

Title: Regarding Supreme Court's decision of banning strikes by Government employees.

SHRI SOMNATH CHATTERJEE : Mr. Speaker Sir, it is a very important issue, and I am sure the entire democratic people of this country are greatly disturbed because of the recent decision of the Supreme Court of banning strikes, in so far as the Government circles are concerned.

Sir, after 56 years of Independence, if we find that our Government employees have become slave labour, we cannot accept that position at all. In a country where there is a rule of law, there are fundamental rights and directive principles, which recognise the right of the working-class -- They have the right to enjoy not only the fruits of their labour, but also minimum human rights as Government employees, as citizens of India -- that right is sought to be taken away by a judgment where it has been said that it disturbs the life of this country. So many issues are disturbing the life of this country. So many cases are pending in the courts. Does it not disturb the conscience of the court? So many people are not getting justice. Thousands and thousands of cases are pending before the Labour Courts and Tribunals, and pension cases are pending for years together. People do not get any quick relief in cases of wrongful dismissal. All those matters are not being taken into consideration.

Nobody is thinking as to why these two lakh plus people went on strike in Tamil Nadu. How is it being controlled? It is being controlled not by ordinary laws of the land, not by the Industrial Disputes Act, not by application of the Government Servants' Rules, but by application of a draconian black law like ESMA.

SHRIMATI MARGARET ALVA : That too, it is one woman's decision.

SHRI SOMNATH CHATTERJEE : This is nothing but a negation of the fundamental and ordinary legal rights of the citizens of this country. We cannot barter away that right. This can never happen in this country. ...(*Interruptions*)

DR. V. SAROJA (RASIPURAM): This ruling was given by the hon. Supreme Court.

SHRI SOMNATH CHATTERJEE : Today, we have passed jointly two Constitution Amendment Bills. Let the Government bring a Constitution Amendment Bill to make it a fundamental right of the citizens of this country. We cannot barter away that right. I have requested Shri Advani, who has been kind enough to wait here, that the Government should make its position clear. Let him announce today that the Government will bring a Constitution Amendment Bill to make 'right to strike' a fundamental right.

I am not advocating strike on any and every occasion. What we say is that strike is a very important weapon which should be resorted to at the last moment, if all other avenues are closed. What other avenues are open, nobody has said that. I would like to ask very respectfully the hon. Supreme Court to find out what is the Government's response and what is the remedy open to a Government Servant. There is a provision that if the service rules have been violated, they should have been proceeded against under the service rules. The Supreme Court said that the employees should go to a Tribunal in regard to violation of service rules. I would like to know to which Tribunal the people should go. Which Tribunal will give justice to them? These issues were not considered at all. I do not know as to why the Government of India did not intervene in this matter. They should have intervened in the Supreme Court. I do not remember whether I have seen it or not. They should have done that. This is an issue which is affecting the basic rights of the people of this country.

I am very sorry that our Prime Minister is not very well. We wish him a very speedy recovery. Therefore, I request Shri Advani, the Deputy Prime Minister, who is here, to say as to what is the Government's attitude on this. We demand that immediate action should be taken to nullify this anti-people judgment of the Supreme Court of India.

MR. SPEAKER: After a long time, today, we are taking up the discussion on 'Atrocities on Dalits'. It is being taken up after a very long time. I had assured in the earlier meeting that maximum time would be given today for the discussion on 'Atrocities on Dalits'. As a very, very exceptional case, I have permitted Shri Somnath Chatterjee, who, right from the beginning, was saying that this important issue should be discussed.

...(*Interruptions*)

श्री रामजीलाल सुमन (फिरोजाबाद) : अध्यक्ष महोदय, हमारा नोटिस है।^१ (व्यवधान)

MR. SPEAKER: Would you not listen to me?

...(*Interruptions*)

SHRI S. JAIPAL REDDY (MIRYALGUDA): Sir, other parties should also get a chance to express their views on this.

MR. SPEAKER: I can understand everything, but at the same time, I am bound by the order of the Business that we

have decided. The issue of atrocities on Dalits was not discussed properly in the last Session. Therefore, it was decided in the BAC that we should give time to discuss this issue in this Session. It was decided that immediately after the two Constitutional (Amendment) Bills are passed today this should be taken up.

श्री राम विलास पासवान (हाजीपुर) : सर, दलितों पर चर्चा 12 बजे थी।

अध्यक्ष महोदय : मुझे मालूम है।

श्री राम विलास पासवान : अब डेढ़ बज रहा है। **â€¦**(व्यवधान)

SHRI S. JAIPAL REDDY : Sir, you have permitted Somnathji. The other parties also need to express their views on this very vital judgement.

MR. SPEAKER: I have no problem. However, let me tell you that the issue of atrocities on *dalits* will be delayed. I want to bring it to the notice of the House.

SHRI BASU DEB ACHARIA : We can take that up 2 o'clock.

अध्यक्ष महोदय : मैं खड़ा हूँ। जरा मेरी बात सुनिए। I am mentioning this only because this was the decision taken in the Business Advisory Committee. If something else is to be done, let the House decide that the issue of atrocities on *dalits* may not be taken up now and be taken up at 2 o'clock instead. No problem.

SHRI BASU DEB ACHARIA : Sir, this is a very important issue.

MR. SPEAKER: I did not say that it is not important. I understand that it is important. But, you could have raised it through some other device. 'Zero Hour' is not the device to raise this issue.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, the issue of *dalits* is a very important one. But it should be debated in the full House, not in a half House in a half-hearted manner.

कुंवर अखिलेश सिंह (महाराजगंज, उ.प्र.) : अध्यक्ष महोदय, यह बहुत गंभीर विषय है। सर्वोच्च न्यायालय के इस मजदूर विरोधी फैसले पर सरकार को ऐतराज करना चाहिए। **â€¦**(व्यवधान) सरकारी कर्मचारियों के हड़ताल के अधिकार पर प्रतिबंध लगाने का काम यदि किया जाएगा तो यह बहुत चिंता का विषय है। लोक तंत्र के लिए खतरे का संकेत है। **â€¦**(व्यवधान)

अध्यक्ष महोदय : अखिलेश जी, आप अनऑथोराइज्ड स्पीकर हैं। आप बैठिए। Shri Shivraj Patil is the Member authorised to speak. My request is that you be brief on the issue. Otherwise, the issue of Shri Ram Vilas Paswan will be delayed.

...(Interruptions)

अध्यक्ष महोदय : अखिलेश सिंह जी जो बोल रहे हैं, वह कुछ रिकार्ड पर नहीं जाएगा।

...(व्यवधान) *

*Not Recorded.

श्री राम विलास पासवान : मैं फिर कहना चाहूंगा कि मैं किसी के ऊपर यह चार्ज नहीं लगाता हूँ लेकिन मैंने उस दिन भी कहा था कि आप जब इस चर्चा को शुक्रवार को रखेंगे तो यही हालत होगी। चर्चा शुरू होते-होते दो-ढाई बज जाएंगे। उसके बाद सब मैम्बर्स के टिकट कटे हुए हैं और वे चले जाएंगे और इसका कोई महत्व नहीं रहेगा। उस दिन आपने रूलिंग दी थी कि क्वेश्चन ऑवर के तुरंत बाद, मतलब 12 बजे चर्चा शुरू होगी लेकिन बारह बजे से अब दो बज गये हैं। मैं फिर भी कहना चाहता हूँ। **â€¦**(व्यवधान)

अध्यक्ष महोदय : मैं इसके तुरंत बाद दलित विषय पर आना चाहता हूँ।

â€¦(व्यवधान)

श्री राम विलास पासवान : मैं फिर कहना चाहता हूँ कि मैं मजदूर के बीच में नहीं आना चाहता हूँ क्योंकि कल पेपर में ऐसा न जाए कि सर्वोच्च न्यायालय ने जो मजदूर विरोधी जजमेंट दिया, मजदूर का गला काटा गया है, उस विषय को रोक कर शैड्यूल्ड कास्ट के ऊपर चर्चा पर लोग चले गये। हम दोनों के बीच में झगड़ा नहीं लगाना चाहते हैं। मैं चाहता हूँ कि इस पर डिसकशन गंभीरता से हो और फ्रूटफुल हो। यदि आज संभव नहीं है और जैसा कि मैं देख रहा हूँ तो हमें कोई आपत्ति नहीं है। **â€¦**(व्यवधान) 13 तारीख को हाउस खुल रहा है, मंडे को इस पर डिसकशन करवाइए लेकिन जो भी डिसकशन हो, फ्रूटफुल होना चाहिए और पूरी गंभीरता से डिसकशन होना चाहिए। मेरा यही कहना है। **â€¦**(व्यवधान)

अध्यक्ष महोदय : मैं शिवराज पाटिल जी को सुनना चाहता हूँ। इसके तुरंत बाद दलित विाय पर डिसकशन शुरू करना चाहता हूँ।

â€¦ (व्यवधान)

MR.SPEAKER: I am sorry. I am bound by the decision taken by the Business Advisory Committee. The House can take a decision.

SHRI BASU DEB ACHARIA : Sir, you should allow us.

MR. SPEAKER: Let me know the view of the Government also on this.

स्वास्थ्य और परिवार कल्याण मंत्री तथा संसदीय कार्य मंत्री (श्रीमती सुमा स्वराज) : अध्यक्ष जी, फाइनेंशियल बिजनैस, सप्लीमेंट्री डिमाण्ड्स फॉर ग्रान्ट्स लगा हुआ है। सारे विपक्ष के साथियों ने चाहा था कि 11 अगस्त की छुट्टी हो, इसलिए 13 अगस्त को फाइनेंशियल बिजनैस, सप्लीमेंट्री डिमाण्ड्स फॉर ग्रान्ट्स लगा हुआ है। अभी मैंने पढ़कर बताया, इसमें कहां गुंजाइश है, इसलिए आज ही दलित विाय पर चर्चा होगी।

MR. SPEAKER: The discussion will be held today. इस विाय पर आप फिर कभी चर्चा ले सकते हैं। मैंने शिवराज पाटिल जी को इजाजत दी है। वही इस विाय पर बोलेंगे।

â€¦ (व्यवधान)

अध्यक्ष महोदय : मैं इस विाय पर निर्णय कर रहा हूँ। There is no time. Today the debate will start.

SHRI SHIVRAJ V. PATIL (LATUR): Sir, I shall be very brief and very precise. To be precise, I shall read out what I want to state on the floor of the House.

Right to strike may not have been provided in the Constitution and any other law. Yet, the conditions in the society have been such that it has been treated that it has been there. We have many times said that many rights are given by the nature and they are natural rights.

On the one hand, this right, right to strike, should not be used to cause difficulties to the men and women in the society, it should not be denied to the workers who are not equal and able to protect their interests in all cases without resorting to striking.

The Court has given this verdict. It can be reconsidered and revised also as it is done in many other cases. This issue, certainly, can and should be considered by this Legislature, which is at the apex in the country, to take appropriate decision in this country. Steps should certainly be taken to protect the interests of the workers as well as the society.

MR. SPEAKER: Now, Shri Pappu Yadav.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, what about the burning issue which we took up yesterday?... (Interruptions)
Now, everyday, in the electronic media, the Ruling party Members are castigating the very existence of PAC.

MR. SPEAKER: That is not the issue.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : This is very important, Sirâ€¦ (Interruptions)

MR. SPEAKER: How can you raise it without giving a prior notice?

...(Interruptions)

MR. SPEAKER: Yes, Shri Pappu Yadav, you may make your point now.

...(Interruptions)

श्री रामजी लाल सुमन : अध्यक्ष महोदय, क्या दलितों का मामला नहीं लिया जाएगाâ€¦ (व्यवधान)

अध्यक्ष महोदय : पप्पू यादव जी आप बोलिए।

â€¦ (व्यवधान)

श्री राजेश रंजन रफ पप्पू यादव (पूर्णिमा) : अध्यक्ष महोदय, मैं आपका आभार व्यक्त करता हूँ कि आपने मुझे बोलने का अवसर दिया।â€¦ (व्यवधान)

अध्यक्ष महोदय : पप्पू यादव जी, मैं जानता हूँ कि आप पर हमला हुआ है। आपने इसके बारे में नोटिस दिया है इसलिए आप अपना मुद्दा रखिए।

â€¦ (ब्यवधान)

SHRI PRIYA RANJAN DASMUNSI : This is intolerable... (Interruptions)â€¦ The Ruling party Members are castigating... (Interruptions) How can we tolerate it?... (Interruptions)

MR. SPEAKER: You can raise it under the device. Now, we are taking up the issue of Dalits after the submission by Shri Pappu Yadav.

...(Interruptions)

MR. SPEAKER: Yes, Shri Pappu Yadav, please speak now.

...(Interruptions)

13.32 hrs

(At this stage, Shri Satyavrat Chaturvedi and some other hon. Members came and stood on the floor near the Table.)

MR. SPEAKER: Hon. Members, please go back to your seats.

...(Interruptions)

अध्यक्ष महोदय : मैं दलितों के विषय पर चर्चा शुरू कराने जा रहा हूँ।

â€¦ (ब्यवधान)

अध्यक्ष महोदय : दासमुंशी जी, आज इस विषय पर चर्चा नहीं हो सकती। इस पर बाद में चर्चा होगी।

...(Interruptions)

MR. SPEAKER: Hon. Members, there is an important discussion under Rule 193 on atrocities on Dalits, and everybody would like to participate in the debate. So, please cooperate.

...(Interruptions)

MR. SPEAKER: Please go to your seats.

...(Interruptions)

अध्यक्ष महोदय : राम विलास पासवान जी आप खड़े रहिए और चर्चा शुरू करें।

â€¦ (ब्यवधान)

अध्यक्ष महोदय : कृपया अपनी-अपनी जगहों पर जाएं। आपके नेताओं ने जो काम मंजूर किया है, वही सदन में हो सकता है।

â€¦ (ब्यवधान)

अध्यक्ष महोदय : राम विलास जी आप बोल सकते हैं। दलितों के विषय पर चर्चा शुरू करें।

â€¦ (ब्यवधान)

MR. SPEAKER: The House stands adjourned to meet again at 2.00 p.m.

13.33 hrs

The Lok Sabha then adjourned till Fourteen of the Clock.

14.02 hrs.

The Lok Sabha re-assembled at two minutes past

Fourteen of the Clock

(Mr. Speaker in the Chair)

श्री अशोक कुमार सिंह चन्देल (हमीरपुर, उ.प्र.) : अध्यक्ष महोदय, आज दलितों पर अत्याचार के बारे में बहस होनी थी, लेकिन कांग्रेस पार्टी के लोग बहस होने देना नहीं चाहते हैं। ये दलित विरोधी हैं।