

THE COMPTROLLER AND AUDITOR-GENERAL'S (DUTIES, POWERS AND CONDITIONS OF SERVICE) AMENDMENT BILL, 1984.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.M. KRISHNA): Sir, I beg to move:

"That the Bill further to amend the Comptroller and Auditor-General's (Duties, Powers, and Conditions of Service) Act, 1971, as passed by the Lok Sabha, be taken into consideration."

This Act was enacted in 1971 to determine the conditions of service of the C & AG and prescribe his duties and powers.

SHRI KALYAN ROY (West Bengal): Speak in a language which we understand. You are using such a Sanskritised language which is difficult for us to follow.

SHRI A.G. KULKARNI (Maharashtra): You are this side and speaks little louder, that will help because Shri Kalvan Roy is the CPI leader.

THE MINISTER OF FINANCE (SHRI PRANAB KUMAR MUKHERJEE): Why does he not put on the earphone?

SHRI S.M. KRISHNA: The Act was amended in 1976 mainly for the purpose of making certain necessary provision for relieving the C & AG from the responsibility of compiling accounts for Central Government departments.

Mr. Vice-Chairman, the circumstances have changed and we have gained experience and as a result of this we feel it necessary to make certain further amendment to this Act. The first amendment relates to pension admissible to the C&AG. Since 1971 the pensions payable to officers of government and other Authorities have been

modified while that of the C&AG remain the same, as were fixed in 1971. It is, therefore, proposed to provide that a serving officer appointed as C & A G will be entitled by way of pension:

(a) the pension admissible to him in the service to which he belongs by treating his service as C & A G as continued approved service for this purpose; and

(b) a special pension calculated at the rate of Rs. 700 per annum for each completed year of service as C&AG. However, the aggregate of the pensions will be subject to a maximum of Rs. 20,400 per annum. Similarly, it is also proposed to provide that a retired officer appointed to act as C & A G will be entitled by way of pension to the aggregate of the pension admissible to him under the rules governing the service to which he belonged and special pension calculated at the rate of Rs. 700 per annum for each completed year of service as C&AG.

In this case also the total will be subject to a maximum of Rs. 20,400 per annum. These revised provisions regarding pension are proposed to be made applicable to persons demitting office as C&AG after the commencement of the proposed-amending legislation.

Sir, the Bill also seeks to amend two of the sections of the Act dealing with the duties and powers of the C&AG. Under section 14 of the Act, C&AG is required to 'audit the receipts and expenditure of a body or authority which is substantially financed by grants or loans from the Consolidated Fund of India, or of any State or of any Union Territory having a Legislative Assembly. According to the explanation the grant of loan is treated as "substantial" if it is not less than Rs. 5 lakhs or the amount of such grant or loan is not less than 75 per cent of the total expenditure of that body or authority. As this limit involves audit of numerous institutions involving small amounts, it is proposed to enhance the

(Shri S. M. Krishna) limit from Rs. 5 lakhs to Rs. 25 lakhs. It is also proposed to provide that the C & A G may, with the approval of the President or Governor or Administrator, undertake audit of the receipts and expenditure of a body or authority which is in receipt of Government grant or loan of Rs. 1 crore or more in a year, though this, may be less than 75 per cent of the total expenditure of that body or authority. To ensure some continuity in the audit, it is proposed to provide that where a body or authority comes within the purview of audit of the C&AG in any year, the C&AG shall continue to audit the receipts of expenditure of such a body or authority for the succeeding two years also, even if the grant or loan to the body in these years is less than the limit prescribed.

The present opportunity is also being taken, Mr. Vice-Chairman, to amend section 19 of the Act to provide for the laying of the Audit Reports of the C&AG in relation to the accounts of Government companies or corporations before Parliament or the legislature of the State concerned.

Sir, with these introductory remarks I commend the Bill to the House.

The question was proposed.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): There is one amendment by the ever-vigilant Shri Shiva Chandra Jha. I hope you are moving it.

SHRI SHIVA CHANDRA JHA (Bihar): Sir, I beg to move:

"That the Bill further to amend the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971, be referred to a Select Committee

(tee of the Rajya Sabha consisting of the following members, namely:—

1. Shri R. R. Morarka
2. Shri Biswa Goswami
3. Shri Shridhar Wasudeo Dhabe
4. Shri Sankar Prasad Mitra
5. Shri C. C. Bhittadajarya

6. Prof. Sourendra Bhattacharjee

7. Shri R. Ramakrishnan

8. Shri Suraj Prasad

9. Shri Rameshwar Singh

10. Shri Hari Shankar Bhabhra

11. Shri Ralraj Mishra

12. Shri Dipen Ghosh

13. Shri Nepaldev Bhattacharya *

14. Shrimati Mohinder Kaur

15. Shri Shiva Chandra Jha

with instructions to report by the first week of the next Session."

The question was proposed

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Sir, on a point of order. Mr. Shiva Chandra Jha has moved an amendment to this Bill. Now he has named the members of the Committee and asked it to report by the first week of the next Session. According to my calculation which I did on the finger tips, nine of these Members are retiring out of the list that he has submitted for membership of this Committee. And they are required to submit the report by the first week of the next Session when they will no more be Members. So this is ultra vires.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): I like not of your objection. Being a retiring Member I may like to state that if the House accedes to this amendment, the Leader may be compelled to bring all these Members back to the House. Therefore I do not propose to give any ruling on this point of order. We now go on to the discussion of the subject matter. Shri Ladli Mohan Nigam,

**[उपसभाध्यक्ष (श्रीमती माधेट अलवा)
पीठासीन हुईं]**

श्री लाली मोहन निगम (मध्य प्रदेश) :
उपसभाध्यक्ष महोदय, जैसे देखने में तो यह बड़ा मामूली सा बिल है इसमें कोई खास चीज कहने की नहीं है लेकिन मुझे ऐसा लगता है कि अभी भी लोगों ने अपनी

मानसिक गुलाबी ने निजात नहीं पाई है। जैसा कि पिछले बिल पर भी कहा कि जो व्यक्ति साम्राज्यवादी हैं, या जो दिमाग साम्राज्यवादी हैं, उसी तरह से हम लोग काम करते हैं। आपको मालूम होगा, उपसभाध्यक्ष महोदय, कि इस पद पर जो आदमी चले जाते हैं और जब वह वेतन-मुक्त होता है, उसके बाद उसके लिए कहीं कोई दूसरी गुंजाइश नहीं है और होनी भी नहीं चाहिए कि वहाँ कितने दूसरे की मुलाजमत करे।

उसका मेरी निगाहों में कुछ हद तक दर्जा जो है, जो कि न्यायाधीशों का होता है और अच्छी परम्परा है कि न्यायाधीश लोगों को किसी दूसरे की, किसी व्यक्तिगत सरकारी आदमी या गैर-सरकारी आदमी की नौकरी करने से रोक दिया गया है। मुझे ऐसा लगता है कि शायद हिंदुस्तान के नौकरशाहों को यह लगा कि इस पद पर जो आदमी पहुँच जाएगा और कल जब वह रिटायर होगा और जब उसकी जो पेंशन मिलेगी, वह पेंशन जो हम नौकरशाहों को मिलती है वह हमसे ज्यादा हो जाएगी, तो शायद उनकी यह जगह हुई होगी कि हम लोगों से जो हम शायद देश के सब से बड़े आदमी हैं, या खास ब्रास है, या खास एक वर्ग है, उससे ज्यादा कितने बढ़ सकता है। वरना मेरी समझ में नहीं आता, क्यों नहीं मंत्रों जो आप इसमें प्रावधान करते कि जिस तरीके से जज को जो सुविधाएँ हैं वह सुविधाएँ उसी तरह से, उसी तरीके के हूँ और हकूक इसको मिलने चाहिए, यह भी बोलियेगा।

आपके हाथ में खास जांच के काम ही नहीं हैं, देश को तीन-चौथाई पूँजी को भी आप उसके हाथ में सौंप देते हैं। आज सरकारी संस्थानों में भी कम से कम 167 उपकर्म हैं जो करोड़ों की लागत के हैं। वह उनकी भी जांच करते हैं सरकारी महत्त्वों की तो खैर वह जांच करते ही हैं।

तो मेरा कहने का तात्पर्य यह है कि अगर उस आदमी को लगे कि नहीं अब हम तो इस पद पर जाने के बाद सब से ऊँचे हैं—जैसे राष्ट्रपति बन जाने के बाद तो फिर कोई नौकरी करना नहीं, उन्नीसवीं के बाद कोई नौकरी नहीं करना मुख्य-व्यवस्था होने के बाद कोई नौकरी नहीं करना—वह अलग बात है कि हम लोगों ने अपने प्रस्ताव में कुछ बातें परामर्श डालने की कोशिश की कि जो जन होता है, उनको लालच देने लगते हैं कि तुम इधर जा जाओ, कितने को कुछ लालच देने लगते हैं।

तो जो लेखा जोबा जांच करना है, महालेखा निरोक्षण कम्प्यूटर एण्ड आडिटर बनने, यह संवैधानिक पद है, एक बड़ा पद है—सारे देश में अच्छा पद इस मामले में है कि वह सब पर नियंत्रण कर सकता है, कम से कम जहाँ तक खर्च का मतलब है, तो इसका वहाँ इज्जत और रतवा देना चाहिए।

तो मेरा सिर्फ यह कहना है कि यह जो कैद इसमें लगाई गई है कि 30,400—और मैं समझता हूँ कि कितने ने बड़ी सुझाव के लगाई है। सब को लगता है कि हर साल उसको सात सौ रुपा मिलेगा, सालाना मिलेगा और आखिर में कहीं जब लगा कितनी नौकरशाह को लिखते-लिखते कि कहीं वह हमारी पेंशन से ज्यादा न हो जाए, तो छट से सीमा लगा दी 20,400, चाहे कितनी उसकी बन जाए।

तो आप जरा मुझको बताइये—प्रब जो सुरक्षा के पद में व्याप्त लालच कहीं नहीं है, और पदों में तो लालच है, पर उस पद के साथ कोई लालच नहीं है, उसको नियंत्रण हो करके रहना है। तो उसको नियंत्रण को कोई काम में नहीं मांगता, या तो यह कह दीजिए कि इस पद पर जो आदमी

[श्री लाडली मोहन निमग]

बैठेगा, जिसको बहुत ज्यादा देश सेवा है, एक रुपया लेकर बैठेगा। मुझे कोई प्राप्ति नहीं है, लेकिन जब इसको पर्सों के साथ—कल इसमें भी समावना है कि कहीं कल दूसरे—और अब तो यह भी होने लगा है कि खाली कौम का हो मामला नहीं है, आई०ए०एस० आदमी भी चला जाता है, सिविल सर्वेंट भी जाकर बन सकता है।

तो किसी दूसरे सिविल सर्वेंट को लगता है कि कोई आदमी यहां पहुंचेगा और वह भी रिटायर होंगे, कोई सेक्रेटरी होकर, तो मेरी पेंशन इससे कहीं कम हो जाएगी, तो यह उस मानसिकता का प्रतीक है।

इस बास्ते में आपसे कहता हूँ कि इस पर बन्धन लगाइये। बल्कि मुझे खुशी होगी, आप तय कर लीजिए एक मुश्किल रकम, चाहे उसकी कितनी साल की नौकरी हो, कितनी भी अवधि की नौकरी हो, कि कितनी रकम उसको मिलेगी, एक हजार, दो या पांच हजार तय करिये, जो भी तय करनी हो, वह करिए, एक फिक्सड पेंशन जिस तरह से जजेज की है, इसी तरीके से कम्पट्रोलर एण्ड ऑडिटर जनरल की भी होनी ही चाहिए। यही मेरा कहना है। इस के साथ मैं दूसरी चीज कह कर अपनी बात खत्म करता हूँ। इसमें जो आपने बन्धन लगाया है जांच के बारे—आप ने कहा काम बढ़ गया है। बिल्कुल सही है आवादी बढ़ रही है, इसका मतलब यह नहीं है कि मार डालो सबको। मेरे कहने का मतलब है कि काम बढ़ा है, हिसाब-किताब रखने का मतलब ही

यह है। आप कह दो कोई भी सरकारी महकमा 5 लाख तक का हिसाब-किताब नहीं रखेगा, मुझे कुछ नहीं है। अगर एक भी पैसा सरकारी खजाने से खर्च हुआ है और होता है और उसका हिसाब-किताब रखा जाता है तो उसकी जांच होनी चाहिए। आप स्टाफ बढ़ा दो, लेकिन मैं इतना जरूर चाहूंगा कि छूट नहीं देनी चाहिए। यह सार्वजनिक धन से सम्बन्धित चीज है।

आखिर में मैं एक बात कहूँ। आपने लिखा है क्लॉज 4 में, मैं 19-ए का (2) पढ़ रहा हूँ—

"19(A)(2) The Central Government shall cause the report received by it under sub-session (1) to be laid, as soon as may be after it is received, before each House of Parliament."

इसी तरह असम्बली के लिए है। मैं इतना ही निवेदन करना चाहता हूँ कि इसमें जो 'एज सुन एज' है, यह बड़ा खतरनाक है। इसमें आप छूट दे देते हैं, मर्जी है जब चाहे रखें। मैं यही चाहता हूँ कि एक बार ऑडिटर जनरल की मुहर लग जाय, ऑडिट हो जाय तो उसके बाद सार्वजनिक धन के मामले में वह सार्वजनिक सम्पत्ति है। यह बात सही है कि पहले यहां लाना चाहिए, पार्लियामेंट में, असम्बली में लाना चाहिए। मैं इतना ही चाहता हूँ कि यह कह दें कि—

"__ to be laid after it is received, before each House of Parliament."

उसके मिलने के तत्काल बाद पार्लियामेंट का जो सत्र बैठे उस के अन्दर उस

को रख देना चाहिए, एअर सुन एअर नहीं। एअर सुन एअर में शैतान की आंख की तरह आप उसकी सीमा को बढ़ा देंगे। इस वास्ते मेरा निवेदन है कि हिसाब-किताब की जांच के मामले में निष्पक्षता दिखे, घोटाला न हो, अगर आप रिपोर्ट रख देते हैं तो उस सत्र में पिछली जो खामियां हैं उन पर नुक्ताचीनी की जा सकती है, तफतीश हो सकती है, कहा-सुना जा सकता है। साल में एक ही रिपोर्ट रखेंगे तो असम्भव है किसी सम्मानित सदस्य को पढ़ना। आप के पास जितने आदमी हैं पढ़कर देखने वाले वह भी शायद पूरी रिपोर्ट नहीं पढ़ते होंगे। इसलिए जब भी अडिटर जनरल की रिपोर्ट का कोई भी हिस्सा तैयार हो जाय तो उस को प्रथम सत्र में ही रख देना चाहिए।

मैंने तीन मुद्दे किये हैं। एकमुश्त पेंशन तय करिए और अगर एकमुश्त तय नहीं कर सकते तो बन्धन लगाया है 20,400 रुपये का उसे हटाइय, जिन्ने समय की उसकी सर्विस होगी उसके हिसाब से उस को मिलेगा। इस पद की वरियता को रखने के लिए मैंने निवेदन किया है आप इस पद को—जैसे दूसरे नौकरशाह सोचते हैं, कहीं सेक्रेटरी बन सकते हैं, किसी पब्लिक सेक्टर अंडरटैकिंग में काम कर सकते हैं, बिड़ला, टाटा की नौकरी कर सकते हैं, लेकिन यह आदमी तो कहीं नहीं जा सकता उस को लालचों से बचाएं। आप ने 5 लाख की जगह 1 करोड़ की सीमा बढ़ा

दी है, 25 लाख की सीमा बना दी है। इसको हटाइय। एक भी पैसे का जहां तक लेखा-जोखा का सवाल है उस के मामले में छूट नहीं होनी चाहिए।

तीसरी चीज मैंने अर्ज की है कि जैसे हो नियंत्रक महालेखा परीक्षक की रिपोर्ट मिलती है उस को अगामी सत्र में रख दें। यह तीन मेरे सुझाव हैं। इन को आप कबूल कर लें तो मैं आप के बिल का समर्थन करता हूँ।

SHRI NIRMAL CHATTERJEE (West Bengal): Madam Vice-Chairman, there is not much to speak on the Bill apparently. But let me begin with this question: Why is it that the pension has been fixed at Rs. 1,700 per mensem? That is the ceiling. The Minister has not said anything in this House. But apparently—I am not sure; he will correct me—in the other House he has said that this figure was arrived at, this ceiling was arrived at, because the Cabinet Secretary's pension was pegged at this level. I do not know if this is right. If that be so, that is not a commendable proposition at all.

It does seem to me, Madam, that the parliamentary democracy is not a three-legged animal, but it is really a four-legged one. That is, apart from the legislature, the executive and the judiciary, this audit service, the CAG's activity, is the fourth leg. This is independent. Therefore, as the salary is higher than that of the Cabinet Secretary, the pension provided to the Comptroller and Auditor General should be at a higher level than that of the Cabinet Secretary.

I have functioned in the Public Accounts Committee for three years, and I have seen the functioning of the Comptroller and Auditor General there also. I do not know about others. But I am tremendously impressed by both their reports and their participation in oral examinations. And in order to be able to question, to help question Various Secre-

[Shri Nirmal Chatterjee] tarws of t'ne Departments, it is right and proper that he should be placed at a higher level not only in terms of salary but also in terms of the amount of pension.

That apart, I will make one or two more points in connection with the functioning of the C&AG. It has been said in the Bill itself—perhaps he has also referred to it—in clause 4:

"The Central Government shall cause every report received by it under sub-section (1) to be laid, as soon as may be after it is received, before each House of Parliament."

The hon. Minister has not specified or defined what "as soon as" means. It is already said that several reports are there even on taxes and that they have not yet been laid on the tables of the two Houses. The Budget discussion is coming very soon, and the Members will not be benefited by the reports of the Comptroller and Auditor General. So, what I want is that this should be made more specific and it should be time-bound. Let it not be left in the hands of the executive in this vague manner.

The third point that relates to the functioning of the office of the C&AG is this. It is stated that as soon as possible it should be laid on the tables of the State Assemblies also. That is, the reports governing the expenditures of the States. There is a problem there. I know that the ex-Chairman of the PAC has lamented that the State Legislatures are way back in discussing the C&AG audit reports, and that they are lagging five, six, seven, or eight years behind. But there is another problem attendant on them. And here the Government must come to the rescue. The reports that are presented to the State Legislatures are all in English. The languages of the States are Hindi and other languages listed in the Schedule. If the translations of the reports of the C & A G in those languages are not prepared on time, then the State Legislatures cannot discuss them. 5 P.M. Therefore adequate translation machinery must be provided to this office of C&AG. The delay is not

entirely due to the State Legislatures; it is also because of this fact that the translated reports are not made available to them. So I want to draw the attention of the hon. Minister that he should as soon as possible—I am using the same expression—try to provide them with a translation machinery so that this part of our parliamentary activity in the State becomes more effective.

The fourth point that I want to make is that the C&AG is not allowed to audit some institutions in the country through their audit system. For instance, there are the banking institutions. Only this year, let me inform the House, there is a paragraph which has been chosen by the Public Accounts Committee also, which refers to the tremendous amount of Government funds being locked up in the banks and the banks utilising them to lend to large houses and depriving the Government from the benefit of these funds. Today the Deputy Minister of Finance incidentally mentioned that the inter-bank reconciliation is as back-dated as the year 1972. And because of that, a good deal of money is being misutilised by the political people of the ruling parties mostly, and also by other people, including the bank officialdom. Therefore, I request that it should be so provided that the entire banking sector comes under the purview of the C&AG also. This is another request that I want the hon. Minister to consider.

The fifth and sixth points—let me combine them—about the functioning of the various parliamentary committees in relation to the reports of the Comptroller and Auditor-General. As you may be aware, Madam, very recently in Britain they have gone in for splitting one committee into some 17 committees so that there is a closer view of the activities involving financial and other considerations of Parliament. Now, sometimes we say that the British Parliament is the Mother Parliament, whether it is so or not. Historically it is so. But this committee system of functioning is being commended all over the world in the parliamentary system so that there is a

closer scrutiny by Parliament. The leader of the House is not there. Had he been there, I would have appealed to him. And there has been a recent press report also that the Speaker of the other House has recommended such a thing for consideration and the Secretary of the other House is perhaps preparing a draft.

And the sixth point which I wanted to combine with this is about a very strange thing which affects each Member of the House and, therefore, the whole of the House. There is one very important committee in which the Rajya Sabha Members are not associated at all. That committee is the Estimates Committee. Nowadays, although the budget speech is read out in the other House, the Papers are laid here. We discuss the Appropriation Bill. We discuss the various grants for different Ministries. And yet no Member of our House is associated with the Estimates Committee.

DR. MALCOIM S. ADISESHIAH (Nominated): No, we do not discuss the grants.

SHRI NIRMAL CHATTERJEE: We do. We discuss grants of four Ministries. We don't vote, but we discuss. The practice recently is that at least the grants of four or five Ministries are discussed in the House. It is a welcome thing. We are not exactly a replica of the House of Lords. We are constituted deferentially. In certain cases, our powers are more—as in amending the Constitution—than the other House.

I wonder—I am a new Member in the House—why this is not done either by the Leader of the House or the Chairman of the House or Members of the House, that representation on the Public Estimates Committee from this House should also be made. I am raising this issue—I do not know if it is extraneous—but this is a point on which this House should be concerned. Thank you.

SHRI KALYAN ROY: Madam, I thank the Government for giving me the opportunity to discuss the C & AG. The question has been legitimately raised and

is being asked now. Is C&AG a dumping ground? There is a total demoralisation in the entire C&AG among the top officers who have done a good job all along, because of the sudden appointment of the present Home Secretary as the new C&AG. It is shocking particularly because Mrs. Gandhi in 1978 strongly criticised the appointment of an IAS officer to this important post at that time. It was unfortunate. But after criticising Janta Government for appointing an IAS officer as Comptroller & Auditor General, now has she understood her mistake at that time? Or is she going to think of gaining something out of the appointment? We do not know. There is a total demoralisation. It is not an ordinary post C&AG occupies a pivotal position in all the financial matters. He should be beyond any suspicion. There should be no cloud around it. It is a constitutional appointment and its duty is to present before Parliament reports in detail about how the expenses are being incurred, how they are being spent, whether the spending is proper, fair and "justified. And on the basis of the reports of the Comptroller & Auditor General the Public Accounts Committee functions. And they send reports and the reports have been found to be quite valuable. Now, what has happened today is that people are asking—is Home Secretary not very competent in his post? He is going to retire in about two years. By making him C&AG you are, consciously perhaps, giving him two years more extension. Or, is there a dearth of talent in C&AG? News papers have given detailed reports. There are three very senior auditors who are already Secretaries to various Government departments—Mr. Mahesh Sarin Secretary, Defence Production, then Mr. Matharia, Deputy Comptroller & Auditor General who is also a senior IA&AS officer. You can only become C&AG after 30 to 35 years of very hard work. Now that means the chances of these people becoming C&AG are shut out forever. Already there was a bad precedent. Now you are going to perpetuate it by appointing someone who has

nothing to do with accounts, a constitutional appointee, who requires some specialised knowledge----- unless, of course you want the C&AG to be completely oblivious of accounting, that he must be an incompetent man or a man who has nothing to do with accountancy or management of accounts, " because, otherwise, the C&AG may submit reports which are embarrassing to the Government, as, in fact, they have been; so that such embarrassing reports are not put up before the Public Accounts Committee. What is the intention? Because, this is an election year. And such an appointment in an election year does raise a controversy for which you have no proper, adequate, sufficient, explanation. So far no explanation has been made although most of the leading newspapers including the Economic Times like The Economic Times, have written articles after articles; "Is C&AG a dumping ground?" Mr. Chaturvedi is a line scholar, is a serious type of man. And I do not know whether he is happy about the criticism. If it was absolutely necessary to find work for Mr. Chaturvedi after his so successful handling of the Punjab and Assam situation, he should have been made a Governor or perhaps the Vice-President. But why bother him with this huge accountancy and 50,00 officers who have to specialise, coordinate all the different expenses—the External Affairs expenses, direct taxation, indirect taxation, railways, all these things? That means the question has been legitimately raised: perhaps you do not want the C&AG to function independently. And you have no answer to that. Very senior officers have raised this question. I have been a member of the Public Accounts Committee for a long time. Senior officers have been disgraced and demoralised. Can you do a proper audit or a serious audit when the senior officers who have done a good job, whether in the Janata period or the Congress period, are demoralised, if they are shaky or their opportunities of promotions are shut out? I am requesting the hon. Minister whether, only the other day, was the Industry Minister and who has just taken over—I do not know why for the first time he has to pilot the Bill and for the first time I have to censure....

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): He is quite competent.

SHRI KALYAN ROY: I do not understand, he is quite competent—with the support of another well-known person from Karnataka — (Interruptions) I do agree he is very competent. If the sickness had gone down a little in the Industries Ministry I would have been very happy; sickness has increased. (Interruptions) What was the propriety, what was the justification, what was the necessity of appointing such a person, which has led to demoralisation of the entire department of C&AG?

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Shri Ghulam Rasool Matto.

SHRI GHULAM RASOOL MATTO: Madam, Vice-Chairman I thank you for giving me an opportunity to speak on this subject. I think while bringing this Bill the Finance Minister has unwittingly—I will not say deliberately but unwittingly—denigrated the office of the Comptroller and Auditor-General. Under clause 148 it is written that there shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal and who shall only be removed from office in like manner as a Judge of the Supreme Court. So the position of the Comptroller and Auditor-General of India is the same as that of the Judges of the Supreme Court and other high officers. But by bringing in this Bill he has been denigrated to the position of an ordinary Secretary. I think the Finance Minister has become a prisoner of bureaucracy when he has brought up this Bill before Parliament.

In the Objects the Minister has stated that the pension of other high officers had been increased and so we have also to increase the pension of the Comptroller and Auditor-General. So far as I can see, in the year 1971—and the Minister may kindly take note of it and verify that I am speaking correctly—the pension of a Secretary to the Government was Rs. 8100 and the pension at that time of the Comptroller and Auditor-General was Rs. 15,00. As-

submitting a deduction of Rs. 250, the net pension that he got at that time was Rs. 12,500 that is, about 40 per cent more than what the Secretaries to Government got. Now, what is the present position? The present position, according to the Government itself, is that any Secretary to the Government does not get more than Rs. 3500. What does the Comptroller and Auditor General get? He gets as much as the Supreme Court Judge, i.e. Rs. 40,007. Even now, there is an inherent difference between the pay of a Secretary and that of the Comptroller and Auditor General. I do not understand why what stretch of imagination, this pension has now been put at Rs. 1700/- per month. The reason is that the Cabinet Secretary does not want that the constitutional authority, i.e. the Comptroller and Auditor General should get a pension higher than his pension. This is the obvious reason. I must submit to the Minister that this is a clear denigration of the office of the Comptroller and Auditor General. It is also a fact that even at present the difference between the pay of the highest Secretary to the Government and the Comptroller and Auditor General is very high. What, is the position at the moment? The Secretary to the Government is paid a pension of Rs. 18,006/-, i.e. Rs. 1500/- per month. The Minister has come up with a Bill seeking to raise the pension to Rs. 20,400. This is an anomaly. It is a denigration of the highest office so far as audit and accounts is concerned. The least that the Minister can do at the moment is that the clause providing for upper limit should be done away with. At the moment, Rs. 700/- have been fixed per year and the Comptroller and Auditor General occupies his position for six years. It means about Rs. 4200/-. I would request him that in addition to Rs. 18,010/-, i.e. the Secretary's pension, Rs. 4200/- should be added. It means it should be Rs. 22,200/-. It will give a semblance of respect to this office. Otherwise, we will say that this is a denigration of this office. This thing has happened all along, it was a Director of the I.T.D.C. years back. We were not getting good Managers for our bus hotels like Ashok, Akbar, etc. When the question came up for consideration before our

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Board, I raised this question and asked as to why people are not coming forward. It was later revealed to me that the Secretary of the Ministry of Tourism at that time would see to it that nobody gets pay more than what he was getting and that was Rs. 3000/- or Rs. 2500/-. The result was that we were not getting the right type of people. I get this amended. I saw to it that, in order to attract better people, the pay is fixed at a higher level. The Minister will do justice to this high post if he comes out with an amendment saying that he would raise it to Rs. 22,200/-. This is the first point that I have to make.

My whip gave me only 10 minutes to prepare my speech and I have done whatever I could do in these ten minutes. It is not clear as to why it has been raised to 25 lakhs from 5 lakhs. I have not been able to understand it. Kindly this may be explained.

My third point is about Clause 3(b). It says:- "Notwithstanding any thing contained in sub-section (1) the Comptroller and Auditor General may, with the previous approval of the President or the Governor of a State or the Administrator of a Union Territory having a Legislative Assembly, as the case may be, ... in a financial year is not less than rupees one crore."

I would like to know from the Minister that in the wake of the controversy, that has arisen recently regarding the Escorts' takeover or the other things like the LIC takeover and the Directors being appointed, would not a solution of this kind be beneficial that a private concern where the Government money is sunk to the tune of Rs. 1 crore also come under the purview of the Comptroller and Auditor General so that this takeover bid or the nervousness that has crept in in the private capital market is done away with? This is a question that I would like the Minister to answer because I feel that this way alone some confidence can be brought back into the private sector.

These are the few observations that I have to make. But I would request the hon. Minister that this denigration to the cons-

[Shri Ghulam Rasool Matto] titular position of the Comptroller should be done away with by an amendment *suo motu* by the Government.

श्री शिव चन्द्र झा : उपसभाध्यक्ष महोदया, इस विधेयक में ऑडिटर जनरल की पेंशन बढ़ाना फिर जो रिटायर हुए हैं, काम किया है उनको 700 पर एनम और देना 20,400 तक, यह है। तो किसी को पेंशन मले, वह कम हो, इसमें एतराज नहीं होता है जो आप कर रहे हैं इस पर एतराज नहीं होता है लेकिन इस तरह के विधेयक और इस तरह के काम के पीछे एक बात आती है, एक दर्शन आता है जिसके मुताल्लिक कहना जरूरी हो जाता है और वह है कि 20,400 पर एनम फिर 700 और पेंशन तो उनकी तनख्वाह कितनी है? हमारे समाज में न्यूनतम तनख्वाह कितनी है? यह तर्क है। पेंशन जो आप देते हैं वह बंद कर दे यह मैं नहीं कह रहा हूँ, आप बढ़ा रहे हैं उसके लिए मैं भी नहीं कह रहा हूँ, मैक्सिमम जो कह रहे हैं उसमें भी नहीं जाता हूँ। लेकिन मैं कहता हूँ कि ये बड़ी तनख्वाह वाले, आमदनी वाले एक तरफ और कम तनख्वाह वाले चाहे खेतिहर मजदूर हों या दूसरे हों, इनमें कितने की डिसपैरिटी है? यह कब तक चलेगा, यह मैं जानना चाहता हूँ। आप दया के रूप में या इफीशियेंट वर्कर या, इस रूप में या जस्टिस के नाम पर बढ़ा रहे हैं वह तो सब ठीक है लेकिन सवाल है कि यह इंकम डिसपैरिटी की कोरोलिरी जो हमारे समाज में है यह कब तक चलेगी। क्या आपका बीस सूत्री कार्यक्रम यही कहता है। आप समाजवाद में विश्वास नहीं करते हैं जबकि समाजवादी समाज हमारा दर्शन है। संविधान के मुताल्लिक क्या यही है कि ये डिसपैरिटी चलती रहे? कब इसको खत्म करेंगे। मिनिमम और मैक्सिमम की कोई सीमा बांधेंगे या नहीं बांधेंगे कि एक मिनिमम हो और दस मैक्सिमम हों, या 15 हो अथवा 20

हो तत्काल के लिए। आप बांधेंगे कि नहीं, यह कब तक चलेगा। राष्ट्रपति की कितनी तनख्वाह है, 10 हजार रुपये और एक खेतिहर मजदूर की कितनी है और पावर्टी लाइन से कितने लोग नीचे रहते हैं। यह कब तक चलता रहेगा? तो यह विधेयक भले हम पास ही कर देते हैं लेकिन साथ साथ चुनौती भी हमारे सामने है जिसके मुताल्लिक आपको सोचना है कि यदि हम समाज में बराबरी, समता चाहते हैं तो हमको वह कदम भी उठाना होगा जिसमें यह डिसपैरिटी खत्म हो। मतलब इसका कि कुछ ऐसा आपको कदम उठाना होगा इसको खत्म करने के लिए। इसके लिए लाजिमी है कि संविधान में संशोधन आप करें। जब तक संविधान में इसको, इंकम की डिसपैरिटी को बांधेंगे नहीं, वहां पर लिखेंगे नहीं, 1.10 या 15 मिनिमम मैक्सिमम करेंगे नहीं, यह नहीं होगा। इसीलिए मैं इस विधेयक के जरिये कहता हूँ कि आप पांच लाख का पच्चीस लाख कर दें, इसमें एतराज नहीं है, स्पिलिटिंग आफ द हेवर नहीं है, लेकिन एक बुनियादी दर्शन; एक बराबरी का समाज यदि आप चाहते हैं जो सि गांधी का दर्शन है, जवाहरजी का दर्शन भी रहा है, वैज्ञानिक ढंग से, सोशलिज्म का रहा है तो आपको उक्त कार्य करना होगा। लेकिन आप तो टाटा बिड़ला का समाजवाद बनाने जा रहे हैं। जो आपका बीस सूत्री कार्यक्रम है देहात में उसको बिस सूत्र कहते हैं। ऐसा प्रचार है तो उती बीस-सूत्री का यह है कि डिसपैरिटीज को दूरे रहे हैं। तो इनको आप खत्म करिए। इन्हीं शब्दों के साथ मैं चाहूंगा कि जहाँ तक ड्युफिटिंग की बात है, इन शब्दों के लिए तफसील में जाने के लिए इसको आप सिलेक्ट कमेटी में भेजिए, लेकिन इस बात का आप ठीक से जवाब दें कि कब तक डिसपैरिटीज को खत्म करेंगे?

SHRI S. M. KRISHNA: Madam Vice-Chairman, thank you very much for the compliment which you gave me by overruling the left-hand side of the hon. Shri Kalyan Roy. At the very outset, I would like to keep the record straight. The hon. Member, Shri Nigam, while making his submission said that I said in the other House that the highest pension....

SHRI LADLI MOHAN NIGAM: It was Shri Nirmal Chatterjee who said it.

SHRI S. M. KRISHNA: I am sorry.

...is paid to the Cabinet Secretary and so we tried to bring this Bill. This was the submission which was made by another hon. Member. I did not say this.

While initiating the debate hon. Member Shri Nigam did bring out the point that the duties and responsibilities of the Comptroller and Auditor-General were very high and that the decree of impartiality which has to be brought into this endeavour has to be a very high stature. Nobody can take exception to the proposition which has been made by him. And, I join, with him in submitting that due respect has to be shown to the office of the Comptroller and Auditor-General because he comes into being altogether on a different pedestal by virtue of the fact that he is given birth directly by the Constitution of India. Well, pensions, their upper limit or lower limit, these are questions which are generally considered on merits. And, if we have, through his amendment, increased the pensionary benefit of the Comptroller and Auditor-General, it is only to set right certain distortions which had crept into the system. All this; I have been trying to do through this amendment is to set right those distortions.

Now, the question is asked, why this ceiling? Well, just now Shri Shiva Chandra Jha, an hon. Member, made another submission about the disparities, growing disparities between the incomes and the average wage-earnings. So, when we go into this question of ceiling, it is likely that we could have honest differences of opinion. Mr. Jha could have one opinion, Mr. Nirmal Chatterjee another opinion and I

could have a third opinion. But we have got to look into this within the parameters of how this pension is decided. We take so many factors into consideration, before we decide about the pension which would be due to a retiring civil servant. Mr. Kalyan Roy did mention about during ground part of it. Madam Vice-Chairman, I am strengthened that he himself quoted....

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Mr. Kalyan Roy, he is replying to you.

SHRI S. M. KRISHNA: He is listening to me.

He did mention the fact that in 1978 an I.A.S. officer was brought in from other service.

SHRI KALYAN ROY: And it was criticised by Mrs. Gandhi.

SHRI S. M. KRISHNA: I do not know about criticism part of it. But Article 150 of the Constitution does not prescribe about the filling of the post of Comptroller and Auditor-General. It does not say that he or she has to be from a particular service, either Indian Audit and Accounts Service or Indian Revenue Service or Indian Administrative Service.

SHRI A. G. KULKARNI: Why don't you only say that all this depends on which side of the House everybody is sitting. At that time, Mrs. Gandhi was sitting on this side, and so she criticised, just like Mr. Kalyan Roy is criticising. Tomorrow if he is on that side, he will not say it. So, don't take it seriously.

SHRI S. M. KRISHNA: Unfortunately, they did not let Mrs. Gandhi sit there too long; they expelled her from there. ■ . (Interruption).

And these appointments are made after taking into account all relevant factors, including competence and integrity of a particular officer. I am not going to drag the names about the new incumbent who has been nominated. But suffice for the

[Shri S. M. Krishna] to say that the Government is totally convinced about the integrity, the efficiency, the competence and impartiality that we expect that the Comptroller and Auditor General will be able to bring into. That is the basic criterion for a decision.

He also mentioned about demoralisation. Well, demoralisation takes us to various other aspects, but the Government's desire is to see that the services do not get demoralised by a single appointment. There are various opportunities open for those who have put in long years of service in various aspects. So, I only hope that demoralisation which is feared is not going to set in.

Mr. Mathur said that we are trying to denigrate the office of the Comptroller and Auditor General. With all the emphasis-at my command I would like to emphatically deny that the Government has any such ulterior motive of trying to denigrate. What do we gain by trying to denigrate the office of the Comptroller and Auditor General of India? There are differences; but let us be clear that the pecuniary conditions do not either enhance the importance of a particular office nor do they denigrate it. So, it is with this view that we have brought this amending Bill. By and large, there has been support and I commend this amendment for acceptance of the House.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): I shall now put the amendment of Shri Shiva Chandra Jha for reference of the Bill to the Select Committee of the Rajya Sabha, to vote.

The question is:

• "That the Bill further to amend the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri R. R. Morarka
2. Shri Biswa Goswami
3. Shri Shridhar Wasudeo Dhabe
4. Shri Sankar Prasad. Mitra.

5. Shri G. C. Bhattacharya
6. Prof. Sourendra Bhattacharjee.
7. Shri R. Ramakrishnan
8. Shri Suraj Prasad.
9. Shri Rameshwar Singh
10. Shri Hari Shankar Bhabhra
11. Shri Kalraj Mishra
12. Shri Dipen Ghosh
13. Shri Nepaldev Bhattacharya
14. Shrimati Mohinder Kaur
15. Shri Shiva Chandra Jha

with instruction to report by the first week of the next Session,*

The motion was negatived

THE VICE-CHAIRMAN: I shall now put the motion by Shri S. M. Krishna to vote.

The question is:

That the Bill further to amend the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971, as passed by the Lok Sabha be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI S. M. KRISHNA: Madam, I beg to move:

"That the Bill be passed."

The question was proposed.

SHRI GHULAM RASOOL MATTO: Mr. Krishna has assured me that he does not intend to denigrate the office and the

pecuniary benefits are not the considerations of the dignity or smallness of the office. I agree with him. But this is also a fact that where there is an obvious difference between the pay of one individual and another and the other individual is a Constitutional authority, this is a glaring paradox, which has to be removed. In this connection I would again refer to—this is a joint—clause (4) of article 148 of the Constitution, which says:

"The Comptroller and Auditor-General shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office."

You will appreciate, Madam, that while the Secretaries of the Government including the Cabinet Secretary, who is being equated in regard to pay with the Comptroller and Auditor-General, cannot and do not; under the Constitutional bar placed on him he cannot do this. Therefore, I beg of you to coolly reconsider it and come out with an amendment at a very early date so that this anomaly is removed because I consider that with this Rs. 2,200, at least, the denigration, to my mind, will be rectified to some extent. This is my submission.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Now, the question is:

"That the Bill be passed." The motion was adopted.

(1) STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT ORDINANCE, 1984.

(II) THE INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT BILL, 1984.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): We now take up

the next item. The Industries (Development and Regulation) Amendment Bill, 1984.

SHRI SHRIDHAR WASUDEO DHABE: Let us take it tomorrow. It is already nearing 6 P.M.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): We have decided to sit till 6 P.M. Let us sit till 6 P.M. at least.

SHRI KALYAN ROY: I would request you. We have passed two Bills already. We have done our job for today.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Mr. Jha is ready to move his Resolution.

SHRI KALYAN ROY (West Bengal) We have done our best to draw attention to these two Bills. Let the Minister move the Bill and let the discussion be taken up tomorrow*. Let the discussion start, but let it not be concluded today. I was told that we have to sit up to 6 P.M. Now, it is being extended up to 6.30 P.M.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): We will sit only up to 6 O'clock.

SHRI KALYAN ROY: Some people may be prepared to sit till 6 A.M. But I am not prepared.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Let us sit till 6 P.M. Mr. Jha is ready to move his Resolution. Let us finish this.

SHRI SHIVA CHANDRA JHA (Bihar): Madam, I beg to move.

"That this House disapproves the Industries (Development and Regulation) Amendment Ordinance, 1984 (No. 1 of 1984) promulgated by the President on the 12th January, 1984."

उपसभाध्यक्ष महोदया, हमारे सामने एक बहुत प्रतिष्ठित मंत्री है जिनकी हम लोग इज्जत करते हैं और जो एक अच्छे वातावरण में रह चुके हैं : आचार्य नरेन्द्र देव जैसे हमारे नेता की संगति में वे रह चुके हैं।