

[15 December, 2000] RAJYA SABHA

the notice of the Government that India does not have a library of international standards. Now, I request the Government to take all these aspects into consideration before finalising the proposed Chair at the Oxford University.

Nation-Wide Postal Strike Undertaken by E.D.A. And Postal Employees since 5.12.2000

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Sir, the strike launched by the E.D.A. and postal employees has crossed ten days. This indefinite strike has affected the postal service across the country. Sir, we were told that the last strike that took place in July, 1998, was withdrawn on a specific agreement reached between the Government and the Joint Council of Action comprising all important labour unions. We were further informed that the Government had agreed to implement the recommendations of Justice Talwar Committee for E.D.A., enhancement of salary to Group 'D' employees, and revision of salary at Rs.3,050 on Time Bound One Promotion (TBOP) and Rs.3,200 on B.C.R. for Group 'D'. The Joint Council of Action demanded Rs.3,050 plus for postmen with retrospective effect from 1.1.96. The salaries demanded for postmen were Rs.4,000 on TBOP and Rs.5,000 on BCR. For Class III employees, the JCOA demanded Rs.5,500 on TBOP and Rs.6,500 on BCR. They also demanded promotion of ten per cent employees as HSGI from BCR list. We have been informed that these demands were already agreed to by the Government of India. If this is so, then, the Government should issue necessary orders to implement their demands. Otherwise, the Government should inform this House, the full details about the agreement reached with labour unions. The postal employees have been agitating over these issues since 1993. We feel that these demands are genuine. The Delhi High Court has also directed the Government to end this impasse on or before 20th December. We urge upon the Government to find an amicable solution in consultation with the labour unions.

SHRI NILOTPAL BASU (West Bengal): Sir, I would just make a brief point about this strike. The actual issues relating to the strike have been mentioned by Shri Virumbi, and I associate myself with his Special Mention. But, Sir, the most serious constitutional question arises out of the Order that has been passed by the Delhi High Court. Apparently, the Court Order directs the Government to explain the exact manner in which the strike will be announced illegal and certain provisions of the law would be exercised.

Now, this is a major erosion of powers of the Executive which is actually not the courts' prerogative. So, we wanted to find out whether --while, maybe, the Government is implementing the court order - the Government will examine the order according to its full text and whether it will go in for an appeal because if such an erosion of powers takes place, we are going to have a kind of deformation in the constitutional scheme of things. Since, we are the law-makers, it is we who are empowered to change or really revise the Constitution. It is definitely a concern of this august House. I think all my hon. colleagues will agree with me that this is a very serious situation. I do not know the mind of the Government. It may immediately suit the convenience of the Government to deal with the strike in a draconian manner, as has been directed by the court. But, in the long-term, this leads to the erosion of powers of the Executive and the Government and there is a deformity of the system. The work of the Judiciary is to interpret the laws that we have made. It cannot take away from the Executive the powers given in the law and the manner in which it exercises those. Sir, this is a very, very serious question.

It is a legitimate issue on which the postal employees have gone on strike. They have been fighting for the last ten days now. In fact, the Talwar Committee's recommendations, which Mr. Virumbi referred to, also came into being as a result of a prolonged strike. In June, the Government had given in writing that within four months all the issues will be settled. The Government has not moved. In that situation, the workers and the employees have been compelled to go on strike. And this kind of attack has come from the court which is also an infringement on the fundamental right of people to form trade unions and carry on legitimate trade union activities.

SHRI DIPANKAR MUKHERJEE (West Bengal): Sir. .

MR. CHAIRMAN: From the same party!

SHRI DIPANKAR MUKHERJEE: No, Sir. It is not a question of party. It is a question of public interest now. The Legislature cannot be a mere spectator. When public interest is involved, it cannot be left to the Executive and the Judiciary. The Government is a mere spectator. It is ten days now. It must react. Where is the Government here? Is there any Government? What will the people say? What is the Legislature doing? If the Executive doesn't intervene, what is the Legislature doing? It is ten days now. The Government must react.

श्री खान गुफरान जाहिदी (उत्तर प्रदेश): सभापति महोदय, यह कौन सा तरीका है कि अगर यहां से ... मेरा कहना यह है कि लेजिस्लेचर की पावर्स , ज्यूडीशियरी की पावर्स और ऐक्जीक्यूटिव की पावर्स जब डिफाइन की गई हैं कंस्टीट्यूशन में तो यह कौन सा तरीका हुआ कि अगर कोई स्ट्राइक चल रही हो या कोई बात हो जाए तो कोर्ट का सहारा लेकर ये कुछ ऐसा करें। जब कोर्ट डायरेक्टिव दे, कोर्ट इंटरप्रेटेशन ऑफ लॉ के लिए हैं, वह इंटरप्रेट करे। किसको फायदा है, किसको नुकसान है, उससे मतलब नहीं है लेकिन पार्टिकुलरली डायरेक्शन देना और हर चीज के लिए डायरेक्शन दिया जाना, मैं नहीं समझता कि यह अच्छा है। यह ओवरलैपिंग है। वह अपने आदेश से आगे निकल कर बात कर रही हैं और यह चीज मैं समझता हूं कि जो मौजूदा सिस्टम है, इसको नीचे से ब्रेक करेगी और फिर हर चीज के लिए वहां जाना पड़ेगा। इसलिए मैं आपसे रिक्वेस्ट कर रहा हूं कि यह ऐसा बुनियादी सवाल है जिस पर बहस हो जानी चाहिए।

SHRI NILOTPAL BASU: Mr. Minister, Sir.... *(Interruptions)* Sir, this is a case of erosion of powers of the Legislature and the Executive. This is not just an issue of Special Mention. It is a question as to how the institution of Parliament, as a whole, has to react to the situation. *(Interruptions)*

SHRIMATI AMBIKA SONI (Delhi): Sir, I think the Government should react to this because this is yet another case of ... *(Interruptions)* Is it because the Government today is incapable of taking a strong decision that it is leaving it to the Judiciary? *(Interruptions)*

SHRI J. CHITHARANJAN (Kerala): Sir, I associate myself with the Special Mention made by Shri Virumbi. At the same time, I would like to appeal, through you, to the Government and the concerned Minister that he should make a statement as to what steps have been taken to settle the dispute pertaining to these postal workers. I would also like the hon. Chairman to allow a discussion on those issues. These are the two requests that I am making. The hon. Minister should come to the House and make a statement.

MR. CHAIRMAN: We shall talk about it, in the BAC meeting, in the afternoon.

श्री जनेश्वर मिश्र (उत्तर प्रदेश): धन्यवाद, सभापति महोदय। सवाल यह हो गया है कि करोड़ों आदमी आज संवादहीन हो गए हैं। किसी को कहीं की खबर या चिट्ठी नहीं मिल पा रही है। उनकी अपनी व्यक्तिगत पीड़ा है, लेकिन यह पूरे देश की पीड़ा हो गई है। हम लोग जब जनता के बीच में जाते हैं तो जनता यह कहती है कि हमारी चिट्ठी नहीं मिल रही है। हमारा आदमी कलकत्ता में है और हम संवादहीन हालत में हैं। हम लोग संसद में बैठे हैं इसलिए वे हमसे जवाब-तलब करते हैं। हमारी मजबूरी है कि इस पर कोई बहस नहीं होती और मंत्री जी कोई जवाब नहीं देते, कोई एक्शन नहीं लेते, लगता है कि कान में तेल डालकर बैठे हैं। ऐसी हालत में अदालत की तरफ से दखलांदाजी हो रही है। दखलांदाजी कैसी हो रही है, मैं इस पर बहस नहीं

करूंगा। सभी कर्मचारियों की हड़ताल को अवैध घोषित कर दिया गया है। उनकी मांगे जायज हैं या नाजायज हैं, इस पर तो सदन में बहस हो सकती है लेकिन ई.डी. एम्लाइज की जो मांगें हैं वे बुनियादी तौर पर मानी जाएंगी, इन सभी समस्याओं पर सदन में खुलकर चर्चा होनी चाहिए। क्योंकि हड़ताल लम्बी चल गई है, देश की जनता संवादहीनता की हालत में है और सरकार बात नहीं कर रही है, सीधा-सीधा फैसला सुना दिया और अवैध घोषित कर दिया। सरकार को यह रुख बदलना चाहिए। हम आपसे निवेदन करते हैं कि आप मंत्री जी को डायरेक्ट कीजिए कि वे सदन में वक्तव्य दें। यह कोई नॉन कॉन्फिडेंस या निन्दा का प्रस्ताव नहीं है, इस पर चर्चा हो सकती है। यदि सदन कोई और सलाह देता है तो उससे रास्ता निकाला जा सकता है।

SHRI R. MARGABANDU (Tamil Nadu): Sir, from 5th December onwards, about six lakh workers are resorting to strike, but the Government has not come forward with any solution. The Government has not held any talks with the trade unions. Ultimately, through a PIL, someone has approached the court and the court has passed an order - strike is a right given to the workers -- that this right to strike is illegal. If this right to strike is to be declared as illegal, the employees and workers will be affected very much. It is high time the Government takes up the matter in appeal and set right this matter. I, on behalf of the AIADMK Party, fully associate myself with this matter, and request the Government to intervene in this matter and see to it that the matter is settled amicably. ...*(Intermissions)*...

SHRI FALI S. NARIMAN (Nominated): Sir, I associate myself with the remarks already made. I am only saying one thing that I firmly believe that the confidence of the public in the administration of justice should never get jeopardised. This House, as well as the people at large, have great confidence in the administration of justice, and it requires a great deal of holding back, a great deal of recalcitrance, on the part of all concerned; litigants, lawyers, judges; all three have to co-operate in that endeavour. I believe that although intervention of courts in PIL has sometimes proved fruitful, there comes a stage when the courts' mediation may perhaps be resorted to, but directions and orders on the footing that such and such a thing would be illegal, and please take action on that basis, I think, proceeds beyond the permissible limits of judicial intervention. I would, therefore, respectfully say -- without commenting on the conduct of any judge or judges because that is totally improper, and I say as a general issue, because this matter has come into light -- that it is a matter of great regret. I can feel, I can certainly understand, the court's concern for the public, those who do not get letters, those who do not get pensions; at the same time, there are concerns of the workers who are involved, the unions which are involved, and this, I believe, is best left to the sensitivity of the

relevant Ministry. Why I say this is, I believe, the relevant Minister and the Ministry must also be sensitive to the needs of both the public on the one hand, and the striking employees and the unions on the other, and take prompt decisions. They do not require to be reminded by the courts what their powers are. Everybody knows what the law is; the Minister knows what the law is; the courts know what the law is. Therefore, any seeming intrusion into one another's sphere, I respectfully submit, Sir, is bound to cause a great deal of misunderstanding; and public confidence in the administration of justice must never get eroded. That is the only reason why I intervene at this stage. Thank you, Sir.

श्री सुरेश पचौरी (मध्य प्रदेश): आदरणीय सभापति महोदय, पूरे देश के डाककर्मि हड़ताल पर हैं जिससे जनजीवन बहुत अस्त व्यस्त हो गया है। आश्चर्यजनक स्थिति यह है कि इसमें न्यायालय को हस्तक्षेप करना पड़ रहा है कि सरकार इस संबंध में समाधान की ओर आगे बढ़े। आश्चर्यजनक स्थिति के साथ ही दुर्भाग्यजनक स्थिति भी है क्योंकि न्यायालय को सरकार को यह बताना पड़ रहा है कि उसकी देश के प्रति, आम जनता के प्रति और एम्प्लॉयज के प्रति क्या संवैधानिक जिम्मेदारी है और उस संवैधानिक जिम्मेदारी का पालन सरकार को कैसे करना चाहिए। जो समय सीमा न्यायालय ने सरकार के लिए निर्धारित की है उसके अंतर्गत यह सरकार समाधान की ओर आगे बढ़े। यह सरकार जो डाककर्मि हड़ताल पर हैं उनके प्रति संवेदनशील और सकारात्मक रुख अपनाए ताकि हड़ताल समाप्त हो सके। इस हड़ताल की वजह से न सिर्फ आने वाले क्रिसमस और नव वर्ष के बधाई पत्र लोगों को नहीं मिल पाएंगे बल्कि सामान्य रूप से लोगों को पत्राचार की जो जानकारी मिलती है उससे भी वे वंचित हो रहे हैं। एक तो वैसे ही हमारे देश में बेरोजगारी की समस्या है। देश की तरुणाई बेरोजगारी की वजह से त्रस्त है, परेशान है उसे एम्प्लॉयमेंट से संबंधित जो पत्रादि मिलने चाहिए वे भी समय सीमा के अंदर नहीं मिल पा रहे हैं। इसलिये मैंने प्रारंभ में ही अपनी बात कही थी कि डाककर्मचारियों की हड़ताल से पूरे देश का जन जीवन अस्त व्यस्त हो गया है। उसे ठीक करने के लिए यह सरकार संवेदनशील हो, सकारात्मक रुख अपनाए और न्यायालय ने जो निर्देश दिया है उसका समय रहते पालन करे, यह मेरा आपके माध्यम से सरकार से आग्रह है। इसके साथ ही मैं इस स्पेशल मेशन से अपने आपको अपनी पार्टी की ओर से संबद्ध करता हूँ।

MR. CHAIRMAN: We shall take it up in the Business Advisory Committee meeting. We will know how the response would be. Now, Mr. Poulse, not here (*Interruptions*)

SHRI NILOTPAL BASU: Sir, the Law Minister is here and it would be nice if he reacts on this. We understand, the judiciary has intervened in this. But he can just react on this (*Interruptions*)

श्री अन्नतराय देवशंकर दवे (गुजरात) : सभापति जी, मुझे कुछ कहना है.....(*व्यवधान*)..... आज के एडमिटिड स्पेशल मेशन फॉर 15.12.2000 में श्री विरुम्भी ने जो उठाया और उसमें जो सब्जेक्ट बताया गया “पोस्टल स्ट्राइक स्टार्टिंग फ्रॉम 5.12.2000” इसकी वजह या जो कुछ चर्चा हो रही है.....(*व्यवधान*)..... मैं उसके खिलाफ नहीं हूँ आपने जो चर्चा की मैं

उसके खिलाफ नहीं हूँ लेकिन जब आपने कह दिया कि यह बिजनेस एडवाइजरी में जाएगा, वहां तय कर लेंगे, उसका डिस्कशन करना होगा तो वह भी कर लेंगे तो फिर यहां.....(व्यवधान)..... चेयरमैन सर, मैं कह रहा हूँ कि जो सब्जेक्ट नहीं है उसकी(व्यवधान).....

श्री नीलोत्पल बसु: यह उनकी इच्छा पर है.....(व्यवधान).....

श्री अनन्तराय देवशंकर दवे: चेयरमैन सर, मैं यह कह रहा हूँ कि जो सब्जेक्ट नहीं है उसकी(व्यवधान).....

श्री सभापति: ठीक है, ठीक है, एक बात ...एक बात... नीलोत्पलनीलोत्पल.....(व्यवधान).....The hon. Member has got the right to ask the Minister. If the Minister wants to intervene, I have no objection.

प्रो रामदेव भंडारी (बिहार): मैं अपनी और पार्टी की ओर से इसका समर्थन करता हूँ।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND THE MINISTER OF SHIPPING (SHRI ARUN JAITLEY): Sir, I have heard the views and the sentiments of the hon. Members of the House from various political parties. The Government is seized of the issue relating to the strike by the postal employees, as also the orders which have been issued by the High Court of Delhi. Being seized of the matter, the Government is taking all appropriate steps in this regard.

SHRI S. VIDUTHALAI VIRUMBI: Sir, this strike has been going on for the last ten days. We want some type of *suo moto* statement to be placed before the House so that we can know what action has been taken so far and also seek clarifications on that. (Interruptions)... A message should go to the nation as well as the striking employees (Interruptions)..

MR. CHAIRMAN: All right (Interruptions)...

Closure of National Textile Corporation (NTC) Mills

SHRI CO. POULOSE (Kerala): Mr. Chairman, Sir, the NTC was set up with the main objective of managing the affairs of the sick textile undertakings taken over by the Government to safeguard the employment of workers. At the time of nationalisation, a large number of mills were lying closed even though ascertain amount of money was spent on modernisation which was grossly inadequate. So the loss was increasing. On the basis of continuous loss, eight out of nine subsidiaries had been referred to the BIFR which declared them as sick. The first revival scheme prepared was not implemented. A new turnaround plan for the revival of 79 mills and merger of 36 mills in the 18 mills was adopted in 1995. Even after