

# AIIMS faculty members strike

**Peush Sahni** discusses the ethical issues raised by the first strike of faculty members of the All India Institute of Medical Sciences

The Government of India set up the Fifth Pay Commission to revise the salaries of its employees. The Commission submitted its report and in 1997, the government implemented most of its recommendations for Central Government employees. The All India Institute of Medical Sciences, New Delhi, was created by legislation enacted by Parliament as an autonomous institution with certain specified objectives as an institution of national importance. Hence, the pay structure of the faculty members of this institution was approved by Parliament. Subsequently, with each pay commission's recommendations a procedure was followed for the pay revision. Essentially, a committee was formed under the chairmanship of the health secretary, which would recommend the revisions keeping in mind the recommendations of the pay commission. In all such situations previously, this committee's recommendations were accepted and implemented by the government.

## The methods

As in the previous instances, the government set up a committee under the chairmanship of the then health secretary to consider the revision of pay scales of the faculty members of AIIMS in the light of the Fifth Pay Commission's recommendations. This committee submitted its recommendations to the government. The government did not accept these recommendations, instead issued an order implementing essentially a direct conversion of the previous pay scales to the new pay scales recommended by the Fifth Pay Commission. As this was in contravention of past precedence, the faculty members of

AIIMS did not accept the revised pay scales.

## The dispute

Attempts were made by the faculty to have direct discussions with governmental representatives to resolve this dispute without recourse to an agitation. In the face of little progress, the faculty members resolved to take mass casual leave for one day to press for resolution of the dispute. An appeal was made by the Prime Minister to the faculty members to withdraw their applications for casual leave. However, the faculty decided not to withdraw their casual leave applications but in deference to the appeal of the Prime Minister continued to perform their duties to avoid any hardship to the end users of their service - the patients.

Repeated attempts to resolve the dispute did not result in meaningful

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The lack of a process to resolve disputes is the prime reason for the increasing number of agitations in the health sector.

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action and therefore the faculty proceeded on an indefinite strike - unprecedented in the history of AIIMS. A public interest litigation was filed in the Delhi High Court by a concerned citizen pleading for banning the AIIMS strike as well as strikes by doctors all over the country. The faculty members of AIIMS withdrew their strike on the intervention of the Delhi High Court. The High Court passed interim orders for implementation of the recommendations of the committee chaired by the health secretary and directed the government to resolve the

dispute by 30 June 1999. However, the matter is still sub-judice and awaiting a final resolution.

## The key players

The three key players in this dispute are the government, the faculty of AIIMS and the patient. The impact of the actions of one led to consequences suffered by the other two. The other minor players in this conflict are the students, nurses and other healthcare staff of the AIIMS. The impact on them would be of an indirect nature except in the case of the students who would suffer in case of a prolonged strike which may have resulted in rescheduling of teaching programmes, examinations and even extension of the duration of their tenures. However, this did not happen. The teaching programmes were rescheduled but the examinations were not postponed.

## The patients

They were affected maximally for no fault of theirs as innocent bystanders between two warring groups. Could they have done something to resolve the dispute and thus avoid the hardship? Possibly not. Even today we lack aware and conscious citizens in our country. Few people are willing to come forward to help resolve a dispute which does not affect them directly. As the number of people affected by the strike at AIIMS would be a miniscule proportion of the total population of our country it is unlikely that they could have made any impact to the resolution of the dispute. However, the public interest litigation filed by 'a concerned citizen' in the Delhi High Court did give an impetus to resolution of the immediate crisis.

## The faculty

The dispute arose when the government, without assigning any reasonable explanation, decided to do

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