

[*Translation*]

SHRI BRISHEN PATEL (Siwan): Mr. Speaker, Sir, there was a proposal to provide S.T.D facility to Maharajganj and Mairawan is Siwan district of Bihar last year. S.T.D. facility was provided to Maharajganj but it was not commissioned in Mairwan. Please make immediate arrangements to for providing this facility.

[*English*]

MR. SPEAKER: Papers to be laid on the Table.

(*Interruptions*)

12.24 1/2 hrs

PAPERS LAID ON THE TABLE

Statement correcting reply given on 21 August, 1991 to USQ NO.3686 Re: Publication of weeklies, periodicals and dailies in Kerala.

[*English*]

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (KUMARIGIRJAVYAS): I beg to lay on the Table a Statement (Hindi and English versions) (i) correcting the reply given on the 21st August, 1991 or Unstarred Question No.3686 by Shri Kodikkunnill Suresh, regarding publication of Weeklies, periodicals and Daily Newspapers in Kerala, and (ii) the reasons for delay in correcting the reply. [Placed in Library See, No. LT—757/91]

12.25 hrs

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE STRIKE BY SERVICE DOCTORS

[*English*]

SHRI RAJNATH SONKAR SHASTRI (Saidpur): I call the attention of the Minister

of Health and Family Welfare to the following matter of urgent public importance and request that he may make a statement thereon:-

"The situation arising out of the strike by the service doctors all over the country and the steps taken by the Government in that regard."

12.29 hrs

[SHRI SHARAD DIGHE *in the Chair*]

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI M.L. FOTEDAR): Sir, the Government fully shares the concern of the inconvenience caused to patients all over the country due to the indefinite strike by a section of service doctors with effect from the midnight of 11-12 November, 1991.

This strike is in response to a call given by the joint Action Council of the Service Doctors Organisations (JACSDO). The Government had signed a Memorandum of settlement (MOS) with JACSDO on 21-8-1989 in full and final settlement of all demands of the service doctors as on date. One of the clauses of this MOS related to the appointment of a High Power Committee to look into the various aspects of the structure of the Central Health Service, career development of doctors and other related matters. In pursuance of this agreement, the Government constituted a committee under the Chairmanship of Shri R.K. Tikku, Secretary (Coordination) in the Cabinet Secretariat on 3rd May, 1990. The Committee gave its report on 1-11-1990. The JACSDO has been pressing the Government for early implementation of the recommendations of this Committee. They had also filed a petition in the Supreme Court for the same purpose. The Supreme Court on the 3rd September, 1991, allowed the Government two month's time to take decisions on the

recommendations of this Committee. Soon after, on 16-9-1991, the JACSDO gave a notice of indefinite strike with effect from the midnight of 11-12 November, 1991, if the recommendations of the Tikku Committee were not implemented by the Government in toto. However, on 7-10-1991, the JACSDO informed the Government that they would proceed on indefinite lightening strike within 72 hours if the Government in any way diluted or modified the recommendations of the Tikku Committee. When the matter came up before the Supreme Court on 11th November, 1991, the Court was informed that all the recommendations of the Tikku Committee had been duly considered and appropriate decisions taken by the Government. However, the Court was requested to permit withholding of the announcement of these decisions as the Government would not like to grant any concessions under the threat of a strike. The Supreme Court, while disapproving the conduct of the JACSDO, directed the Government to place the decisions taken on the Tikku Committee report before the Court prior to the next date of hearing on 18-11-1991. In compliance of this directive of the Court, the Government announced its decisions on 14-11-1991, which are contained in the Office Memorandum that date, a copy of which is attached (Annexure).

Despite the Court's observations, the JACSDO implemented their call for indefinite strike from the midnight on 11-12 November, 1991. Although the JACSDO claims to represent all sections of the doctors, the specialist, medical college teachers and residents doctors did not join the strike. However, a large majority of the General Duty Medical Officers (GDMOs) of the Central Health Service as well as those in MCD, NDMC, ESIC, and the Railways have responded to the strike call. The major Central Government/Delhi Administration institutions viz. Safdarjung Hospital, Dr. Ram Manohar

Lohia Hospital, Lady Hardings Medical College and associate hospitals, Maulana Azad Medical College and associate hospitals, University College of Medical Sciences and Guru Tegh Bahadur Hospital and Jawaharlal Nehru Institute of Medical Education and Research, Pondicherry remain virtually unaffected by the strike and are functioning normally. However, certain Delhi Administration hospital which have large component of GDMOs like Hindu Rao Hospital and Deen Dayal Upadhyaya Hospital have been partially affected. The major impact of the strike has been on dispensaries not only of the CGHS but also of Delhi Administration, MCD and NDMC. The medical institutions of the Railways, and Employees State Insurance Corporation have also been affected by the strike. With regard to CGHS, arrangements have been made to run the dispensaries in Delhi at least for one shift and instructions have been issued to facilitate dispensing of medicines to minimise the inconvenience to the beneficiaries. In this context, it is a matter of deep gratification that medical teachers, specialists, resident doctors, physicians of traditional systems of medicine and those GDMOs who have not joined the strike, have risen to the occasion to shoulder the additional burden ungrudgingly by rendering invaluable service to the suffering humanity and have thus displayed exemplary devotion to duty in keeping with the highest traditions of this noble profession.

The main demand of the striking doctors is the acceptance of the recommendations of the Tikku Committee in toto. Hon'ble Members will appreciate that Government cannot abdicate its right to examine and make appropriate judgements on each recommendation, irrespective of the nature and level of the committee appointed by it. The acceptance of all recommendations in toto is also not possible for obvious reasons. Firstly, there are considerable differences of perception amongst the various sections of doctors themselves about certain aspects of

[Sh. M.L. Fotedar]

the report. Secondly, while considering improvement in the service conditions of doctors, Government cannot accept any compromise in quality of patient care. And, finally, the Government has to take into consideration the implications of these recommendations and their repercussions on other services before taking a final decision.

Any attempt to disrupt the working of medical institutions can never be justified. Moreover, in the present case, the strike is most unfortunate and ill-advised as this was resorted to in total disregard of the observations of the Supreme Court, even before the Government announced its decisions on the recommendations of the Tikku Committee.

This strike is not an isolated instance. Attempts to paralyse the functioning of medical institutions for meeting sectional demands has unfortunately become endemic in our society. The cost in terms of human suffering as a result of such disruptions is invaluable and no responsible Government can remain a silent spectator to a section of employees holding the entire community to ransom for pursuing their narrow personal ends. While we are prepared to consider all legitimate grievances of our employees, we cannot overlook our responsibility towards the people, which must be the foremost concern of any democratic Government.

As regards the demands of the striking doctors, we have already announced our decisions which we consider to be just and fair. The Supreme Court is already seized of the matter and has promised to look into their grievances on merits and in accordance with the law. Once the strike is called off, I am personally willing to consider all their legitimate aspirations with an open mind. I hope the striking doctors would heed the call of the highest court of the land to return to work in

the larger interests of the community and put an end to this needless inconvenience to the people.

I take this opportunity of appealing to the entire House to send a clear and unequivocal message transcending House to send a clear and unequivocal message transcending party affiliations, that not with standing the nature of the grievances, any attempt to disrupt functioning of medical services is not acceptable. This House represents the will of the nation and the message it conveys cannot go unheeded by any section of our society. I am confident that this Hon'ble House agrees with me that it is not possible to bargain with human suffering

ANNEXURE

No.A.45013/13/90-CHS-V

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY
WELFARE

NEW DELHI, dated the November 14th,
1991

OFFICE MEMORANDUM

Subject:- Recommendations of the High Power Committee (Tikku Committee) on service doctors - Decisions thereon.

A Committee had been set up under the Chairmanship of Shri R.K. Tikku, Secretary (Coordination) in the Cabinet Secretariat of the Government of India, to look into all aspects of career improvement and cadre restructuring of the doctors of the Central Health Service. The Committee has since submitted its Report. The various recommendations contained in the Report have been carefully considered and the Government of India have taken the following decisions:-

- (1) Two additional posts of Additional Directors General of Health Services (Rs.7300-7600) shall be created by upgrading two of the existing common Senior Administrative Grade posts (Rs.5900-6700). Appointment to these additional posts of Additional Directors General will be made on the same lines as the existing posts of Additional Directors General.
- (2) Four additional posts in the scale of Rs.7300-7600 shall be operated under Rule 4(9) of the Central Health Service Rules, 1982, by upgradation of 4 posts in the Supertime scale of Rs.5900-6700.
- (3) 34 additional posts of Director-Professors (Rs.5900-6700) shall be created in the Teaching Specialists Sub-cadre of the Central Health Service by upgrading an equivalent number of posts of professors (Rs.4500-5700) on floating basis.
- (4) 35 additional posts of Consultants (Rs.5900-6700) shall be created in the Non-teaching Specialists sub-cadre of the Central Health Service by upgrading an equivalent number of posts of Specialists Grade (Rs.4500-5700) on floating basis.
- (5) The distinction between the Non Functional Selection Grade (Rs.4500-6700) and Functional Grade (Rs.4500-5700) will be eliminated in the Central Health Service. All Associate Professors in Non-Functional Selection Grade (Rs.4500-5700) shall be designated as Professors from 1-12-1991. All Specialists Grade II officers (Non-teaching and Public Health Sub-cadres) in the Non-Functional Selection Grade (Rs.4500-5700) shall be designated as Specialists Grade T w.e.f. 1-12-1991.
- (6) All Professors (Rs.4500-5700) and Specialists Grade I Officers (Non-teaching and Public Health Sub-cadres) will be eligible for consideration for promotion to the Senior Administrative Grade level posts (Rs.5900-6700) subject to availability of vacancies, provided they have completed at least 3 years of regular service in the scale of Rs. 4500-5700 irrespective of whether the said service was performed in the Functional Grade or Non-functional Grade of Rs.4500-5700. The Associate professors and Specialists Grade II, officers presently in the non-functional selection Grade and to be designated as Professors and Specialists Grade I officers respectively from 1-12-1991, shall en masse be placed below the existing Professors and Specialists Grade I Officers respectively for the purpose of preparing

eligibility lists for consideration for promotion to Senior Administrative Grade level posts (5900-6700).

- (7) As in the case of Teaching Sub-cadre, so also in the sub-cadres of Non-teaching Specialists and Public Health Specialists, the minimum essential qualification for recruitment as Specialist Grade II Officers (Rs.3000-5000) shall, inter-alia, be a postgraduate degree with three years experience after obtaining the postgraduate degree, or postgraduate diploma with five years experience after obtaining the postgraduate diploma. All Specialists Grade II officers, recruited in accordance with the modified Recruitment Rules as mentioned above, shall be promoted to the scale of Rs.3700-5000 on completion of 2 years of service in the scale of Rs. 3000-5000, subject to seniority-cum-fitness.

- (8) Recruitment to the posts belonging to Super-Specialities, for which the essential minimum qualification is, inter-alia, DM or MCH or equivalent, shall be made in the scale of Rs. 3700-5000 in the Teaching/Non-teaching Specialists Sub-cadres.

- (9) In all the three sub-cadres, (Teaching, Non-teaching and Public Health), officers with 6 years service in the scale of Rs. 3700-5000, or total 8 years service in the scale Rs.3000 -5000 and

Rs.3700-5000, shall be placed in the sale of Rs.4500-5700 according to existing guidelines (which inter-alia, provide for overall good performance and at least two "very good" assessment during the preceding 5 years). On such placement in the scale of Rs. 4500-5700, the Associate Professors will stand designated as Professors, and the specialists Grade II officers (No-teaching and Public Health) shall stand designated as Specialists Grade I officers.

- (10) The Senior Medical Officers (Rs. 3000-4500) will be promoted as Chief Medical Officers (Rs.3700-5000) on completion of six years of regular service as Senior medical Officers or on completion of ten years of combined regular service as medical officers and Senior Medical Officers of which at least two years shall be as Senior Medical Officers on the basis of seniority-cum-fitness subject to their clearing the bench mark of 'Good' with no zone of selection and without linkage to vacancies. The promotion shall be in situ and personal to the officers promoted, incidentally, this will provide a second time-bound promotion to General Duty Medical Officers, as the first time-bound promotion from the level of Medical officers (Rs.2200-4000 to the level of Senior Medical Officers (Rs.3000-4500) on completion of 4

years of service, on seniority-cum-fitness basis, has already been implemented. As at present, the placement of Chief Medical Officers in the Grade Rs. 4500-5700 to the extent of 15 per cent of all the senior duty posts of General Duty Medical Officers Sub-Cadre, on the basis of the exiting guideline (overall good performance with at least two "very good" assessment during the preceding 5 years) will continue. Chief medical Officer in the scale of Rs. 4500-5700 with 3 years service in the scale of Rs.4500-5700, or total 17 years of Group A service will continue to be eligible for promotion to the Senior Administrative Grade level posts (Rs.5900-6700), subject to availability of vacancies.

- (11) All the posts occupied by the Medical Officers/Senior Medical Officers/Chief Medical Officers/Supertime Grade Officers of the General Duty Medical Officers sub-cadre of the Central health Service in the various hospitals and teaching and other institutions, where the functions to be performed are predominantly of specialised nature normally required to be performed by Specialist doctors, shall be converted into Specialists posts, which shall filled as per the existing provisions in the recruitment rules for Specialists. From the General Duty Medical Officers

Sub-cadre, posts equal to the number of Medical Officers/Senior Medical Officers/Chief Medical Officers/ Super Time Grade officers posts that would be converted into Specialists posts shall be abolished. The conversion of such posts of the General Duty Medical Officers Sub-cadre in the hospitals and teaching and other institutions to those of Specialists posts will open up opportunities for qualified officers belonging to the General Duty Medical Officers Sub-cadre to enter the Specialists sub-cadres through open competition.

12. Direct recruitment at the level of Rs. 4500-5700 as well as Rs. 3700-5000 can be made depending on the identification of the posts.
13. The benefit of added years of service available under Rule 30 of the Central Civil Service, (Pension) Rules 1972, shall be available for all the members of the Central Health Service.
14. The feasibility of transferring any part of the work relating to Cadre Management of the Central Health Service to the Directorate General of Health Services and providing more training facilities to the Member of the Central Health Service shall be examined by the Ministry of Health and Family Welfare.

15. The Ministry of Railways, Ministry of Defence and other organisations shall separately process proposals for restructuring the Cadre and providing greater avenues of promotion in the light of decisions taken for the Central Health Service Cadre by the Government.

16. The question of increasing the age of superannuation for doctors from 58 to 60 years is deferred for more detailed examination by the Department of Personnel and Training regarding its implications and repercussions.

17. The Department of Personnel and Training (All India Services Division) shall examine, in due course, the question of formation of an All India Medical and Health Service in consultation with the state Government.

2. The Government after careful consideration of all aspects have not found it possible to accept other recommendations of the High Powered Committee.

3. The amendments to the Central Health Service Rules, 1982, wherever necessary, consequent upon the above decision, shall issue in due course.

[Translation]

SHRI RAJNATH SONKAR SHASTRI:

Mr. Chairman, Sir, I thank you for allowing a Calling Attention on this matter of urgent public importance but I would like to point out one thing. When the hon. Minister was about to complete his statement and only the last page was to be read out I got the Hindi version of the reply. That is a sad state of affairs. I would like to submit that Hindi Version should have been given beforehand because I was to make a speech in Hindi.

Sir, the doctors working under the CGHS are on a strike since November 12 and the strike is going on without any break. The matter is getting serious with every passing day. More than 9000 doctors out of 10,000 doctors engaged with CGHS have already gone on strike. Consequently, 250 CGHS dispensaries and about 1000 Medical Centres have been closed. I would like to submit to the hon. Minister, through you, that more than 300 persons have already died untimely death in the absence of medical aid. The medical facilities in Safdarjung Hospital, Dr. Ram Manohar Lohia Hospital, Guru Teg Bahadur Hospital, Railway Hospital and other hospitals of Delhi Administration or Municipal Corporation have come to a grinding halt. Besides, medical facility in other cities like Hyderabad, Bangalore and other parts of the country has also gone Gaywire. For want of medicines patients and their family members are in trouble. There are deaths without any reason. Though not only doctors, but scientists, artists and educationists, everybody is in a miserable condition but the doctors' strike has worsened the situation and this is causing grave concern among the people.

Sir, there is lack of medical equipments in hospitals and most of them are rusting because of red tapism. There is shortage of medicines, spurious drugs are in plenty,

Sd/-

(S.HARIHARAN)

DY. SECY. TO THE GOVT. OF INDIA

(Tel.No. 301 4495)

doctors show carelessness but the biggest problem today is of the doctors' strike. Why are those, who are responsible for keeping us healthy, on strike today? Have they become less humane to the patients? From the statement it appears that their conduct shows that they too are humane but they cannot always display it when they cannot maintain a good standard of living. If the country's doctors, scientist and artist has a good standard of living, he will give a new direction to the country.

Sir, the doctors have been repeatedly insisting on the implementation of the Tikku Committee report as is evident from the hon. Minister's statement also. I would come to the report later but first I would like to ask the hon. Minister whether a solution could not be found out to the on going strike in a cordial atmosphere? Why? has the matter been long drawn? Did the officials of the Ministry of Health take any steps to prevent the doctors from going on strike?

Some steps seem to have been taken, as is evident from the statement, but if we try to go through the statement closely, we come to know that the statement is of a routine character. The doctors had given notice for strike. They had met the hon. Minister and other officials several time in this connection. We would like to know the action that was taken at that time.

Sir, there has been a long-standing grievance of the doctors that the medical services have been given second rate treatment as compared to other Central services. The same situation is plaguing their service conditions, pay scales, avenues of promotion and other achievements. In 1982 another mess was made when the medical services were divided into four sub-cadres. One was the General Duty Medical Officer Cadre. Second was the Teaching specialists Third was the Non - Teaching specialists and fourth was Public Health Specialists.

This resulted in reducing the opportunities for time-bound promotions.

In 1986 the Fourth Pay Commission recommended increase in pay scales and cadre of doctors in Government hospitals. I would like to know from the hon. Minister whether his attention has been drawn to these recommendations. It is was done, why no action has been taken on it so far?

Sir, once again there was a strike by doctors in 1987. The then Minister of Health, who is now our Prime Minister, had offered an attractive package to the doctors. I would like to know from the hon. Minister, who is a learned man and has taken keen interest...*(Interruptions)*

SHRI HARI KISHORE SINGH: When did you come to know that?

SHRI RAJNATH SONKAR SHASTRI: After going through this statement. I know him otherwise also.

Will the hon. Health Minister be pleased to state as to what happened to the recommendations of the Fourth Pay Commission? Did it strike him or not? I would like to know as to why has the Government not adopted sincere attitude in this regard, though it cannot be termed as apathetic attitude to it. Had the Government paid attention, there would not have any need for the Tikku Committee Report or for that matter any other thing. Besides, the situation would not have worsened to such an extent that doctors had to go on strike.

Sir, all the doctors in the country belong to the same profession. Then why there is such a wide disparity in the pay scales and perks of doctors. Is the Government thinking in terms of formulating a uniform wage policy for doctors. Just now it has been mentioned in the statement that all the recommendations of the Tikku Committee cannot be

[Sh. Rajnath Sonkar Shastri]

accepted for obvious reasons. I would like to ask whether efforts are being made to implement the principle of 'equal pay for equal work'?

Sir, the hon. Minister said that an agreement was signed between the 'Joint Action Council of Service Doctors Organisations' and the then Prime Minister late Shri Rajiv Gandhi and it was in pursuance of this agreement that a committee under the chairmanship of R.K. Tikku was constituted. The committee submitted its report in October, 1990. The Committee heard the grievances of representatives of different organisations of doctors and also the officials of the Ministry of Health. The Tikku Committee report was welcomed by majority of doctors. Not only this, all other sections of doctors including Teaching, Non teaching and Public Health specialists were happy but why has the report not been implemented so far? Sir, had this report been implemented the social status of doctors would have been high, there would have been parity in pay scales with Central services and new avenues of promotion would have been available but this did not happen. Had the report been implemented in *toto* a five member Board to supervise the Medical Services in the pay scale of Rs. 7300-8000 would have been constituted. But the Government did not accept this recommendation. Sir I have gone through a report that states that if the Tikku Committee report is implemented, it would put an extra burden of Rs. 250 crore on the exchequer. I would like to know how much loss have we already suffered because of the doctors' strike. I think that we have already suffered a loss of more than Rs. 250 crore. Even if the report is not implemented now and the doctors' strikes continues, it is not known as to how much loss in crores of rupees in the coming several years the country may have to suffer going by the estimated loss of Rs. 250 crore during the current year. I would like

to know, through, you, from the hon. Minister of Health the reasons why the Tikku Committee report is not being implemented in *toto*. If you did not want to accept the recommendations why at all was the Tikku Commission constituted. If a Commission was constituted, its report should have been accepted.

Mr. Chairman, Sir, I came across a report recently that this commission had made 33 recommendations out of which only 17 recommendations were accepted. The rate of them were not accepted. I want a categorical reply why there recommendations were not accepted and what are the difficulties. It seems the IAS lobby is working behind this. They have always been misleading the Government and that is why the country had to suffer such a huge loss. People are suffering without medical aid and there have been several untimely deaths. I would like to know whether this attitude towards the doctors is the result of that jealousy of IAS lobby. Can the doctors meet that challenge?

Mr. Chairman, Sir, as you are continuously ringing the bell, I would like to conclude with a last point. The doctors fought a legal battle, they even went to the Supreme Court. They also met each Member of Parliament individually. They met the hon. Minister and discussed their grievances. They staged a dharna and organised a rally at the residence of the Prime Minister. They went for pen down strike and wore black badges in protest. This has been going on for quite some time but in vain. Had the Minister of Health paid attention to it, things would have been different. I said just now that is a sagacious person but it seems his sagacity is falling him. Otherwise he would have worked out a solution. Sir, I read recently that there are 30,859 jobless doctors in the country. In Delhi alone there are 3977 unemployed doctors, in Maharashtra there are 3794, in Tamilnadu 3729, in West Bengal 3743, in Andhra 2537, in Kerala 2179, in

Orissa 1430, in Bihar 1314 in Uttar Pradesh 1348 and in Haryana 874 unemployed doctors. I would like to know from the hon. Minister as to what steps are being taken to provide employment to these unemployed doctors? I would once again request you to come out with a categorical reply as to what action is being taken to call off the strike of doctors who are on hunger strike at the Boat Club as a result of which medical services have gone haywire and there have been several untimely deaths.

[English]

SHRI BHUWAN CHANDRA KHAN-DURI (Garhwal): Sir, I rise to express the concern of public which is suffering because of the continued stalemate on the strike of doctors. The Minister has explained the Government's case very ably and very convincingly. But I would like to suggest that the other side may also have their say and the Government's attitude of not listening to them is not very desirable. Although I entirely agree with the Minister that the Government should not bow before any threat - it is a correct principle - but at the same time I do hope that this sort of principle will be followed in other cases also. However, there is a difference between succumbing to pressure and negotiating from the point of strength. Since the Government feel that there is a strong case, I do not see any harm in Government meeting the delegation of these people and trying to work out a via media. I feel that this Government's obstinacy or the attitude that this Government has taken that they will not meet the doctors or their delegation till their strike is called off is not necessary. It is not desirable. Purely by meeting them and talking to them you are not going to give them anything. If there is a scope for the doctors to come to terms or to negotiate or to call off their strike by your meeting them, I think that option should not be closed. I therefor, strongly request the Government that in order to ensure that public does not

suffer, they should call the doctors and accept a meeting without any pre-condition.

[Translation]

SHRI DILEEP SIGH BHURIA (Jhabua): Mr. Chairman, Sir, I rise to express my views with regard to the reply the hon. Minister has given in connection with the doctors' strike. The doctors have demanded that the report of the Tikku Committee, which was set up by the Government, should be implemented. I would like to submit to the hon. Minister that when the Tikku committee was set up the Government must have been aware that whatever the committee would recommend will have to be implemented. Moreover, Shri Tikku is not an outsider, he is a Secretary to the Government and thus an integral part of it. Why then the report has not been implemented and why doctors have been compelled to go on strike?

Mr. Chairman, Sir, I am unable to understand why it took so long to finalise the promotions inspite of the fact that the Government had got the detailed report of the proposed promotions. How it would do that doctors do not get even a single promotion for such a long period of 26 years and continue to work at the same post. The Government claim that the country is making speedy development, why then the doctors are not provided with most sophisticated equipments? Citizens of our country go abroad to get themselves operated. Why doctors in our country not provided with these instrument so that these operations can be done here itself. The Government should provide best and sophisticated medical instruments to operate so that even the VIP's do not feel it necessary to go abroad for medical treatment. They spend lavishly to get themselves treated abroad; if they avail medical facilities in the country itself our money will not go outside.

Mr. Chairman, Sir, I would like to know

[Sh. Dileep Singh Bhuria]

from the hon. Minister why it took so long to implement the report and why doctors were compelled to go to the Supreme Court? Had the Government negotiated with them, they would not have been compelled to go on strike. When time-bound promotions in other categories take place why doctors are deprived of it, when high rank officials as IAS and others do get time-bound promotions why not the doctors? I do have the comparative figures of promotions at the moment; I may read out the details of how long it takes to get a promotion in other fields whereas the doctors have to work on the same post for 26 years together without getting any promotion. In this manner, I think, injustice is being done to them. People in other fields get promoted even to the level of Director General, kindly let me know how many doctors reached this level and in how many years? It is very unjustified that doctors do not get any promotion for such a long period. The hon. Minister should review the gravity of the matter, discuss it with the doctors and thus help them.

Mr. Chairman, Sir, this situation is prevailing not only in Delhi but in other places also. I have just returned from Raltam. Railway doctors there are also on strike. My submission is that the Government should implement the report of the commission. As an hon. Member has pointed out that its implementation would cost about two and a half crore rupees; this amount can easily be recovered through fee charges on operations. In this manner the Government would easily recover the money they invest. These are the few points, I would like to bring into the notice of the hon. Minister and urge upon him to convince the doctors to put off their strike.

[English]

SHRI R.SURENDER REDDY (Waran-

gal): Mr. Chairman, Sir, about 90 per cent of the Doctors are on strike. It has entered the thirteenth day. About 250 hospitals and over 1000 CGHS dispensaries have been affected. One hon. Member has just pointed out that over 300 deaths have taken place. It is not good for this country. We cannot afford to have this strike.

The Minister has made a comprehensive statement wherein he has explained the Government's stand. My humble request to the Minister would be not to stand on prestige. You call the doctors. After all they are our people. They belong to us. You please let them know you are willing to discuss with them and settle the issue, with open mind.

The Tikku Committee was constituted on the 3rd May. It submitted its Report on the 1st November. The Government had accepted 17 items and six items have not been accepted. After any report is submitted a time limit should be fixed to implement its recommendation if not refer it to a tribunal to be constituted for specially essential services. My suggestion to the Minister would be that this should be discussed. And the most important thing is that, the request for creation of an all India Service like the IAS, IPS etc. should be considered.

With these few words, I thank you.

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Chairman, Sir, in the last para of the statement given by the hon. Minister of Health, it has been stated—

[English]

"This House represents the will of the nation and the message it conveys cannot go unheeded by any section of our society, not even the Government."

[Translation]

My submission is that two out of these five Members are from the Government side and remaining three are from the opposition. All the five have urged upon the Government not to make it a prestige issue and hold discussion with the doctors to solve the issue....(Interruptions).... In this context my submission is that this statement is utterly disappointing, it is nothing more than afflicting the afflicted and makes the situation more complicated. The Government, in the very first paragraph agrees that:

[English]

"The Government had signed a Memorandum of Settlement (MOS) with JACSDO on 21.8.1989 in full and final settlement of all demands of the service doctors as on date."

[Translation]

The Government agreed in toto that all the reasonable demands would be taken into consideration and the committee will be asked to take action. Today again the Government expresses its willingness to discuss their reasonable demands. What is the meaning of all this when Tikku Committee has already given its report. The government should accept the recommendations made by them....(Interruptions).... Doctors are not in favour of strike. They have said that they have been compelled to do so. It is a matter of great regret that on one hand, the Government express its willingness to talk to the Punjab militants unconditionally while on the other hand, they are not at all ready to hold talks with the doctors. Just now the Government claimed to have made this announcement. You know that you have provided facility only to one thousand doctors out of a total of ten thousand.

13.00 hrs.

The Government want to divide them. 90 per cent of them have been totally deprived of any facility. Hence they have been fighting for justice. In regard to the statement that 4-5 demands have been accepted, I would like to bring to your notice.

[English]

"Thirty-two Tikku Committee's recommendations are based on two terms of reference."

[Translation]

If you refuse to accept even a single out of these it means that you are violating the basic terms of reference. If the Government accepts 32 recommendations only then the terms of reference would be followed properly and propose of setting up Tikku Committee will be served. Tikku Committee was the result of an agreement made in 1989. All the former Health Ministers - whether Shri Ram Niwas Mirdha, Shri Rafiq Alam or Shri Shakeel-Ur-Rehman - agreed to it and had assured the doctors that the report of Tikku Committee would be implemented in toto. I have got even letters I received from them in this connection.

You have stated that the Government has a right to review any reports. But the report of Tikku Committee is not any report. This committee was appointed to fulfil their justified demands. Hence its report cannot be termed as any report.

[English]

"The composition of the Committee was such that it would take a final decision."

[Translation]

And the final decision has been given.

There has been a reference to Supreme Court. The hon. Minister stated that the

[Sh. Madan Lai Khurana]

Supreme Court have ordered the doctors to put off their strike. They have not ordered; they have just desired so in public interest. We, you and even the doctors themselves are not in favour of strike but no option has been left to them. The desire of the court has been termed as order. The Supreme Court, in the same case, passed stricture four times and charged fine twice to the Government because the Government failed to give reply in time. Fine of Rs.500/- levelled twice has also not been paid so far. Court has stated in its order:

[English]

"Negotiations/dialogues should take place between the doctors and Government, but no response from the Government side."

[Translation]

I would urge upon the Government not to make it a prestige issue appeal to it to accept their demands. The hon. Minister, in his statement has stated that it is the will of the House. The Members of the Congress Party as well as the opposition urge upon you to hold dialogue with the doctors immediately and implement the report of Tikku Committee. This is my only submission.

[English]

SHRI M.L.FOTEDAR: I am grateful to the hon. Members who have just intervened in this debate. I would not like to go into the details of what Mr. Rajnath Sonkar Shastri has said because the cases are pending in the Supreme Court and any commitment on my behalf may unnecessarily prejudice the decision of the court.(Interruptions).....

[Translation]

SHRI RAM VILAS PASWAN(Rosera): Mr. Chairman, Sir, I have a point of order. Just now the hon. Minister stated that the case in this regard is pending in court. Mr. Speaker has allowed the Calling Attention Motion in view of the sentiments of the House. I suspect that when the Government finds everything going against them they would try to suppress it in the name of Supreme Court. The case is not pending in the Supreme Court. Has the Supreme Court forbidden the Government from holding any dialogue with them or from taking decision? It would be unjustified if the Government avoids, it in the name of Supreme Court....(Interruptions)....

SHRI RAJNATH SONKAR SHASTRI:

There was no need to accept it for a discussion when it was pending in the Supreme Court. But, when it has already been accepted, it should be discussed and you should reply. It is not proper to make a reference of the Supreme Court, in this connection. now.

[English]

SHRI M.L. FOTEDAR: I will read the relevant portion of the Supreme Court order also, the order that the Supreme Court has passed on the 22nd of is month. I will read the relevant portion.

SHRI SOMNATH CHATTERJEE

(Bolpur): The matter is pending in the Supreme Court, where I understand that the doctors have gone for the implementation of the Tikku Committee report. Can such a pending proceeding pre-empt a discussion by the highest forum in this country? And, how can the Minister say "I shall not say anything about the Tikku Committee report and the implementation because it is pending"? This is not in conflict with the Supreme Court. Supposing they accept today and if he says that he accepts the recommendations, the proceedings will not be affected. Then, what is the harm? It cannot be. It will not be

correct. Parliament cannot become a silent spectator if somebody goes to the court and files a proceeding.

SHRI CHANDRA JEET YADAV (Azamgarh): The Supreme Court has already directed the Government and asked them that they should place the recommendations of the Tikkoo Committee report before the Supreme Court. The Minister himself has announced certain things here. In spite of the case being pending before the Supreme Court, the Minister had announced certain things here, that these are the things which he can accept and already the Members have expressed their opinions on this issue. So, if he has got any objection, it should have been taken in the very beginning that this issue cannot be discussed in the House. Having discussed all these things, now he cannot take that plea.

SHRI LAL K. ADVANI (Gandhi Nagar): All these observations of our friends and these interventions would not have come, has it not been for the Minister's two remarks. In his opening remarks he said that he would not deal with all the issues raised by Shri Rajnath Sonkar Shastri because the matter was pending before the Supreme Court. This was his first statement and the second statement was that "I will read out to you what the Supreme Court has said". We have no objection to hear anything. But I think that the discussion should be relevant and in order to be relevant we should not that the Supreme Court has been approached by the doctors and for the sake of implementation of the Tikkoo Committee report. Whether the Supreme Court thinks it necessary to intervene or not, it is a different matter. But nothing bars the Government from taking a decision; nothing bars the Government from negotiating with the doctor and to say all that is relevant so far as this debate is concerned, whether the Government is willing to take a decision on the Tikkoo Committee report, and whether the Government is willing to

discuss with the doctors. These are the two relevant issues and to quote the Supreme Court only as an alibi, to answer our objections is not quite correct.

SHRI M.L. FOTEDAR: I value the suggestions of the learned and respected Leader of the Opposition. I do not want to say that this House has no authority to discuss any issue or decide any issue. But the matter is, I would not go into the details at this stage. I must confess and I am confident that my approach to the problem is very humane. And my view on this issue are known and are very progressive. Just listen to me.

SHRI HARI KISHORE SINGH (Sheohar): You are willing to talk to the doctors.

SHRI M.L. FOTEDAR: Somebody has said that perhaps I have some ego or because of some self-prestige I am not talking to anybody. In such matters I have always been pragmatic. There is no doubt it. What I want to mention in the House is that the doctors should look to the sufferings of the patients and I will certainly look to the problems of the doctors. That is the issue. I will never close the doors of negotiations. But no Government, no civilised Government and no responsible Government will act and should act either under coercion or under pressure or under threat. That is the issue... (Interruptions)

One point that has been raised in this House is, why delay. I do not think, I should be accused for that. The Tikku Committee gave the report on 1st of November, 1990 when the Government was just on the way out. On the 7th November, 1990 that Government went out. That Government did not do anything. Then in the month of February another Government came. That Government remained only for three months. And the Minister Incharge of that Government was disqualified by the learned predecessor of this House. He

[Sh. M.L. Fotedar]

could not take any decision. Then this Government took over only on 21st of June. So I am responsible only from 21st of June upto this day. After I joined the Ministry I did examine the case. I talked with the doctors. I am a person who can only be advised by the bureaucracy. I have more sympathy for the doctors. Whatever their genuine demands I want that I fight for them. But they must fight for the suffering humanity. That is the only question.....(*Interruptions*)

[*Translation*]

SHRI MADAN LAL KHURANA: It is the will of the House that you should invite them for talks in the evening.....(*Interruptions*)...

[*English*]

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum): The father and the son is in the same scale. Their single point is promotion. The father is going to retire in 12 years time.....(*Interruptions*)

MR. CHAIRMAN: I think, if you listen to the Minister first, then there will be fruitful discussion and something will come out of it....(*Interruptions*)

SHRI SAIFUDDIN CHOUDHURY (Katwa): You have just said that you will be considering the genuine demands. What in your opinion, are the genuine demands? And what is your opinion about the recommendation of the Tikku Committee Report?...(*Interruptions*)

SHRI A.CHARLES (Trivandrum): I am on a point of order. A committee has been appointed to look into the whole matter. They have given a report. Does it mean that whenever a committee is appointed, the recommendations should be accepted in toto? Under what rule? Is there any precedent? I want a ruling from the Chair.

MR. CHAIRMAN: There is no point of order. (*Interruptions*)

SHRI BUTA SINGH (Jalore): May I make an appeal to the hon. Health Minister? By now the hon. Health Minister has come to know the feelings of the House which are almost unanimous. As the House has come to know the sympathies of the hon. Health Minister who is totally committed and who is prepared to - help the doctors, let there be a simultaneous action. Let them withdraw the things from the Supreme Court and let them place the confidence in the Health Minister. Both things will be simultaneous. No condition. It is an appeal in the interest of the suffering people. The Government must accept the Committee's recommendations... (*Interruptions*).

SHRI CHAIRMAN: Hon'ble Health Minister to reply.

SHRI SOMNATH CHATTERJEE: We appreciate the sentiments of the Hon. Health Minister. He has said that he has a human approach and he wants to have an amicable settlement. Only thing is that the statement is little provocative. I says that they are holding the country to ransom and so on and so forth. The Government can never be wrong. You cannot take up that attitude. What is the solution? Everybody is suggesting to bring about a solution. instead of standing on prestige. Best thing would be only to call them; they will withdraw the strike and accept their demands. This is the best thing. What is the difficulty? We do not any further complication of the issue. We are not here for the blood of Shri Fotedar. We want to help him also.

SHRI LAL K. ADVANI: Shri Buta Singh has suggested something. This is precisely what the Government today is insisting upon that they are willing to talk, but only if the strike is withdrawn. I would go along with this

except that I would like to draw the attention to the fact that the Office Memorandum of November 14 has complicated the situation. If the Office Memorandum of November 14 was not there, perhaps, what Shri Buta Singh has said would be easily accepted by the doctors. But, after the Office Memorandum of November 14 has been issued and given to the court, it becomes the Government decision on the Tikoo Committee's Report and which has totally distorted the whole perspective and made the situation worse than before. So, even this proposal, I am sure, would be accepted by the doctors only if the Office Memorandum of November 14 is withdrawn unilaterally by the Government. Then, it would be negotiations with an open mind. Otherwise, it is no negotiation. It is negotiations only for the sake of a farce and only in order to see that the strike is withdrawn. I do not think that we would be able to advise the doctors in that respect. We would be able to advise them provided the Office Memorandum of November 14 is withdrawn.

SHRI BUTA SINGH: The basis of discussion should be the discussion that has taken place today and everything before that should go. Everything should be done simultaneously. *(Interruptions)*.

[*Translation*]

SHRI RAM VILAS PASWAN: Mr. Chairman, Sir, Shri. Advani, the leader of the opposition said that the Government has worsened the situation further by issuing office memorandum on 14th. It is very simple that talks must be held with them. But instead of doing so, the Government has taken a decision of its own which has nothing to do with the Tikku Committee Report. This decision is against the interests of the doctors.*(Interruptions)*... The Government says time and again that only one section of doctors is on strike. This time also, the Government has provided benefit to those 1, 000 doctors are already the beneficiaries. The remaining 9,000 doctors are not on their job today. Under the situation the Govern-

ment should not make it a prestige issue. It should withdraw the memorandum issue against the doctors and negotiate with them. We assure that the whole House will co-operate with the Government on this issue...*(Interruptions)*... We shall try our best to see that the doctors called off their strike.

[*English*]

SHRI SOMNATH CHATTERJEE: Sir, let us see whether Shri Fotedar rises to the occasion. This is his chance.

SHRI CHANDRA JEET YADAV: Sir, I want to make a suggestion. I think the Minister is trying to find out some way. I am sure that he is not making a prestige issue. Can it be like this that simultaneously the doctors withdraw their strike and the Minister meets them with open mind?.....*(Interruptions)*.

SHRI HARI KISHORE SINGH: No. We want a specific assurance that the Government is going to withdraw the memorandum....*(Interruptions)*.

MR CHAIRMAN: That is all. Mr. Minister, do you want to say anything more or have you finished?...

(Interruptions)

SHRI CHANDRA JEET YADAV: The 14th November G.O. should not be taken as a decision of the Government... *(Interruptions)*. When they go with open mind, then certainly they can reconsider it. It is not that that is the final decision.... *(Interruptions)*.

SHRI M.L. FOTEDAR: Sir, I appreciate the suggestions and the proposal given by Sardar Buta Singh Ji and Shri Chandra Jeet Yadav. As I have said, I have an open mind and my approach is.... *(Interruptions)*. Please listen now. The Government in its wisdom, under the directions of the Supreme Court, issued that Order of 14th of November...*(Interruptions)*. Gentlemen, you are not allowing me to speak. I am not yielding. Allow me to speak. I am saying that under the directions of the Supreme Court,

[Sh. M.L. Fotedar]

13.24 hrs.

the Government in its wisdom and considered the Report and issued that Order. Maybe that is not final. But according to the present stand of the Government, that is final. That is the view of the Government. But I am saying what Sardar Buta Singh Ji and Chandra Jeet Yadavji have said. They are the senior members of the House. I appreciate the sentiments of the Leader of the House, who is a very wise man, that this should be done simultaneously. They should withdraw the strike, look to the patients and I will look into their problems. That is the point....(Interruptions).

[Translation]

SHRI MADAN LAL KHURANA: First, withdraw your order of Nov 14 and then hold talks, (Interruptions)

[English]

MR. CHAIRMAN: That is all now...

(interruptions)

SHRI SRIKANTA JENA: (Cuttack) We are not going to cooperate on this issue. Let them withdraw the G.O. first(Interruptions).

MR. CHAIRMAN: The Calling Attention is over now because all the Members have asked their questions and the Minister has replied....

(Interruptions)

SHRI SRIKANTA JENA: No, no, we are walking out in protest against the Government's stand...(Interruptions).

SHRI LAL K. ADVANI: We walk out in protest against the Government's stand.
(At this stage Shri Lal K. Advani and some other hon. Members left the House)

MR. CHAIRMAN : The House stands adjourned for lunch to reassemble at 2.20 p.m.

The Lok Sabha then adjourned for lunch till twenty minutes past Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at twenty-three minutes past Fourteen of the Clock.

[MR. DEPUTY SPEAKER in the Chair]

MR. DEPUTY SPEAKER: Now, Statement by Shri Vidyacharan Shukla.

14.24 hrs

STATEMENT BY MINISTER

Cauvery Water Dispute

[English]

THE MINISTER OF WATER RESOURCES (Shri Vidyacharan Shukla): As decided by the Government, a Presidential reference was made on 28th July, 1991 to Supreme Court of India to render their opinion on the legal questions associated with the Cauvery Water Disputes Tribunal's interim order of 25th June, 1991 and the Ordinance of the Government of Karnataka dated 25th July, 1991 (now the Act) under clause (1) of Article 143 of the Constitution of India. The following questions were referred to the Supreme Court of India for consideration and opinion thereon, namely,

- 1) Whether the Ordinance and the provisions thereof are in accordance with the provisions of the Constitution;
- 2) i) Whether the Order of the Tribunal constitutes a report and a decision within the meaning of Section 5 (2) of the Act; and
ii) Whether the Order of the Tri-