

STATUTARY RESOLUTION AND GOVERNMENT BILL – Contd.**The Indian Medical Council (Amendment) Bill, 2016**

SHRI C. M. RAMESH: Sir, I heard Mr. Jairam Ramesh saying...
...(Interruptions)...

MR. DEPUTY CHAIRMAN: We will frame the rules according to the Bill. Please sit down. Yes, Mr. Ramesh. ... (Interruptions)...

SHRI C. M. RAMESH: He made allegations against the MCI saying that there is a lot of corruption and the Government is having some vested interest. Is there any specific allegation? ... (Interruptions)...

SHRI JAIRAM RAMESH (Karnataka): Yes. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: That is for the Minister to ask. ... (Interruptions)..
You need not ask. You are not the Minister. ... (Interruptions)..
You are not the Minister. Please sit down.

SHRI C. M. RAMESH: I want to know about it, Sir. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Let the Minister ask him. ... (Interruptions)..
You are not the Minister. Please sit down.

SHRI C. M. RAMESH: Is there any specific allegation? ... (Interruptions)...

MR. DEPUTY CHAIRMAN: What I am saying is that... ... (Interruptions)..
Please sit down. ... (Interruptions)..
Mr. Ramesh, please. ... (Interruptions)...

SHRI C. M. RAMESH: As a Member, I want to know it. ... (Interruptions)..
What is that allegation? ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Ramesh, please. ... (Interruptions)..
That is for the Minister to ask. Please sit down now. ... (Interruptions)..
Do you wish to ask a question? ... (Interruptions)..
I will allow you. ... (Interruptions)...

SHRI JAIRAM RAMESH: Sir, the MCI has reached. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Please sit down. ... (Interruptions)...

श्री शमशेर सिंह डुलो: सर, गवर्नमेंट मेडिकल कॉलेजेज की फीस और प्राइवेट मेडिकल कॉलेजेज की फीस में बड़ी डिस्परिटी है। प्राइवेट कॉलेजेज बिजनेस सेंटर्स बने हुए हैं। मैं मिनिस्टर साहब से यह जानना चाहता हूँ कि यह जो डिस्परिटी है, उसको आप कैसे दूर करेंगे? ... (व्यवधान)...

डा. प्रदीप कुमार बालमुचु (झारखंड): सर, मंत्री जी ने अभी जवाब दिया और हमको लगता है

कि यह बिल बहुत जल्दी पास भी हो जाएगा, मगर मेरा मंत्री जी से इससे थोड़ा आगे का एक सवाल है। जैसा कि अभी व्यापम घोटाला हुआ, तो उस तरह का घोटाला न हो, उसके लिए मंत्री जी के पास क्या कोई mechanism है? ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: No, no. That has nothing to do with this. ...*(Interruptions)*... It is not allowed. Yes. Mr. Budania. ...*(Interruptions)*... That has nothing to do with this. Yes, Mr. Budania. Please ask only relevant questions. Don't distract from the subject. ...*(Interruptions)*...

श्री नरेन्द्र बुढानिया: सर, NEET का जो एग्जाम होता है, उसके अंदर नकल करने की बहुत ज्यादा शिकायतें आती हैं। विशेष रूप से, जो प्राइवेट मेडिकल कॉलेजेज़ हैं, वे कोटे का अथवा पैसे लेकर एडमिशन देते हैं और फिर वे नकल कराकर छात्रों को पास कराने की भी कोशिश करते हैं। मैं यह जानना चाहता हूँ कि पारदर्शी, निष्पक्ष और भ्रष्टाचारमुक्त प्रवेश के लिए क्या वे सीसीटीवी कैमरे लगाएँगे? ...*(व्यवधान)*... क्या ये उसका कोई वीडियो बनाने का इंतजाम करेंगे? अगर ये ऐसा करेंगे तो मैं समझता हूँ कि जो परीक्षाएँ होंगी, वे पारदर्शी होंगी। यह मैं मंत्री जी से जानना चाहता हूँ। ...*(व्यवधान)*...

DR. K. KESHAVA RAO: Sir, I want to draw the attention of the Minister to the six points that he has raised. मिनिस्टर साहब, आप ज़रा इधर भी ध्यान दीजिए। आपने छः बातें कही हैं। उससे पहले आपने कहा कि यह ऑर्डिनेंस वन ईयर ही रहेगा। उस वन ईयर के बारे में the judgement is: "It is disturbing and not proper for the Government to bring an Ordinance allowing States to hold their own tests despite our orders. *Prima facie*, we find that the validity of the Ordinance is in doubt." It was said by a Bench comprising Justice A. R. Dave and two other Judges. I am just bringing this to your notice because this one year extension can only come through the Bill. Let us not go into that because you have now brought the Bill, we are all welcoming it. There are five other points. According to you, ending the multiplicity, transparency, and non-exploitation are the three things which have guided you. Sir, can you please tell me as to how many out of 70,000 students, took to more than two exams? If I am not wrong, it is two per cent. Correct me if I am wrong, I do not have exact figures. Please do not base the entire Ordinance on that premise.

Let me come to the real point. Today, you are trying to test a boy putting under NEET and you are having it as per the CBSE. Already two pre-medical tests were held on CBSE basis. We do not have CBSE as is the case with Tamil Nadu. ...*(Time-bell rings)*...

MR. DEPUTY CHAIRMAN: That point is already over. ...*(Interruptions)*... It is already taken up. ...*(Interruptions)*...

DR. K. KESHA RAO: Please allow me, Sir. *... (Interruptions) ...* No, Sir. It is a constitutional thing. You cannot say that law will take care. *... (Interruptions) ...* It is not law. *... (Interruptions) ...* It is the Constitutional provision. What I am saying is that the competence of the said Act is challenged by a constitutional provision, not by any other Act where you can take care of it. I am going to tell you that we have to look into this. You used the word 'parity' within NCERT and the SCERT. When I do not have the CBSE and my boy suffer under it, at the very stage of getting selected, how other States will look after this; how do I get into the list at all when I am not a CBSE boy? *... (Time-bell rings) ...* That has to be taken care of. *... (Time-bell rings) ...* The question of 'parity' does not arise because I am only SCERT man, not NCERT man; I am not the CBSE man, I am HSC man.

MR. DEPUTY CHAIRMAN: Hon. Members, I am liberal with regard to the clarifications but please put only one question because we have to take up one more Bill. Now, Dr. Prabhakar Kore.

DR. PRABHAKAR KORE (Karnataka): Sir, the exam is now over all over India on 24th. I have spoken to many students. Percentage-wise, in 10+2, they have got more than 90 per cent. When I asked them about the NEET examination, because of negative marking system, they may get less than 50 per cent marks. What is the fate of those students if they do not score 50 per cent marks? As per the MCI rules, they must get minimum 50 per cent marks. If they don't get 50 per cent marks, what is the fate of those students, particularly the rural students? The Bengaluru students, who took tuitions for the NEET examination, say that more than 30 per cent questions were out of syllabus. So, this is the biggest question that if they are not eligible, *... (Interruptions) ...* What is the next alternative?

SHRI ANIL DESAI: Sir, the Minister, in his reply, said about the State quota, which will be inclusive of private medical colleges also. Now, after the results, merit-wise the list would be given to the States. It will be given quota-wise. Naturally, it will be given to Government colleges and private colleges also. Private colleges, despite the seats which will be offered as free seats, will be having their quota of management, and the Minister has said that they would be having the liberty to go for that. How would they go for that? If they accommodate students in the private quota from the lower percentage, will the purpose of NEET be served?

श्रीमती विप्लव ठाकुर: सर, अभी मंत्री जी ने कहा कि काउंसलिंग में भी बड़ी, मैं हेराफेरी शब्द तो नहीं कहूंगी, लेकिन उसमें भी प्रॉब्लम आती है, तो जो काउंसलिंग करनी है, क्या उसके लिए भी आप कोई पैमाना रखने जा रहे हैं, क्योंकि जब आप रिजल्ट भेज देंगे तो हर कॉलेज अपनी-अपनी

काउंसलिंग करेगा। फिर वहां पर भी pick and choose वाली बात आ जाएगी। मैं जानना चाहती हूँ कि उसके लिए आप क्या करने जा रहे हैं?

SHRI B. K. HARIPRASAD (Karnataka): Mr. Deputy Chairman, Sir, while replying to the debate, the Minister was mentioning about the Supreme Court orders. There was a Supreme Court order way back in early 2000 banning the capitation fees in all these medical and engineering colleges. But in most of the medical and engineering colleges, even today, they take this capitation fee clandestinely.

DR. K. KESHAVA RAO: Openly, Sir, not clandestinely.

SHRI B. K. HARIPRASAD: Okay; even if it is open, it is there. So, what mechanism has he got to implement whatever the Act or law passed in Parliament? He has brought this Bill to counter the big educationist lobby which is running in the country? Is there any mechanism to control them?

श्री शमशेर सिंह मन्हास (जम्मू और कश्मीर): सर, जिस प्रकार से हमारे प्रदेश में अलग से धारा 370 लगती है, बहुत सारे ऐसे Acts हैं, जो जम्मू-कश्मीर में लागू नहीं होते। मैं मंत्री जी से जानना चाहता हूँ कि यह बिल पास होने के बाद क्या जम्मू-कश्मीर के बच्चों के साथ कोई न्याय हो पाएगा या नहीं हो पाएगा?

श्री जगत प्रकाश नड्डा: सर, बहुत से questions आए हैं। सबसे पहले तो जो number of seats की बात की गयी है, we are trying. Under the PMSSY and under the upgradation of the district hospitals into medical colleges, we are opening many medical colleges. We are also trying to see to it that in private areas also, when the medical colleges come, the quality is not compromised but, at the same time, we also see to it that the quantity should increase. और उसमें time-to-time हम regulations ला रहे हैं और जब MCI के changes आ जाएंगे तो then we will be going forward in that direction. That is what I would like to say.

As far as minority rights are concerned, we are not going to disturb the minority rights. एक बात in general मैं कह दूँ कि यह जो आपने reservation की बात की है, यह स्टेट को डिसाइड करना है। What we are simply going to do is, we are going to give the national list and we are also going to give them the State list. स्टेट लिस्ट का मतलब यह है कि नेशनल लिस्ट से निकालकर, जो उन स्टेट्स के स्टूडेंट्स हैं, उनकी लिस्ट अलग से दे देंगे। But they have to decide whether they want to give priority to rural areas. They can give them priority in their own way. If they want to give to backward community, they can give the priority in their own way. उनकी एक जनरल मैरिट लिस्ट बनाकर we will send it to them and it is for them to decide the State quota accordingly. They have to do that. So, the full exercise will be in their hands. As far as the fee structure is concerned, it is a retired

[श्री जगत प्रकाश नड्डा]

Judge of various States who heads the Committee. They decide about the fee structure of different colleges, depending upon the infrastructure. From time to time, that fee structure is decided by them. ...*(Interruptions)*... Sorry! गवर्नमेंट कॉलेज का तो हम करेंगे। But for private college seats, it is to be decided by that Committee accordingly. स्टेट रिजर्वेशन की बात मैंने कह दी है। आपने सुप्रीम कोर्ट के बारे में कहा कि इस तरीके का निर्णय आया है। We are trying to see to it. हम इसको जितना ट्रांसपेरेंट बना सकें, we will make it. एक ट्रांसपेरेंट तो इसी से बन जाता है कि when you have NEET examination, you give them the set of students. You give them the names of students that these are to be admitted and counselling उनके बीच में होगी। पहले तो उसी में बहुत कुछ था। जहां तक काउंसिलिंग का सवाल है, we will try to develop a mechanism so that we can see to it that the exploitation does not take place. ...*(Interruptions)*...

डा. के. केशव राव: मेरे वहां का बच्चा सीबीएसई से नहीं पढ़ेगा, वह तो स्टेट बोर्ड से पढ़ेगा, तो वह कैसे आपका एग्जाम पास कर पाएगा?

SHRI JAGAT PRAKASH NADDA: Sir, I would like to make it very clear that जो सिलेबस होगा और जो एग्जाम लिया जाएगा, उसमें जो स्टेट बोर्ड का सिलेबस था, जो नेशनल लिस्ट है, उसके साथ पैरिटी करके ही हम क्वेश्चन पेपर में देंगे so that they are taken care of. ...*(Interruptions)*... As far as the MCI is concerned, I have said that we will be going for the recommendations और जो उसमें चेंजिंग की बात आई है, स्टैंडिंग कमेटी ने जो रिक्मंडेशन दी हैं, we will take into account. ...*(Interruptions)*... For regional languages, for the last three years, we have sent a circular, asking the States to give us the details as to how many students have appeared in which language in the last three years and we will be accordingly setting it up and giving them the privilege and facility to take examination in that language.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Minister. Now, first we have the Statutory Resolution and then the Indian Medical Council (Amendment) Bill, 2016. I shall now first put the Statutory Resolution moved by Dr. T. Subbarami Reddy to vote. ...*(Interruptions)*...

DR. T. SUBBARAMI REDDY: Sir, the voting is not required.

MR. DEPUTY CHAIRMAN: No, no. It has to be voted. ...*(Interruptions)*...

DR. T. SUBBARAMI REDDY: Sir, if I am convinced by his reply, I can withdraw it. Isn't it?

MR. DEPUTY CHAIRMAN: No, no. It has to be voted. ...*(Interruptions)*... That is

what I am saying. Let me tell you that the Statutory Resolution is as per Article 123 of the Constitution. You have moved a Motion to disapprove or annul the Ordinance. So, it is already the property of the House. So, the House has to decide. Now, you cannot decide. Your authority has gone with the Resolution. ...*(Interruptions)*... You have nothing to do with this now. It is our property. We will decide. So, the House has to decide. Now, I put the question regarding his Resolution to vote. The question is:

That this House disapproves the Indian Medical Council (Amendment) Ordinance, 2016 (No.4 of 2016) promulgated by the President of India on 24th May, 2016.

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now put the motion regarding the consideration of the Indian Medical Council (Amendment) Bill, 2016 to vote. The question is:

That the Bill further to amend the Indian Medical Council Act, 1956, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up Clause-by-Clause consideration of the Bill. In Clause 2, there are three Amendments; Amendment (No.1) by Dr. T. Subbarami Reddy and Amendment (Nos.3 and 4) by Shri K. K. Ragesh. Subbarami Reddyji, are you moving the Amendments?

DR. T. SUBBARAMI REDDY: Sir, I am not moving.

MR. DEPUTY CHAIRMAN: Good. Shri K. K. Ragesh, are you moving?

SHRI K. K. RAGESH: Sir, on the basis of the assurance given by the hon. Minister, I am not moving Amendment (No.3). But, Amendment (No.4) is for ensuring a centralised council both at the State level and at the Central level. So, I think, this is very important to ensure merit.

MR. DEPUTY CHAIRMAN: So, you are moving the Amendment (No.4). Dr. T. Subbarami Reddy has not moved the amendment. Thank you. Now, Shri K. K. Ragesh has not moved Amendment (No.3). Are you moving Amendment (No.4)?

CLAUSE 2 — INSERTION OF NEW SECTION 10D

SHRI K. K. RAGESH (Kerala): Sir, I move:

(No.4) That at page 1, *after* line 17, the following proviso be *inserted*, namely:-

[Shri K. K. Ragesh]

"Provided further that the admission shall be solely based on the rank obtained in the National Eligibility-cum-Entrance Test (NEET) followed by centralized counselling both at the Central level and State level, as the case may be".

The question was put and the motion was negatived.

Clause 2 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, we take up Clause 3. There is one Amendment (No.2) by Dr. T. Subbarami Reddy. Are you moving?

DR. T. SUBBARAMI REDDY: After the clarification, I am not moving.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

MR. DEPUTY CHAIRMAN: Shri Jagat Prakash Nadda to move that the Bill be passed.

SHRI JAGAT PRAKASH NADDA: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

**Disapproving the Dentists (Amendment) Ordinance, 2016 (No. 5 of 2016); and
The Dentist (Amendment) Bill, 2016—Contd.**

MR. DEPUTY CHAIRMAN: Now, I shall take up the Statutory Resolution and the Dentists (Amendment) Bill, 2016. Now, I am putting Statutory Resolution moved by Dr. T. Subbarami Reddy to vote. The question is:

That this House disapproves the Dentists (Amendment) Ordinance, 2016 (No.5 of 2016) promulgated by the President of India on 24th May, 2016.

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now put the motion regarding the consideration of the Dentists (Amendment) Bill, 2016 to vote. The question is:

That the Bill further to amend the Dentists Act, 1948, as passed by Lok Sabha, be taken into consideration.