

## RAJYA SABHA

Wednesday, the 22nd August, 1984 [31  
•avana, 1906 (Saka)

The House met at eleven of the clock  
Mr. Deputy Chairman in the Chair.

## MEMBER SWORN

Shri Anant Prasad Sharma (Bihar)

## ORAL ANSWERS TO QUESTIONS

## Proposed ban on Strikes in Hospitals

"401. SHRIMATI MONIKA DAS;  
11 the Minister of HEALTH AND  
FAMILY WELFARE be pleased to state:

(a) whether karamaharis in the All  
India Institute of Medical Sciences, New  
>M resorted to one-day strike during  
>e first week of August, 1984, if so, what  
••e the reasons therefor;

(b) whether Government propose to  
bring hospitals under essential services and  
ban strikes by hospital employees in the  
country;

(c) if so, what are the details in this  
regard; and

(d) if the answer to part (b) above be  
in the negative, what steps Government  
propose to take to prevent such strikes?

THE DEPUTY MINISTER IN THE  
MINISTRY OF HEALTH AND FAMI-  
LY WELFARE (MISS KUMUDBHEN  
M. JOSHI): (a) The Group C & D  
employees of the All India Institute of  
Medical Sciences resorted to a 24-hour  
token strike On the 2nd August, 1984.  
demanding Immediate implementation of  
the backlog promotion scheme and con-  
struction of staff quarters on the vacant  
land belonging to the Institute after re-  
moval of unauthorised Jhuggies from that  
land.

(b) Hospitals are an essential service  
under the Essential Services Maintenance  
Act, 1981. There is no proposal as  
present to ban strikes by employees of  
Central Government Hospitals

(c) Does not arise.

(d) Suitable action would be taken at  
the appropriate time to deal with parti-  
cular situations.

SHRIMATI MONIKA DAS: Whenever  
hospital and health services are disrupted,  
whether it is due to strikes by karamaharis  
or by nurses and Doctors, the people are  
put to great inconvenience. Now they  
have decided to resort to go-slow tactics  
from the 28th August to place their de-  
mand for construction of staff quarters and  
implementation of the backlog promotion!  
scheme for Doctors and Nurses. Accord-  
ing to newspaper reports druggists are  
also going to have strike. I do not know  
whether it is only in the paper. Taking  
all these into consideration I would like  
to know from the Hon'ble Minister  
whether the Health Ministry has consti-  
tuted any permanent cell to redress the  
legitimate grievances of the hospital staff  
and whether the Government propose to  
bring forward a comprehensive legislation"  
to cover all the persons employed in in-  
stitutions connected with the medical pro-  
fession in the country and, if so, whea.

MISS KUMUDBHEN M. JOSHI: I  
do not understand what type of cell the  
Hon'ble Member has in mind. Whea we  
get grievances from our employees, w»  
do look into them very seriously and  
wherever possible we try to solve their  
grievances and see that an amicable  
atmosphere is maintained in the hospitals.

SHRIMATI MONIKA DAS: Keeping  
in view the need to implement public  
health programmes, I would like to know  
whether the Government propose to  
bring item No. 6 in the State List re-  
lating to public health and sanitation, hos-  
pitals and dispensaries to the Union List,  
and also whether they propose to consti-  
tute an All India Medical Service to give  
a fair deal to persons exclusively engaged  
in institutions connected with medical  
profession. You know, Sir, today the  
medical profession is neglected and that  
is why I wanted to know whether the  
Government propose to bring forward a  
comprehensive legislation to cover Nurses  
Doctors, etc. engaged in the medical  
profession.

MISS KUMUDBHEN M. JOSHI: I  
Health is a State subject and therefore,  
the State Governments have to look into  
the service conditions of various categories  
of staff working in their hospitals. I do-

not think we are concerned with such a proposal.

SHRIMATI MONIKA DAS: When State Governments are not doing it, what is to be done? That is why I asked whether the Government propose to bring 'health' to the Union List so that the Central Government can look after them.

SHRI B SHANKARANAND: The Hon'ble Member will do well to look into her main question and tell me how this comes out of it at all.

DR. SHANTI G. PATEL: Sir, in reply to part (b) of the question as to whether the Government proposes to bring hospitals under essential services and ban Strikes by the hospital employees in the country, the honourable Minister has said that hospitals are essential services under the Essential Services Maintenance Act and there is no proposal at present to ban strikes by the employees of the Central Government hospitals. This is a very welcome statement. But, in reply to part (d) of the question, "if the answer to part (b) be in the negative, what steps the Government proposes to take to prevent such strikes?", the Minister has replied that suitable action would be taken at the appropriate time to deal with particular situations. Sir, this is very vague. Hospitals are very sensitive undertakings and all steps must be taken to avoid strikes or dislocation of work because, ultimately, it is the patient who suffers. Therefore, I would like to know whether there is any regular grievances settlement machinery, as envisaged in the Industrial Disputes Act, and whether the Government would consider reference of such grievances, which cannot be settled amicably, to a third party, for arbitration or adjudication by an industrial court. This becomes very necessary because, in reply to part (a) of the question, it has been said that one of the demands was with regard to the backlog promotion scheme. It says "backlog", which, means promotions have not been given for a very long time. It is very obvious that the matter has been pending here. I would therefore, like to know what the machinery is for solving the day-to-day griev-

ances and whether the Government would supplement it with arbitration or adjudication.

MISS KUMUDBHEN M. JOSHI: Sir, so far as the Institute is concerned, keeping in view the demands of the faculty staff and the other staff belonging to the C and D Groups, a Committee was appointed under the chairmanship of Dr. M. L. Dhar and he made certain suggestions but the decision taken was only for the faculty staff. So, when the C and D Categories demanded that their backlog promotion problems should be solved as per the decisions taken, the standing finance Committee went into the details of all the problems and the matter is pending. Then, Sir, we have to see the budget aspects also and we have to see whether it has been provided to the Institute or not, because a large number of employees are in the C and D Categories. So, the Ministry has asked the All-India Institute of Medical Sciences to give us the category-wise demands of the staff, the type of promotional avenues that they are having and what the backlog is. We have asked the Institute and we are examining the proposal and we will look into it.

DR. SHANTI G. PATEL: Sir, my question has not been answered at all, I have asked whether there exists any grievances settlement machinery for tackling these problems.

MR. DEPUTY CHAIRMAN: A Committee is looking into it according to the Minister.

DR. SHANTI G. PATEL: She has referred to it in respect of the backlog promotion scheme. That is all right and I welcome it and I am really thankful to the Minister for that. But, to avoid strikes—because the whole emphasis is on strikes—I would like to know, whether there is any grievances settlement machinery or whether the Government will be prepared for referring all such disputes to a third party, say, for arbitration or adjudication. The Minister can say "Yes" or "No".

MR. DEPUTY CHAIRMAN: The point has been made quite clear and there cannot be any "Yes" or "No".

SHRI B. SHANKARANAND: Sir, there is a governing body and, over and above the governing body, there is the Institute body. Whenever problems of the employees come, these two bodies will corner them. As a matter of fact, the governing body and the Institute body have agreed to the demands of the karmacharis and action is being taken. What we mean to say is that appropriate steps will be taken whenever they are needed. It does not mean only banning. It also means negotiations, talks, consideration, etc. by the respective bodies and necessarily in favour of the employees or karmacharis because they are our people.

DR. SHANTI G. PATEL: Sir, I seek your protection. I have asked a specific question,

SHRIMATI MONIKA DAS: Sir, the Minister has not replied at all.

DR. SHANTI G. PATEL: Sir, even for arbitration or adjudication, negotiations and talks have to take place. But, with regard to part (d) of the question, I wanted to know what machinery they have if they propose to have to put an end to the strike. He has not replied to that at all.

MR. DEPUTY CHAIRMAN: He has said that there is a management committee.

DR. SHANTI G. PATEL: The committee is there, and it may be for negotiations and talks. But let him reply. He can say "Yes" or "No".

MR. DEPUTY CHAIRMAN: He has said H.

DR. SHANTI G. PATEL: I have specifically asked about adjudication and arbitration. I am asking whether—

MR. DEPUTY CHAIRMAN: No, no. He replied that the management committee is there.

DR. SHANTI G. PATEL: I am very sorry.

MR. DEPUTY CHAIRMAN: You cannot cross-examine every time you put a question. Your question is clear.

DR. SHANTI G. PATEL: I asked whether there is any arbitration...

MR. DEPUTY CHAIRMAN: No, please. (Interruptions)

SHRIMATI MONIKA DAS: This is a very serious problem. This is the health problem. (Interruptions)

SHRI B. SHANKARANAND: Sir, I am sorry I cannot satisfy the Members. (Interruptions)

MR. DEPUTY CHAIRMAN: What is the machinery?

SHRI B. SHANKARANAND: There is no dispute, and there is no question of solving any dispute.

**श्रीमती प्रेमिलाबाई दाजीसाहेब चव्हाण :**

श्रीमान्, मिनिस्टर साहब ने जो बताया है उस से पीजीएन क्लेरीफाइ नहीं होती। क्या वह ध्यान में रखेंगे कि उनकी पोलिसी को वजह से अन्याय सफर न करे और जो कर्मचारियों की डिमांड्स हैं उन पर विचार करें। अगर कर्मचारी सेटिस्फाइ नहीं हुए तो वेन से कुछ नहीं होगा। इस लिए मंत्री जी को जल्दी से जल्दी सोच कर हाउस को बताना चाहिए कि वह क्या करने वाले हैं।

**कुमारी कुमुदबेन एम० जोशी :**

कोई समस्या आती है तो उस का ध्यान रख कर ही हम सोचते हैं। अस्पताल में गड़बड़ हो जाये तो लोगों को परेशानी नहीं होनी चाहिए। इस विषय में मैंने कहा और मेरे सीनियर कुलीग ने कहा कि जो प्रपोजल आए हैं उन को देख रहे हैं। काम हो रहा है। समस्या के आने से पहले ही हम सोचते हैं। ऐसा नहीं है कि सब समस्याएं एक साथ हों हो जाये। जनता की सुविधा को ध्यान में रखते हुए हम यह सोचते हैं कि उन को कष्ट कम हो। और कर्मचारियों को जो डिमांड्स हैं उन को जितना हो सके पूरा करने की कोशिश कर रहे हैं।

**जरूरी नहीं है कि सारी डिमांड्स एक साथ पूरी हो सकें।**

SHRIMATI USHA MALHOTRA: Will the hon. Minister be pleased to state whether they are thinking of constituting a committee to go into these grievances, because as things are, I feel, they are not being examined thoroughly and the demands are considered as a whole, as a lot, with the result that they are not getting a fair deal at all? I would request the hon. Minister to kindly state whether he is thinking actively on this to set up a committee to go into the various demands, legitimate demands.

SHRI B. SHANKARANAND: The answer is 'no'.

MR. DEPUTY CHAIRMAN: Next question,

\*402. [The questioner (Shri V. Gopal-samy) was absent. For answers, vide col. infra.]

#### **Wrong Assessment about the Narmada and the Gandhinagar Dam**

\*403. SHRI KAILASH PATI MISHRA-Will the Minister of IRRIGATION be pleased to state;

(a) whether a consultant of the Narmada Planning Agency had cautioned against disastrous consequences of implementing the present designed height of the Narmada Dam which is based on the availability assessment of water at 26 million acre feet while the 'observed river Hou series' have determined it to be 22.5 million acre feet, which in turn has proved that acquisition of vast areas of land was not necessary with the result that several incidental projects are now not feasible;

(b) whether it is a fact that the Gandhisagar Dam on the Chambal river, was also built on wrong assessment of availability of water at 5.6 million acre feet, resulting in unutilised capacity of 2 million acre feet making the acquisition of unsubmerged 42,500 acres of forest and farm land a waste; and

(c) if so, what are the details in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF IRRIGATION (SHRI HARI NATH MISHRA): (a) The Chakmas, Narmada Planning Agency, Government of Madhya Pradesh, has intimated that the Agency has not entrusted to any expert the task of going into the question of availability of water in the Narmada River.

(b) Gandhisagar Reservoir on Chambal River has been planned and executed for a live storage capacity of 5.6 MAF (Million Acre ft.) with a view to store surplus waters that flow from the catchment area in the years of good rainfall to have a carry over storage for use in the lean years of rainfall. Acquisition of lands has been made to correspond to the live storage capacity.

(c) Does not arise.

**श्री कैलाशपति मिश्र :** उपसभापति महोदय, मैं आपके माध्यम से पूछ रहा हूँ कि क्या भूगर्भशास्त्रियों ने नर्मदा प्रोजेक्ट के सम्बन्ध में सावधानी बरतने का आवेदन दिया था ?

**श्री हरिनाथ मिश्र :** मुझे इस तरह की कोई बात पता नहीं है। इस प्रसंग में मैं यह विशेष रूप से निवेदन करना चाहता हूँ कि इस प्रोजेक्ट में बहुत बड़े-2 विधिवेत्ता और इंजीनियर्स शामिल थे। अगर आप की इजाजत हो तो मैं उन के नाम पढ़ सकता हूँ। और उन्होंने यह निर्णय दे दिया दिसम्बर 1979 में और उस में स्पष्ट रूप से कहा गया है कि 45 वर्ष के बाद हो इस को किसी तरह से जांच हो सकती है। हमारा निर्णय फाइनल है सब बातों में।

**श्री कैलाश पति मिश्र :** मैं तो जानूँगे ने यह उत्तर तो दे दिया लेकिन वह भी जानते हैं और मैं भी कि बिहार में जो दो नदियाँ हैं कोसी और गंडक...