National Commission for Scheduled Tribes mentioned that the Scheduled Tribes are generally shy in nature, sentimental and very particular about their self-esteem. Dr. B.P. Baruah is highly qualified and also awardee of National Overseas Scholarship of Government of India, which is granted after passing through stiff competition. If highly qualified professionals like Dr. B.P. Baruah were given inferior treatment or were not allowed to function, directly or indirectly, it is bound to create complications in his functioning and his career progression, and give rise to the situations to make him feel that humiliation in every respect was being heaped on him because he belongs to a Scheduled Tribe beside creating a situation that will bring disrepute to the Department as well as the Hospital. Finding no other solution to his problem within the administrative set up, he has been compelled to represent to this Commission. The Commission also noted that Dr. B.P. Baruah has been working in the Radiology and Imaging Department before becoming HoD in the same Department on 01.03.2006 and there was no issue relating to defiance of the authority of the HoD prior to that. In view of this, the Commission also felt that the situation had been created by vested interests because Dr. Baruah belongs to Scheduled Tribe. The Commission observed that the Medical Superintendent of Dr. RML Hospital was expected to use his authority carefully so that all Departments including the Radiology and Imaging Department of the Hospital functioned smoothly. The matter was discussed in detail. The Commission noted as follows:

- (i) Dr. B.P. Baruah joined the organisation on 11.07.1979 by selection against an unreserved seat.

- (ii) He is highly qualified and one of the best Neuro-Radiologist in Delhi. He is sole consultant and HOD working in the RML Hospital, belonging to scheduled tribe
- (iii) The matter raised by the Trainee Doctor was of administrative nature and should have been dealt and resolved amicably by the Administration. Lodging a complaint with the National Commission for Women by the Trainee Doctor, without having her complaints properly processed by the Administration, is tantamount to violation of conduct rules. After investigation of the complaint by National Commission for Women and National Human Rights Commission, it was stated to have been found false/ baseless.

To some extent, it supported the views of Dr. B.P. Baruah that the complaint sent by the Trainee Doctor to National Commission for Women and National Human Rights Commission was pre-planned to humiliate Dr. Baruah under the indirect support and provocation from the Administration.

- (iv) As regards forwarding the name of Dr. Baruah for Professorship, it was stated that the requisite details were not submitted by him and, therefore, his name was not forwarded. Dr. Baruah claimed that he had submitted, several times, his credentials for his appointment as Professor but his name was not sponsored for the same.
- (v) Dr. U.C. Garga who was posted in the CGHS Medical Centre, Parliament Annex, and, therefore, his ACR was to be written by CGHS and not by the Medical Superintendent of Dr. RML Hospital. His ACR was written by Medical Superintendent, which was wrong and intentionally manipulated to give undue favour to Dr. Garga, which finally went against the interest of Dr. Baruah.
- (vi) Postings of Doctors and staff in various Units of the Radiology and Imaging Department and the seating/ accommodation arrangements etc. is the prerogative of the HoD and each Doctor and staff posted in the Department was expected to follow the instructions of the HoD. In the present case, various Doctors and staff posted in the Radiology and Imaging Department did not follow the instructions, including those relating to marking of attendance and performance of allotted duty, issued by Dr. B.P. Baruah, HoD and the Administration also played a passive role when the matter about disobedience was brought to the notice of the Medical Superintendent. Consequently, the infrastructure created in the Department was not put to requisite optimal use and Doctors and staff allotted particular Unit/ Room did not join the allotted Unit/ Room. Dr. B.P. Baruah has not been provided the services of PS/ PA and Attendant. A Computer Operator posted with him is also kept awfully busy by other Doctors on the pretext of data entry, while the regular staff posted with them were capable enough to perform that duty. This has certainly affected the functioning of Dr. B.P. Baruah, Consultant and HoD of the Radiology and Imaging Department of the Hospital.
- (vii) Several posts were lying vacant in the Radiology and Imaging Department and requisite steps have not been taken timely by the Administration.
- (viii) The Doctors, officers and staff working under Dr. B.P. Baruah, HoD in Radiology Department were not cooperating and behaving disrespectfully with the HoD. The situation was existing apparently after Dr. B.P. Baruah took charge as HoD in March, 2006. In case the subordinates bypass or do not respect for the HoD, it really becomes difficult for the HoD to deliver the qualitative results. Dr. B.P. Baruah served in the same Department for several years before becoming HoD and this type of situation did not exist earlier. Since it is happening after his taking over the charge, the National Commission for Scheduled Tribes is bound to support the thinking of Dr. Baruah that the irresponsible behavior of the Doctors and staff in the Radiology Department was due to the fact that the HoD belongs to a Scheduled Tribe.

CONCLUSION AND RECOMMENDATION

- (i) The Medical Superintendent will ensure that proper discipline & harmony was maintained in the Radiology and Imaging Department by lending effective support to the HoD.
- (ii) The Commission felt that when all personal details of Dr. Baruah were available in the Administration, and as per the available information, he was fit to be appointed as Professor, there was no need to call for details afresh. Under the circumstances, ignoring the name of Dr. Baruah while forwarding the name of his juniors and subordinates, who were also less qualified and less experienced, led the Commission to believe that the name of Dr. B.P. Baruah was intentionally ignored. Dr. Baruah claimed that he had submitted, several times, his credentials for his appointment as Professor but his name was not sponsored for the same. As details about his qualifications & experiences were available with the Hospital Administration, the Medical Superintendent may consider forwarding his name on priority for Professorship on the basis of the details available in the Department and, additional information, if any required by the competent authority, may be collected from Dr. Baruah in due course. A confirmation in this regard may be communicated to this Commission within a week.
- (iii) Comments of the Hospital authorities along with the records/details to the reported/noted cases of discrimination, mentioned in paragraph 4(iii) to 4(viii) will be furnished to the commission for examination
- (iv) There is a need for causing an Inquiry into the process of writing of ACRs of Dr. U.C. Garga during the period when he was posted in the CGHS Dispensary. The competent authority may initiate necessary action in this regard. The deviations noticed in the stipulated procedure in this regard may be brought to the information of the Commission. In the meanwhile the file relating to appointment of Dr. U. C. Garga as Professor alongwith certified copies of his ACRs for last 10 years may be produced before National Commission for Scheduled Tribes.
- (v) A uniform arrangement may be prescribed and followed for marking attendance by Doctors and staff of each Unit under each Department including Radiology and Imaging Department of the Hospital so that HoD is timely aware about presence or absence of any subordinate in the Department and for making requisite arrangements for proper functioning in each Unit.
- (vi) The services of PS/ PA and Attendant should be immediately considered for Dr. Baruah as being provided to other HoDs.
- (vii) The file dealing with the complaint(s) submitted by Dr. Shahina Bano, Sr. Resident and Ors. if any against Dr. B.P. Baruah, HoD and those submitted by Dr. Baruah may also be produced before the Commission.
- (viii) The Hospital Management will take urgent steps on priority to ensure that the vacancies in various posts in Radiology and Imaging Department of the Hospital are filled or alternative staff is provided against various vacant posts to ensure smooth functioning of the Radiology Department. Being HoD, Dr. Baruah was duly vested with the responsibility and power to assign any work and any staff to any Doctor or Resident Doctor in the interest of the smooth functioning of the Department and if any one had any objection, he/ she is expected to submit his/ her objection to the HoD or to MS through HoD. However, Dr. B.P. Baruah, HoD may also discuss the whole matter with the MS, if necessary, before issuing any instructions.

Dr Baruah should also be consulted before any officer of his Deptt. Is considered for training/courses outside the Hospital.

- (ix) Being HoD and one of the best Neuro-Radiologist Dr. Baruah will be associated with important Committees, Projects and assignments and provided with necessary training etc. for advancement of his career.

5. An action taken report on the above observations of the Commission may be forwarded to this Commission within 15 days of issue of these proceedings for perusal of the Commission. The Commission will, thereafter, assess/ verify adequateness of the action taken by the Medical Superintendent, Dr. RML Hospital on various issues mentioned in the preceding paragraphs. If necessary improvements are not noticed within the reasonable time, further meeting with the concerned administrative Ministry viz; Ministry of Health and Family Welfare will be convened.
