

[Secretary.]

am directed to enclose herewith the Finance Bill, 1972, as passed by Lok Sabha at its sitting held on the 18th May 1972.

The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India".

Sir, I lay the Bill on the Table.

**THE RAJYA SABHA SECRETARIAT (RECRUITMENT AND CONDITIONS OF SERVICE) BILL,
1968—Contd.**

DR. K. MATHEW KURIAN (Kerala): Mr. Vice-Chairman, the Rajya Sabha Secretariat (Recruitment and Conditions of Service) Bill, 1968, moved by hon Member, Dr. Bhai Mahavir, reflects, of course, the need for a large number of revisions in the existing rules. But I am afraid the manner in which Dr. Bhai Mahavir has dealt with it is full of a large number of lacunae and incorrect formulations. I would, therefore, like the whole Bill to be considered afresh.

Before I come to specific proposals that I have got to make to the Government, I would like to make some general observations. I must make myself very clear that right from the lowest class IV officers such as Peons, Sweepers and so on, upto the Secretary of the Rajya Sabha Secretariat, all of them have been giving us excellent service. While placing their excellent services on record, I must express my feeling of great dissatisfaction about certain matters. Judging from the way in which we have been served by the Secretariat staff and the pleasing manner in which the staff has been serving us, one might get a wrong impression that everything is well in the Secretariat. I think it is to the credit of the Secretariat staff that they have not expressed outwardly whatever dissatisfaction they may have inside them. It is again to their credit that they have been so polite and even in difficult circumstances they have never expressed their inherent dissatisfaction about their way of life. I am not here referring to the dissatisfaction against a particular individual in the Rajya Sabha Secretariat. That,

I think, is not the main point at all. A large number of staff of the Secretariat are undergoing lot of sufferings and this is part of the general conditions of work of people in the country. Rajya Sabha Secretariat staff are not different from the entire Central Government employees and the State Government employees. All kinds of employees are there, employees of the middle-class rank who are suffering under the capitalist economy perpetuated by the ruling party and it is inevitable that the Secretariat people are also feeling the pinch of rising prices, stagnation in their jobs and so on. Therefore, Sir, they have dissatisfaction and it is only to be expected. But, Sir, it is to their credit that despite the people's representatives assembled here in the Rajya Sabha every day, airing the difficulties of the various sections of the people, bringing in calling-attention motions, asking questions and so on, here is one section right before our eyes who have, in the interest of discipline which they are supposed to observe, never expressed their grievances outwardly. They always come giving very pleasant smiles whenever they come for work here and I would like here to refer to all the staff of the Secretariat in this connection. Sir, there is the apparently peaceful and happy atmosphere which we find in the Rajya Sabha Secretariat. But if you go through the corridors and if you go through the lobbies, you will find the inherent dissatisfaction which of course is not known outside. There is some sort of "silent discontent" which is growing and that is very agonising.

Sir, there is a lot of pent-up feeling among the Secretariat staff of all categories. But, Sir, I am not blaming any particular person in the Rajya Sabha Secretariat, particularly the top people. I am absolutely aware that the Chairman of the Rajya Sabha, the Secretary and the senior staff have the best of intentions and best regards for the entire staff and I have no doubt that they would continue to do their best for the Secretariat staff. None the less, I have got to blame the system under which our Secretariat staff are working. I am not blaming any individual as such. None the less we must face the facts and we

should not be polite when we state grotesque facts which must be referred to

Sir, let us take the lowest categories of staff, the Class IV employees, the peons, the sweepers and so on. They have a basic salary of Rs. 70-85 or Rs 70-95 at the most for which the DA may be 70 or 72 rupees. I am not going to give reference about all the categories of staff starting from the Class IV employees up to Under Secretaries, Reporters, Editors, Assistant Editors, Research Officers, Research Assistants, Interpreters, Private Secretaries, Assistant Private Secretaries, Personal Assistants, Watch & Ward staff, Translators, Assistants, Printing Assistants, Stenographers, Clerks, Typists and so on. I can give reference to each category of staff, but this is not the occasion to go into that much of detail. But, Sir, the main point that I want to bring out is that in all these categories of staff, in one way or the other, there is a silent discontent which is agonising. They have been told that as disciplined members of the staff, they should not air their difficulties in public or to the Members of Parliament. This is understood and this is a gentleman's agreement. But, if you go through the corridors of Parliament, you will see that among all these categories of staff there is a serious dissatisfaction which is mounting and the root cause of this is to be seen elsewhere. I think it will be futile on our part to look for scapegoats within the Rajya Sabha itself. All of us know that under the capitalist system and under the capitalist policies pursued by the Government, by the ruling party, there is increasing dissatisfaction amongst all kinds of people, all kinds of employees amongst the Central Government employees, State Government employees, and so on and so forth. There is stagnation in all the Government offices including the Rajya Sabha Secretariat and I am not suggesting that the stagnation here is necessarily larger than the stagnation elsewhere. Maybe it is in some categories, maybe it is not in some categories. Amongst the staff members who have joined the Rajya Sabha at a very early age—we have gone through 79 Sessions of the Rajya Sabha and this is the 80th Session—there are officers and other members of the

staff who have gone through the mill of giving services to the various generations of parliamentarians. There are people who have joined this Secretariat in 1946 or 1947 and who are still remaining in the same category. People who joined during the First Session still do not have a house to stay in and they do not have appropriate transport facilities for reaching their homes after the day's long work, even over-work. Sir, this type of a problem is a general problem affecting the entire Government of India and, therefore it will be futile on our part to try to find scapegoats only in this House.

Sir, similarly, there is the problem of deputationists. One would not like to describe what has gone in the past. Maybe some people came from outside. Nonetheless, let us not look back. Let us consider them also as part of the same family. But, Sir, with reference to the future, the future service conditions of the staff, let us be very clear that induction of people from outside on deputation really reduces whatever meagre chances there are for our staff for promotion. Sir, I am not here making comparisons with other offices of the Government of India. But right here, in any case, I am absolutely clear in my mind that they suffer from stagnation. Take only one example, the Watch & Ward staff—people who are MAs, at least graduates, LLBs. Some of them are very senior and qualified people. What are their chances. Maybe a few can become Assistants. If I understand correctly, compared to an SSLC man who joins at the LDC's level and who can possibly go up to Under Secretary's level, there are categories such as the Watch & Ward Staff, many of whom will never reach beyond their existing posts.

Sir, there is stagnation in certain sectors. It may be a part of the whole process. One has to look into it. I am not going to take very definite positions about the correctness or incorrectness of particular levels or promotions. Nonetheless, there is a feeling among various

[Dr. K. Mathew Kurian]
 sections of our Secretariat staff that there is a very serious stagnation. Whether it is correct or not, it has to be enquired into. But, nonetheless, a feeling exists which, I think, for Members of Parliament, is equally important. It is not enough that justice is meted out to our staff. But they also should have the feeling that justice is actually being given to them. It is not enough that justice is made available to the people. But the people should be made conscious that justice has been meted out to them. It is in this spirit that I suggest that there is need for going into the whole question of promotions, stagnation, and the salary scales of various categories. The anomalies which exist must be corrected, and a system of salary scales should be created which is *inter se* correct which gives adequate facilities for qualified people to go up the line before they retire, where they can look back and say, "We have contributed our best to the Rajya Sabha". Instead of retiring them with a feeling of immense dissatisfaction, let us retire them, as far as possible, with a feeling of happiness that they not only served the Secretariat but in the process they also served themselves better.

Sir, in this spirit I look at this Bill.

Now, what do we find in this Bill? We find that some of the most grotesque provisions are still maintained here. For instance, we have on page 4, under 'Method of Recruitment', clause (b) saying "by permanent transfer or deputation of a person serving outside the Secretariat..." Sir, I would like this to be deleted. Deputation, I think, is a serious problem, which many members of the staff really feel about. Similarly, on page 6 of the Bill there is a proposal to "get the character of an officer to be employed in the Secretariat verified by the police before he joins service in the Secretariat". It is one of the most mis-utilized provisions in the Central Government. Even when they say that character and antecedents should be verified, invariably 'character' means participation in or some simple relationship with, a political party. I am not suggesting that this provision will necessarily be misused. But let us not have provisions which elsewhere have been

misused, which, I think, only mar the character of our Bill and the sincerity of our purpose.

I would also like to refer to one or two points before I close. Sir, I have referred to the mounting dissatisfaction. How do we solve these problems? I suggest three concrete measures. One is that the Government of India should bring forward a comprehensive Bill on the basis of a full examination of the problem that is really existing. It is not enough to base our judgment on our individual experience. Let us call all sections of the Secretariat staff, meet them and discuss with them. I am aware that the Secretary is in touch with them continuously, he knows quite a lot. But to help him and the Chairman, associate a few Members of Parliament to give them help in identifying the problems which the individual sections of the staff feel and on that basis bring a comprehensive Bill which will be satisfactory to the entire staff to solve the problem of stagnation, the problem of promotion and so on.

The second suggestion is that the existing Staff Councils should be activated and made effective instruments for frank exchange of views and for airing the difficulties of the staff. I am not aware of the working of the Staff Councils in detail but the impression I have got is that the Staff Council here is, as in any other place in the Government of India, really not an effective instrument for bringing out the feelings of dissatisfaction to the front without the staff feeling that they will be hurt by their superior officers.

The third suggestion I would like to make is that in order that we have a healthy movement among the staff, in order that they will be in a position to bring out their problems before us, before the senior officers of the Secretariat, the entire staff of the Rajya Sabha Secretariat should be encouraged and given the power or facility for organising themselves into a staff union. The power to organise into an association or a union is a fundamental right which all employees, all working people should enjoy. I do not see why

after so many years, after 80 sessions of the Rajya Sabha we do not have an association or a union of the staff. When they talk about staff unions or trade unions we always look at it with some kind of suspicion. There is no reason why in this country which has a long history of trade union movement we should be afraid of organised trade union movements. The entire staff of the Rajya Sabha Secretariat, starting from the class IV employees to the senior officers should be able to join into a staff union or association, as the case may be, so that the grievances of each section are brought before us and appropriate steps are taken promptly.

With the hope that the Government will very soon bring a comprehensive Bill to solve the problems with the help of Members of Parliament, I submit that this Bill in this form should not be pressed. Therefore, a clear assurance from the Government should be forthcoming before we close today that the Government intends to bring a comprehensive Bill. I would expect the hon Minister to give an assurance that a comprehensive Bill will be brought forward.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश): श्रीमन् उपसभाध्यक्ष महोदय, यह विधेयक जब पिछले सत्र में विचार के लिए प्रस्तुत हुआ था उस समय भी सदन के दोनों पक्षों से एक ही आवाज आयी थी, उस समय सब लोगों ने राज्य सभा के कर्मचारियों की सेवा की प्रशंसा की थी और उनकी योग्यता और क्षमता की भूरि-भूरि प्रशंसा की थी, लेकिन सरकार की ओर से इस तरह की धीमी आवाज भी नहीं आई कि वह इन कर्मचारियों की सेवा की शर्तों पर उनको सुधारने के लिए, उन्हें अच्छा बनाने के लिए पुनः विचार करने को तैयार है।

श्रीमन्, इस विधेयक के बारे में सरकारी पक्ष के कई माननीय सदस्यों ने यह विचार व्यक्त किया कि यह विधेयक कई मायनों में कई खामिया रखता है, पूरा नहीं है। दो एतराज

खास तौर पर किये गये। एक तो यह कि दोनों सदनों के कर्मचारियों की सेवा की शर्तों के लिए एक ही कानून बनना चाहिए, लोक सभा और राज्य सभा के कर्मचारियों की सेवा की शर्तों के लिए अलग-अलग विधेयक नहीं आना चाहिए। और दूसरा एतराज कुछ माननीय सदस्यों ने यह उठाया कि इस विधेयक से राज्य सभा के अध्यक्ष का काम बहुत कम हो जाएगा और आज जो उन्हें अधिकार प्राप्त है वह अधिकार भी कुछ कम हो जाएंगे।

श्रीमन्, मैं यह निवेदन करना चाहता हूँ कि राज्य सभा के अध्यक्ष के पास काम कम होने का तो कोई प्रश्न ही नहीं है। इतना बड़ा देश है और नये बने हुए मकान के उद्घाटन से लेकर के वृक्षारोपण के उद्घाटन का सारा काम उनके जिम्मे है इसलिए अध्यक्ष के काम के कम होने का कोई प्रश्न ही नहीं उठता, उनके जिम्मे पूरे देश में घूम करके उद्घाटन के काम को करना है, तमाम नई-नई संस्थाओं और नये-नये कार्यों को, स्थान पर पहुंच करके आशीर्वाद देना है। तो उनके काम के कम होने का कोई प्रश्न ही नहीं उठता। जहां तक उनके अधिकार के कम होने की बात है तो मैं निवेदन करना चाहता हूँ कि अगर कर्मचारियों को तरक्की के बारे में या उनकी भर्ती के बारे में सदन के कुछ सदस्यों को भी शामिल कर लिया गया तो मेरे ख्याल से उनके अधिकार में कहीं कोई आंच नहीं आती।

श्रीमन्, इस विधेयक पर मैं इस नजरिये से कहना चाहता हूँ कि सरकारी पक्ष पिछले डेढ़ दो साल से समाजवाद का इतने जोर का नारा लगाता है और उस समाजवाद में इतना फर्क है कि सरकारी पक्ष इन कोनों पर खड़े हुए कर्मचारियों को 70 रुपया माहवार तनख्वाह देना उचित समझता है। जिन्हें अपने बच्चों की तालीम का इंतजाम करना है, अपने परिवार की दवा-दारू का इंतजाम करना है, अपने परिवार के भोजन और कपड़े

[श्री नागेश्वर प्रसाद शाही]

का इंतजाम करना है उनकी माहवारी तलब, उनका मासिक वेतन 70 रुपया उचित समझता है सरकारी पक्ष और एक व्यक्ति के लिए, राष्ट्रपति के लिए 7 लाख रुपए की मोटर खरीद कर के उपलब्ध करता है। 7 लाख की मोटर और इनकी तनख्वाह 70 रुपया, इसमें समाजवाद का कौन सा सिद्धांत निहित है यह मेरी समझ में नहीं आता है, श्रीमन्। यह तो ऐसा ही लगता है कि नया मुसलमान जो कनवर्ट होता है मुसलमानियत हासिल करता है वह प्याज ज्यादा खाता है हालांकि इसलामियत उसमें कम होती है, उसमें इस्लामियत कम होती है मगर प्याज ज्यादा खाता है। उसी तरह से ये नये समाजवादी जो गोयनका के नोट और गरीबों के वोट के बल पर समाजवाद स्थापित करने की बात सोचते हैं, ये नये समाजवादी जो कि पूंजीपतियों के नोट और गरीबों के वोट से समाजवाद के स्वप्न को साकार करना चाहते हैं वह 7 लाख की मोटर और 70 रुपये के मासिक वेतन में कोई फर्क नहीं पाते और उन्हें समाजवाद इसी के माध्यम से स्थापित करने का रास्ता दिखाता है।

श्रीमन्, मैं तो ऐसा देख रहा हूं कि पार्लियामेंट के कर्मचारीगण, जो पार्लियामेंट के सदस्यों की नाक के नीचे रोज काम करते हैं और जिनके लिए यह मजबूरी है कि अगर यह सदन 12 बजे रात तक बैठे तो 12 बजे रात तक उन्हें खड़ा रहना है, 12 बजे तक उन्हें काम करना है, उनके लिए भी पार्लियामेंट विचार करके कोई सेवा की अच्छी शर्तें नहीं बना सकी इसलिए कि सरकारी पक्ष अपनी शक्ति के बल पर, अपनी संख्या-सुर के बल पर, एक न एक ऐतराज पेश करके इस तरह के विधेयक का भी विरोध करता है। ऐसा लगता है कि यह पार्लियामेंट हाऊस श्रीमती इन्दिरा गांधी का परमानेंट हाऊस बनता जा रहा है, यह पार्लियामेंट हाऊस नहीं रह जा रहा है बल्कि श्रीमती इन्दिरा गांधी जी का

परमानेंट हाऊस, या इन्दिरा हाऊस जो कुछ कहिए, बनता जा रहा है। पार्लियामेंट को अपने कर्मचारियों तक की सेवा-शर्तों पर विचार करके उन्हें सुधारने का अधिकार नहीं मिल रहा है और सरकारी पक्ष ऐसे साधु विधेयक पर भी ऐतराज करने को खड़ा हो जाता है और यह नहीं कहता कि यह विधेयक ठीक नहीं है बल्कि घुमा-फिरा कर विरोध करता है यह कह कर कि दोनों सदनों का एक ही विधेयक आना चाहिए। अगर दोनों सदनों का एक ही विधेयक आना चाहिए तो क्यों नहीं माननीय मंत्री जी खड़े होकर कहते हैं कि वे एक सम्पूर्ण और सक्षम विधेयक अति शीघ्र लाने के लिए तत्पर हैं और लाने जा रहे हैं, इसलिए डा० भई महावीर साहब इस विधेयक को वापस ले लें। वापस ले लेने की बात तो होती है यह कह कर कि यह अपूर्ण विधेयक है, इसमें बहुत सी त्रुटियां हैं, और इससे दोनों सदनों का एक कानून नहीं बन पाता, मगर मंत्री महोदय के मुखारविंद से यह नहीं निकल रहा है—आज इस विधेयक पर बहस होते हुए यह दूसरा दिन है—कि वे एक सम्पूर्ण विधेयक इस बार लाने को तैयार हैं। इसलिए श्रीमन्, मैं यह कहना चाहता हूं कि यह विधेयक कुछ खामियों के बावजूद पास हो जाना चाहिए और जैसा कि डा० कुरियन साहब ने कहा कि इसमें ये ये खामियां हैं, फिर भी मंत्री जी अगर आश्वासन दें कि एक सम्पूर्ण विधेयक लाएं तो ठीक है और अगर मंत्री जी आश्वासन नहीं देते हैं तो यह विधेयक पास होना चाहिए और इससे उनकी सेवा की शर्तों में कम से कम कुछ सुधार तो हो ही जाएगा।

SHRI KRISHAN KANT (Haryana) : Vice-Chairman, Sir, I am thankful to you for allowing me to add my voice on this very important subject which Dr. Bhai Mahavir has brought before the House for which I am grateful to him. This class of Government servants is such that they can

neither form unions through which they can bring their grievances before the Government nor is there any other regular organisation through which they have bring their grievances before the concerned authorities. Therefore though I may not agree with many of the provisions that Dr. Bhai Mahavir has made in the Bill I am grateful to him for letting this House have an opportunity to discuss this matter. We all know how very hard pressed the employees of the Rajya Sabha Secretariat are when the House is in session. They have to work from morning till night. They have to work double the time of the House first during the time when the House is in session and then afterwards so that the Rajya Sabha papers, the agenda and other things could be got ready before the House meets next day. So I have all sympathy and praise for them and also for the courtesy that they show to Members. I think it is a good tradition that they have built up of showing courtesy to Members whether in Committees or here or outside, in the Watch and Ward Department, in fact all the different classes in the Secretariat and I would like to congratulate them. I hope the Secretary and others will see that this tradition becomes a permanent tradition because that is the real wealth through which they have endeared themselves to the Members of the House. Sir, according to the Constitution of India, Article 98(1) says : "Each House of Parliament shall have a separate secretarial staff : " Article 98(2) says : "Parliament may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of either House of Parliament." Sir, for a long time there were no rules when some members were recruited. And they could not get the benefit of the rules of the Government of India, and many of them are suffering because of that. I feel that the time has come when there should not be any more delay, and the Government should come forward with a Bill, maybe after consulting Lok Sabha, so that a proper codification of the rules of recruitment, conduct and everything is done in a systematic way, so that nobody can have any complaint against the method, against the way the service conditions are being implemented. Sir, one point about which I feel very seriously is this. Here it is

small staff and so their avenues of promotion are very much limited and, naturally, younger people with talent, knowledge and ambition, can feel frustrated. Yesterday we saw how in the I.C.A.R. certain things happened. In Rajya Sabha Secretariat and Lok Sabha Secretariat it is not merely hard work and clerical work that they have to do. They have to use their imagination. Their thinking has to remain always fresh. They will better work in an atmosphere where there is the inspiration to work that they are part and parcel of the great adventure of parliamentary democracy in this country, which is an institution and which, if it is successful here, then only it will be of service to the people. I do not know about all the persons, from the lowest to the highest, from Watch and Ward to the highest Secretary, how they are faring. Nobody should feel frustrated. They should have the inspiration to feel that they are partners in the great adventure of building up a democratic India. So, the rules should be made. I do not know how you can make them, but you can have a running scale so that, without creation of posts, a person can go up to any height in the running scale. Now a person is working all right. Certain efficiency bars are put and crossing the efficiency bars the person can go to any height in the running scale. I know of this in Lok Sabha because there are many committees there. And the officers have to work very well. If I do not disclose any secret, many of the reports of the committees, of the Public Undertakings Committee, of the Estimates Committee, of the Public Accounts Committee, it is not all the contribution of Members. The Secretariat has its own part to play. They work hard. They put up the material. They also prepare the reports on the activities of parliament and their participation in all this is as much as the Members.

Now, Sir, I do not know whether it is possible but the proviso to Article 98(1) says : "Provided that nothing in this clause shall be construed as preventing the creation of posts common to both Houses of Parliament." I do not know whether you can have a common Secretariat,

[Shri Krishan Kant]

There might be some difficulties, but something can be done whereby senior people will be able to go from one Secretariat to another if the posts are vacant. If the posts are vacant in Lok Sabha, Rajya Sabha people, by virtue of their seniority and competence, should be enabled to go and fill the posts there. Similarly, Lok Sabha people should be enabled to come and fill the posts in Rajya Sabha. I do not know if this is possible unless the number of posts and the number of vacancies are many. If this can be done on the basis of seniority for the post in question, I think there may be a greater area for promotion, and that also might be helpful a little. But basically I would suggest a running scale of pay. In the C.S.I.R. and many other scientific organisations there is a running scale so that a person recruited on, say, Rs. 400 or Rs. 450 can go up to Rs. 1200 or Rs. 1500 or Rs. 1600 without any bar if he has been working well. It will give them the satisfaction that their increment is regular and they have a running scale of pay if they worked well. It will give them the satisfaction that they are really working and their families are well looked after. In a smaller area of promotion, when no new avenues can be brought up, I think Government can seriously consider this suggestion. Before the Government of India, after consulting the Chairman and the Speaker, brings forward a Bill, some avenues must be brought up, and the Chairman should form some committee. I do not agree that the committee should be constituted of Members of Parliament because, I know, some of the parties do not take their stand where there is no politics in this. My friend, Shri Nageshwar Prasad Shahi, while speaking just now, said, "There is nothing like *samajwadi* here." You are talking of this thing but, I am afraid, even there they will take to politics. If an Advisory Committee of Members of Parliament is formed, it will become an arena of politics and all the staff of the Rajya Sabha Secretariat will become part of the politics. I want that the Chairman should appoint an independent committee, till that Bill is introduced in the House, which can look into the grievances of the employees. Their promotion,

service conditions, merit recognition, all that should be looked into by that committee. I would not like Members of Parliament to be associated with the affairs of the Secretariat. Otherwise, it would become an arena of conflict.

Another point is, just as scientific staff, there are technical people working here. Though they are not scientists, they are technical people and specialists. Not only seniority but also merit should count for their promotion. If the Chairman otherwise finds that the person is meritorious, even though he has started from the lowest rung of the ladder, he should be taken to the highest rung, so that he can contribute his merit, sincerity and talent in helping Rajya Sabha and parliamentary democracy.

These are some of the suggestions which I wanted to make so that these could be considered by the Government before they bring forward a Bill in the House. The Government should see that it does not take them long, may be in two or three months, by the next Session or maximum by the winter Session they should come forward with a Bill codifying all the rules and methods of recruitment, etc. so that the staff do not feel suffocated or choked in any way, so that they do not feel that their talent is not being properly utilised, and that in rendering service to parliamentary democracy they are being choked or they feel frustrated.

SHRI N. G. GORAY (Maharashtra): Mr. Vice-Chairman, Sir, I stand up to support the main theme of the Bill. I shall be very sorry if this House gets divided so far as this Bill is concerned because it will not be proper for this House to have a division of opinion when we are dealing with our own people. Everybody has pointed out of what great service the whole staff are to Members of Parliament. I have had the privilege of serving in this House as well as in the other House and I whole-heartedly agree with the other Members who have said that the service that has been given to us by all these people is really exemplary by the manner of their behaviour and efficiency. Sometimes we are surprised, the very next day when we receive the reports of our speeches, that there is hardly a mistake

to be found and very few corrections have to be made. So it really is very creditable so far as the staff of Reporters are concerned.

Then, Sir, when I look at these boys here who are standing all the while I have nothing else except a feeling of sympathy for them, but when you look at the salaries they are getting it seems that they are kept in such a position that they cannot go out anywhere and try to better their chances or opportunities for increased salaries. So far as this House is concerned I would not like to blame the Secretary or anybody else. It is really we who are to blame that we have hardly looked into it. We have been almost taking them for granted. Here a Member said that they have not complained but there is a lot of subterranean discontent. When some of them came to me—I am not divulging any secret here—I really felt that it was not the Secretary or other higher officers but I who was to be blamed. We have never tried to go deeper into their grievances. In fact, we never thought that they would be like that. Whatever trouble they may have, they have been serving us so well. But when they bring a certain thing to our notice, I suppose it is the duty of all the Members of Parliament to see to it that they are given a fair deal. I do not want to inflate their demands or say that they must be given this or that. But the trouble is that there is the Pay Commission. Now, these people who are serving us, they are not governed by the Pay Commission. The Pay Commission is not likely to take their case into consideration. It all depends on whether the officers who are in charge here try to give them something which the other employees of the Government are likely to be given by the Pay Commission. It entirely depends on them, on their good-will, their discretion. Sir, we should try to take this out of their discretion, and put them on a stable footing. Let us not give them the feeling that they are discriminated against, that they are isolated from the main stream of the Government employees. Let them feel that though they are serving in the Rajya Sabha or the Lok Sabha, so far as the amenities are concerned, so far as the

scales of pay are concerned they are not being discriminated against at all.

Sir, we have our speeches translated, And sometimes when somebody speaks in Tamil or in some other language which I do not understand, I try to listen. And I have found that they give a fairly good summary of the speeches. Now, this is one of the most difficult tasks, to immediately translate a speech in some other language is really a very difficult task. Even some of the Members of Parliament will find it difficult to translate at once, on the spur of the moment, from Marathi into English or from English into Hindi or from English into Tamil. But these people are doing it.

I do not want to mention any particular category. What I am saying is that I find the reporters, the translators, the chaprasis and all these people giving us a very clean, very efficient and very satisfactory service. Therefore, Sir, I rise here to say that the Bill as it is presented by Dr. Bhai Mahavir may have certain lacunae. It is quite possible. Maybe, when the Rajya Sabha legislates, it cannot legislate only for itself, the other people are also there, in the Lok Sabha. All these things will have to be taken into account. And I will say that when we want the employees here to be considered, the case of the employees in the Lok Sabha also should be taken into consideration. All these things the Government will have to take into consideration. There should be no discrimination at all.

Therefore, Sir, what I am saying is, I am not supporting the Bill as it is. There may be some lacunae, some shortcomings here and there. But the basic idea is that we must give a fair deal to all these people. They are a separate service, but that separate service should not mean that they are completely isolated or that anybody gets discriminated against. I do not want to go into any details. I do hope that the members belonging to the ruling party also will sympathise, that they will understand what the implication of the Bill is. I do not want to divide the house saying that the ruling party is doing injustice. All of us have done

[Shri N. G. Goray]

injustice. After all, it is for the first time that this sort of thing is being considered in this House at all. Nobody prevented the Opposition from bringing it forward. But we were not conscious of it. That is all. Therefore, I would request the Minister in charge to be very charitable towards it, to take into consideration this fact that all that is asked is to do justice to these people, to give them a fair deal. And I hope that they will be good enough to promise us a more comprehensive Bill and that in view of that it will be possible for Dr. Bhai Mahavir to withdraw his Bill.

SHRI B. T. KEMPARAJ (Mysore) :

Mr. Vice-Chairman, Sir, I have very carefully heard the Members who have spoken so far on this Private Member's Bill sponsored by hon'ble Dr. Bhai Mahavir. Sir, while moving the Bill he has taken article 98(2) of the Indian Constitution as a ground for moving this Bill. Article 98(2) says :—

“Parliament may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of either House of Parliament.”

Here it is not incumbent on the part of the Government that a Bill should be got passed into law. The word “may” mean “may” or “may not”. Therefore, in addition to that clause (3) is provided which says :—

“Until provision is made by Parliament under clause (2), the President may, after consultation with the Speaker of the House of the People or the Chairman of the Council of States, as the case may be, make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the House of the People or the Council of States, and any rules so made shall have effect subject to the provisions of any law made under the said clause.”

Therefore, when a rule is framed it will have the effect of law.

Again, another suggestion has been made that a comprehensive Bill should be brought and passed as an Act. But clause (1) is specific. It says :

“Each House of Parliament shall have a separate secretariat staff.”

The staff for the two Houses must be different. The Chairman and the Speaker should have a say in matters of their Secretariat staff. Now the question is whether under the provisions incorporated in the Constitution a Bill of this nature can be brought before the House to be passed. Though the spirit of Bill is acceptable . . .

SHRI N. G. GORAY : That is the most important thing.

SHRI B. T. KEMPARAJ : . . . the way in which it is drafted and the way in which it is placed before the House cannot be acceptable.

Another point which the Bill contains is the constitution of four committees, among them being the Recruitment Committee, the Financial Committee and the Promotional Committee and it is suggested that Members of Parliament should be the members of these committees. Therefore, Sir, when the rules are so specific, so clear and so much helpful, I do not think why unnecessarily Members should be brought into picture to create complications in the way of working of the Secretariat.

As for the conditions of service of the lower staff, the Watch and Ward personnel and the class IV employees, they are really doing good work and their case deserves to be looked into.

In this connection I want to make another suggestion. Sir, when the rules and regulations of the Government of India are applicable to the two Secretariats, when rules relating to pension, leave and other facilities are applicable to the two Secretariats, I do not know why these people's case should not be allowed to be represented before the Pay Commission. Since the members of the other Ministerial Secretariats and other employees of the

Government of India are allowed to represent for enhancing or otherwise of their pay scales, these people also must be allowed according to rules, as they have got incorporated in their own rules, to have their chance of representing their grievance, their difficulties and their case before the Pay Commission which is meant to consider the grievances, the sufferings, the difficulties of the lower cadre as well as the superior officers according to rules. Therefore, Sir, I think this question has to be considered by the Government. The other point is, in the Bill as it is drafted, there is no clause under which action can be taken against any superior or inferior officer for violation of the conduct rules. This is a lacuna in the Bill. Strict discipline is required on the part of the officials who enter the service. Therefore, this has to be incorporated for ensuring discipline on the part of the staff. If there is any serious punishment imposed upon any official, they have got the ultimate chance of appealing to the Chairman. Therefore, I think this Bill needs some revision here and there. What I suggest is that having a comprehensive Bill is not a wise thing. Referring it to a Select Committee to frame the rules and place them before the Parliament is also not a wise suggestion. The rules are there. The only question that arises immediately for our consideration is that the staff must be given a chance to represent their grievances before the Pay Commission. Secondly, there is the question of deputation. Of course, deputation is there. But the deputation should have a limited period. The period for which an officer is deputed to a certain post to discharge certain duties, should be specified. They must not be retained in the department continuously, thereby preventing the subordinate officials from getting promotion. Therefore, the Government should consider this matter seriously. If there are efficient, qualified and able persons, suitable to go to the higher post, they must be given the chance. If persons have been taken at a very low level, their chances of promotion will be held up and as a result of that, frustration will be working in the minds of the lower staff. Therefore, my suggestion is that the Government should see that adequate accommodation is given to those officials

who have been working here day and night for the satisfaction of the Members of this House.

Sir, in a way I thank Dr. Bhai Mahavir for bringing forward this Bill—though it has so many lacunas, legally speaking—to ventilate the grievances and difficulties of the staff of the Secretariat. I hope the Government will give serious consideration to this question and try to bring as many reforms as possible, as is done in the case of the staff of other secretariats. Thank you.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Mr. V. B. Singh.

DR V. B. SINGH (Uttar Pradesh) : Sir, it seems to me that there is a consensus in the House on both sides, that—*Mazdoor-e-khushdil kumad karbesh*—a contented labour force performs better service. Therefore, the question is how to ensure better conditions. . .

DR BHAI MAHAVIR (Delhi) : Sir, on a point of order. I am not sure, but I think Mr. D. P. Singh has already spoken on this Bill.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : This is Mr. V. B. Singh. Yes, please continue, Mr. Singh.

DR V. B. SINGH : Sometimes there is confusion between the rope and the snake. The question is how to ensure better conditions of service. Some rules have been quoted from the Constitution to show that there are certain definite procedures prescribed. Dr. Bhai Mahavir should be congratulated on bringing the issues to the fore, the issues which have been hidden, because, it seems, those procedures have not been effectively followed. Then the question is what is to be done. Before I go to that for which some alternative methods have been suggested, I would like to focus attention on the content and the nature of the work of the employees. The cadres should not be divided into technical and non-technical because in a sense whatever is the nature of the job, it requires a certain amount of training and it is the

[Dr. V B. Singh.]

job content, and the work and on the basis of the job content, and the man hours put in acquiring those skills, that are important and there should be some standardised jobs and the salaries or the wages should be adjusted according to them. What is more important than mere money wages, is that certain social securities be given to the employees. For instance, they might be living far away from the premises of the Parliament and in case they work late in the night or they have to come early in the morning, there is the problem of transport. Then there is the problem of quarters. There is the problem of their children's education. And I presume they should be insured so far as health is concerned under one scheme or the other. Then there is the question of translation to which Shri Goray has referred, since multi-lingual translations are now being introduced in Parliament. For that purpose again they require technical training and their service conditions and wages have to be related to their training and qualifications. These technical things cannot be brought in into the framework of an act, which by nature is rigid and static, because if you determine the service conditions of a category of employees by an Act, then what happens is that unless the Act is changed fundamentally, the conditions of service cannot be changed. Therefore, there should be a more flexible machinery for ensuring wages, conditions of service and other provisions of social security. Therefore, as it has been said from both sides and there is a consensus that their service conditions be evaluated in the light of what I have said and proposed rules be framed within the framework of the provisions given in the Constitution. I, therefore, do not feel that there is a necessity of a Bill which is, as has been universally said, inadequate and incomplete. We should try to follow the procedure which has been laid down and introduce better service conditions to the employees of the Rajya Sabha and the Lok Sabha simultaneously. Thank you.

श्री महावीर त्यागी (उत्तर प्रदेश) : श्रीमन्, मैं डा० भाई महावीर का बहुत शुक्रिया अदा करता हूँ कि उन्होंने एक ऐसे

प्रश्न को उठाया जिसकी तरफ गवर्नमेंट की ओर से कोई तवज्जह नहीं दी गई थी अभी तक, जोकि कास्टिट्यूशन बनाने वाले ने उसका खास ध्यान रखा था। इस बिल के जरिए एक चीज तो हुई कि राज्य सभा के कर्मचारियों की, आफिसरों की और बाकी सब लोगों के काम की जो यहाँ पर प्रशंसा की गई है, उसके लिए उनको बढ़ाई है और वे सचमुच प्रशंसा के पात्र हैं। मैं भी इस बात को सबके सामने स्वीकार करता हूँ कि जिस शान के साथ उन्होंने अपने कर्तव्य को पूरा किया है, अब तक कर रहे हैं, वह हमारे हिन्दुस्तान के इतिहास में एक खास बात रहेगी; क्योंकि यह राज्य सभा गवर्नमेंट के, विरोधी दल के या किसी के असर में नहीं है। राज्य सभा का जो काम कर्मचारियों के सुपुर्द है, उनको वे लोग निष्पक्षता के साथ कर रहे हैं। मैं उनको बढ़ाई दूँगा इस बात की कि यूनेनिमस सपोर्ट और यूनेनिमस एप्रिसिएशन उनको मिला और उनके काम की तारीफ सब तरफ से हुई है। ऐसी सर्वसेज बहुत कम होगी जिनको यह फख्र हासिल हो, एक गौरव हासिल हो कि एक भी नुकताचीनी उनके बाबत नहीं हो सकती है। मैं खुद जानता हूँ, मैं भी कान से सुनता हूँ, जो इन्टर-प्रिटेशन फौरन से किया जा रहा है इतना शानदार है, इतना सही है कि उसी के ऊपर एक आदमी को गौरव महसूस होता है। कितने अच्छे, कितने काबिल, कितने होशियार आफिसर हैं जो यहाँ रेकॉर्ड किए, जो अपने काम में इस तरह लगे हुए हैं। ऐसी हालत में जब कि चारों तरफ से उनकी तारीफ हो रही है, पिछले दिन भी और आज भी उनकी तारीफ की जा रही है, तो यह उनके लिए खुशी का बायस है बला से चाहे उनको तनख्वाह कम मिलती हो और उन्हें इसकी परवाह भी नहीं है। लेकिन उन्हें इस बात की खुशी है और तसल्ली है कि इस सारे हाउस ने उनकी खिदमात को एप्रीशिएट किया है, यह उनके लिए गौरव की बात है।

मैं मिनिस्टर साहब से एक बात अर्ज करूंगा कि वह मेरी बात को तवज्जो के साथ सुनें। मैं यह बात मानता हूँ कि इस किस्म का बिल पेश करना हमारे लिए मुनासिब नहीं है; क्योंकि बिल वह होना चाहिए जो दोनों हाउसों के लिए एक सा हो। अगर हम एक सेक्रेटेरिएट के लिए एक कानून बना दें और दूसरा सेक्रेटेरिएट अपने लिए दूसरा कानून अलग से बनाये, तो इस तरह से एक दूसरे में कम्पीटिशन हो जायेगा, एक दूसरे में राइ-विलरी होगी और स्टाफ में भी आपस में झगड़े हो जायेंगे तथा एक दूसरे के साथ उनके सम्बन्ध अच्छे नहीं रहेंगे।

श्रीमन्, मैं इस बिल की स्प्रिट को तो पसन्द करता हूँ, लेकिन इस बिल को हाउस द्वारा पास करना मुनासिब नहीं समझता हूँ। मैं मिनिस्टर साहब से यह कहूँगा कि आखिर गवर्नमेंट जो है, उसका यह फर्ज है कि वह यह बात देखे कि हाउस की क्या राय है और उसके अनुसार चले। आज इस बिल के बारे में यूनेनिमस की राय जाहिर की गई है और गवर्नमेंट यह हक नहीं है कि वह इस राय की मुखालिफत करे और यह कह दे अपनी पोजीशन और प्रैस्टीज को मेनटेन करने के लिए कि हम इसको नहीं मानते हैं। अगर वह इस बिल के बारे में इस तरह की बात सोचेगी तो यह एक गलत चीज है।

श्री लोकनाथ मिश्र (उड़ीसा) : मैं एक क्लेरिफिकेशन चाहता हूँ। पार्लियामेंट जो है वह सावरेन बाडी है और दोनों हाउसेज जो है वे सावरेन हैं, तो फिर आप इसमें गवर्नमेंट को बीच में क्यों लाना चाहते हैं। अगर आप इसको सावरेन बाडी मानते हैं तो सावरेन बाडी को यह बात तय करनी चाहिए कि उनकी तनख्वाह किस तरह से चलेगी, उनकी सर्विस कंडीशन क्या होगी? आप गवर्नमेंट को इस काम में क्यों लाना चाहते हैं?

श्री महावीर त्यागी : असल बात यह है कि गवर्नमेंट ने माना नहीं है कि वह एक पार्टी है। गवर्नमेंट सारी चीज के लिए जिम्मेदार है और गवर्नमेंट का कर्तव्य है कि वह कांस्टीट्यूशन के अनुसार राज्य सभा, लोक सभा का जो स्टाफ है, दोनों के जो आफिसर्स हैं उनको कांस्टीट्यूशन में जो प्रोटेक्शन दिया हुआ है, उसके अनुसार नियम बनाये तथा उसके मुताबिक चले। इस हाउस की जो राय है, जिस हाउस को सावरेन बाडी कहते हैं, उसकी राय की इज्जत करते हुए गवर्नमेंट को उसकी राय के अनुसार चलना चाहिये। इस बारे में चलना तो गवर्नमेंट को ही होगा, इसलिए गवर्नमेंट का कर्तव्य हो जाता है कि वह हाउस की यूनेनिमस व्यूह को देखते हुए इस बात का एलान करे कि वह हाउस की राय से इत्तिफाक करती है और इस चीज के बारे में सदन में जो कुछ कहा गया है, उसके मुताबिक वह रूलस बगैरह बनायेगी। इस के बारे में मेम्बरान ने जो कुछ राय जाहिर की है उसके अनुसार वह रूल बनायेगी। इसके लिए वह एडवाइजरी कमेटी दोनों हाउसेज के मेम्बरों की बुलाये और इस बारे में वह उनके बीच डिसकस कर सकती है और डिसकशन करने के बाद अच्छे तरीके से ऐसे रूलस बनाये जो दोनों हाउसेज के मेम्बरान पसन्द करें। अगर सरकार इस तरह की बात करती है तो मैं उम्मीद करता हूँ कि डा० भाई महावीर उनके साथ कोआपरेट करेंगे और शायद वे अपना बिल वापस भी कर लें। मैं इस बारे में उनसे अपील भी कर सकता हूँ, लेकिन यह तभी हो सकता है जब गवर्नमेंट का रुझान बदले और गवर्नमेंट यह कह दे, हां, हम मेम्बरों की राय से इत्तिफाक करते हैं। इस बारे में अभी तक जो रूलस नहीं बनाये गये हैं, जो कमी रह गई है, उनको पूरा करने के लिए मेम्बरान ने जो राय जाहिर की है उसके अनुसार रूल बनाने का वादा करती है। तो ऐसी हालत में हमारे लिए बड़ा अच्छा

[श्री महावीर त्यागी]

होगा कि जो भी रुल्स बनेंगे वे यूनेनिमस बनेंगे, सबकी राय से बनेंगे और सब लोगों की विश्व इसके साथ होगी। ऐसी हालत में गवर्नमेंट को इस तरह की बात करनी चाहिये और उसे इस बारे में किसी तरह की कांट्रोवर्सी में नहीं फँसना चाहिए। मैं मिनिस्टर साहब से अपील करता हूँ कि वह इस हाउस की स्पिच को एप्रोशिएट करते हुए इस बात का एलान कर दें।

SHRI HARSH DEO MALAVIYA (Uttar Pradesh) : Mr. Vice-Chairman, Sir, in accordance with the wishes and the views expressed by my other colleagues in this House, I would strongly commend the Bill presented by Dr. Bhai Mahavir, I mean the purposes and the intentions of the Bill.

Sir, we have all to be unanimous in our praise for the Reporters and I would like to put in, with your permission, a few words on behalf of the Reporters. The Reporters are the essential and indispensable part of our parliamentary set-up. Of late, Sir, their profession is gradually drying up and dying out because of lack of consideration shown to this profession. Once upon a time, Reporters were paid very handsomely and in those days, the best talents from the States Legislatures and the Ministries of the Government of India and the various State Governments were attracted to this profession. As early as 1931, they started with a salary of Rs. 450/- and today, Sir, they are starting on a salary of Rs. 400/-. This is how over the years their salary has been eroded while the salaries of the other staff have been revised upwards and this has caused a lot of discontent. The pay scales of the Reporters have not been correspondingly increased.

Sir, today, many private organisations such as the DVC, the DDA and several State Legislatures are paying their Reporters as much as the Parliament pays to its Reporters even though the Parliamentary Reporters have to possess higher qualifications than their counter-parts in the above-said organisations. What is worse is that many Personal Assistants and

Private Secretaries who were till recently aspiring to become Reporters are today being paid much more than what the Reporters are being paid. Even a good Stenographer in a very well-managed private organisation is paid up to Rs. 1,600/- p.m. The result of this is that nobody wants to practise Shorthand day and night to become a Reporter after passing a test in Shorthand at a speed of 180 words per minute.

Sir, it is also a fact that the Reporters in the Rajya Sabha Secretariat rarely get chances of promotion. More often than not, they start as Reporters and retire as Reporters. This is chiefly because of the fact that the posts of Reporters are treated as ex-cadre posts and the promotional avenues available to the so-called cadre-post-holders are not available to them. As the mover of the Bill has stated, what is strange is that the ex-cadre posts are more than $2\frac{1}{2}$ times the number of cadre posts and this justifiably causes heart-burning and dissatisfaction amongst certain sections of the employees of the Secretariat. For purposes of promotion to the posts of Under Secretaries, there should be no division of posts into cadre posts and ex-cadre posts.

Sir, the Rajya Sabha Secretariat had taken up in the past the question of revision of pay scales of the Reporters. But the petition was turned down by Finance. Since the pay scales of the Rajya Sabha Secretariat Staff do not come within the purview of the Pay Commission, as has been pointed out by some Members, the question of revising the pay scales of the Reporters should be taken up immediately.

Even though there is shortage of Reporters and considerable difficulties are being experienced in recruiting good and competent Reporters, it is strange that nothing is being done to improve their lot. This shortage of Reporters is even felt by the Ministries where there are no posts of Reporters as such. This is clear from the fact that whenever they have to convene conferences and meetings they do not hesitate to requisition the services of the Parliamentary Reporters. What is

surprising is that they are made to work at these conferences on a payment of honorarium of Rs. 20/- only per day which was fixed in 1947. It should be seen that the services of the Parliamentary Reporters are not loaned on such low scales.

And Sir, as far as the other amenities are concerned, I would entirely agree with the views expressed by my other friends that the various facilities provided by the Government under the rules should be made available to these Reporters and the other members of the staff of the Rajya Sabha Secretariat.

Sir, I command the Bill moved by Dr. Bhai Mahavir though, I think, it should be revised, it should be made more comprehensive and much better worded. The purposes and intentions of the Bill are entirely acceptable to us. Thank you, Sir.

SHRI N. H. KUMBHARE (Maharashtra) : Mr. Vice-Chairman, Sir, Dr. Bhai Mahavir deserves to be congratulated for affording an opportunity to discuss conditions of service of the employees in the Rajya Sabha Secretariat. As I understand the provisions of the Constitution, I feel that a statutory duty is cast upon the Government to regulate, regularize the service conditions of the employees through a piece of legislation. Unfortunately, this has not been done so far. It is true that under the provisions of the Constitution this Secretariat is independent and is not amenable to the supervision and control from any outside agency. But while deciding upon the employees service conditions, I feel that since we have got a similar Secretariat of Lok Sabha and the type of work which is required to be performed by the employees there, is very much identical in nature, it will be desirable to have common service conditions both for Lok Sabha and Rajya Sabha. Otherwise if there are separate legislation for the employees of the Secretariat of the Rajya Sabha and for the employees in Lok Sabha and if there is a disparity in respect of certain matters, that would create discontent here or there. Therefore, I feel that it will be very desirable to have standard working conditions for employees both in

Lok Sabha and Rajya Sabha. This is my one suggestion.

Then, Sir, my other suggestion would be this. So far, perhaps owing to its independent character this Secretariat has taken the stand that it is not amenable to any outside agency. Even the Commissioner for Scheduled Castes & Scheduled Tribes, who ought information as to the number of persons employed here, who belong to Scheduled Castes and Scheduled Tribes, was not supplied the same on the ground that, in view of some conventions this Secretariat was not bound to supply such information. A similar reply was given to another Committee which is known as the Perumal Committee. The same has been the position with regard to the Parliamentary Committee on Scheduled Castes and Scheduled Tribes.

Now a demand is being made that the Government should come forward with a comprehensive legislation whereby it will be possible for the Government to have better conditions of service of the employees here. My only suggestion is: Let us not lose sight of the fact that there is a provision in the Constitution by which there are certain safeguards provided for members of the Scheduled Castes and Scheduled Tribes in the public services. And with a view to be in line with the provisions of the Constitution it will be obligatory also to make a provision whereby a certain percentage of posts is also reserved for the members of the Scheduled Castes and Scheduled Tribes. The Constitutional authority of the Commissioner should also be respected. This will be in keeping with the letter and spirit of the Constitution, and I hope my suggestion will receive a serious consideration.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : The Minister.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : Sir, the discussion on the Bill which is before the House has provided an opportunity for Members from all sections of

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the House to pay richly deserved compliments to the Secretariat for the Rajya Sabha. There has been complete unanimity so far as the appreciation of their work is concerned. And this appreciation is most well-deserved and is something in which I most heartily join. The Secretariat here consists of people who are competent, dedicated and hard working who have worked most ungrudgingly under the most trying circumstances. There is no denying that everything should be done to give all possible facilities and good conditions of service which would enable the Secretariat to function efficiently and for the members of the Secretariat at various levels to be in consonance with, if not better than, their counterparts in the Government.

As has been pointed out, according to article 98(1) of the Constitution each House of Parliament shall have a separate secretarial staff. Clause (2) of the same article provides that Parliament may by law regulate the recruitment, and the conditions of service of persons appointed to the secretarial staff of either House of Parliament. Clause (3) of the same article empowers the President, unless Parliament makes a law in this behalf, under clause (2), to make rules for the purpose in consultation with the Chairman of the Rajya Sabha or the Speaker of the Lok Sabha as the case may be. According to these provisions it is the Chairman of the Rajya Sabha who is the supreme authority so far as the matters of the Secretariat are concerned, and this clause was meant to make the Chairman and the Secretariat completely independent of the executive branch of the Government and that is why it has been specifically mentioned that the Chairman would be solely responsible for the running of the Secretariat which services the Rajya Sabha. It is in the same spirit that the Chairman is the appointing authority and final appellate authority in matters of discipline, etc. in regard to the staff of the Secretariat of the Rajya Sabha. The Chairman's decisions in these matters have a finality and should in no case be tempered with. This is in keeping with the best Parliamentary tradition that the presiding officer of a House

should have a secretariat of his own choice and he should manage his secretariat in a way which would give it independence and would enable to service the House competently.

The Bill as it is before us has many shortcomings which have been pointed out by the various Members : I would not go into the details of that because they have been repeated by a large number of Members. Probably the most objectionable part of this Bill is that it has introduced an elective element in the various committees that are to run the Secretariat. Whether it is the Finance Committee or the Selection Committee for recruitment etc. Members of this House have to be there in those Committees. As things obtain in our system of parliamentary democracy, election of members turns round to the question of party politics. This cannot be avoided; we see it in the most innocuous of elections. If four persons are to be elected from this House to represent this House in the selection committee or the recruitment board, it is bound to happen with the persons who would offer themselves for election would an organised party behind them and whose support they would like to win. In these circumstances it is quite likely that persons of different views and different political backgrounds with varying degrees of backing would go into these committees and I think, even from the point of view of the Members concerned, it is too much for them to assert themselves on selections for promotions and things like that which are bound to be criticised one way or another. So, the scheme that has been suggested in this Bill is something which is not acceptable to the Government because there are lots of shortcomings in it, one of which I have just mentioned. The House has also to very seriously think if it is proper for the Members of this House to associate themselves with the selection and recruitment of its members from lower scale to higher scale and so on. It would be exposing them unnecessarily to criticism which is bound to arise in such matters and those matters can come before the House also. So, the whole spirit and the discussion would get distorted and what we seek to achieve would probably not be achieved by the methods that are suggested.

One reason why this Bill, it is said, is being brought before the House is that various difficulties are being experienced by members of staff at various levels. It is said that there is stagnation, there are not many promotional opportunities, people with qualifications are not given the grades that they deserve, the Secretariat is not even subject to the jurisdiction of the Pay Commission which results in discrimination. All those things have been said. The present scheme of emoluments in this Secretariat is that they are equated with the posts of same nature in the Central Secretariat of the Government of India. Though in a technical sense this Rajya Sabha Secretariat is beyond the jurisdiction of the Pay Commission, the policy of the Government is and has been so in the past that whatever grades are given to the Government of India employees would be extended to the employees of this Secretariat also. So, to say that discrimination might result as a result of the Pay Commission Report is not well founded. It is very clear that whatever the Government of India Section Officers or Under Secretaries or Deputy Secretaries will get, the same scales of pay would be provided for this Secretariat also. So far as that least is concerned, there is no foundation for that.

This Bill give some scales of salaries. I would not go into the details of it. The Bill also provides for different types of allowances, different types of house rent allowance, compensatory allowance, dearness allowance and things like that. Now, Sir, as I have already said, the policy up till now has been to provide them with the same benefits as their counterparts in the Government of India are getting. That has ensured that whatever increase by way of interim relief or otherwise is made available to the staff of the Government of India also be made available to the staff of the Secretariat here. Giving of different set of emoluments here would again distort this system of parity which is being observed up till now.

As I mentioned in the start, there are many provisions in this Bill which would detract from the ultimate authority that

the Constitution has given to the Chairman. To that extent we should be very careful that that is not done and the very wise provisions with regard to this Secretariat, which give supreme and ultimate authority to the Chairman, should not be lightly interfered with.

Well, Sir, something was said about the promotional prospects. I would not deal with it in detail or go into details of it because I do not think it necessary, but I can make a broad and general observation that promotional prospects here are the same, if not better, than the corresponding officers in the Government of India Secretariat. It is true that in a small Secretariat of this nature there can be certain posts which do not provide individual opportunities for promotion but it does not mean that no promotional prospects are available. Promotional prospects are there. Whether it is a Deputy Secretary or an Under Secretary, whether it is a UDC or an LDC, promotional chances are there for them, which are better if we compare the promotional chances that obtain in the Government of India. And here in this Secretariat wherever such instances have come to light that there is stagnation or there is no chance of promotion the Chairman has given certain relaxation in qualifications and other such things to give added promotion prospects for the employees. And this is one reason why again a Bill of this nature would be unsuitable because in a small Secretariat like this such situations would arise if not now, a few years later, and if we make a legislation the whole thing would be so rigid, so stratified that there would be no leeway for the Chairman to act. Even the slightest thing will have to come here and that might become a subject of controversy. So I would submit that the present system is flexible and adaptable. It has worked admirably. Relaxations have been given which perhaps would not have been possible if there was a legislation of this nature. Relaxations have been given in some cases where promotion prospects were not available and there were opportunities for promoting certain class of persons who are otherwise qualified. So this type of resilience is necessary for the successful functioning of this type of a small integrated Secretariat.

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As regards other facilities like housing and other things, they are available if anything to a better extent here than in the Government of India. From time to time the Government of India has released accommodation special extra accommodation, and they have promised to do so again next year so that the employees of this Secretariat get a better type of accommodation and so that a very large percentage of employees could be accommodated in a suitable way.

Something was said about deputations and an impression was sought to be created that there are a lot of persons from outside who are on deputation here holding posts and thus denying promotion prospects to people who are below. Well, I have ascertained the situation and it is not so. There are no deputationists at present working here in the Secretariat. It was also mentioned that persons working here do not have opportunities for going out; that is also not true. Whenever opportunity arises the Secretariat employees here have their applications forwarded to the various authorities under which they want to serve and some of them have also been selected for positions outside the Secretariat. So the position made out regarding deputation is not correct. Probably what they meant was that there is a certain percentage of direct recruitment in certain higher posts which is very small as it is. It does exist there but that percentage again is not such as may really cause any serious stagnation because even with that element of direct recruitment promotion prospects here are, if anything, better than what obtain in the Government of India Services of a comparable nature.

There are certain staff who could be benefited in certain ways. Mention was about Reporters and how in a comparative way their emoluments have not risen as others' have. Then there was the question of confirmation of Interpreters and Translators. Confirmation is taking place; some of them have been confirmed and as and when permanent vacancies would be available the rest would also be

confirmed. There is some difficulty about Watch and Ward persons also. They have one avenue of promotion; formerly they used to have another avenue also for promotion. These are the things which, as I said, would arise in a small Secretariat of this nature and I am sure the Chairman and Secretary would take due note of it, and try to rectify if necessary by giving necessary relaxations now or later on.

Some mention was made about the Finance Committee in this Bill that all things, Budget and other proposals, should be vetted by the Finance Committee and then they should go into the Budget. The present position is that all proposals of a Financial nature go to the Ministry of Finance but the type of scrutiny they do is again of a very technical nature whether same grade scales have been maintained, whether any revision of pay scale is necessary, whether parity is maintained between the Government offices and this Secretariat and between the Lok Sabha and the Rajya Sabha.

4 P.M.

This is the type of scrutiny that they do.

Even if these matters are not sent to the Finance Ministry, there has to be some mechanism of a technical and financial nature right here in the Secretariat which would do that sort of scrutiny. So this merely means that there is some scrutiny.

DR. K. MATHEW KURIAN: You talk about the distinction between the Executive and Parliament and so on. But on this question the Finance Ministry sits in judgment on the Rajya Sabha Secretariat's requirements.

SHRI RAM NIWAS MIRDHA: Well, Sir, there has been no major difference ever between this Secretariat and the Finance Ministry and, if I may say so, there never will be. Whatever proposal comes here with the backing of the Chairman, would receive the most serious consideration, and it has happened in practice that no major or serious proposal, that emanated from this Secretariat, has ever been tempered with or turned down. There is always some consultation going on. But that does not mean that anything is done which would be contrary to the dignity and impor-

tance that this Secretariat and the office of the Chairman have. So, Sir, if an impression is abroad that there is a disparity, or lack of justice or lack of a fair deal as between members of this Secretariat and of the Government of India, well, Sir, I would like to say most emphatically that it is not correct.

DR K MATHEW KURIAN May I intervene with your permission? The scales of pay and the conditions of service in the Government of India are so rotten that to say that the scales of pay in the Rajya Sabha Secretariat are equal to those in the Government of India is to say nothing at all.

SHRI RAM NIWAS MIRDHA Well, Sir, probably the hon Member wants to enter into, is itching to enter into a much wider discussion which I am in no mood to do at present (*Interruptions*). The scales of pay in the Government of India have certain relevance. They have been revised from time to time. Government is always solicitous of the welfare of its employees. Whenever the opportunity comes, it gives them increments. It gives them a Pay Commission, which always revises the pay scales. It gives them interim relief, and I do not think we have to wait for the hon Member to tell us these things, because we always keep these things in view, and we feel, wherever possible, that relief should be given to the Government employees. And to make a wild and baseless remark of the nature that the hon Member did, does neither justice.

DR K MATHEW KURIAN What is the difference between the lowest pay and the highest pay? What is the ratio between the two?

SHRI RAM NIWAS MIRDHA . Well, there are certain facts

DR K MATHEW KURIAN , Say that it is your socialism.

SHRI RAM NIWAS MIRDHA : Again the hon. Member is itching for a wider discussion, which I am in no mood to concede at present. There would be a

lot of occasions and we would face up to them also and explain what is the concept of our socialism, how we mean to work it, and what will happen if the hon Member had his way. But that is beside the point.

Well, Sir, I would again request the hon Members, who have been so solicitous of the welfare of the members of this Secretariat, that the present rules are there to protect them in every possible way. As regards the necessity of a law, I have already submitted that a law would not provide the type of resilience that is necessary in a matter of this nature. Even so, Government would not be averse to bringing forward a law also in case the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha would like us to do. We do not want to interfere in their way of working and it is not the Government which would stand in their way. But the two presiding officers have found that this system is working satisfactorily. And if at any moment they feel

DR BHAI MAHAVIR . When the Constitution ordains it on us, now do you think that there is need for any more approval to be taken?

SHRI RAM NIWAS MIRDHA . Yes, certainly, Sir. The Constitution ordains nothing of the type that the hon. Member says. The Constitution clearly says that it is permissive to pass a law if the respective presiding officers think it necessary to do so. It does not say that we have to do it, and the Government would not be averse to bringing in a legislation if at any stage the two respective presiding officers want us to bring in a law for the better running of their own Secretariats, and Government would certainly cooperate with them and come forward with the necessary legislation. But, Sir, we would not want to initiate a thing like this. The position of the Presiding Officers is a very delicate and a very important one, and the less we tinker with their position and the less we discuss them the better it would be for the parliamentary system. So, there is no lack of desire on the part

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of the Government to better the promotion prospects, working conditions and emoluments of the employees here. Every attempt is always being made to give them their due and Government would be prepared to concede them any amount of leeway that the Presiding Officers would want us to do. With these remarks I would again submit that a law of this nature is not necessary. I would say at the same time that we are not against any law as contemplated in the Constitution, but the initiative for that and the necessity for that should be felt by and come from the Presiding Officers of the two Houses. With these remarks, I would commend to the House and particularly to the hon. Member, who has moved this Bill, not to press it. The main purpose in moving the Bill has been served. We have had an opportunity of discussing the working of the Secretariat, highlighting the difficulties of certain categories of employees and, above all, of paying a well-deserved compliment to the whole Secretariat staff.

DR. K. MATHEW KURIAN : Was it the main purpose, to pay compliments?

SHRI N. G. GORAY : Is the purpose of the Bill to afford an opportunity to pay compliments?

SHRI GANESHI LAL CHAUDHARY : Is that the purpose?

DR. K. MATHEW KURIAN : Will the class IV staff continue to get Rs. 75 only?

SHRI RAM NIWAS MIRDHA : With these words, I request the hon. Member not to kindly press it. If any opportunity at any future time comes, if the necessity arises and if the Presiding Officers feel so, Government would not be averse to bringing forward legislation.

SHRI MAHAVIR TYAGI : After listening to the views of all the parties in the House, will the Government themselves take the initiative in consulting the Chairman? Have a consultative committee of selected Members from

various parties, may have discussions with them and find out if there is any need for changing the rules. After that, if you feel that there is justification for any change, you must be open minded for that. You must not object to that. You have already agreed and I am glad that whatever suggestions are made by the Chairman the Government will agree to them. You will enact a law if the Chairman so desires. It is good. But then in the light of the views expressed by Members here, will the hon. Minister agree to this much that they will take the initiative in consulting the Chairman? Also, a sort of consultative committee they may have for certain purposes. It is not a commitment. If they cannot abide by what the majority of the House says, they might at least take notice of what the views of the Members are and come to a conclusion as to whether there is any justification for bringing forward a law or not. If the Government's mind is open to that extent, I would request Dr. Bhai Mahavir to withdraw the Bill and give you a chance.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : The Minister seems to have said that the Government does not take the initiative in the matter.

SHRI RAM NIWAS MIRDHA : There is no question of the Government taking the initiative. I have given an exposition of the constitutional position. It is a very delicate position that the Presiding Officers have in our constitutional set-up. I do not want to give any impression, neither would I wish the House to give any impression that their position is being sought to be interfered with. I have said clearly that we are not against any legislation in this respect, but the initiative should come from the Chairman who is responsible for running the Secretariat. If he finds any difficulty in running the secretariat, we will be at his bidding to solve it.

SHRI N. G. GORAY : Then, we shall have to move the Chairman.

DR. BHAI MAHAVIR : Mr. Vice-Chairman, Sir, I must start by expressing

my sense of disappointment at what the hon Minister has found it proper to say in relation to this Bill. He has said that the Constitution does not ordain anything of the type which I have sought to provide for through this Bill. Article 98 (2) says.

“Parliament may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of either House of Parliament”

Clause (3) of this Article says :

“Until provision is made by Parliament under clause (2), the President may, ”

and so on “Until provision is made by Parliament under clause (2)” — I should think that the presumption is that Parliament is supposed to make provision under clause (2) to regulate by law the recruitment and conditions of service of the secretarial staff. But if Mr. Mirdha or the Government seeks to take refuge behind the literal interpretation of the term ‘may’ because it says, ‘Parliament may by law regulate’, it is not ‘Parliament shall by law regulate’ — if that is the attitude or the view of the Government, I would like to point out that it goes further and says

“... the President may, after consultation with the Speaker of the House of the People or the Chairman of the Council of States, as the case may be, make rules regulating the recruitment . . .”

And even with regard to the rules that had been made, there also there was no compulsion or there was nothing binding by the Constitution on the part of the Chairman to make those rules. But if it was considered appropriate to make certain rules, I do not see why and how Mr. Mirdha takes the stand that it would make the position very rigid and it would take away the resilience that is very necessary in the matter of running the Secretariat.

Before I wind up with a little more concerning Mr. Mirdha's comments on this Bill, I wish to say a few words in reply to some of the criticisms that have been offered on the floor of this House. I should express my gratitude to all the hon Members who have taken interest in the Bill and who have gone into its detailed provisions and have given their comments. I started by expressing my appreciation of the work of this Secretariat's staff and it has given me great pleasure to note that appreciation has been shared by hon Members from all sections of the House. But beyond this, I do not know how to comment on one interpretation of this particular appreciation that has been sought to be put on what we have said and what I also started by saying. Some hon friends — and I would like to refer to my friend, Mr. Pranab Kumar Mukherjee, who is sitting here and some others — took the very interesting line that if the Secretariat staff is doing such good work which is drawing appreciation from all sections of the House, then what is there to do about it. Everything is okay, everything is fine, God is in heaven and all is well with the world.

DR. K. MATHEW KURIAN : He believes in lip-sympathy

DR. BHAI MAHAVIR : I would not like to make that harsh comment. But I must certainly say that I have been rather intrigued at the interpretation that is given to this appreciation. The staff is honest, the staff is hard working, the staff is ungrudging, the staff is polite, the staff work late hours. That is what the staff gives to us. Now, this Bill is what we have to give to the staff. Whether we shall reciprocate the services which the staff renders by a measure which provides them with some guarantees of their promotion, of their service conditions, of their emoluments and possibly, other facilities also, whether we consider that to be a part of our duty or not — that is what I would like to ask my hon friends here. Because the staff is good, therefore we should not do anything to them, therefore we do not give anything to them — that would be a very perverse

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interpretation that I would request my hon. friends not to harbour.

SHRI N. G. GORAY : Compliments in plenty but no cash.

DR. BHAI MAHAVIR : Yes, my friend, Mr. Pranab made one or two other interesting comments also. He said that he was a bit confused about the purpose of the Bill and the provisions of the Bill, and he said that more than twice, I think. While, I think everybody has a right to be confused.

SHRI PRANAB KUMAR MUKHERJEE : I am still confused.

DR. BHAI MAHAVIR : That is what I say. I am appreciating your frankness and anxiety, and I must concede to you your right to be confused. But it is not one of our fundamental rights to confuse others. Nonetheless he has a right to be confused by anything which he chooses to be a suitable subject for the purpose. But I would like to submit also that nobody has a right to confuse others, and that is the attempt on the part of my friend, Mr. Pranab, to which I object. For example, he said, that the purpose of the Bill is not to do anything or provide any facilities or improve the service conditions of the Secretarial staff. But the purpose is to divest the Chairman of whatever powers he enjoys. I must congratulate him for the imaginativeness of the argument or of the plea that he has found it advisable to take up and he has tried to illustrate it. He says our Chairman has very little work. He says though he is a high dignitary he has no power. He has compared our Chairman with the Vice-President of the United States and he says that the United States Vice-President has much greater power than our Vice-President has and, therefore, this Bill would affect...

SHRI PRANAB KUMAR MUKHERJEE : Mr. Vice-Chairman, I mentioned the Vice-President of the United States of America as he presides over the Senate as the Vice-President of India presides over the Rajya Sabha. I mentioned also

that in one or two matters the Vice-President of the United States is in a better position. If the President of the United States of America dies, the Vice-President becomes the President for the rest of the term whereas if the President of India dies the Vice-President is the Acting President for six months only. So far as I remember I made this analogy. I do not want to make any other point.

DR. K. MATHEW KURIAN : Is it the problem of the Vice-President of India to solve the unemployment problem? And what is your problem, Shri Pranab Kumar Mukherjee?

DR. BHAI MAHAVIR : He has discovered new allegiance.

SHRI PRANAB KUMAR MUKHERJEE : Mr. Vice-Chairman, I am totally misinterpreted. If Dr. Bhai Mahavir goes through the text of my speech he will find out that I mentioned that if working under the existing system the staff of the Rajya Sabha Secretariat can do such a good job, why are you attacking this system. I not only praised the staff I also praised the system under which they are working.

DR. K. MATHEW KURIAN : This shows he is not confused.

DR. BHAI MAHAVIR : Sir, the hon'ble friend has tried to clarify. But I might say that as I was listening to him...

SHRI PRANAB KUMAR MUKHERJEE : I do not want any clarification. You can go on.

DR. BHAI MAHAVIR : You have tried to clarify what you said. Sir, as he was speaking I was taking notes. My notes tell me that the words he used were that the Chairman has very little work. He has only this Secretariat to look after. His powers will be abridged. He is a high dignitary. His power is already less than the Vice-President of the United States. If there is any inaccuracy I can admit it. Let us not quarrel over that. If this was not the

point of his argument I would not take up a row over it. But then, Sir, when you say that the purpose of this Bill is not to do any good to the staff but merely to divest the Chairman of some of the powers that he enjoys under the Constitution, I would only beg to state that it is a very perverse attempt not only to refrain from doing justice to the staff but also to misinterpret the motive of my Bill.

Mr. Pranab Kumar Mukherjee also said that Members should not be associated with the selection. Some other hon. Members also expressed this opinion and the Home Minister also said that the most objectionable part of my Bill is that elective elements are being associated with the recruitment or other conditions affecting the staff. Well, if anybody were to say that this Bill has certain flaws or anomalies or things which can be improved upon I am not such a vain person as would not admit it. Perhaps there are so many things which can be improved upon. Even in regard to the association of Members in the selection process, in my opening speech I said I am not quite sure, it may be that this system is not very desirable, perhaps we may be able to evolve a different system, perhaps it may be possible for us to get the co-operation of the Members of the House in a way which does not bring the evil effect of majority-minority or party allegiance in the matter of recruitment. I would be the last person to desire that type of evil effect to be introduced in the recruitment or other matters affecting the service conditions of the staff. But, then, does it mean that no committees are needed? Does it mean that no system is required? Does it mean that we have to leave things as they are and no rules are necessary to be framed? I would submit that this is not a necessary inference from the first part of the argument.

Now, in respect of Mr. Pranab Kumar Mukherjee's view that the Chairman's powers should not be reduced, I would like to suggest to him that there are a number of committees of this House like the Business Advisory Committee, the

House Committee and the Privileges Committee, which are supposed to assist the Chairman in the conduct of his functions. We all have full faith in the Chairman. I would suggest to Mr. Mukherjee that he may bring forward a Bill moving for the abolition of all these committees because the existence of these committees takes away the powers of the Chairman and the Chairman's jurisdiction is reduced when some Members are brought in to assist him and in the name of assisting him, they are probably taking away some of his authority. Sir, my submission is, and I would like to place it before Mr. Mirdha with all humility that the purpose of this Bill is not to reduce the powers or functions of the Chairman. The purpose is to restore to the Chairman the powers which the Constitution grants to him in the matter of conducting the functions of this House as the presiding officer of this House. How I say this, I consider it necessary to elaborate a little. When I moved the Bill I said that the present position is that if the Secretariat wants to create one job or the Chairman wants to create one job, or if the Secretariat wants to give a personal pay of ten rupees or any small amount to any member of the staff for sufficient reasons, or for reasons which they consider sufficient, it has to go to the Finance Ministry for approval; and when the Finance Ministry refuses to accept that, our Chairman finds himself helpless because the present rules say that the Chairman shall, in consultation with the Ministry of Finance, do this. The Chairman shall, in consultation with the Ministry of Finance, do that. I do not need to go through the rules as they are because they are there for anybody to see. Here I find on page 2 of the Rules that "No order sanctioning creation of a temporary post in Class I above the rank of Under Secretary shall be issued by the Chairman except after consultation with the Ministry of Finance." Number 2 says, "... Provided that when such amendment relates to a post in Class I or Class II no order sanctioning the amendment shall be made by the Chairman except after consultation with the Ministry of Finance." Regarding conditions of services of officers on deputation again it says, "An officer while

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on deputation of the Secretariat may be permitted to retain...and subject to such conditions as may be determined by the Chairman after consultation with the Ministry of Finance...and so on". Here again about other conditions of service, part of it is Rule 10, it reads—I am reading out the last part of it—"Subject to such modification, variations or exceptions, if any such rule as the Chairman may, after consultation with the Ministry of Finance from time to time by order specify..." Is this situation in consonance with the high dignity and the high office of the Chairman of this sovereign House of the Legislature? What this ultimately boils down to is that when a particular grade is revised—in my opening speech I referred to the revision of the grades of Translators, now I am referring again to that point for the purpose of illustration—what I am saying is the Secretariat had recommended a point-to-point fixation of the Translators in the new grade. But the Finance Ministry did not agree, they did not accept it. And when representation were subsequently made repeatedly by the Translators, those representations were not even placed before the Chairman. The Under Secretary expressed regret to the people sending the representation that since the Finance Ministry had refused to accept the recommendations of the Chairman, he would not be in a position to do anything about it, and the papers were not even sent to the Chairman. I would put it to the House and I would put it to the conscience of the Members of the ruling party also to tell me—and Mr. Pranab Kumar Mukherjee also is here—in all sincerity and in all humility to search within himself and find out if this position is a position which adds to the dignity and to the prestige of our Chairman and of our House?

THE VICE-CHAIRMAN (SHRI V.B. RAJU) : How much time do you want more?

DR. BHAI MAHAVIR : I will take about ten or twelve minutes.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF SHIPPING AND TRANSPORT. (SHRI OM METHA) : So long?

DR. BHAI MAHAVIR : I have to reply to the debate. You do not want me to be unjust to the Members who have offered some comments...

SHRI OM MEHTA : We want you to be precise.

DR. BHAI MAHAVIR : Of course I will be as precise as I can.

Sir, the purpose of Bill, as I stated, is this, and I quite appreciate it when Mr. Mirdha started speaking and when he said that we are very particular that the House should be, and the Secretariat should be, independent of the Executive Branch of the Government. With this start I thought that he was going to at least accept the spirit and the desirability of making a legal enactment on these lines; may be, not accepting what I have provided, but with the Government's own views, with the Government's own comment, I thought he would be able to come forward. But I have to, it appears, make out a case why legislation regarding rules is necessary. I do not want to go into this because, as I said in the beginning when I moved the Bill, it would not be proper to go into the details because it might look as if I am trying to comment or criticise the functioning of the Secretariat, but it is necessary for me to say, to illustrate what I mean by referring to the working of the present rules. I will give two or three illustrations. The first illustration is in respect of Interpreters. They were appointed in the year 1964, and as I was glancing through this gradation List I found that the date from which this post was held was 7-9-1964. Underneath there is a foot-note saying that the arrangement of names in the above order does not indicate seniority *inter se* of the person in the grade of Interpreters, it will be determined later. This Gradation List was published on the 1st February 1969 and people who were appointed in the year 1964 did not know of their seniority in the year 1969. I learn

with satisfaction that the seniority has now been decided. But I am not quite sure on what basis seniority has been decided whether on the basis of the original joining date or in accordance with their placement by the Selection Committee. Whatever it is, for five years a person in this office does not know his position. For years people are not confirmed. Is this a situation which we consider very desirable or proper? Secondly, Shri Yashpal Kapur was good enough to speak on this Bill last time. He said that I had forgotten the Lankini of Ramayana. I had not possibly forgotten the Lankini when Lankini is so well represented in the House by Shri Yashpal Kapoor. But in the Bill I wanted justice to be done to various sections of the Secretariat staff and I had even submitted that some of the jobs are of special nature requiring technical skill and specialised knowledge and it requires a thorough probe and understanding of all those jobs before these grades could be finalised.

SHRI DEV DATT PURI (Haryana) : I would request the Member to be very careful about ventilating individual grievances because the Constitutional position is that the entire staff matters are being administered by the Chairman. In so far as individual grievances are sought to be redressed, it is a reflection on the conduct of the Chairman of the House and I would beg of him not to do that. If he likes, he can attack a system. Let him not go into individual cases because that will be casting a reflection on the conduct of the Chairman.

DR. K. MATHEW KURIAN : That is not acceptable.

DR. BHAI MAHAVIR : I am thankful to Shri Puri for giving me a good bit of advice. I was not going into individual grievances. I was going into the working of a system particularly when it has been put to me again and again why a Bill is necessary when things are working very fine. I have been illustrating certain cases. I am very conscious that I should not give the impression of promoting any individual's interests as such. That is not my purpose.

THE VICE-CHAIRMAN (SHRI V.B. RAJU) : All that you have said on the last occasion. Now you are replying.

DR. BHAI MAHAVIR : Shri Puri is a senior colleague and I must accept his advice.

THE VICE-CHAIRMAN (SHRI V.B. RAJU) : According to your promise, you have only five minutes more.

DR. BHAI MAHAVIR : If these things are also taken into account, then I will have to take a little more time.

I have got all the rules here published in 1958 regarding the Watch and Ward Assistants. Watch and Ward Assistants were people from whom Assistants could be recruited upto the year 1968. But from 1968 onwards, under the rules that were printed, Watch and Ward Assistants were deprived of the chance of being promoted as Assistants and therefore the only senior position which a Watch and Ward Assistant can get is the post of Senior Watch and Ward Assistant. Beyond that there is a ceiling the type of ceiling on agricultural land and property for which we are taking so long a time. But here is the ceiling on promotion. These are the people who are the lowest cadre of our colleagues. If anybody is interested, I would be able to say that these Watch & Ward Assistants are the people who are quite well qualified. Here is the list : One is an MA, another a BA, still another is a B Com. and so on. I would like to know, if people with these qualifications are told that the only thing that they could aspire to in their long term of service is that a Junior Watch & Ward Assistant may become a Senior Watch & Ward Assistant while the original Rules provided that they could become Assistants, they could become Section Officers and rise to the position of Under Secretary, what was the justification in denying them this opportunity from the year of grace, the year of 1968.

Sir, a third instance I would like to give. It is this that the PA's and the Private Secretaries are not allowed to rise to the position of, or they are not

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eligible for selection as Under Secretaries where as the Assistants are eligible, the Assistants who get the same salary as the Private Secretaries or the PA's. They are eligible to become Under Secretaries, but these Private Secretaries and PA's are not.

Now, I would like further to illustrate by referring to some of our friends who are working as Reporters. Now, Sir, the duties of a Reporter are harder than the duties which any Stenographer or anybody else in a Government office is performing. When ten or fifteen Members get up simultaneously and are expressing themselves, the Reporters are expected to take down exactly and accurately whatever is being said and later on, some of us can ask for the record being referred to for the purpose of verifying what was actually stated. Now, Sir, in this situation, what is their position? What are their chances? What are their salaries? Sir, they have been representing that they are serving in a very specialised way and in a very difficult situation. Their minimum qualifications are more than what a Stenographer in a Government office is required to have. With all that, Sir, while the salaries of other people have been revised a number of times, these people have been representing and they have been told that the Pay Commission is sitting and before the Commission decides that, it would not be possible for their salaries to be considered. But, Sir, the Pay Commission says that the Rajya Sabha Secretariat is outside its purview. This is the situation.

Sir, I would like to give one more instance. Nobody knows how long the probation period of the employees of this Secretariat is going to be. When a person joins here, he does not know how long he will be on Probation. The actual fact of the case is that he is on probation till the time it is possible for this Secretariat to persuade the Finance Ministry to sanction that post and it takes years. Now, Sir, is this position in consonance with the sovereignty and dignity of the House? Sir I put it to the Members to the Government and to Mr. Mirdha. Of course, Sir, he has his own limitations; perhaps he

has his brief and he knows how far he can go. But I would like to request him to exercise whatever discretion he has been given... (*Time bell rings*)... in favour of the members of the Secretariat and in favour of the dignity of this House, because, Sir without that, we would not be doing justice to the members to the friends who are assisting us in our work, to the people who are standing here all the time, to the people in the lobbies, to the people who are attending to us outside, and to all such people. Sir, we are sitting in air-conditioned comfort, but they are suffering, facing the blast of wind, hot wind in this scorching summer. Even when we are talking about their benefits and comforts, we are taxing all their energies because they are supposed to be attending to us and these friends of ours, the Reporters are supposed to be taking down whatever we say. I feel, Sir, that we should do something.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Please conclude now. This is not like a reply; it is almost an introductory speech.

DR. BHAI MAHAVIR: Sir, I am only replying. One point has been raised...

SHRI JOACHIM ALVA (Nominated): This should be the last point.

DR. BHAI MAHAVIR: Don't be so impatient, Mr. Alva. You are a sentimental person and your sentiment should go in favour of the unfortunate members of the Secretariat who have not been given their due all these years.

Sir, for one high post—I do not want to name the post and it is not the very highest, but below that—which was filled up recently the person who was the senior most and the most deserving was so close to be guillotined because another person happened to be enjoying high patronage.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): You are going into individual cases.

DR. BHAI MAHAVIR: Sir, I am only illustrating...

(Interruptions)

SHRI YASHPAL KAPUR (Uttar Pradesh): Let him lead a delegation of the staff to the Chairman. Not like this ...

(Interruptions)

DR. BHAI MAHAVIR: If interruptions are coming, I naturally have to listen to them. I cannot keep on shouting simultaneously.

Some Members have said that a Bill should have been brought covering both Houses of Parliament. That is a point which I wish to clarify. Sir, the Constitution does not bind us to have a Bill for both Houses. Actually, the term used is "either House of Parliament" and the present Rules framed under Article 98(3) by the President are also separate for either House of Parliament. At the time the provisional Parliament came into being, after 1952, there was an attempt to have one common secretariat. It was not accepted and each House of Legislature has a secretariat of its own. But, then, Members have suggested that I should have brought a Bill which should have covered the Lok Sabha also. Personally, I feel, and in principle I don't object to that. But being a Member of this House, I tried to legislate for members of the Secretariat of either House...

THE VICE-CHAIRMAN (SHRI V. B. RAJU): It is now more than half an hour...

DR. BHAI MAHAVIR: I have to finish. I have to finish. Do you want me to bind myself down?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): There must be some time-limit.

DR. BHAI MAHAVIR: The time limit is 5 o'clock. I will not go beyond 5 P.M. If you want to guillotine me...

THE VICE-CHAIRMAN (SHRI V. B. RAJU): There are other Bills also.

DR. BHAI MAHAVIR: Other Bills cannot be taken up today. A new Bill cannot be taken in ten or fifteen minutes.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Please complete. As far as you are concerned, please complete.

DR. BHAI MAHAVIR: If you do not want me to let me have my say, I am prepared to sit down...

THE VICE-CHAIRMAN (SHRI V. B. RAJU): There is actually a time limit...

DR. BHAI MAHAVIR: What is the time-limit, and under what Rule?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): More than half an hour is not allowed.

DR. BHAI MAHAVIR: Under what Rule, time is limited?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Fifteen minutes for a speaker, and half an hour for the mover. I think you have replied to all the points.

DR. BHAI MAHAVIR: But I have cover major points. Sir, since you are so impatient...

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I am not impatient. I have to conduct the business of the House.

DR. BHAI MAHAVIR: Of course, this is business. I am also taking part in this business.

Sir, I wish to submit that...(Interruptions) I want to know according to what rule there is a time limit. But I do not want to dilate unnecessarily.

Sir, the Seventh Schedule provides for legislator on service conditions for the Supreme Court, Election Commission U. P. S. C., and even M.Ps. But it does not provide for service conditions of the Parliamentary staff. And then the Chief Justice has the power to decide about the

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grades, etc. Even then the courts are so sensitive about their autonomy. Here is a decision of the Andhra Pradesh High Court, which observes:

“Hyderabad, April 20.—The Andhra High Court today observed that the State Government had no power to fix the salaries of the members of the High Court services unless the salaries proposed by the Government received the concurrence of the Chief Justice...

This is a UNI report published in the “The Motherland” of April 21. I wish only to submit that if the High Court, even where the Constitution provides for it, is so particular about its own autonomy this House also has a duty and has a right to legislate about the service conditions, promotion chances, etc. of its staff.

I do not want to impute motives to anybody. For all I know, the Secretary is a very honest and a very honourable man. I mentioned last time also that nobody should take the impression that any member of the Secretariat staff came with any type of complaint against any officer. That is not a fact. But then it does not mean that regular service rules should not be framed, and regular pay scales not be improved where improvement is necessary.

Some Members have suggested that police verification as provided in this Bill is not desirable. Presently also there is police verification and what I have provided for is that police verification should be limited only to moral character.

DR. K. MATHEW KURIAN: Even now it is like that—character and antecedents.

DR. BHAI MAHAVIR: But I am prepared to accept that; if the House considers it to be unnecessary I would not be averse to accepting that recommendation.

Similarly it has been suggested that there should be a staff association. After

all, staff associations are permitted to function in other places also including the senior officers also. How is it that we should have a rule banning the formation of a staff association for our Secretariat members? These are certain things which I wish should be improved upon and it is for this purpose that I have brought this Bill.

Mr. Mirdha has said that there is no stagnation, that the people are getting grades corresponding to the Government jobs. I wish to tell him that the chances of promotion here are much less, The type of work here is more exacting; it is more strenuous. And, therefore, they deserve a little more consideration, better consideration in the matter of salaries and in the matter of service conditions.

With these words I wish to submit to the honourable House and to the hon. Minister to accept this Bill. If they so desire they may refer it to a Select Committee for the purpose of bringing about whatever changes this House considers necessary. That would be the minimum which the Government can do in this respect and should do in this respect. If they come out with a positive assurance that the Government will bring a Bill I would be very happy but since he has not found it possible to say that I would like to know whether it would be possible for him to accept a recommendation or an amendment that the Bill should be referred to a Select Committee so that all representative Members of the House can sit together and thrash out whatever shortcomings are there.

Sir, with these words I commend the Bill to the House.

SHRI BHUPESH GUPTA (West Bengal): I am told that Mr. Mirdha spoke on behalf of the Government. I was a little surprised. First of all Mr. Mirdha should have realised that this is a matter relating to the Secretariat of one House of Parliament. The Home Ministry does not come in here because this Secretariat is quite independent of the ordinary administrative services of the Government. It is a separate

service. Personally, if any Minister should have spoken, if at all, it should have been the Minister for Parliamentary Affairs. How does the Home Ministry come in here? Yet I find that nobody here took any objection to it.

This is not a service under the Home Ministry of the Central Government. It is a separate independent service. This is what we have in Parliament and it is a good thing. And Mr. Mirdha butted in. How could he do that? Now it is over but I thought I would be failing in my duty if I did not point out this irregularity in this matter because he has no *locus standi* as he is not a Member of this House. ... (Interruptions)... As a Member of this House he could speak independently but he spoke for the Government, it seems. Mr. Mirdha can speak; I like his speech. But if at all any one was to speak it should have been the Minister for Parliamentary Affairs. The service here is an independent service independent of the service of the Home Ministry. And it is a good thing that our Parliament has set a tradition, created a principle of having its own independent service. I hope many of the States also will have it.

So, Mr. Mirdha, you smuggled yourself in and successfully got away.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That the Bill to regulate the recruitment and conditions of service of staff in the Rajya Sabha Secretariat be referred to a Select Committee of the Rajya Sabha consisting of the following 10 members:

1. Shri Sasankasekhar Sanyal.
2. Shri Suhrid Mullick Choudhury.
3. Shri K. Chandrasekharan.
4. Shri U.K. Lakshmana Gowda.
5. Shri Pranab Kumar Mukherjee.
6. Dr. Z.A. Ahmad.
7. Shri Nawal Kishore.
8. Shri Jagdish Prasad Mathur.
9. Shri Lokanath Misra and
10. Shri V.K. Sakshalecha.

with instructions to report by the first day of the Eighty-first Session."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V.B. RAJU): I will now put Mr. Suraj Prasad's amendment to vote.

The question is :

"राज्य सभा सचिवालय के कर्म-चारीवृन्द की भर्ती तथा सेवा की शर्तों को विनियमित करने वाले विधेयक को राज्य सभा की एक प्रवर समिति को, जिसके निम्नलिखित सदस्य होंगे, अर्थात् :

1. श्री अवधेश्वर प्रसाद सिंह
2. श्री चन्द्र शेखर
3. डा० जेड० ए० अहमद
4. श्री नवल किशोर
5. श्री लोकनाथ मिश्र
6. श्री जगदीश प्रसाद माथुर
7. श्री वीरेन्द्र कुमार सखलेचा
8. श्री नागेश्वर प्रसाद शाही

इस अनुदेश के साथ सौंपा जाये कि वह अपना प्रतिवेदन आगामी सत्र के अन्तिम दिवस तक दे दें।"

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V.B. RAJU): I will now put Mr. Man Singh Varma's amendment to vote.

The question is :

"राज्य सभा सचिवालय के कर्म-चारीवृन्द की भर्ती तथा सेवा की शर्तों को विनियमित करने वाले विधेयक को राज्य सभा की एक प्रवर समिति को, जिसके निम्नलिखित 8 सदस्य होंगे, अर्थात् :

[The Vice-Chairman (Shri V.B. Raju)]

1. श्री अवधेश्वर प्रसाद सिंह
2. श्री चन्द्र शेखर
3. डा० जेड० ए० अहमद
4. श्री नवल किशोर
5. श्री लोकनाथ मिश्र
6. श्री जगदीश प्रसाद माथुर
7. श्री वीरेन्द्र कुमार सखलेचा
8. श्री नागेश्वर प्रसाद शाही

इस अनुदेश के साथ सौंपा जाये कि वह अपना प्रतिवेदन आगामी सत्र के प्रथम सप्ताह के अंतिम दिवस तक दे दे।”

The motion was negatived.

DR. BHAI MAHAVIR : I think Mr. Bhupesh Gupta was correct in raising the point that Mr. Mirdha was there as the Home Minister and the Leader of the House should have said something about this Bill. Since the Leader of the House is there and he is the guardian of the interests of the Members of this House as well as the Secretariat, I would request him to say whether he can give an assurance that he would use his good offices for the purpose of getting proper regulations or statutory provisions in the service conditions of the Secretariat. It may be that he does not like to commit on behalf of the Government but, as Mr. Mirdha said that if the Chairman felt, the Government would not be averse to it, let him at least consult the Chairman in this respect, and I wish to submit that this is not the issue on which I like to divide the House.

SHRI BHUPESH GUPTA : That issue can be settled like this. I am glad that he has not asked for Division. Now, since the Leader of the House is present—we are fortunate to have him here—it is enough for him if he says that he would give very serious consideration, to the views expressed from all sides with regard to the well-being of the House, conduct of its work and well-being of those who run this House. That is how we should be satisfied,

SHRI N. G. GORAY : Shri Bhupesh Gupta has done briefing for the Leader of the House.

THE LEADER OF THE HOUSE (SHRI UMASHANKAR DIKSHIT) : I do not think it is necessary for me to intervene. Mr. Mirdha, in whatever capacity has brought out the facts, and the legal position is quite clear. For the last 20 years, it has not been considered necessary either by the founding fathers or the other people who have come before us from time to time to change the legal position under the Constitution. Under the orders of the Chairman the Secretariat has been functioning. Now, if the Chairman feels and we come to the conclusion that some Bill is necessary, surely we will look into the matter. But I do agree with the argument explained here very clearly by Mr. Mirdha that this will really reflect on and weaken the position of the Chairman. No such serious situation has arisen as to make us reconsider the situation.

I do not think Dr. Bhai Mahavir should insist upon voting on this Bill as he has very rightly explained his position. I appeal to him to withdraw this Bill.

DR. BHAI MAHAVIR : Though the hon. Leader of the House has been over-cautious in his wording, I still fervently hope that he will take the sense of the House into account. He will take into account the feelings expressed by the Members from various parts and try to evolve an arrangement whereby not only justice is done but it also appears to be done and there is no possibility of injustice done anywhere to the members of the Secretariat family of our House.

With these words, I would request the Vice-Chairman that I may be permitted to withdraw my Bill.

The Bill was by leave withdrawn.

THE DELHI ADMINISTRATION (AMENDMENT) BILL, 1968.

THE VICE-CHAIRMAN (SHRI V.B. RAJU) : We shall now take up the Delhi