

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): I am sorry, I am not going to do that.

SHRI V. GOPALSAMY; Sir, I would also like to know from the hon. Minister whether any person's property or house which was attached by the Income-tax officials can be sold. I want to know! this because the Chief Minister of Tamil Nadu, Mr. M. G. Ramachandran, whose house was attached by the Income-tax officials was sold by him to his wife. To whom he has sold? He has sold it to his wife. I want to know whether the Minister will allow any other person to do that things. The Chief Minister of Tamil Nadu sold the house which was attached by the Income-tax officials to his wife. And now they are coming and making false allegations. The allegations made here by Mr. Krishnan cannot at all be proved.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): For your information, I am not going to expunge anything.

SHRI V. GOPALSAMY. Mr. Vice-Chairman, Sir...

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Now, Shri Bagaitkar. You have two minutes, please.

श्री सदाशिव बगईत्तकर (महाराष्ट्र) :
श्री मंत्री, मैं इसका जो पत्र निवेदन है कि
(Interruptions)

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): We have allegations galore in this House. Don't worry about it.

श्री सदाशिव बगईत्तकर : माननीय मंत्री
जो अटैचमेंट लाये हैं अगर उसको जड़
में डब बायें

उत्तर सभाध्यक्ष (श्री अरविन्द गणेश कल्कर्णी) : बहनों बलिये । ऐसा न हो कि दो घंटे तक बैठना पड़े ।

श्री सदाशिव बगईत्तकर : दलामल
टैक्स में जो रेड हुआ था इनकम
टेक्स विभाग द्वारा और जिसमें इलेक्ट्रिक
टयूब कंपनियों के लिए फ्लैट खरोदा था,
65 लाख रुपये का उसमें से 35 लाख
रुपये जो दिये गये वे लोगों तरफ
से दिये गये लेकिन 31 लाख रुपये
वह अलग तरफ से, अंडर टेबल दिये
गये तब से यह मामला चला आ रहा है
मेरी यह जानकारी है कि इनकम टेक्स
डिपार्टमेंट द्वारा जिस तरह से रेड किये
जाते हैं और बाद में उसका जो घटा-
क्रम रहता है, उसको अखबार में पढ़ने
के तबिय और आगे क्या होता है इसका
पता नहीं चलता है । जो आर्टिकल सभने
आये हैं, अटैचमेंट बगैरहक उससे
संबंधित होता है कि इनके कर्ज
होता रहा है । इसलिये आप इसको
अनल तरफ से अमल में लाने का
अभ्यन्तर यहाँ पर दें, इसका हमें पता
कहना है ।

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): The question is:

"That the Bill be returned." *The*
motion was adopted.

**THE BURMAH OIL COMJKAIY
(ACQUISITION OF SHARES OF OIL
INDIA LIMITED AND OF THE
UNDERTAKINGS IN INDIA OF
ASSAM OIL COMPANY LIMITED
AND THE BURMAH OIL COMPANY
(INDIA TADING) LIMITED) BILL,
1981**

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): We shall now take up the next Bill of Shri Sethi.

SHRI V. GOPALSAMY (Tamil Nadu). What about the Special Mentions?

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): That will be taken up after this Bill. Yes, Mr. Minister.

SHRI V. GOPALSAMY. Sir, we were told that the special mentions will be taken up after the Income-tax Bill is passed.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): We will take up the special mentions after this Bill is passed.

SHRI P. GOPALSAMY: Earlier we were informed that the special mentions will be taken after the Income-tax Bill.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): I am pressed for time. At 6 o'clock we have got the half-an-hour discussion. I will call you. You just wait.

SHRI V. GOPALSAMY: Sir, we were informed by the Deputy Chairman that after the Income-tax Bill is over special mentions will be raised. "What happened to that?"

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): I am sorry, Mr. Gopalsamy.

SHRI V. GOPALSAMY. Sir, I seek your indulgence. We were informed by the Deputy Chairman that after the Income-tax Bill the special mentions will be taken up.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): I am aware of that. I have already called the Minister and he is on his legs. Yes, Mr. Minister.

THE MINISTER OF PETROLEUM, CHEMICALS AND FERTILISERS (P. C. SETHI): Sir, I beg to move:

"That the Bill to provide in the public interest for the acquisition of the shares of Oil India Limited held by "The Burmah Oil Company Limited" and for the acquisition and transfer of the right title and interest of the Assam Oil Company

Limited and "The Burmah Oil Company (India Trading) Limited" in relation to their undertakings in India and thereby to secure that the ownership and control of crude oil and gas produced by Oil India Limited, and of crude oil, gas and petroleum products produced by the undertakings in India of the Assam Oil Company Limited and of petroleum products marketed and distributed by the said undertakings and the undertakings in India "The Burmah Oil Company (India Trading) Limited" are so distributed as best to subserve the common good, as passed by the Lok Sabha, be taken into consideration.

the question was proposed.

SHRI DINESH GOSWAMI (Assam); Sir, I will not take much time of the hon. Minister. I welcome the Bill. I have got only one question to ask the hon. Minister because the time is very short, and the question relates to the oil fields in upper Assam. I have been told that in Upper Assam, according to geologists, the optimum exploration was to be only to the extent of 2.8 million tonnes. But, at the present moment, a number of oil wells are being explored above the optimum and they are now exploring 3.05 million tonnes. I have before me a list of a large number of oil wells, for example, NSD 173, where the optimum potential was 120. But now the production is 220 and 303. I have got a list of 20 to 25 oil wells. I would like to know from the hon. Minister whether it is a fact that oil wells are being explored above the optimum potential fixed up by the Geological Survey with tremendous detrimental effect to the entire oil potentialities of the region, and, if so, will the Minister give me an assurance that the potential as fixed by the Geological Survey of India will be adhered to? Sir, I am not taking any further time of the House.

SHRI BISWA GOSWAMI (Assam); Mr. Vice-Chairman, Sir, I generally

[Shri Biswa Goswami] support this Bill but I cannot help expressing my reservation on certain aspects of the Bill.

Sir, this nationalisation of these two companies should have come much earlier.

[The Vice-Chairman (Shri Dinesh Goswami) in the Chair]

Sir, the *Burmah Oil Company* and subsequently its subsidiary the *Assam Oil Company* have exploited the country. They have appropriated hundreds of crores of rupees. In the past in 1958 and 1959 when promotion agreement and supplemental agreements were signed, these agreements went very much in favour of the foreign companies. And these agreements went against the interests of the country. Sir, in spite of that the Government has thought it proper to agree to pay compensation of Rs. 21.56 crores to the company. Sir, this company has already exploited the country to a great extent and hundreds of crores of rupees have been exploited and again today when this nationalisation has come after a long time this Government has agreed to pay such a big amount of compensation. And the company may remit the entire amount to U.K. in pound sterling. It has further been decided that if the payment is not made on or before 15th of October 1981, it will carry a simple interest, free from taxes, at the rate of 8 per cent per annum. This is an abject surrender to the foreign company in the matter of payment of compensation. Then, Sir, the Government has also agreed to pay all the borrowings and meet all other liabilities, including taxes, which the company has to pay and which the company had incurred before acquisition. We do not know what amount of borrowings are there and the exact amount of the liabilities. Actually, the Government will have to pay a much higher amount in various ways to the foreign com-

pany and the hon. Minister has tried to mislead the House by not mentioning the actual amount that is going to be paid to the foreign company.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): May I request you to come to the point because it shall finish before six? otherwise, it will go to the next session, which will be detrimental to the interest of the nation?

SHRI BISWA GOSWAMI: How many minutes have I got?

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): You finish within 5.45.

SHRI BISWA GOSWAMI: Sir, the value of the assets and the total turnover of the *Burmah Oil Company* in India is Rs. 19.28 lakhs and Rs. 95.65 lakhs respectively as on 31-3-1978, and in the case of *Assam Oil Company Limited*, it is Rs. 18.36 crores and Rs. 90.21 crores, respectively, as on 31-3-1978. The *Assam Oil Company* started its business with an humble investment and succeeded in earning fantastic amount of profit in India. Therefore, the Government should not have agreed to pay such a huge amount as compensation in the name of nationalisation. Sir, there is immense scope for expansion of the refining capacity in Assam. It is well-known that in Assam, new crude has been found and it has also been found in some other parts of the north-eastern region. Therefore, there is justification for setting up another refinery in that area. And the existing refining capacity of the Digboi refinery and the refining capacity of other refineries

also should be expanded for proper utilisation of the oil resources in that area. Moreover, besides the extra crude that has already been discovered, there is also the possibility of further discovery of oil in that area. I hope that the Government will consider the demand favourably for setting up another refinery near the oil fields in Assam in view of the extra crude

that is found in that area.

Then, Sir, according to the Government reply to a question put by me it has been said that about 1 lakh of standard cubic metre of natural gas is being flared up daily in Assam. It is a huge national loss and I may tell you that this is the position only in case of Oil India. The amount of natural gas being flared by the ONGC daily has not been mentioned. As far as my information goes, ONGC is also daily flaring lakhs of standard cubic metres of natural gas. In the name of effluent evaporation this natural gas is being flared up. Along with crude oil, some salty water also come. There is no scheme with the Government to separate this salty water from the crude oil. That is why, they burn the natural gas, they flare the natural gas for evaporating the salty water and they call it effluent evaporation. This national waste should be stopped and the Government should see that there is expansion in the refining capacity in that area and they should set up a new refinery near the oil field.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI). Mr. Ram Lakhan Prasad Gupta. I hope, you will conclude within two-three minutes.

SHRI RAM LAKHAN PRASAD GUPTA (Bihar). I will take only two or three minutes.

उपसभाध्यक्ष महोदय, मैं इस बिल का भी समर्थन करता हूँ और यह खुश की बात है कि यद्यपि अनेक वर्षों की आजादी के बाद यह जो बर्मा आइल कंपनी और आसाम आइल कंपनी इन दोनों का सरकारोकरण हो गया है, फिर भी मैं मंत्री महोदय से यह जानना चाहूंगा कि पहले 9 करोड़ रु० आफर किया गया था गवर्नमेंट की तरफ से और अब वह 21.56 करोड़ रु० तक हुआ है, यह बहुत ही ज्यादा अमाउंट उस हिसाब से मालूम पड़ता है इसका आखिर जस्टिफिकेशन क्या है?

बाकी, इस के साथ यह भी है कि यह कंपनी तो टेक ओवर हो गई है परंतु जहां बहुत ज्यादा पेट्रोल पम्प लोगों को दिया हुआ है, एक एक फेमिली को कहीं कहीं आठ-दस भी, मुना है दिया है। मैं चाहूंगा मंत्री महोदय से कि जब बंबारी इतनी बढ़ रही है तो किसी एक पॉयंट पर एक से ज्यादा पेट्रोल पम्प नहीं रहना चाहिये चाहे वह किसी कंपनी का हो क्योंकि समूची आइल इंडस्ट्री अब सरकार के हाथ में है। इसलिये जो अभी टेक ओवर हुआ है, कम से कम उन लोगों का कंसिल करके दूसरों को दिया जाये।

उसके साथ बर्कस जो लिये गये हैं, यह बात सही है कि ब्रिटिश कन्सर्न में ये सब थे और इसके कारण बर्कस की सैलरी अच्छी रही। मैं चाहता हूँ उनके सैरी पर किसी तरह का धक्का नहीं पहुंचाया जाए। आज की मंहगाई को देखते हुए यह जरूरी हो जाता है क्योंकि आज की हालत में वह उतना ज्यादा नहीं है इसलिये सैलरी और सर्विस कंडिशन वी रहने देना चाहिये और उनको अकमोडेट करना चाहिये। इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

श्री लाडली मोहन निगम : (मध्य प्रदेश) : उपसभाध्यक्ष महोदय, मुझे दो-तीन बातें कहनी हैं यह बिल लाये, स्वागत है, लेकिन मुझे लगता है कि आधे मन से आप लाये। अभी भी विदेशियों का मोह बरकरार है वरना इसको धाराओं को पढ़ने के जवाब इसको जो सारजी लेनदारियां हो दोखतो है। आपको बता देना चाहिये था कि देनदारिया क्या हैं? हमारी घर्तों पर हमेशा तेल कंपनियों वाले विदेशी मुद्रा कमाते जाते रहे हैं लेकिन हारत होती है आजादी के बाद इन तेल कंपनियों ने देश की जितनी विदेशी मुद्रा अंग्रेजों के जमाने में ले जाने का काम किया उससे ज्यादा

ले जाते रहे, उन न कोई चक्र नहीं चलाया तो जो मुद्रावजा आप दे रहे हैं उन के बारे में आपने खुद ही कहा कि मुद्रा का संकट है हमारे सामने। तो अच्छा होता कि इस बात जो देनदारों आपने तब को है उसको जरा लम्बा सी डेड सी वर्ष की छिपत में बांट देते अगर सी डेड सी वर्ष लाभ लिया है तो उतना पैसा भी सी डेड सी वर्ष में देंगे

दूसरी चीज, जितनी कंपनियों का सरकारीकरण आप कर चुके हैं और अब जो करने जा रहे हैं, उन चारों कंपनियों के अलग अलग इन्वेन्चरिया या बिहूत बना कर बर्कस जो रहेंगे, तो क्या हम ऐसा नहीं कर सकते कि सारे तेल उद्योग को एक छत्ते के नीचे लाकर रखें तो उनका एक जैसा फायदा सब को होगा और आपका स्टॉक के ऊपर जो एक बहुत बड़ा खर्चा हो जाता है, क्योंकि हर कंपनी का अपना लम्बा स्टॉक हुषा करता है, लम्बी फीत होती है उन में भी कमी होगी। आप की सुविधा के लिए यह भी हो सकता है कि क्षेत्रीय कार्यालय अलग-अलग बनाईए। बहुत अच्छा है कोई भी विदेशी कम्पनी अब इस देश में नहीं रहेंगी। अब भारतीय ही तेल होगा। भारतीय तेल की इक्जार्च कम्पनी बनाइये, तब आप की मंशा पूरी हो सकती है।

अखिर में मुझे एक बात कहनी है कि जो गैस बर्गहूरा का इस में बैस्टेज हो रहा है उसका भी तत्काल कोई इन्तजाम ऐसा करना चाहिए ताकि उसका उपयोग उपभोक्ताओं तक पहुंचे और अभी जो राष्ट्रीय क्षति मानी जा रही है, जो हमारी गैस जलती चली जाती है, जिस का इस्तेमाल नहीं हो रहा है उसका भी कुछ करिये जिस से देश की इस दोलत का उपयोग हो।

जब इक्जार्च कम्पनी बना देंगे तब आप ने जो लक्ष्य निर्धारित किया है गैस कनेक्शन बर्गहूरा देने का उस में भी सहूलियत होगी। इस बात में बहुत विनम्रता से निवेदन करूंगा कि सारा तेल उद्योग एक उद्योग की तरह से इक्जार्च बनाइये। दूसरे कम्पनियों के प्रति सरकार की जो देनदारियां हैं उन की भी लम्बान सी-डेड सी वर्ष की फर दीजिये। अगर उन्होंने सी-सी वर्षों के पट्टे पर हमारी जमीनें ले रखी थीं तो उन की देनदारियां भी लम्बी कर दीजिये।

SHRI AJIT KUMAR SHARMA (Assam): Sir, I would like to point out two or three basic points relating to this Bill. I welcome the Bill. My only regret is that the Bill has come too late in our national life. Right after independence we in Assam had been demanding nationalisation of the Oil India Company. Since 1955 we have been struggling and agitating for nationalisation of this Company as well as the Oil India Limited as a whole. Now, Sir, in this context, while welcoming the Bill I would like the Petroleum Minister to consider one point. As far as the natural resources like oil are concerned, these are the resources of depleting nature and the region of the State which possesses that valuable resource must not be allowed to suffer, The State should not be deprived of the reserves of such a natural wealth. For instance, Assam is rich in the natural resources, but the State continues to be poor. In the British days the foreign capitalists exploited it and now the economic policy that has been adopted by the Central Government; is such that deprivation of the State is being continued. In this respect, I would like the Minister of Petroleum to consider whether he can make both the Central Government and the State Government equal participants, equal owners of this nationalised industry. In this way not only will the nation's interest be served but the interest of the people of the State

will also be served. There should be a share capital between the Central Government and the State Government as far as oil industries are concerned.

There is one more important point, i You are paying Rs. 21 crores to the owners of the Burmah Oil Company, but thousands of families were evicted when you started the oil industry. Whether you started oil exploration or you establishes a refinery, these poor people of villages have suffered. There is no provision for any help to them. Their children are suffering. Even small jobs are not available to them. In this case, here your Company will not only be exploring oil, but it will also be producing oil, distributing oil, marketing oil. and there will be many other activities undertaken by the Company. Therefore. I would like to have an assurance from you that after you have nationalised this industry you will give full benefit in all sectors of the industry to the local people, so that they may not grumble in future and they may also get a share of the benefit. I would also want an assurance from the Minister on two other points. One is, whether you are going to take measures for expanding the Gauhati Refinery and when you are going to convert it into a real refinery instead of the 'toy' refinery, which it is now. This 'toy' refinery has to be converted into a real refinery and please tell us when you are going to do that.

Secondly, when are you taking steps to start a full-fledged petrochemical complex at New Bongai-gaon? "When are you going to fulfil this in the interests of the people of the State and organise it accordingly?

On these two points, I seek an assurance from you. About the compensation, I have moved amendments and I will just speak a few words at that time. I am against compensation to the Burmah Oil.

SHRI P.C. SETHI; I am thankful to the hon. Members who have, by

and large, all of them, welcomed this take-over measure.

Sir, this is a process which started in 1974 when we started taking over the Caltex and other companies. Since then the question of taking over Assam Oil Company and Oil India were pending decision and there were disputes. On account of these disputes, this could not be concluded. However, we wanted to take over both these companies. We wanted all the companies in India to come under the public sector and to belong to the Government. Therefore, transfer of these companies to the public sector has been made effective from a retrospective date of 1977.

Now as far as these companies are concerned, in the Bill, of course, it was not possible to give the details but I have got the details of compensation which has been given to these companies. The compensation which has been given to the Oil India is Rs. 21.56 crores, which also includes compensation for Assam Oil. As far as this figure of Rs. 21.56 crores is concerned, it has been arrived at after long negotiations by the authorities and a committee consisting of officers. Then it was referred, to a Sub-Committee of the cabinet Ministers and thereafter this was decided. The break-up of the compensation is just like this:

(Rs. in crores)

Face value of shares held by

BOC 1400

Share premium 1-51

Simple interest at 8 per cent
per annum from 1-1-77 . . . 5-
59

Capitalised value of unexpired technical
services under clause 20 of Promotion
Agreement . . . 0 36

Therefore, this comes to Rs. 21.46 crores. There is hardly any liability of this company. There was the other company where there were liabilities. i.e. the Assam Oil Company. In that contingent excise liability is Rs.

3.20 crores, Income Tax is Rs. 1.14 crores and Sales Tax Rs. 0.58 crores. So the total liability was Rs. 192 crores. But after going into the accounts, we came to the position that at least with respect to the item j of C and F Adjustment Account of Rs. 133 lakhs, AOC has a good case for a sum of Rs. 53 lakhs (net of taxes). Taking this amount into consideration, the net worth would increase to Rs. 58 lakhs (i.e. Rs. 5 lakhs plus Rs. 53 lakhs). However, the final decision with regard to the compensation for Assam Oil Company has been only Rs. 10 lakhs.

A question was raised whether we are paying the sterling. As a matter of fact, we are going to make the payment not in sterling but in rupees. But according to the position of the companies, these being foreign companies they are entitled to convert these rupees into sterling.

Now, another question is, why we have not paid these companies on a long-term basis. Actually, this is a retrospective takeover and, therefore, it is not possible to give this amount in stages and, therefore, we thought that it would be better to do away with these things at one stroke of time.

As far as the employees are concerned, till a negotiated arrangement with them is arrived at, the present salaries shall continue and the officers and the workmen who are working there will also continue.

As far as expansion of the existing refineries—what you had mentioned Sir,—and flogging of the oil wells are concerned, I can assure the House that we would see to it and, even now, great care is being taken to see that no flogging is done and no over-exploitation of the wells is done so that the oil wells in Assam are not depleted. As a matter of fact, we are happy that some more fields are found there, where oil is likely to be commercially possible. Therefore,

We shall try to recover only that much of oil from these wells which would give them the maximum possible life.

SHRI SADASHIV BAGAITKAR (Maharashtra): Half-an-Hour discussion.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Mr. Minister, how long will you take?

SHRI P. C. SETHI. Two minutes.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): He is finishing in two minutes.

SHRI JETAM LAKHAN PRASAD GUPTA: What about distribution of petrol pumps?

SHRI P. C. SETHI: I am coming to that, Mr. Gupta. With regard to the existing contracts which have been given to various parties, if they are in the same family we should certainly make an inquiry. But we will also have to take into consideration the legal opinion whether by cancelling those contracts we shall not enter into some legal complications. However, in the future allotment of agencies that will be taken care of definitely and, about the past, we shall certainly go into it.

Therefore, Sir, there is nothing much on my behalf to say. I would only request that this Bill be passed.

SHRI AJIT KUMAR SHARMA: About the share between the State Government and the Central Government and also a few other points, would you kindly answer?

SHRI P. C. SETHI: Sir,... (*Interruptions*).

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh): Rules do not permit.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): At six O'clock we are to take up the Half-an-Hour discussion, but I would seek the indulgence of the House for another five minutes—with your consent Mr. Shahi, to deviate from the rule. We shall finish in five minutes. (Interruptions) At 6.05 we shall take up the Half-an-Hour discussion.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE (Maharashtra): The hon. Member should be a little more indulgent.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): He is—always.

SHRI V. GOPALSAMY: What about Special Mentions, Sir?

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Not now.

SHRI AJIT KUMAR SHARMA: About my points I want an answer.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): I would request the hon. Minister to clarify that point personally to him because the time is short. (Interruptions). I have requested the hon. Minister to clarify that point to you by writing to you. I think that should satisfy you. Now, the question is:

"That the Bill to provide in the public interest for the acquisition of the shares of Oil India Limited held by "The Burmah Oil Company Limited" and for the acquisition and transfer of the right, title and interest of the Assam Oil Company Limited and "The Burmah Oil Company (India Trading) Limited" in relation to their undertakings in India and thereby to secure that the ownership and control of crude oil, and gas produced by Oil India Limited, and of crude oil, gas and petroleum products produced by the undertakings in India of the Assam Oil Company Limited and of petroleum products marketed and distributed by the said undertakings and the undertakings

in India "The Burmah Oil Company (India Trading) Limited" are so distributed as best to subserve the common good, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Now we shall take up clause-by-clause consideration of the Bill. Clause 2. There are four amendments by Shri Ajit Kumar Sharma.

Clause 2—Definitions

SHRI AJIT KUMAR SHARMA: Sir, I beg to move:

1. "That at page 3, line 13, for the words 'the Central Government' the words 'the President of India' be substituted."

2. "That at page 3, line 14, for the words 'the Central Government' the words 'the President of India' be substituted."

3. "That at page 3, line 19, for the words 'the Central Government' the words 'the President of India' be substituted."

4. "That at page 3, line 21, for the words 'the Central Government' the words 'the President of India who shall assign the same to the State of Assam' be substituted."

The questions were put and the motions were negatived.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): The question is:

"That clause 2 stand part of the Bill." ■ *The motion was adopted.*

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.
(Interruptions).

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): The Government took a lot of time in nationalising these companies. Let the House show that we can pass this Bill as early as possible.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): We shall now take up clause 5. There is an amendment by Mr. Ajit Kumar Sharma.

Clause 5—Transfer and vesting in the Central Government of the undertakings in India of the two companies.

SHRI AJIT KUMAR SHARMA: Sir, I beg to move:

5. "That at page 3, line 34, for the words 'the Central Government' the words 'the President of India' be substituted."

The question was put and the motion was negatived.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 9 were added to the Bill.

Clause 10—Payment of amount to Burmah Oil Company.

SHRI AJIT KUMAR SHARMA: (Assam): Sir, I move:

6. "That at page 6 line 40, for the words 'the Central Government' the words 'the President of India' be substituted."

7. "That at page 6, line 45, for the words 'rupees twenty one crores and fifty-six lakhs' the words 'rupees twenty one thousand and six hundred' be substituted."

The question was put and the motions were negatived.

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

8. "That at page 5, line 45, for the words 'twenty-one crores and fifty-six lakhs' the words 'twenty-one and fifty six paise' be substituted."

9. "That at page 6, line 51, for the words 'eight per cent' the words 'one per cent' be substituted."

The questions were put and the motions were negatived.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11 to 22 were added to the Bill.

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

SHRI P. C. SETHI: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

Half-an-hour discussion on points arising out of the answer given in the Rajya Sabha on the 25th August, 1981, to Starred Question 122 regarding automatic release of Dearness Allowance instalments.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Now we take up the Half-An-Hour Discussion.

SHRI V. GOPALSWAMY (Tamil Nadu): Sir, I seek your indulgence and I request Mr. Shahi also to cooperate. We will take only two or three minutes.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Just a minute. The Chair will not impose itself. If the House unanimously decides.....

SHRI V. GOPALSAMY: Ynu have already conceded Ave minutes. I seek you inludgence. (Interruptions) Please, Mr. Sha.hi. (Interruptions) Mr. Dhabe, only two minutes. We would not take more than two minutes. . .

THE VICE-CHAIRMAN (SHRI DINESH GASWAMI): I do not want ,ta set a. precedent that the Half-An-Hour Discussion ----- (In terruptions)' 'There are objections. I ' cannot help it. So the Half-An-Hour Discussion. Mr. Shahi.

श्री रामेश्वर सिंह (उत्तर प्रदेश) :
हमारे स्पेशल मेशन का क्या होगा इस पर आप अपनी व्यवस्था दे दें ।

THE VICE-CHAIRMAN (SHRT DINESH GOSWAMI): After the Half-An-Hour Discussion it' will be taken up.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, 25 अगस्त, 1981 को माननीय वित्त मंत्री जी ने मेरे प्रश्न के उत्तर में यह कहा कि सरकार सरकारी कर्मचारियों को इंडेक्स के आधार पर, महंगाई के सूचकांक के आधार पर महंगाई भत्ता देने के लिये बाध्य नहीं है। उस समय दो महंगाई भत्ते ड्यू थे और अब तीन महंगाई भत्ते ड्यू हैं। माननीय मंत्री जी ने यह प्ली लिया कि गवर्नमेंट का गवर्नमेंट इम्पलाइज के साथ कोई एग्रीमेंट नहीं है, कोई कंट्रैक्टुअल एग्रीमेंट नहीं है, इस लिये हम सरकारी कर्मचारियों को महंगाई भत्ता देने के लिये बाध्य नहीं हैं। उस तरफ कुछ मजदूर नेता बंठे हुए हैं। श्रीमन्, क्या सरकार विरला और टाटा की तरह बात करेगी। क्या सरकार इस तरह का उदाहरण प्रस्तुत करेगी कि वह अपने कर्मचारियों को महंगाई

भत्ता देने के बारे में, चाहे महंगाई भत्ता कितना भी ऊपर चले जाये, वह किसी भी तरह से बंधी नहीं है? क्या वह अपनी मारल बाइडिंग भी नहीं समझती है, नैतिक बाध्यता भी नहीं समझती है कि अपने कर्मचारियों को महंगाई भत्ता दे? श्रीमन्, आज आम मसला यह है कि महंगाई जिस तेजी से बढ़ रही है उसमें सरकार के सभी एलोकेशन्स नाकामयाब साबित हो रहे हैं।

[उपसभाध्यक्ष (डा० रफ़ क उकरेंधा)
पीठासीन हुए]

यह सरकार महंगाई को रोकने में अपने को असफल पा रही है। उस हालत में यह कहना कि सरकार महंगाई भत्ता देने के लिये बाध्य नहीं है, यह नैतिक दृष्टि से गम्भीरतम अनैतिकता का कार्य है। उसके साथ-साथ मैं यह भी मानता हूँ कि यह सरकार का कंट्रेक्टुअल आब्लीगेशन भी है। राज्य मंत्री जी इस बात को जानते हैं कि सरकार बदलती है, मगर सरकार के एलान और सरकार के जो फैसले होते हैं वे नहीं बदलते हैं। ऐसी स्थिति में क्या यह बात सही नहीं है कि सन् 1978 में सरकार ने नेशनल कोर्रिडल, जे० सी० एम० के साथ यह एग्रीमेंट नहीं किया था कि हम सूचकांक के आधार पर महंगाई भत्ता देंगे और बढ़ायेगे और उसी एग्रीमेंट की वजह से आरबिट्रेशन के सामने जो डी० ए० का मसला था वह वापिस लिया गया था? क्या सरकार ने सदन में और सदन के बाहर यह एलान नहीं किया था कि वह सूचकांक के आधार पर महंगाई भत्ता देगी? अगर यह एग्रीमेंट नहीं है तो क्या सरकार और सरकार के कर्मचारियों के बीच में उस तरह का एग्रीमेंट होगा जैसा मिल-मालिकों और मजदूरों के बीच में होता है? मैं राज्य वित्त मंत्री जी से यह जानना चाहता हूँ कि वे अपने सरकारी कर्मचारियों को

[श्री नागेश्वर प्रसाद शाही]

क्या बनाना चाहते हैं ? कीमतें बेतहाशा बढ़ रही हैं और जो वेतन सरकारी कर्मचारियों को मिलता है उसका मूल्य घटता जा रहा है। कीमतें बढ़ती जा रही हैं और वेतनों का मूल्य घटता जा रहा है। आप जानते हैं कि रुपये की कीमत 22 पैसे तक पहुँच गई है। ऐसी हालत में क्या सरकार अपने कर्मचारियों को महंगाई भत्ता देने के लिये बाध्य नहीं है ? चूँकि इस महंगाई भत्ते से सरकार के ऊपर 62 करोड़ रुपये का बोझ पड़ता है, इस लिये सरकार महंगाई भत्ता नहीं देगी। इस प्रकार से क्या सरकार अपने कर्मचारियों को अष्टाचार की ओर बढ़ने के लिये प्रोत्साहित नहीं करती है ? जो आदमी अपने वेतन से अपने महीने भर का खर्च नहीं चला पायेगा तो क्या वह दूसरे तरीके नहीं अपनायेगा ? श्रीमन्, मेरा सीधा-सा सवाल है। अगर आप इतने ही पैसे देंगे जिनसे 20 दिनों का भी खर्च नहीं चल सके तो बाकी 10 दिनों में क्या खे फाका मस्ती करेंगे ?

लाजिमी है कि आप उसको मजबूर करते हैं कि वह करेण्ट बने और करेण्ट तरीके अख्तियार करें। श्रीमन्, कल की बात है। पार्लियामेंट का स्टाफ भी सरकारी कर्मचारियों के स्तर पर वेतन पाता है। कल लोक सभा 4.30 बजे तक चलती रही... (व्यवधान) ... यह हाउस भी चलेगा और चला है। बाहर जब देखा तो सैकड़ों पुलिस वाले पूछ रहे थे कि हाउस कब उठेगा। हम 10 बजे निकले थे वे पूछ रहे थे कि हाउस उठेगा या नहीं उठेगा। आप उन से रात भर काम लेते हैं। आप यहाँ के जो सदस्य हैं उनको डिनर खिला देते हैं, पेकेट-फूड भी देते हैं लेकिन इन कर्मचारियों के साथ क्या होता है ? आपने कभी इस बात पर सोचा है। श्रीमन्, मैं मानता हूँ कि

instalments

सरकार अपने ऐलान ही के अनुसार सरकारी कर्मचारियों को महंगाई भत्ता सूचकांक के आधार पर देने के लिये बाध्य है। आप इसको आज यह कहे कि यह लीगल आब्लीगेशन नहीं है यह दूसरी बात है। मगर इसमें लीगल आब्लीगेशन भी है क्योंकि आपने 1978 में यह ऐलान किया था कि उस आधार पर देंगे और कौशिल ने आपकी बात को स्वीकार करके आर्बिट्रेशन के सामने से इस मामले को हटा दिया। इस लिये मंत्री जी, मेरा आपसे सीधा सवाल है कि क्या यह सही नहीं है कि 1978 में उस समय की सरकार ने इस तरह का एग्जीमेंट कर्मचारियों की नेशनल कॉन्सिल के साथ किया था और अब किस आधार पर आप कहते हैं कि हम कर्मचारियों को महंगाई भत्ता देने के लिये बाध्य नहीं हैं ? आप दोनों ओर कैसे चल सकते हैं ? या तो आप महंगाई रोकिये या आप महंगाई भत्ता दीजिये। श्रीमन्, मैं सदन का ज्यादा समय नहीं लूंगा। मेरा सीधा सवाल मंत्री जी से है और बातों पर हमारे दूसरे सदस्य माननीय वागाईतकर जी ; श्री डावे जी पूछेंगे। मेरा सीधा सवाल है कि 1978 में आपने कर्मचारियों की राष्ट्रीय कॉन्सिल के साथ इस तरह का वायदा किया था या नहीं किया था और अब वायदा करने के बाद आप इस तरह का अनैतिक कार्य क्यों कर रहे हैं ? धन्यवाद।

वित्त मंत्रालय में राज्य मंत्री (श्री सवाई सिंह सिसोदिया) : श्रीमान, माननीय शाही साहब ने बहुत जोर से अपनी बात रखी और यह बतलाने की कोशिश की कि शायद केन्द्रीय शासन के कर्मचारियों के एकमात्र प्रवक्ता, समर्थक और शुभ-चिन्तक वही हैं। मैं बहुत आदर के साथ उनसे निवेदन करना चाहता हूँ कि...

श्री नागेश्वर प्रसाद शाही : मैं श्री वेंकटरामन को मानता हूँ ।

श्री सवाई सिंह सिसोदिया : मैं बहुत आदर के साथ उनको कहना चाहता हूँ कि वर्तमान सरकार केन्द्रीय कर्मचारियों के प्रति सम्पूर्ण सहानुभूति रखती है और सहानुभूति के साथ साथ उनकी समस्याओं के बारे में भी सजग है ?

श्री नागेश्वर प्रसाद शाही : उनको सहानुभूति नहीं चाहिए, उनको मंहगाई भत्ता चाहिए ।

श्री सवाई सिंह सिसोदिया : आप सुनिये । आप संबंधित बातें भी कहते रहें पर मैं कुछ नहीं बोला । मैं आपको हर एक बात का उत्तर दूंगा और मुझे यकीन है कि आप संतुष्ट होंगे ।

श्री नागेश्वर प्रसाद शाही : धन्यवाद ।

श्री सवाई सिंह सिसोदिया : श्रीमन, मैं यह निवेदन कर रहा हूँ कि सरकार उनके साथ सम्पूर्ण सहानुभूति रखती है और वह इस बात को लिये प्रयत्नशील है और सदैव इस ओर प्रयत्नशील रहो है कि उनकी समस्याओं का समाधान शासन की अपनी जो शक्तें हैं उसके मताधिक उनकी तकलीफों को दूर करने की कोशिश की जाय । माननीय शाही साहब ने जो प्रश्न उठाये हैं उनका मैं उत्तर दूँ, उसके पहले मैं इस संदर्भ में इसकी पृष्ठभूमि माननीय सदन में रखना चाहूंगा, उनके प्रश्नों के उत्तर में जो बात मैं सामने रखूंगा आपको माननीय सदस्यों को ठीक तौर पर समझाने के संदर्भ में जरूरी है कि यह प्रश्न क्या है, इसका क्या आकार है और इसके सम्बन्ध में निर्णय लेने से हमारे देश की आर्थिक स्थिति पर, हमारे

बजट पर तथा जो दूसरी परिस्थितियाँ हैं, उनके ऊपर क्या प्रभाव पड़ता है, यह जानना जरूरी है । सबसे पहले मैं श्रीमन जोदार शब्दों में इस बात को कहना चाहता हूँ कि केन्द्रीय शासन के सामने मंहगाई भत्ता देने का प्रश्न आज पैदा नहीं हुआ है । 24 किशतें मंहगाई भत्ते की अतिरिक्त मंहगाई भत्ते को केन्द्रीय शासन की ओर से दी जा चुकी हैं और इन 24 किशतों के ऊपर जो वर्तमान बजट के ऊपर प्रभाव पड़ रहा है वह 1336 करोड़ रुपये है .. (व्यवधान) आप सुनिये । आपको चेयरमैन महोदय अनुमति दें तो आप 10 प्रश्न कीजिये लेकिन छुपा करके बोच में मत बोलिये ।

श्री नागेश्वर प्रसाद शाही : हम लोग सुन रहे हैं । ...

उपसभाध्यक्ष (डा० रफीक जकरीया) : जरा खामोशी से सुनिये ।

श्री सवाई सिंह सिसोदिया : मेरा फर्ज है कि मैं सही स्थिति सदन के सामने रखूँ । .. (व्यवधान) 1336 करोड़ का असर बजट के ऊपर है । 24 इंस्टालमेंट दिये हैं उसका असर 1336 करोड़ रुपये के रूप में बजट पर आया है और एक इंस्टालमेंट अतिरिक्त भत्ते का देने पर 62 करोड़ रुपये प्रति वर्ष खर्च होते हैं । एक इंस्टालमेंट पर 62 करोड़ रुपये होते हैं और उसके साथ साथ जो पेंशनर्स हैं उनके मंहगाई भत्ते का सवाल भी जुड़ा हुआ है, वह भी पांच करोड़ है तो 62 और 5 यानी 67 करोड़ रुपये का असर बजट पर पड़ता है अगर एक इंस्टालमेंट देने का निश्चय होता है । श्रीमन्, मैं इस बात को फिर दोहराते हुए कहना चाहता हूँ कि शासन पूरी सहानुभूति रखता है । शासन ने 24 इंस्टालमेंट

[श्री सवाई सिंह सिसोदिया]

दिये हैं जिन पर 1336 करोड़ रुपये खर्च हो रहा है। एक इंस्टालमेंट पर $62+5=67$ करोड़ खर्च हो रहा है। इन सब बातों को सामने रखते हुए और वर्तमान आर्थिक स्थिति में उसका बजट पर क्या प्रभाव पड़ेगा, उसका इम्प्लिकेशन पर क्या असर पड़ेगा इन सारी बातों पर विचार करके शासन निर्णय लेता है, यह कभी हमने नहीं कहा कि... (व्यवधान) यह कभी केन्द्रीय शासन को था से नहीं कहा गया कि हम मंहगाई भत्ता नहीं देना चाहते हैं। यह जो उन्होंने कहा कि शासन यह कहता है कि हम बाध्य नहीं हैं, वे उसका मतलब समझने की कोशिश करें। बाध्य का मतलब यह होता है कि आप कम्पेल कर सकते हैं, यह स्थिति नहीं है। शासन तो अपने आप सहानुभूति रख करके निर्णय ले रहा है। आप बाध्य होने की स्थिति अपने मन में क्यों उठाते हैं। क्या आप समझते हैं कि इस प्रकार यह जो शासन और कर्मचारियों का संबंध है इसमें बाध्य करने की कोई परिस्थिति भी सामने आ सकती है। बाध्य करने की कोई बात अनुकूल हो सकती है। लेकिन बाध्य करने के प्रश्नों को जब आप लोगल तरीके से उठाते हैं तो निश्चित रूप से शासन का उत्तर होगा कि बाध्य नहीं कर सकते। लेकिन शासन अपने कर्तव्यों को समझ कर और कर्मचारियों के लिए सहानुभूति उनके मन में है उसको सामने रखते हुए, निर्णय लेगा। लेकिन आप मजबूर नहीं कर सकते कि निर्णय आज लिया जाय। जो परिस्थिति शासन के सामने है उन सारी बातों पर कोई भी सक्षम और समझदार शासन, इस प्रकार के चलते निर्णय नहीं ले सकता है। उनके सामने तमाम देश की परिस्थिति है, केवल केन्द्रीय कर्मचारी इस देश में

नहीं रहते इस देश में 65 करोड़ आदमी रहते हैं। उन तमाम लोगों की सारी बातों को सोच करके सारे देश की आर्थिक स्थिति का सिंहावलोकन करके शासन निर्णय ले सकता है। इसलिए आपको इस बारे में केवल अपने आपको चिन्मयन साबित करने की कोशिश नहीं करनी चाहिए। शासन अपनी ओर से बिना आपके प्रेशर लाये हुए, बिना प्रश्न उठाये हुए बराबर निरन्तर इस पर विचार कर रहा है और उपयुक्त समय पर निर्णय लिया जायेगा। इसमें आपके मन में कोई शंका किसी किस्म की नहीं होनी चाहिए।

दूसरी बात मंहगाई भत्ते के बारे में इनका यह कहना कि शासन इसको टाल रहा है। मैंने जैसा निवेदन किया, मैं जानकारी के लिए सदन के सामने कुछ फैक्ट्स रखना चाहता हूं कि पिछले 1-12-80 को जो ड्यू हुआ उसके बाद यह अप्रैल में इंस्टालमेंट दिया गया। 1-2-81 को जो ड्यू था उसकी जानकारी आयी और जुलाई में इसका पेमेंट किया गया। मेरा निवेदन यह है कि इसके प्रोसेस में, जुलाई में आपको मंहगाई भत्ता शासकीय कर्मचारियों को मिला है। जुलाई के बाद महीना तो एक ही गया है, अगस्त का महीना...

एक माननीय सदस्य : कब का मिला है ?

श्री सवाई सिंह सिसोदिया : यह बार-बार पूछेंगे, तो इस प्रकार न तो आपको पूछने का अधिकार है और न मुझे बीच में बोलना चाहिए। मैं अपनी बात आपके सामने रखूंगा और आप संतुष्ट रहिए।

जुलाई में डियरनेस अलाउंस का पेमेंट हुआ है और उसके बाद एक महीना बीच में गया है। अग्री 1-4-1981;

1-6-1981 के दो इंस्टालमेंट ड्यू हुए हैं। डेटा आने के बाद निर्णय करने का एक प्रोसीजर है। उस प्रोसीजर को छोड़ कर शासन निर्णय नहीं ले सकता। उस प्रोसीजर के अनुकूल इसमें महोने, दो महोने का समय लगता है। निश्चित रूप से उस पर विचार किया जाएगा और फिर निर्णय लिया जाएगा।

श्री नागेश्वर प्रसाद शाही : मेरे सवाल का जवाब नहीं आया है।

उपसभाध्यक्ष (डा० रफीक जकरीया) : शाही साहब, देखिए, यह हाफ-एन आवर डिस्कशन है। इसमें अगर क्रास-एक्जामिनेशन भी शुरू हो जाएगा...

SHRI NAGESHWAR PRASAD SHAHI: No, no. आप सुन लें।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I am sorry to say, Mr. Shahi, that you will have to restrict yourself to this point.

SHRI NAGESHWAR PRASAD SHAHI: I am sorry, Mr. Vice-Chairman. My only question was whether the Government had entered into an agreement with the National Council of Employees in 1978.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): It is up to him to reply to whatever points he wants to reply and you can draw your own conclusions. I cannot compel the Minister to reply to all the points.

SHRI NAGESHWAR PRASAD SHAHI: Sir, I am requesting him and I am requesting him through you to reply to my point. विद्वान मंत्री जी इसी का जवाब दें।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): It is for the Minister.

श्री सवाई सिंह सिसोदिया : माननीय सदस्य ने शायद सुना नहीं। मैंने उनको

पहले ही निवेदन किया है कि गवर्नमेंट ने इन परिस्थितियों पर विचार करके चौबीस इंस्टालमेंट दिये हैं।

श्री नागेश्वर प्रसाद शाही : श्रीमन् ...

श्री सवाई सिंह सिसोदिया : आप मेरी बात सुनिये। इतनी उत्सुकता क्या है? आप क्यों दिखा रहे हैं कि सारे संसार में आप ही केन्द्रीय कर्मचारियों के प्रतिनिधि हैं और आप ही उनके शुभचिन्तक हैं? इससे कोई लाभ नहीं होगा। परिस्थिति को समझने की कोशिश कीजिए।

मार्च, 1979 में एग्रीमेंट हुआ था कि किस प्रकार इनको भत्ता दिया जाए, किस रेट से दिया जाए, जे० सी० एम० और गवर्नमेंट ने इस प्रकार अपना निर्णय लिया है। यह कोई एग्रीमेंट—यह मतलब नहीं है कि यह कई बाइलैट्रल एग्रीमेंट है, या किसी पक्ष और दूसरे पक्ष के बीच में कोई समझौता हुआ है। यह परिस्थिति नहीं है। इसमें कई पक्ष और विपक्ष की बात नहीं है। स्वयं गवर्नमेंट ने उचित समझा और यह निर्णय लिया ...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): May I make a request to the Members who are participating in this? Please raise your points only and do not make speeches. Only make your points. After all, Half-an-hour Discussion is not a long-drawn-out discussion and you must also sympathise with the other Members who have sat yesterday up to 9-00 P.M. ...

SHRIMATI PURABI MUKHOPADHYAYA (West Bengal): Up to 9-30 P.M.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): ... or 9-30 or whatever it is. So, I would request the honourable Members to try to be brief as far as possible and only raise points.

THE MINISTER OF STATS IN THE MINISTRIES OF AGRICULTURE AND RURAL RECONSTRUCTION (SHRI R. V. SWAMI-NATHAN): Sir, may I point out one thing? This is a Half-an-hour Discussion and you cannot prolong it. After all, this is only a Half-an-hour Discussion and there is a very important Bill of mine and it is the Maritime Zones of India Bill and it is a non-controversial Bill and it has to be taken up.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Swami-nathan, I have made the appeal to the Members. But Half-an-hour Discussion does not mean that it can be or should be finished within half an hour and, at the same time, it cannot go on for hours together. We have to understand that Half-an-hour Discussion means that the discussion has to be of a limited nature.

SHRI R. V. SWAMINATHAN: How can it be, Sir? Half-an-hour Discussion means it must be finished within half-an-hour.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): That is all right. It is followed more in its breach than in its observance, unfortunately, and I would only request the Members participating in this to co-operate with the Chair and to try to make, whatever points they want to make, as briefly as possible and, if possible, to make all their points without making long speeches.

श्री शिव चन्द्र झा (बिहार) : मेरा प्वाइन्ट आफ़ आर्डर है . . . हाफ-एन-आवर हम लोग बराबर लेते हैं। सबकी उसकी प्रक्रिया है टाइमिंग के हिसाब से। मैंने भी नोटिस दिया है। आप जरा बता दें कि मेरा नाम कितना पीछे है? यदि मेरा नाम पहले है, तो फिर उस हिसाब से चलें।

मेरे प्वाइन्ट आर्डर हैं। दत्त बजे ही मैंने नोटिस दिया है और कल भी मैंने नोटिस दिया था।

उपसभाध्यक्ष (डा० रफीक जफरीया) : झा साहब, आपका नाम है ?

श्री शिव चन्द्र झा : नाम है, यह मैं नहीं कहता हूँ। लेकिन टाइमिंग का जो हाफ-एन-आवर है, हाफ-एन-आवर, तो आई० एम० एफ० बाने दो घंटे . . .

उपसभाध्यक्ष (डा० रफीक जफरीया) : देखिए, आप स्वामिन्नाथ झा जी का टाइम इतना खराब करते हैं . . . (व्यवधान) देखिए अगर आप जरा तसल्ली करते तो आपको पता चलता . . . (व्यवधान)

श्री शिव चन्द्र झा : आपको थाद है, शाही जी को कल आपने बुलवाया था . . . (व्यवधान) मैंने कहा था कि इनको बोलने दिया जाए।

उपसभाध्यक्ष (डा० रफीक जफरीया) : डा० शान्ति जी० पटेल के बाद आपका नाम है।

श्री शिव चन्द्र झा : आप हमें बोलने दीजिए। क्यों नहीं बोलने दे रहे हैं ?

उपसभाध्यक्ष (डा० रफीक जफरीया) : देखिए, आपने चूँकि प्वाइन्ट आफ़ आर्डर रोज़ किया है इसलिए मैं आपको, क्या रुक है, यह भी बतलाना चाहता हूँ। जो नोटिस देता है और जो हाफ एन आवर डिस्कशन रोज़ करता है उसके बाद यह स्लैस में साफ लिखा हुआ है कि—

"Any Member who has previously intimated to the Chairman, may be permitted to put a question for the purpose of further elucidating any matter of fact."

That's all. Just we permit to put a question.

श्री शिवचन्द्र झा वहीं तो, क्वेश्चन की बात मैं कह रहा हूँ . . . किस सीरियल नंबर में आप हमें बुला रहे हैं ? यही मेरा कहना है (व्यवधान)

उपसभाध्यक्ष (डा० रफीक जकरिया) : मेरे पास जो सीरियल नंबर दिया गया है उसमें आपका नाम डा० शांति पटेल के बाद है । इसलिए आप मेहरबानी करके बैठ जाइये । और आप कितना टाइम हाउस का लेते हैं हर वक्त, आपको इसका अंदाजा है

श्री शिव चन्द्र झा : आप बोलिए । मैं तो चला ।

DR. SHANTI G. PATEL (Maharashtra) : Mr. Vice-Chairman, Sir, I am surprised...

THE VICE-CHAIRMAN (UR. RAFIQ ZAKARIA): Thank you, Mr. Jha.

DR. SHANTI G. PATEL Mr. Vice-Chairman, Sir, I am surprised that a man of the eminence and calibre of Shri Venkataraman, Finance Minister, should have thought it proper to say the other day, on the 25th August 1981, that there is no contract, there is no agreement, there is no contractual agreement, to make this payment of additional dearness allowance in addition to what has been paid from time to time, when ever it becomes due. Sir, in this context, I say that there is an agreement and this agreement is borne out by the facts. On Aug use 30th, 1973, that is, soon after the recommendations of the Pay Commission were made public and the Report was submitted to the Government, the Government employees, on their own, raised the issue that the dearness allowance quantum needs to be revised, and discussions were started with the Government itself. There was a Committee. Was not there a Committee of five Cabinet Ministers?

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And, Sir, in this context, is it not a fact that Mr. Y. B. Chavan, the then Finance Minister, made a state-men i. in the Lok Sabha on the 30th August 1973, in which he stated:

"Since the receipt of the Kepoit, the representatives of Class HI and IV employees have been demanding that Government should take decisions on the recommendations of the Commission after discussions with the Staff side of the Joint Consultative Machinery."

Sir, my emphasis is on the Joint Consultative Machinery. Then:

"This request has been considered in the light of the provisions of the JCM Scheme. The interpretation of Clause 20 (ii) of the Scheme is that once any particular recommendation of the Commission is reopened or Government takes a decision even more favourable than the recommendations of the Commission, then such an issue would be referable to arbitration in the event of disagreement. The Staff side representatives, while taking note of this difficulty, have agreed that the staff side will not insist on arbitration if Government modifies certain recommendations in a manner more beneficial to the employees."

"Welcoming this positive response from the Staff side, Government has decided that such discussions should take place with the representatives of the staff side on the points raised by them in their 'first meeting with the Group of Ministers before Government takes a decision on the Report of the Pay Commission. The Government has also accepted their suggestion that four major issues relating to minimum wage, pay fixation formula, the dearness formula and the date giving effect to the recommendations relating to pay and pensions, should be discussed first _____ "

[Dr. Shanti G. Patel]

The conduct of the staff side was appreciated by the Minister. Is it not a fact that whatever is agreed upon in this Joint Consultative Machinery, which is a National Council where the two sides, i.e. the Government side and the staff side, are properly represented, is binding upon the Government, and, it has a contractual binding or force? In this context, I would also like to refer to the Gazette of India, dated the 1st November, 1973, which gives the decision or the resolution of the Ministry of Finance, i.e. of the Government, wherein the Government has decided to accept these recommendations. This is what is said on page 1473:

"Dearness Allowance should be paid to Central Government employees at the following rates, when the 12 monthly average of the All India Workers Consumer Price Index for industrial workers goes up by 8 points"

I will not read further. I would like to emphasise that the Dearness Allowance becomes payable as soon as it is due and this is a contractual obligation which is binding on the Government. This is the position which is there. May I, in this context, point out and ask whether the same matter was raised some time in 1979. That arose because during the period of "emergency", two instalments were withheld. Even there was some reduction in the rate of compensation, that is neutralisation. And the matter was again taken up at the level of the National Council of Joint Consultative Machinery. As I pointed out, if an agreement is not reached there, the matter goes to arbitration. (Interruptions)

SHRI SADASHIV BAGAITKAR (Maharashtra): Sir, the hon. Minister is impatient to move the Bill. That is not the way of doing things. I

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THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Bagaitkar, -please don't get so excited.

SHRI DHARMAVIR (Uttar Pradesh) : You are only provoking the employees. You have no sympathy for the employees.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Order please.

DR. SHANTI G. PATEL: I would be as brief as possible. This is a matter of contractual obligation and if I have to prove my point and raise a question, then it is necessary that I refer to the documents which go to prove that there is a contractual obligation. The Minister wants to get out of this contractual obligation. That is why I am referring to this document or only a part of the document which I consider to be very relevant. I was referring to the withholding of two instalments and reduction in the rate of neutralisation percentage. The matter was raised by the staff side. The matter was again discussed in the National Council of the Joint Consultative Machinery and letters were exchanged. You are an eminent lawyer and you yourself will find out from this that an offer was made by the - * Government and this offer was accepted by the other side. I do not want to go further into it but because there is a reference to it in another statement to which I am making a reference.

*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA) Please be brief. I do not want to disturb you because you don't speak very often and I know that whenever you speak, you speak with facts and figures. Therefore, I would request you that in Half-an-Hour Discussion, please try to be brief.

DR. SHANTI G. PATEL: I will conclude in a few minutes, (Interruptions)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): He does not speak very often. That is why I am giving him " the indulgence that is due to him.

DR. SHANTI G. PATEL: Sir, there is a statement made by the then Finance Minister, Mr. Charan Singh, on this issue of settlement which was reached in 1979. This statement was made in Lok Sabha on March 30, 1979, where it has been very clearly stated and I would only refer to the last sentence. "Briefly stated, the offer made by the Government and accepted by the staff side covers the following ____ " (ii) refers to this particular aspect of the dearness allowance, "payment in cash of the 6th and 7th instalments of additional dearness allowance at the higher rates of 4 per cent and 3 per cent with effect from 1-12-1978." The implication of this^{is} that this is binding for the future. "These higher rates will be adopted for future instalments of dearness allowance also." This makes a commitment for the future too. It was said that there is no contractual agreement and I will just read the concluding sentences of this particular statement where the Finance Minister himself said that there has been an agreement. He said,

"I have no doubt that all sections of the House will appreciate the spirit of goodwill and co-operation in which this agreement, this agreement of far-reaching significance has been reached with the staff side."

So, it is in the light of this agreement that we have been asking the Government to make this particular dearness allowance payment as early as possible.

Sir, three instalments have become due. Over three million people are covered, not merely the Government employees but hundreds of employees in the Union Territories and also the personnel in the Defence Department. So, it is a wide-ranging thing. The

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wages of these people have been eroded because of the high increases in prices. Doesn't the Minister think it fit to sanction this amount as per this contractual obligation immediately?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Shri Shiva Chandra Jha is not here; Shri Shaha-buddin is not here. Now, Shri Kalyanasundaram. You please be brief. You know I did not interrupt Dr. Shanti Patel because he rarely speaks in this House and this is a subject on which he is quite familiar. But I would request those of you who are senior Members to co-operate with the Chair and be brief.

SHRI M. KALYANASUNDARAM (Tamil Nadu): Sir, I shall be as brief as possible. But in view of the importance of the question, I shall request you to be a little considerate. Now, Dr. Patel has stated how there is a contractual obligation. But I want to make a correction. It looks as if the contractual obligation arises only out of the agreement made in 1979. This will weaken the case. That is not the case of the Central Government employees. The contractual obligation arises out of the settlement on the Third Pay Commission recommendation itself dating from 3rd October, 197-3. In your anxiety to show that this agreement was reached under the Janata Government, kindly do not weaken the case of the Central Government employees. That is what I appeal to my friend.

DR. SHANTI G. PATEL: I have quoted the Gazette of India of 3rd November, 1973 to substantiate the contract.

SHRI M. KALYANASUNDARAM: True. What was done during the emergency was undone by that agreement and it should be liberalised.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Don't enter into a controversy among yourselves.

SHRI M. KALYANASUNDRAM: I have got the orders with me. My point is that the contractual obligation is much longer than what Dr. Fate! says.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Why are you replying to Dr. Patel? You put your question to the Minister.

SHRI M. KALYANASUNDRAM: From the date when the report of the third pay commission was approved and accepted after detailed discussions between the staff side and the official side, it begins from that date. There is the JCM for the Central Government employees. The industrial Disputes Act does not apply to them. That is why they have given up that right and accepted the so-called joint consultative machinery. This is more valid more sacrosanct than the agreement reached under the Industrial Disputes Act because this is a voluntary agreement between the Government and the staff. To go back now and say that it is not valid, it is not contractual, it is not agreement, to put it mildly, I would say it is illegal and immoral. That is all that I want to say. (Time Bell rings) Now, Sir, _____

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Only one question you can ask. The rule is quite clear 'a question'.

SHRI M. KALYANASUNDRAM: On account of rise in prices and rise in the consumer price index more than three instalments have become due. One in February has been given after so much of agitation. Now one each has become due in April, June and July. The way the consumer price index is shooting up, I am afraid three or four more instalments may become due before Diwali. Now, what is the mystery that the JCM is not being called for the past nine months? Whenever a meeting is convened, it is getting postponed.

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THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You have made your point.

SHRI M. KALYANASUNDRAM: Sir, the Government wants to impound a portion of the DA, that is their motive; not only these three instalments which are currently due but for the future also, up to 1983, they want to impound a portion of the DA and for that they want the consent of the staff. No modification can be done without the consent of the JCM. So, it is a binding agreement; between the Government and 30 lakhs of employees, through the machinery called the JCM. Now, what I want to know is when these three > instalments which are already due are going to be paid, whether there is a proposal to impound a portion of the DA, and what is the reason for delaying the meeting and discussing it in the JCM? Will the Government pursue for the future also in impounding the DA? These are the four questions.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Yes, Mr. Dhabe.

DR. SHANTI G. PATEL: Sir, on a point of personal explanation. (Interruptions).

I have shown that the contract exists since 1973.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): No, no. There cannot be any personal explanation. (Interruptions).

SHRI SHRIDHAR WASUDEO, DHABE (Maharashtra): Sir, on the 25th August, 1981, when questions were asked on Starred Question No. 122, and Shri Salve asked why not this question be taken to the Pay Commission, which is overdue, a fourth Pay Commission be appointed, so that the revision of pay scale should take place as is done by the various State Governments, the reply given was, it is beyond the question, and further Mr. Venkatarama clarified at page 20 of the debate that so far as the industrial workers are concerned, there is an agreement bet-

ween the parties, and it is governed by that agreement. So far as the Government servants are concerned, there is no such automatic payment, this is what he stated. I do not want to go into the question of any agreement. I would only like to draw your attention to paragraph 543 of the Third Pay Commission's Report, wherein it is specifically stated "The supply of essential commodities to Central Government employees at subsidised rates is not a feasible proposition. A periodic revision of pay as compensation for rise in prices would also be surely a cumbersome process. Employees should, therefore, continue to be compensated for the increase in prices by grant of D.A." and the scheme is given thereafter. And then according to paragraph No. 547, in case of policy of restraint, it should not be confined to Government employees alone but should cover the entire organised sector. Therefore, Sir, as per recommendation 547, it is obvious. The Planning Minister made a statement here that even the State Governments have been asked not to pay dearness allowance to the employees. Therefore, in view of para 547, the Government wants in directly to bring about a policy of wage freeze and dearness allowance freeze by this method of delaying it. Secondly, I asked a question on 15th September, 1981 whether any meeting of the national Joint Consultative Machinery was called by the Central Government to consider the question of payment of dearness allowance. And the reply is so vague, where the Minister has said _____

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Don't go into the whole history; put your question. You are going into the whole history. I allowed Dr. Patel but you need not go into the whole history.

SHRI SHRIDHAR WASUDEO DHABE: I cannot put my question unless I refer to his reply in this House when he said that no meeting

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of the Joint Consultative Machinery is held, and informal discussions are taking place on merger of dearness allowance. And according to the last sentence of the reply, they do not want to pay dearness allowance because of sizable financial implications and that the matter has to be carefully considered. So, my question is whether they will call the meeting of the Joint Consultative Machinery within a month so that workers and the Government can discuss the matter and whether they will release the three instalments within a month so that they meet their contractual obligation as directed by the Pay Commission. The Minister's statement is totally wrong and incorrect.

उपसभाध्यक्ष (डा० रफीक जकरीया) :

श्री बागाईतकर ।

श्री सदाशिव बागाईतकर: श्रीमन् ...

उपसभाध्यक्ष (डा० रफीक जकरीया) :

मैं आपके साथ वह वर्ताव नहीं करूँगा जो शांति पटेल जी के साथ किया ।

श्री सदाशिव बागाईतकर : जैसा आपकी मर्जी वैसा करें। (व्यवधान)

उपसभाध्यक्ष (डा० रफीक जकरीया) :

आप सब तो न मालूम कितनी बार रोज बोलते हैं वह तो कभी-कभार ही बोलते हैं ।

श्री सदाशिव बागाईतकर : मंत्री जी से जो चीजें पूछी गई हैं वे मैं नहीं पूछता हूँ । मैं मंत्री जी को बताना चाहता हूँ कि मेरे पास 6 अप्रैल, 1979 का एक लेटर है । मैं आपको पढ़कर सुनाता लेकिन समय नहीं है । मैं आपको उसका नम्बर बता देता हूँ 13015/3/78 । फाइनेंस मिनिस्ट्री का लेटर है । वह यह बता रहा है कि कांटेक्टुअल आर्बिट्रेशन है । अगर आपकी इजाजत हो तो मैं इसको टेबल पर रख

[श्री सदाशिव बागाईकर]

देता हूँ। यह जो लेटर है यह जी० रामचन्द्रन, फाइनेंस सेक्रेटरी का है और एड्रेस है नेशनल काउंसिल स्टाफ साइड, ज्वायंट कंसल्टेटिव मशीनरी फार सेन्ट्रल गवर्नमेंट एप्लाइड, 9 अशोका रोड, नई दिल्ली को। आप कैसे कह रहे हैं कि कांटेक्चुअल आब्लिगेशन नहीं है। आपने उनको साथ-साथ आफर दिया है। आपका सुझाव मान लिया है। ये सारी बातें आपने इसमें कही हैं। श्री वेंकटरमन और आपका यह कहना कि यह कांटेक्चुअल आब्लिगेशन नहीं है यह सारी की सारी बात गलत है। आपको जरा कानून की शकल से देखना चाहिए। यह आपके लिए कांटेक्चुअल आब्लिगेशन है। एक दूसरा लेटर है। यह भी आपकी मिनिस्ट्री का गया हुआ है। आर०एल० भट्ट, अंडर सेक्रेटरी, गवर्नमेंट आफ इंडिया का लेटर है। इमेरजेंसी में आपने डी०ए० में कटौती की। इस लेटर का नम्बर है 13017/1/79। इन सारे सबूतों के बाद मैं पूछना चाहता हूँ कि आपके पास क्या दावा है यह कहने का कि कांटेक्चुअल आब्लिगेशन नहीं है। मैं कहता हूँ कांटेक्चुअल आब्लिगेशन है। दूसरी बात . . .

उपसभाध्यक्ष (डा० रफीक जफरीया) : दूसरी बात नहीं।

श्री सदाशिव बागाईकर : सरकार जो सोच रही है देने के लिए उसका मुद्दा क्या है? आपका उनके साथ एग्रीमेंट है। डी०ए० प्वाइन्ट के साथ जुड़ा हुआ है। जब महंगाई एक स्तर तक चली जाएगी तो आपको लाजिमी तौर से देना होगा। यह कोई बखशीश आप नहीं दे रहे हैं उनको। एक फिक्स्ड प्वाइन्ट पर जब महंगाई चली जाएगी तो आपके लिए कांटेक्चुअल आब्लिगेशन है। इसको तुरन्त देने की आपकी जिम्मेदारी है। आप कहते

हैं कि इन्टरनेशनल मार्केट में हमारी स्टैंडिंग है और . . . (व्यवधान)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Avoid comments please.

SHRI SADASHIV BAGAITKAR: I am just concluding. I want to show the contrast.

परसों ही श्री वेंकटरामन् जी कह रहे थे कि मोनेटरी फण्ड में और वर्ल्ड बैंक में हमारी क्या-क्या स्टैंडिंग है। We are the most honoured and respected debates.

आप इस तरह से महंगाई भत्ता न देकर अपने कर्मचारियों के साथ खिलवाड़ कर रहे हैं। आप जानते हैं कि रुपये की कीमत 22 पैसे हो गई है। इसलिए आज आप सदन में यह आश्वासन दें आप अपने कर्मचारियों को महंगाई भत्ता देंगे और यह आपके ऊपर एक आब्लिगेशन है। आप अपने आब्लिगेशन से भागिए नहीं।

श्रीमन्, मैं एक मिनट और लूंगा। दूसरी बात मैं यह कहना चाहता हूँ कि इस बारे में क्या-क्या हुआ है, यह भी सुन लीजिए। श्री स्टीफन ने सन् 1980 में पोस्ट्स एण्ड टेलीग्राफ्स . . . (व्यवधान)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I am very sorry, Mr. Bagaitkar. You are allowed to raised one question already. I cannot allow you to raise any more questions.

SHRI SADASHIV BAGAITKAR: This is part (c) of my question. Please allow me. If you do not allow me. I will sit down.

THE VICE-CHAIRMAN DR. RAFIQ ZAKARIA): Mr. Bagaitkar, in an half-an-hour discussion, you cannot go on like this.

SHRI SADASHIV BAGAITKAR: I am raising part (c) of my question.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Do not go into the history. Just raise your question.

श्री सदाशिव बागाईतकर : आप जो बातचीत करते हैं उसको आपका व्यूरो और आपको कबिनेट कमिटी अतनुनी कर देतो है । पोस्ट्स एण्ड टेलीग्राफ्स विभाग में 1980 में जो बातचीत हुई और जो यह आफर दो गई कि दो प्रमोशन्स के साथ डी०ए० को वेतन में मर्ज करने के लिए हम तैयार हैं और सभी ने उस कटौती को कबूल किया, लेकिन

Mr. Stephen was overruled by the Committee.

यह बात मैं सदन में कह रहा हूँ । ऐसी हालत में आपका यह कहना सही नहीं है कि हम महंगाई भत्ता नहीं देंगे ।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Thank you, Mr. Bagaitkar. Mr. Bhattacharjee. Please be extremely brief and just put your questions.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Sir, in the Rajya Sabha style, Parliament style, (a) may accommodate (a), (b), (c) and (d). As you know, Sir, you were used to this practice as well, (a) may accommodate (a), (b), (c) and (d). But I think, this norm does not apply here.

Now, Sir, my point is, this issue ...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Bhattacharjee, just raise your questions. Do not go into the history.

PROF. SOURENDRA BHATTACHARJEE: Not history Mr. Vice-Chairman. I am just coming to the question. This issue,, this proposal, in regard to the impounding a portion

of the D.A. due to the Central Government employees was raised on 3rd September by me for the first time, as a Special Mention. But before that, the Finance Minister, during the Budget Session, in reply to my question whether any question of pay revision of Central Government employees was under contemplation had said that there were two formulae before the Government. One was of periodic revision and another increasing the D.A.....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I am sorry. You are again going into the history. Just raise your questions. You have already threatened that there will be (a), (b), (c) and (d) to your question.

PROF. SOURENDRA BHATTACHARJEE: I have not threatened. I just said it. The Finance Minister...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I would not allow you, Mr. Bhattacharjee, to go into the history.

PROF. SOURENDRA BHATTACHARJEE: Let me conclude, Mr. Vice-Chairman. I do not take much time. The Finance Minister categorically said that Government accepted the D.A. formula and is implementing it. This was a statement on the floor of the House, a written statement made by the Finance Minister, Mr. R. Venkataraman. The question is whether it does not mean a commitment, a contract and an obligation. My specific question is, whether any proposal of impounding the D.A. is there and whether the decision of the Government on the pending instalment of D.A. will be coming in the foreseeable future. Sympathy is needed in action. Mere words, hollow words, of sympathy will not satisfy the employees. This is the point.

SHRI DIPENDRABHUSAN GHOSH (West Bengal): Mr. Vice-Chairman, Sir, just now, we were told that our hon. Finance Minister also represents

[Shri Dipendrabhusan Ghosh.] the cause of the Central Government employees. Then, another hon. friend....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Never mind. Just raise your question.

SHRI DIPENDRABHUSAN GHOSH: I am coming to my question. I concede this privilege and right to the other side. But I would only like to say that I have come here from a Central Government office after serving there for 28 years Uptil 15th 7 P.M. June this year I was a Central Government employee and having resigned from that service I have joined Rajya Sabha. I am still associated with the Central Government employees' movement. So, at least you will give me the privilege to represent the Central Government employees' movement inside this House also.

First of all, the hon. Finance Minister has given an account of how many crores of rupees are required to be spent for payment of dearness allowance to the Central employee?. But Mr. Vice-Chairman, you must appreciate, why and how this dearness allowance is paid to the Central employees. It is paid because of consequential fall in the value of their wages, as a matter of compensation for price rise. So, are the Central employees responsible for the price rise? Price rise takes place because of the governmental policies. When the value of the wages of the fixed wage earners like Central employees is eroded, they are paid compensation. Therefore, the Central employees cannot be held responsible for the price hike, they cannot be held responsible for the payment of so many crores of rupees on account of dearness allowance.

(Mr. Deputy Chairman in the Chair)

Now the hon. Finance Minister himself has stated that the dearness

allowance which fell due from February 1981 was paid to the Central employees in the month of July 1981. But meanwhile two instalments fell due for the Central employees one from April and another from July. Then, what happened? Are the Central employees responsible for the price rise for which they are entitled to D.A. from April and July? So, I put a specific question. Is it a fact that notwithstanding non-payment of dearness allowance to the Central employees which fell due from April, July and August, prices continue to rise and thereby the Central employees were- entitled to have the dearness allowance? This is the question.

Here, is the other question. (*Time Bell rings*). Mr. Deputy Chairman I have already stated just now that I have come from the chair of the Central Government office. So, you must give me the privilege of representing the case of the Central employees here. My question is, is it a fact that the Central Government had accepted the Third Central Pay Commission's recommendation that the government would on no account withhold the payment of dearness allowance to the Central employees unless the Government, as a policy, decided to withhold, payment of full or part of the dearness allowance in respect of the entire organised sector? If so, why have the Government been withholding the payment of D.A. only to the Central employees which has fallen due from April, July and August? One more question. Is it a fact that on 10th September there was a meeting between the Union Finance Minister, Mr. R. Venkata-raman, and the representatives at the Confederation of the Central Government employees and workers, at the Minister's residence, where when the question was mooted for impounding of 50 per cent of D.A. the Confederation representatives categorically stated and rejected the idea of impounding the D.A.? If so, why have they

Government still delaying the payment of clearness allowance due to Central employees in the name of *consultation with them*.

SHRI p. N. SUKUL (Uttar Pradesh): Sir, the question of release of the D.A. of the Central Government employees is indeed very important, as it concerns the welfare of as many as 3 million Central Government employees. And because vari-

ous State Governments have also linked the D.A. of their employees with that of the Central Government employees, it is still a bigger issue. Not

only that, the D.A. of the local bodies employees and teachers in various States has been linked with the DA of the State Government employees, which in turn is linked with that of the Central Government employees. That way, there are 3 million Central Government employees and 5 million State Government employees. It comes to 8 million. And if we also take into account the number of teachers and the local bodies employees, it comes to 20 million. And if we take into account the number of their dependents, it comes to at least 100 million.

So, 100 million people are involved in this matter. If the Central Government fails to release the DA of their own employees, it may not be a question of the breach of its contractual obligation, but certainly it is a question of moral obligation, once you have agreed to release DA. If you cannot freeze prices, you have absolutely no right to freeze the wages of your own workers, of your own employees. And now the test of the welfare nature of our Government lies in this very point. If the Government is not in a position to give justice that is due to their own employees, what welfare schemes are going to implement in other spheres?

My only point is, it seems that this Government has failed—in fact all the Governments that have been there since Independence have failed—

even in bringing forward a proper legislation, as required under articles 309 of the Constitution. No legislation regarding the recruitment of the employees or regarding their service conditions has been there so far. The question of DA is there. You cannot freeze DA of the employees if you cannot just control the prices. And 100 million people come to a little more than one-seventh of the humanity that inhabits this Indian sub-continent and it is to be seen if Government is going to show due justice to this one-seventh of the humanity on this land. And that is why I am interested that the image of this Government should not be tarnished.

Our Government must come to the rescue of its own employees and it must release these three instalments so that the Central Government employees, the State Government employees, the local bodies employees and the teachers all get this justice that is long due to them. Thank you Sir.

SHRI SAWAI SINGH SISODIA: Mr. Deputy Chairman, Sir, I want to be brief.

SHRI SADASHIV BAGAITKAR: Mr. Sukul, please remind him that Mr. A. P. Sharma was the person who carried on negotiations in 1973.

SHRI P. N. SUKUL: Mr. Bagaitkar, you don't worry.

SHRI SAWAI SINGH SISODIA: But I shall have to clear the points raised by hon. Members.

Sir, the hon. Members who have participated in this Half-an-Hour Discussion have invariably mentioned some words. Somebody has referred to "consultation"; some hon. Member has referred to some "decision"; some to "agreement", "award" or "contract".

SHRI M. KALYANASUNDARAM: Nobody has said "award".

SHRI SAWAI SINGH SISODIA: I know you have spoken about the

[Shri Sawai Singh Sisodia] Industrial Disputes Act. I know very well what Industrial Disputes Act is. I know you have referred to it; I have noted it down. Sir, I know the hon. Members, who have participated in the debate are all very wise and learned and they are senior Members of this House. Therefore, they know very well what is the distinction between "consultation" and "agreement". You have referred to Joint Consultative Machinery. "Consultation" means, when there is no clear understanding, then a matter is consulted. They sit round the table to consult over a matter, resolve the dispute and come to a decision. Therefore, consultation _____ (*Interrv,- tions*) No interference, please. I am on my legs. I will reply to the points and then sit down.

MR. DEPUTY CHAIRMAN: Please reply only to the points already raised.

SHRI SAWAI SINGH SISODIA: I am only replying to the points already raised.

Therefore, "consultation" means, whenever there is a dispute and there is no clear understanding, there is consultation. There is the Joint Consultative Machinery and if any decision, any dispute is resolved by "consultation", that cannot be an "agreement", that cannot be a "contract". Sir, I want to make a distinction between an agreement, a contract and a decision arrived at by consultation. Therefore, as far as the salaried employees under the Central Government are concerned, there is a joint consultative machinery and if there is no clear understanding on any point, there is consultation, there are meetings, there are such things and a decision is arrived at and, therefore, whatever my learned friends have referred to which were arrived at in 1973 and 1979 onwards, they are all decisions. They are not agreements, they are not contracts. There is a lot of difference

between a decision, an agreement and a contract. After that there is another stage, that of settlement. Settlement is also there when there is a dispute and amicably a settlement is arrived at. Therefore, as far as the Central Government employees and the Government of India are concerned, there is a decision, there is a settlement and there is a decision arrived at after consultation. Therefore, we cannot equate it with an agreement or a contract as we equate about the employees of a factory or any other organisation where if there is a dispute they come to an agreement, resolve it and put some conditions that if you don't fulfill them these will be the consequences. Therefore, there is a lot of difference and they should appreciate the difference and when putting this question their mind must be clear that it is not an agreement, it is not a contract. It is a settlement; it is a decision of the Government. It may be by consultation but the decision is not in any way an agreement or a contract. (*Interruptions*) ... Let me finish. I am not going to bear any interference—not at all.

Sir, my friend, Mr. Sukul, raised the point that the Government should not freeze the dearness allowance. I want to make it clear that there is no such proposal under the consideration of the Government to freeze this dearness allowance. The Government has never had the intention not to give this dearness allowance. After all, I have, in my first reply, stated that there is a procedure. (*Inter-rapthms*)... There is no question of justice being denied. In July 1981 dearness allowance has been paid and there is a certain and definite procedure. It takes time.

Sir, there are two definite questions which have been raised by some hon. Members and I want to reply to them. They have said that the Government has failed to give the instalments of dearness allowance which

were due in April and June and that there is no indication as to when these will be paid. At the end of March 1981 and May 1981, the 12-monthly average of the All-India Consumer Price Index registered an increase of eight points each. Consequently, two instalments of dearness allowance to the Central Government employees, from 1-4-1981 and 1-6-1981 respectively, became due for consideration. The question of payment of these instalments is already engaging the attention of the Government and the question of payment of the DA instalments has to be considered carefully in the light of the various factors such as the effect of the payment on the general economic situation in the country and the budget as also the financial position of the Government at a particular time. There is, therefore, a natural time-lag in the matter.

The second question raised by the hon. Members is that consequently there is a great resentment among the workers and it might affect efficiency. I have to reply to this, Sir. As mentioned above, the question of payment of DA instalments to the Central Government employees has to be considered carefully. I have given the reasons just now and, therefore, the staff have to bear with any delay that may occur in the payment of dearness allowance because the matter, obviously, cannot be considered without taking important relevant matters into account. Sir, subject to this the Government always tries to minimise the delay in taking a decision on the payment of DA instalments. I want to make the situation clear.

There are some suggestions which have been made regarding the impounding of DA, but the Government has not taken any decision. There was an informal meeting with the hon. Finance Minister from the staff side, but no decision has been arrived at. And, Sir, whenever orders for* payment of DA are issued, the orders

take effect from the date when it falls due. The delay is only in the issuance of orders. Payment of full amount has been made. Besides these two DA instalments, another instalment may also become due. Whenever a decision by the Government is taken to pay these instalments, it will have retrospective effect and these instalments will be paid.

MR. DEPUTY CHAIRMAN: Mr. Gopalsamy for the special mention.

SHRI SHRIDHAR WASUDEO DHABE: Sir, nine months have passed and he has not held a meeting. He should call a meeting. I am putting a specific question. When is he going to hold the Joint Consultative Committee meeting?

MR. DEPUTY CHAIRMAN: You can never be satisfied.

Reference to the Reported arrest of Shri M. Karunanidhi, the DMK President, and others in Tamil Nadu on September, 15, 1981.

SHRI V. GOPALSAMY (Tamil Nadu): Mr. Deputy Chairman, Sir, I draw the attention of the Central Government, through you, to a very important matter. On the 15th September, i.e. on the birthday of Anna, the founder of the DMK Party, our party leader Mr. Karunanidhi was arrested along with more than 10,000 volunteers of DMK.

SHRI U. R. KRISHNAN (Tamil Nadu): A point of order.

SHRI V. GOPALSAMY: Sir, you have allowed me to speak.

SHRI R. MOHANRANGAM (Tamil Nadu): I personally feel, Mr. Deputy Chairman, that this is only a State subject and it is the duty of the Chief Minister of a particular State to arrest those who go to the office of the Deputy High Commissioner.