

[Shri Bhupesh Gupta]

Before I sit down, Sir, I would like that a categorical assurance be given to the workers that the award of the Third Pay Commission would be applicable to them as to any other Government employee.

Sir, the representatives of the Indian Statistical Institute Workers' Organization are in Delhi. And, as you know, in this House I have taken over the problems of these workers. I hope the Prime Minister will personally look into this thing. The assurance that has been given should not be violated. These workers should not be treated in a shady manner. I would appeal to the Prime Minister, since she is in charge of it, to look into this matter personally, and, if possible, meet the representatives of the Indian Statistical Institute Workers' Organization and have the matter settled to their satisfaction. Their demands are very legitimate. So, Sir, these are my suggestions.

REFERENCE TO MISS McNAMARA'S VISIT TO INDIA

SHRI BHUPESH GUPTA (West Bengal) . There is one more thing which I regret to say Mr Swaran Singh is not here but I put it to the House that I K Jha, Indian Ambassador to Washington, brought the daughter of former Defence Secretary of the U S A Robert McNamara, to India for a holiday even after the Indo-Pakistan War with a view to influencing some people who have leanings towards America. We should like to be told possibly during the course of the House as to why he brought her here, whether he took the permission, who gave the visa and what was the purpose of the visit and why Mr L K Jha should have gone there to bring Mr McNamara's daughter to India. He is not an escort for the daughter of Mr. McNamara. Why did he do that? This should be revealed to the House. Mr McNamara's daughter can come here on her own. The Americans have got enough money and everything. It does not require the Indian Ambassador to accompany or escort the daughter of Robert McNamara and land her in this country.

MR. DEPUTY CHAIRMAN . The House stands adjourned till 2-30 P M

The House then adjourned for lunch at eleven minutes past one of the clock

The House reassembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the CHAIR

THE RAJYA SABHA SECRETARIAT (RECRUITMENT AND CONDITIONS OF SERVICE) BILL, 1968

DR BHAI MAHAVIR (Delhi) Sir, I beg to move :

"That the Bill to regulate the recruitment and conditions of service of staff in the Rajya Sabha Secretariat be taken into consideration "

उप-सभापति जी आज राज्यसभा मेक्रेटे-रियट (रिक्लूटमेंट एण्ड कन्डीशनस् आफ सर्विस) बिल 1968 विधेयक सदन के सामने प्रस्तुत करते हुए मुझे बहुत प्रसन्नता है। इसके द्वारा यह सदन आज एक ऐसे काम को पूरा करने पर विचार करेगा जिसकी सविधान में कल्पना तो की गई लेकिन किसी कारणों से दस 20 वर्षों में सदन की ओर से इस सम्बन्ध में कोई कार्यवाही की नहीं जा सकी। अप्रैल 1952 में राज्य सभा की स्थापना के समय महामहिम राष्ट्रपति ने राज्य सभा के कर्मचारी वृन्द के सम्बन्ध में लागू होने वाले नियमों की घोषणा की थी, परन्तु वह घोषणा अन्तरिम काल के लिए थी, अर्थात् तब तक के लिए थी जब तक उनकी सेवा की शर्तों तथा नियमों को विनियमित करने वाला बानून बन न जाए। जो सविधान की सम्बद्ध धारा है, महोदय, वह 98 का दूसरा भाग है, जिसके शब्द हैं-

"Parliament may by law regulate the recruitment and the conditions of service of persons appointed to the Secretarial staff of either House of Parliament."

यह स्पष्ट प्रावधान होने के बाद भी क्योंकि उम समय एक दम से इस तरह की कोई व्यवस्था थी नहीं इसलिए इसके आगे ही तीसरे उपभाग में यह व्यवस्था करनी पड़ी कि तब तक के लिए अन्तरिम प्रबन्ध क्या हो और उसमें कहा गया-

“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.”

महोदय, यह जो व्यवस्था कुछ समय के लिए की गई थी इस काल में उसके स्थान पर बाकायदा कानून बना कर एक स्थायी प्रबन्ध किया जाता तो इस विधेयक को लाने की आवश्यकता न रहती। यह क्यों हुआ है उन कारणों में मैं नहीं जाता, लेकिन इतना जरूर कह सकता हूं कि यह कोई समाधान की बात नहीं है कि सचिवालय में काम करने वाले कर्मचारियों के सम्बन्ध में इन बीस वर्षों में इस दिशा में अभी तक कुछ नहीं हो पाया। संविधान में जो कल्पना की गई उसके अन्तर्गत ही समय समय पर नियम बनाये गए और उन नियमों को लागू किया गया, उससे इस सदन की कार्यवाही सुचारु रूप में चल रही है। मैं सदन की अब तक की कार्यवाही में कोई दोष निकालने की न कोशिश करूंगा और न उसकी मैं अवश्यकता समझता हूँ। अगर कुछ कहना है तो मैं यह कहूंगा कि सदन के सचिवालय ने बड़ी क्षमता से, बड़ी योग्यता से, बड़ी तत्परता से काम किया है, परन्तु महोदय, इतना कह के बाद संविधान की जो मंशा है संविधान ने जो कल्पना की है उसको पूरा करने के लिए विधेयक होना चाहिए और उम विधेयक की कमी को पूरा करने के लिये यह विधेयक मैंने प्रस्तुत करने का साहस किया है।

पूछा जा सकता है कि सरकार की ओर से ऐसा करने के लिए क्यों प्रतीक्षा नहीं की गई। सरकार का जहां तक प्रश्न है, यह कहा जा सकता है कि सरकार राज्य सभा के लिए या उसी के अनुसार लोक सभा के लिए भी कानून बनाने की आवश्यकता अनुभव करती है, शायद यह जरूरी नहीं, क्योंकि अगर सरकार अपनी तरफ से कोई विधेयक लाये तो उसका यह अर्थ भी लगाया जा सकता है कि, लेजिस्लेचर के काम में एक्जीक्यूटिव दखलंदाजी कर रही है। वस्तुतः वह कानून तो अच्छा यही है कि गैर-सरकारी तौर पर आये, सरकारी दल के किसी सदस्य की तरफ से आये या विरोधी दल के किसी सदस्य की तरफ से आये यही ज्यादा उपयुक्त मालूम होता है। जहां तक इस विधेयक का सबंध है, मुझे विश्वास है कि सरकार को इसके मुद्दावों और उद्देश्यों के बारे में कोई आपत्ति नहीं है और राष्ट्रपति का इसके पुरःस्थापन की आज्ञा प्रदान करने का अर्थ यही है कि सरकार की ओर से इसमें कोई विशेष आपत्ति अनुभव नहीं की गई। इसी तरह की बात तब आयी थी जब समद सदस्यों के भत्तों का सवाल आया था और 18-9-'4 को समद में इस संबंध में जो विधेयक आया था उस पर विचार करते हुए नत् लाइन मसदीय मामलों के मंत्री श्री सत्यनारायण मिह ने स्पष्ट कहा था कि वह मामला सदस्यों का है और इस वास्ते सरकार उसमें हस्तक्षेप करना उचित नहीं समझती, और साथ ही उन्होंने यह भी कहा था कि अगर सरकार को उम विधेयक का विरोध करना होना तो राष्ट्रपति महोदय की स्वीकृति वह न दिलवानी। इस आधार पर ही मैं, महोदय, समझता हूँ कि जैसे सदस्यों को अपने भत्तों के संबंध में विचार करने का अधिकार उन पर सरकार छोड़ना चाहती थी, वैसे ही सचिवालय के कर्मचारियों के संबंध में भी यह सदन अपनी बुद्धि से, अपनी समझ से उनकी सेवा और उनकी भर्ती की सारी शर्तों के बारे में नियम बनाये, ऐसा अगर सरकार सोचे तो मैं इसे उचित ही मानूंगा। कहा जा सकता है कि यदि यह सदन इस बारे में विचार करता है तो इसमें

[Dr. Bhai Mahavi]

सभापति के कार्य के अन्दर हस्तक्षेप होता है, या उनके अधिकार पर आक्षेप होता है। मेरी राय में ऐसा कतई नहीं है। यदि ऐसी बात होती तो संविधान में ऐसा उपबन्ध नहीं किया जाता जिसका उल्लेख अभी मैंने आपके सामने किया था। यह तो केवल आज की स्थिति में जो व्यवस्था होनी चाहिए उसका अंशलेपन करने के लिए और माननीय सदन के सामने सभी माननीय सदस्यों के विचारार्थ मैं यह विधेयक प्रस्तुत कर रहा हूँ और इसका क्या आधार है, क्या भूमिका ले कर यह सामने लाया गया है वह मैं कुछ शब्दों में आपके सामने रखने का प्रयत्न करूँगा।

महोदय, स्पष्ट है कि सभापति जी के नाम पर ही सचिवालय में सब काम होते हैं और देखा जाय तो सभापति महोदय जिम्मेदार होते हुए भी उनकी जिम्मेदारी नाम की है। अभी तक यह सचिवालय भारत सरकार के वित्त मंत्रालय और गृह कार्य मंत्रालय के निर्देशों के अन्तर्गत ही चलता है। उसकी मजूरी के बिना कोई कार्य नहीं हो सकता, कहा यह जाता है। क्या विधान मंडल के कार्य पर कार्यपालिका का प्रभाव होना चाहिए, चाहे वह परोक्ष ही क्यों न हो? उस मंत्रालय को इजाजत के बिना मैं वित्त मंत्रालय की बात कर रहा हूँ कोई भी, एक भी स्थायी पद न बनाया जा सके, कई मामलों में इसके कारण ऐसी स्थिति पैदा हो जाती है कि जिसकी वजह से अन्याय भी होता रहता है। मैं एक उदाहरण दूँगा जिससे यह स्पष्ट होगा कि न केवल अन्याय हो सकता है बल्कि काफी कोशिश करने के बाद कही जाकर वह अन्याय दूर कर पाना संभव होता है। इस विधेयक पर विचार करते समय हमें यह ध्यान रखना चाहिए कि इसके द्वारा मेरी मंजा बिल्कुल यह नहीं है कि सभापति महोदय की कोई अवमानना की जाय। यदि कुछ लक्ष्य है तो यह कि यह सचिवालय कार्यपालिका की मुट्ठी से निकले और यह कानून इसी दृष्टि से बनाया जाना चाहिए। मेरा अनुरोध है सदन से

कि सचिवालय के कर्मचारियों की भर्ती तथा सेवा की शर्तों के संबंध में जो नियम यह सदन उचित समझे यह नियम निश्चित करे, सदन को इसका अधिकार होना चाहिए न कि भारत सरकार के वित्त मंत्रालय या गृहकार्य मंत्रालय को। यदि यह सदन उनके बारे में कोई भी शर्त निर्धारित करता है अपने कर्मचारियों के बारे में तो स्वाभाविक रूप से उसके पीछे भाव यह है कि हमारे सचिवालय के कर्मचारियों के भविष्य पर, उनके भाग्य पर सरकारी नौकर-शाहों का प्रभुत्व न बना रहे। ऐसी स्थिति न रहे कि वह जिधर चाहे उसकी नकेल को घुमा सके। मैं चाहता हूँ कि सदन या हमारी समितियाँ जो भी प्रावधान करें, चाहे वह वेतन-मानों के सम्बन्ध में हो या कर्मचारीवृन्द की संख्या के बारे में हो वह मानी जाय और सरकार उसके सम्बन्ध में कोई आपत्ति न उठाये। आज तक यह क्योंकि प्रावधान नहीं था, ऐसा कोई कानून नहीं था इस वास्ते स्वाभाविक रूप से सरकार के मंत्रालयों से इस बारे में इजाजत लेनी पड़ती थी और उस कारण बठिनाइयाँ भी पैदा होती थी।

इसलिए केन्द्रीय विधान मंडल पर से कार्यपालिका का अकुश हटाने के लिये यह जरूरी है कि हम इस कानून द्वारा इस सदन को यह अधिकार प्रदान करें कि वह अपने सचिवालय के कर्मचारियों के लिए सेवा की शर्तों का विनियमन स्वयं करे, इससे हमारे कर्मचारीवृन्द निश्चिन्ततापूर्वक और दक्षता, ईमानदारी व निष्पक्षता के साथ अपने कर्तव्यों को निभाते रह सकेंगे।

राज्य सभा के सचिवालय में जो कर्मचारी नियुक्त किये जाते हैं, महोदय, उनको केवल इसी सचिवालय तक ही सीमित रहना होता है, वे किसी दूसरे मंत्रालय में किसी ऊँचे पद पर जाने के लिए कोई अवसर अपने सामने नहीं देखते, कोई सेक्शन ऑफिसर सीनियारिटी के आधार पर भारत सरकार के किसी मंत्रालय

मे अवर सचिव नहीं बन सकते। इस सम्बन्ध में इस सचिवालय का भारत सरकार के किसी भी मंत्रालय या उस सदस्य में किसी भी अन्य कार्यालय में कोई सम्बन्ध नहीं है। यहाँ कार्य भी एक विशिष्ट प्रकार का है जिसका मंत्रालयों की कार्य पद्धति में कोई सम्बन्ध नहीं है। यहाँ विशिष्ट प्रकार से व्यक्तियों का चयन करना पड़ता है, एक प्रकार से यह सचिवालय एक तदर्थ रूप का सचिवालय है, अतः यह स्वाभाविक है कि हमारे कर्मचारियों की सेवा की शर्त भी...

SHRI N. G. GORAY (Maharashtra) :
Once you are in it, you cannot get out of it

डा० भाई महावीर गोरे जी कह रहे हैं कि यह हैरेम है, यह अपने कर्मचारियों के लिए यह कोई काम्प्लीमेंट है या...

SHRI N. G. GORAY : It is a reflection on the structure.

डा० भाई महावीर : उनकी मजबूरी प्रकट कर रहे हैं आप। मैं इस मजबूरी की स्थिति को ही ऐसी स्थिति में बदलना चाहता हूँ कि जहाँ पर हमारे कर्मचारी-वृन्द आत्मविश्वास के साथ अपने भविष्य के विषय में निश्चिन्तता रखते हों और किसी भी दूसरी ओर उनके मन में इच्छा, प्रयत्न, मोह न पैदा हो, इस तरह की स्थिति पैदा करने के लिए यह लाना चाहता हूँ।

महोदय, क्योंकि यह कार्यालय, यह सचिवालय विशिष्ट प्रकार का है, क्योंकि हमारे कर्मचारियों के कार्य का ढंग अपने ही प्रकार का है इसलिए यह स्वाभाविक है कि हमारे कर्मचारीवृन्द की सेवा की शर्त भी भारत सरकार के मंत्रालय या दूसरे कार्यालय में कार्य करने वाले व्यक्तियों की सेवा की तुलना में कुछ भिन्न हो। इन्हीं बातों को ध्यान में रखते हुए मैंने इस विधेयक के खंड में कुछ विशिष्ट प्रावधान किये हैं।

अब मैं इस विधेयक की कुछ खाम-खाम बातों की ओर सदन का ध्यान खींचना चाहता हूँ। इसके अन्तर्गत कई समितियों की बात कही गई है। इसमें मेरा यह प्रयास रहा है कि इस सचिवालय के सम्बन्ध में निर्णय लेने के बारे में इस सदन के माननीय सदस्यों को भी कुछ अधिकार मिले इसी प्रयोजन से इसके अन्तर्गत नियुक्त होने वाली वित्त मिति, नियम सेवा समिति में इस सदन के कुछ सदस्य रहेंगे।

यहाँ यह प्रश्न उठ सकता है कि क्या सचिवालय के कर्मचारियों के सम्बन्ध में बात करने के लिए या निर्णय करने के लिए सदन के कुछ सदस्यों को समितियों में रखना उन कर्मचारियों की निष्पक्षता के अन्दर कठिनाई तो नहीं पैदा करेगा। यह प्रश्न बिल्कुल निराधार है या इस प्रश्न का विचार किसी को आ ही नहीं सकता, यह मैं नहीं कहूँगा परन्तु मैं यह जरूर कहूँगा कि हमारे इस सदन के सदस्य ही उन कठिनाइयों की कल्पना भी कर सकते हैं जिन कठिनाइयों में, जिस तरह के दबावों में, हमारे कर्मचारियों को काम करना पड़ता है इसलिए इनकी सेवा के शर्तों में सम्बन्ध में विचार करने के लिए यदि इस सदन के सदस्य न उपस्थित रहे तो ऐसे ही लोगों के ऊपर भरोसा करना पड़ेगा कि जो इस सम्बन्ध में जैसा अनुभव के बगैर ही बैठ कर वहाँ विचार करेंगे। रहा सवाल यह कि अगर कुछ सदस्य इस सम्बन्ध पर विचार करने के लिए बैठने हैं तो क्या वह प्रभावी होंगे। मैं समझता हूँ, इस सदन के सदस्यों की जो कर्तव्य-भावना है और सदन के सदस्यों का उदात्त कार्य करने का ढंग है उसे देखते हुए इस सम्बन्ध में मुझे कोई शका पैदा नहीं होती कि ऐसी कोई संभावना हो जिसमें कि सचिवालय के कर्मचारियों के निष्पक्ष कार्य करने के बारे में कोई शका उत्पन्न होने का कारण हो। किन्तु फिर भी यदि किसी एक माननीय सदस्य के मन में प्रश्न उठे तो मैं निवेदन करूँगा कि इस बारे में विचार

[डा० भाई महावीर]

अवश्य कर लें और यदि कोई और सुझाव आ सकता है तो उभ सुझाव पर भी विचार करने के विषय में मुझे आपत्ति नहीं होगी।

जहाँ तक वित्तीय मामलों का सम्बन्ध है, भारत सरकार के वित्त मंत्रालय के प्रभाव से मुक्त रख कर मैंने एक ऐसी समिति बनाने का उपबंध इसमें किया है जिसमें स्वयं सभापति तथा राज्य सभा के 4 सदस्य सम्मिलित होंगे। इससे सदन की गरिमा के अनुरूप उसके कार्य में वित्त मंत्रालय का हस्तक्षेप रहेगा। वित्त मंत्रालय हमारे सचिवालय के कर्मचारियों के वेतन के संबंध में कितना हस्तक्षेप करता है उनका एक उदाहरण देना पर्याप्त होगा। जो सचिवालय में कार्य करने वाले कर्मचारियों की सेवा संबंधी शर्तों के नियमों को 1957 में राजपत्र में प्रकाशित किया गया था उसमें उसके अनुवादकों को उनके कार्य के बारे में विधि मंत्रालय के अनुवादकों के समक्ष रखा गया, यानी इस सचिवालय के ट्रांसलेटर्स को ला मिनिस्ट्री के ट्रांसलेटर्स के बराबर रखा गया था, परन्तु वित्त मंत्रालय की मनमानी के कारण उनका वेतन विधि मंत्रालय के अनुवादकों के वेतन से कहीं कम रखा गया। हमारे अनुवादकों को दूसरे और अनुवादकों के बराबर रखने के पश्चात् भी वित्त मंत्रालय ने एक ऐसा रवैया अपनाया कि जिससे हमारे अनुवादकों का वेतन उनकी अपेक्षा वही कम रखा गया। कई बार यहां के अनुवादकों ने कई ज्ञापन दिए। वित्तीय वेतन आयोग को उन्होंने अपने मामले भेजे परन्तु वित्त मंत्रालय उनकी मांग को 1970 तक बराबर टालता रहा। वेतन आयोग ने तो स्पष्ट रूप से यह कहा कि यह सचिवालय उनके कार्य क्षेत्र की सीमाओं के बाहर है, इसलिए वे इस संबंध में कुछ नहीं कर सकते। अन्त में काफी परिश्रम के बाद और संसद सदस्यों के दबाव के पश्चात् हमारे अनुवादकों को उनके बराबर वेतन मान दिया गया। 12 मई, 1970 को स्वयं वित्त मंत्रालय में जो उस समय राज्य मंत्री थे, श्री प्रकाश चन्द्र सेठी, उन्होंने एक अतिरिक्त

प्रश्न संख्या 648 के उत्तर में यह माना कि यह एक एनोमेली थी जो दूर की गई। जब यह स्वीकार कर लिया कि यह एनोमेली थी और इसको दूर करने के लिए हमारे अनुवादकों को दूसरे अनुवादकों के समक्ष लाया गया। तो एक कमी उसमें भी रह गई और वह यह कि जो अनुवादक कई वर्षों से कार्य कर रहे थे उनको, और जो नये आये उनको बराबरी में खड़ा कर दिया। चाहिए तो यह था कि जो कई वर्षों से कार्य कर रहे थे उनको उस अनुभव के आधार पर कुछ वेतन-वृद्धियाँ दी जाती लेकिन एक भी वेतन-वृद्धि देना स्वीकार नहीं किया गया। परिणाम यह हुआ कि एक गलती तो दूर की गई लेकिन उसी गलती का कुछ हिस्सा बाकी बना रहने दिया गया। क्या सचिवालय के अनुवादकों के साथ यह अन्याय नहीं हुआ? क्या इस तरह की स्थिति को सरकार या यह सदन उचित मान सकता है? सवाल यह है कि क्या इस सदन के कर्मचारियों को, इस सदन के कर्मचारियों को, इस सचिवालय के कर्मचारियों को अपनी सेवा और अपने वेतन संबंधी प्रश्नों के लिए केवल वित्त मंत्रालय की कृपा-दृष्टि पर निर्भर रहना पड़ेगा? या यह सदन उनके हितों की रक्षा करने की जिम्मेदारी भी स्वयं सम्भाले? संविधान ने अपेक्षा की थी कि यह सदन संभाले और इसी अपेक्षा को पूरा करने का महोदय, इस विधेयक का उद्देश्य है। इसलिए यह आवश्यक है कि सचिवालय के कर्मचारियों के संबंध में वित्त संबंधी व्यवस्था करने का अधिकार इस सभा की किसी समिति को हो न कि वित्त मंत्रालय को।

इसके साथ ही मैं यह भी कह दूँ कि अभी तक की परिपाटी के अनुसार इस सचिवालय के कर्मचारी अपनी शिकायतों को संसद सदस्यों की मार्फत भी सदन में उठा नहीं सकते और मैं स्वयं भी चाहूँगा, ऐसी स्थिति भी पैदा न हो कि जिससे हमारे कर्मचारियों को यह आवश्यकता अनुभव हो कि ये सदन में अपनी कठिनाइयों के लिए कौन सदस्य से मिलकर आवाज उठावेंगे, ऐसी स्थिति के लिए मजबूरी पैदा न हो।

इसी लिए मुझे लगता है, यह आवश्यक है कि हम ऐसी व्यवस्था करे कि जिससे उनका सारा भविष्य, आगे की वेतन-वृद्धियों का क्रम और उनको जिससे निश्चिन्तापूर्वक आगे जाने का रास्ता दिखाई देना हो, उनका प्रावधान हम कानूनी तौर पर कर दें।

महोदय, मैंने इस विवेक में कुछ वेतनमान प्रस्तावित किये हैं। उस सम्बन्ध में मैं कहना चाहता हूँ कि ये वेतनमान 1968 में दिये गये थे और उसके बाद चार साल हो चुके हैं। मुझ से कुछ अपने माननीय सदस्य मित्रों ने कहा कि आपने इतना कम वेतनमान क्यों रखा? तो मैंने उनसे कहा कि जब मैंने यह बिल 1968 में प्रस्तुत किया था तब से लेकर अब तक बहुत पानी जमना, पुल के नीचे बह चुका है और तब उसको कुछ स्पष्ट हुआ कि इसका क्या कारण था। परन्तु इस समय भी मैं निवेदन करना चाहूँगा कि इन वेतनमानों के बारे में मेरा कोई एक-एक आकड़ें पर, एक-एक ग्रेड पर, एक-एक वेतनमान पर कोई ऐसा आग्रह नहीं है कि मैं उनको किसी बड़ी मेरिटरी का विषय मानता हूँ। मैंने तो एक इन्डिकेट किया है; मैंने दिखा देने के लिए एक इशारा किया है और संकेत के रूप में रखा है, फिर भी मैं चाहूँगा कि हमारे सचिवालय के सभी कर्मचारी वर्ग के जो अलग-अलग भाग हैं, जो अलग-अलग वर्ग हैं, उन सबके काम के बारे में विचार किया जाय, उनके कामों की विजिष्टता को देखा जाय कि किस तरह का उनका काम है और किस तरह से डिमान्ड उनका काम करता है तथा उनके मन में, उनकी जाग्रति पर किस तरह की अपेक्षा रह जाती है।

इतना ही नहीं उनको किस तरह के प्रशिक्षण की जरूरत होती है इन सब बातों पर विचार करके फिर उनके वेतनमानों का निर्धारण किया जाय तो मुझे इसमें प्रसन्नता होगी। आज भी जब मैं देखता हूँ तो मुझे कहीं-कहीं पर कुछ अदृश्य दोष दिखाई देते हैं और अगर इस वक्त भी फिर से बनाने बैठें तो मुझे लगता है कि खुद कुछ न कुछ परिवर्तन करना

आवश्यक समझूँगा। इसलिए मैं चाहूँगा कि यह सदन, जो सचिवालय के कर्मचारी है, मैं इस समय एक-एक का नाम नहीं लेना चाहता हूँ, लेकिन कुछ ऐसे काम हैं जिनका जैसा काम और कही नहीं है। जैसे हमारे यहाँ माइमल्टेनियस इंटरप्रेटेशन सिस्टम है, इस तरह का शायद और कही काम नहीं होता है। इंटरप्रेटेशन का जो काम होता है वह भी साइमल्टेनियस इंटरप्रेटेशन नहीं होता है। अन्तर्राष्ट्रीय मभाओं में जो अन्तर्राष्ट्रीय मंडल आते हैं, डेरीगेशन आते हैं, उनकी भी सहायता करने के लिए जो इंटरप्रेटेशन होता है, उन लोगों को भी इस तरह का काम नहीं करना पड़ता।

इसी प्रकार रिपोर्टिंग का काम है और किस तरह की उनकी योग्यता की आवश्यकता होती है। मैं समझता हूँ कि कहीं भी इतनी कुशल बात सुनने के लिए और हम लोग भी उपसभा-पति जी, आप जानते हैं कि सदस्यगण यहां पर हंगामा करते हैं, कभी इस तरह का शोर मचाने हैं कि सदस्यों को एक दूसरे की बात समझ में नहीं आती है। तो ऐसी परिस्थिति में हम लोग रिपोर्टिंग पर भरोसा करते हैं, उनके रिकार्ड पर भरोसा करते हैं और उनके रिकार्ड में जो आ गया, जो रिपोर्टिंग ने लिख लिया, वह बिल्कुल ठीक है। तो इतनी मानसिक जागरूकता और तत्परता की जिनमें अपेक्षा हम लोग करते हैं, जिनकी रफ्तार में वे लोग काम करने हैं, जिस तरह की काम की हम उनमें उम्मीद करते हैं, उसमें यह स्वाभाविक ही है कि हमें उनकी बातों पर विचार करना चाहिये और विचार करने के बाद उनके वेतनमानों का निर्धारण किया जाना चाहिये।

मैं इस सम्बन्ध में सभी वर्ग के कर्मचारियों का नाम नहीं ले सकता हूँ। अडिटरों का काम भी कोई आसान काम नहीं है। मैं यही कहूँगा कि जो सबसे छोटा वर्ग है, अटेन्डेंट है, क्लर्क चार का कर्मचारी है, उनके लिए जो इस समय वेतनमान है, क्या वह उनके लिए पर्याप्त समाधान है और उनके जीवन तथा सूखी भविष्य के लिए ठीक मालूम होता है। इस तरह से सारी

[डा० भाई महावीर]

चीजों पर विचारे और देखे और कुछ भी उमलक्ष्य के लिए संयुक्त समिति करे, लेकिन इस सम्बन्ध में सदन को कुछ करना चाहिये।

मैंने इन वेतनमानों में प्रचलित मूल वेतन में महंगाई भत्ता भी शामिल कर लिया है और इस बात को अब वेतन आयोग भी स्वीकार कर लिया है। उसने भी अधिकांश महंगाई भत्ते के भाग को वेतन में शामिल कर लिया है।

मैंने उनकी वेतन-वृद्धि में एक विशिष्ट प्रकार में परिवर्तन किया है, जो भारत सरकार के वैसे ही वेतन पाने वाले कर्मचारियों की वेतन-वृद्धि से कुछ अधिक है, इन्फ्रीमट्स जितने कारेस्पोंडिंग सरकारी दफ्तरो में है उनसे कुछ अधिक रखे गये हैं। इसके कारण मैं बताना अनुचित नहीं समझता। मुझे लगता है कि यहाँ पर जो कर्मचारी आता है उसकी मीनियोरिटी, उसके आगे बढ़ने की गुंजाइश इस सचिवालय की सीमाओं के अन्दर ही है, व किसी भी दूसरे क्षेत्र में आगे नहीं बढ़ सकते और इस वास्ते छोटा सा सचिवालय होने के कारण यदि उनको इन वषों हुए अवसरों की सीमा के कारण कुछ अधिक वेतन-वृद्धि दे सके तो मुझे लगता है कि उनके साथ न्याय ही होगा। हमारे कर्मचारी मीनियोरिटी का लाभ उठा कर और कहीं नहीं जा सकते। किसी मंत्रालय के पदाधिकारी अपनी वरीयता का लाभ उठा कर किसी भी दूसरे मंत्रालय में जाने की कोशिश कर सकते हैं, पर यहाँ कर्मचारियों को पदोन्नति के अवसर बहुत सीमित हैं। इसलिए कुछ वेतन-वृद्धि अधिक दी जाय, यह मुझे उचित मालूम होता है। अभी तक इस सचिवालय के कर्मचारियों को वही मकान भत्ता मिलता है जो भारत सरकार के कर्मचारियों को मिलता है, लेकिन जहाँ तक सरकारी क्वार्टरों के आवंटन का सम्बन्ध है, एलाटमेंट का मवाल है, ये क्वार्टर इस सचिवालय के कर्मचारियों को बहुत कम मिल पाते हैं और अभी हाल में इस कमी की ओर ध्यान दिलाए जाने पर आवास मंत्रालय ने कुछ

क्वार्टर कुछ खास अवस्थाओं में काम करने वाले कर्मचारियों के लिए तदर्थ आधार पर, एडवाक वेमिस पर दिए, किन्तु वे सभी को प्राप्त नहीं हो सकते। इस सम्बन्ध में मैं यह संकेत करना चाहूँगा कि रिजर्व बैंक आफ इण्डिया अपने दिल्ली स्थिति कर्मचारियों को मकान भत्ते के रूप में वेतन का 20 प्रतिशत देती है, जबकि राज्य सभा के सचिवालय के कर्मचारियों को अन्य सरकारी कर्मचारियों के समान केवल 15 प्रतिशत ही दिया जाता है। यदि किन्तु मंत्रालय रिजर्व बैंक के लिए 20 प्रतिशत देने पर आग्रह नहीं उठाता तो मुझे कोई कारण नहीं मालूम होता कि राज्य सभा के कर्मचारियों को 20 प्रतिशत न दिया जा सके। इस बारे में मैं यह बताना जरूरी समझता हूँ कि भारत सरकार को यह भत्ता बढ़ाने से कुछ अर्थ व्यय करना होगा, क्योंकि भारत सरकार के सारे कर्मचारियों के लिए बढ़ाया जाय तो भारत सरकार पर काफी बोझ पड़ेगा, क्योंकि उनके कर्मचारियों की संख्या लाखों में है, लेकिन इस सचिवालय के कर्मचारियों की संख्या इतनी थोड़ी है केवल 450 के करीब इसके लिए बहुत बड़ा आर्थिक बोझ नहीं पड़ेगा।

अब मैं एक और महत्वपूर्ण बात की ओर आपका ध्यान दिलाऊँगा। राज्यसभा सचिवालय के कर्मचारियों की संख्या सीमित है और इसी कारण जैसा मैंने पहले कहा, पदोन्नति के अवसर वहाँ सीमित हैं, लेकिन इसमें भी एक खैदजनक बात यह है कि उच्च पदों पर केवल एक वर्ग-विशेष को ही पदोन्नति के अवसर अधिक मिलते हैं। मेरा आशय अवर सचिव के पदों पर नियुक्ति से है। इस समय सचिवालय में अवर सचिव के 6 पद हैं। उनमें से 4 संक्रान्त आफिसर अधिकारियों में से भरे जाते हैं यानी कांडर पोस्ट्स में जिनकी संख्या 18 है जबकि एक्स-कांडर पोस्ट्स जो कहलाती हैं जिनमें रिपोर्टर, चीफ एडीटर्स, चीफ इंटरप्रेटर्स, रिसर्च आफिसर्स आदि 45 गजेटेड आफिसर हैं उनमें से केवल एक ही अवर सचिव की पोस्ट

भरी जाती है। इस तरह 18 गजेटेड आफिसर्स के पीछे 4 अवर सचिव लिए जायें तथा बाकि 45 गजेटेड अफसर के पीछे एक अवर सचिव लिया जाय, यह कार्ड न्यायपूर्ण नहीं मालूम होता एक उपसचिव की नियुक्ति बाहर से चुन कर भी की जाती है। इस तरह यदि देखा जाय तो एक वर्ग विशेष को अधिमान सा मिला हुआ प्रतीत होता है, जब कि प्रिन्सिपल वर्ग के 45 व्यक्तियों को पदोन्नति के अधिक अवसर नहीं हैं।

इसके अलावा वाच एण्ड वार्ड कर्मचारियों के लिए भी पदोन्नति के अधिक अवसर नहीं है। मैं इस सम्बन्ध में समझ नहीं पाता कि इतने छोटे से सचिवालय में कांडर और एकम-कांडर का यह द्वे त किम आधार से लाया गया, जबकि एकम-कांडर कर्मचारियों का काम बहुत महत्वपूर्ण है और सदन की कार्यवाही से सीधा सम्बन्धित है।

मुझे विदित हुआ है कि इस विधेयक के कारण कई अधिक प्रमाणित योग्यता रखने वाले कर्मचारियों को भी हानि उठानी पड़ रही है। इसी प्रकार केवल नियुक्ति के समय कानून के स्नातक को वीथता दी जाती है, परन्तु नियुक्ति के बाद उसकी पूरी उपेक्षा होती है।

3 P.M.

मेरी जानकारी के अनुसार इंटरप्रे सं, अनुवादकों में से काफी संख्या ऐसे कर्मचारियों की भी है जो 6,6 और 7,7 वर्ष से काम कर रहे हैं, परन्तु अभी तक अपने पदों पर वे स्थायी नहीं किये गये। इस समय इस सचिवालय में क्लर्कों के भी दो वर्ग हैं। एक अपर डिवीजन क्लर्क और दूसरा लोअर डिवीजन क्लर्क। अनुभव से ज्ञात हुआ है कि दोनों का काम एक सा ही है। फिर क्यों न दोनों को मिला कर एक वर्ग ही बना दिया जाय। मैं सदन का ध्यान एक बात की ओर ओर दिलाता चाहता हूँ। भारत सरकार के विभिन्न मंत्रालयों में कर्मचारियों के मामलों पर विचार करने के लिए एक ज्वाइंट कंसल्टेटिव मशीनरी भी है, जिसमें उनकी

शिफायतो तथा अन्य बातों पर विचार किया जा सकता है। परन्तु इस सचिवालय में ऐसी कोई व्यवस्था नहीं है। स्टाफ वॉर्मिल है, परन्तु वह कोई ठोस निर्णय करने की स्थिति में नहीं है। इसलिए मैं चाहूंगा कि यह सदन इस बारे में भी विचार करे कि यदि कोई इस तरह की कठिनाई हमारे कर्मचारियों के वर्ग में से किसी को अनुभव हो तो उसको कहां पर प्रस्तुत किया जाय जिससे उसका निवारण हो सके। यह देखने की बात है कि इस सचिवालय में जनवरी, 1953 में 18 अनुवादक थे, जबकि आज भी उनकी संख्या प्रायः वही है जब कि दूसरी ओर उस समय वहां केवल एक ही उपसचिव था, जब कि आज उपसचिवों की संख्या 4 है। लोक सभा में जनवरी, 1959 में अनुवादकों की संख्या 23 थी, जो आज 50 से ऊपर हो गयी है। क्या इस सचिवालय में हिन्दी का काम नहीं बढ़ा, केवल लोक सभा में ही ऐसा हुआ है? क्या यहाँ प्रशासनिक विभागों का इतना काम बढ़ गया कि उपसचिव एक से बढ़ कर चार हो गये और अनुवादकों की संख्या 18 में बढ़ कर 21 तक ही पहुँच पायी। इस सम्बन्ध में अनेक बातें कहने की हैं, परन्तु समय की कमी के कारण मैं उन्हें इस समय उठाने की कोशिश नहीं करूंगा। बहस वा उत्तर देते समय मैं उन बातों को कहने का प्रयत्न करूंगा। मैं आशा करता हूँ कि सदन मेरे इस प्रस्ताव से सहमत होगा कि इस विधेयक को एक प्रवर समिति को सौंप दिया जाय और उस प्रवर समिति में इस बात का ध्यान रखा जाय कि जब उसी बैठके हो तो सचिवालय के विभिन्न वर्ग के कर्मचारी तथा अधिकारियों को उसमें अपना मत व्यक्त करने की छूट दी जाय और उस समिति के सामने अपनी बात भी वे कह सकें।

मैं आखिर में एक बात फिर कह कर समाप्त करूंगा। इस विधेयक को प्रस्तुत करने के पीछे मेरा जो उद्देश्य है और जो कुछ सामान्य तौर पर बातें मैंने कही हैं, उनसे कहीं पर भी कोई गलतफहमी न पैदा हो, कोई बात गलत न समझी जाय, यह मैं जरूर चाहूंगा।

[डा० भाई महावीर]

इससे यह अर्थ बिलकुल न लगाया जाय कि किसी वर्ग ने किसी विशेष अधिकारी के सम्बन्ध में कोई शिकायत की या उनके कारण कहीं कोई कठिनाई आने के कारण न्याय न मिला की शका पैदा हुई हो, ऐसी कोई बात प्रकट हुई हो, ऐसा नहीं है। अगर इस विधेयक के पीछे कोई बात है तो केवल यह कि जैसी आज व्यवस्था चल रही है, उसको एक कानूनी आधार देकर हमारे कर्मचारीवृन्द के बारे में एक इस तरह का चित्र भविष्य का उनके सामने रख दिया जाय कि जिसमें छोटे से छोटा कर्मचारी जो है उससे लेकर सबसे बड़े अधिकारी तक सबको निश्चितता हो और वह किसी भी अनिश्चितता के भवर में न फसते हुए स्पष्ट रूप से दक्षतापूर्वक इमानदारी से अपने कर्तव्य को निभाये। इन शब्दों के साथ मैं इस विधेयक को सदन के विचारार्थ प्रस्तुत करता हूँ और आशा करता हूँ कि सदन इसको स्वीकार करेगा।

Dr K. MATHEW KURIAN (Kerala)
Sir, I move

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 Muflick 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

श्री सूरज प्रसाद (बिहार) श्रीमान्, मैं प्रस्ताव करता हूँ :

“राज्य सभा सचिवालय के कर्मचारी वृन्द 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 चन्द्रशेखर
3. डा० जैड० ए० अहमद
4. श्री नवल किशोर
5. श्री लोकनाथ मिश्र
6. श्री जगदीश प्रसाद माथुर
7. श्री बी० फे० सकलेया
8. श्री नागेश्वर प्रसाद शाही

इस अनुदेश के साथ सौंपा जाय कि वह अपना प्रतिवेदन अगामी सत्र के अन्तिम दिवस तक दे दे।”

श्री मान सिंह वर्मा (उत्तर प्रदेश) उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ.

“राज्य सभा सचिवालय के कर्मचारी-वृन्द की भर्ती तथा सेवा की शर्तों को विनियमित करने वाले विधेयक को राज्य सभा की एक प्रवर समिति को, जिसमें निम्नलिखित 8 सदस्य होंगे, अर्थात् :

1. श्री अवधेश्वर प्रसाद सिंह
2. श्री चन्द्रशेखर
3. डा० जैड० ए० अहमद
4. श्री नवल किशोर
5. श्री लोकनाथ मिश्र

6. श्री नगरीश्वरप्रसाद माथुर

7. श्री पी० के० सक्सेना

8. श्री नगरीश्वरप्रसाद गह्वी

इस अनुदेग के साथ मोग जाय कि वह अपना प्रतिवेदन आगामी मत्र के प्रथम सप्ताह के अन्तिम दिवस क दे दे।”

The questions were proposed

MR DEPUTY CHAIRMAN : I hope you have taken the consent of the Members whom you have listed in the Motion.

SHRI MAN SINGH VARMA: Yes.

MR DEPUTY CHAIRMAN : Then, the motion and the amendments are open for discussion, Now Mr. D P Singh.

SHRI D P SINGH (Bihar) : Mr Deputy Chairman, when this Bill was moved and copies circulated we had an impression as if this is intended to operate in a free field, as if there was no law or rule in operation and that it is intended to cover the field envisaged under the Constitution in Article 98. And that is how the emphasis seems to have been laid in the various clauses and in the speech also the learned Member has emphasised that it is intended to fulfil a long-felt need. But after some enquiry we came to know that rules obtain here regulating the recruitment and conditions of service of Rajya Sabha Secretariat and they have been in operation since 1957. On a comparison of the various provisions of the rules, the recruitment, the conditions of service, the qualifications for appointment, the appointing authority, the period of probation, their pay, leave, pension, age of compulsory retirement, the extent and composition of this Secretariat and the composition of the disciplinary authorities, the procedure for imposing major penalties, appeals, and so on, it appears that by and large, they have only been repeated in a different form. At some places I found various safeguards that obtain in the rules have been deleted. After two or three sentences, in three or four clauses, it appears, the provisions have been put in

different sentences and so on and so forth. Now, rules as envisaged under Article 98 (3) of the Constitution already obtain and they are already prevalent for regulating the conditions of service and it is clearly envisaged that until such time as a law is made under Article 98(2) of the Constitution, the rules that will be made will operate and will have the validity of law. Now, if during the working certain anomalies have been found and if they are sought to be put vis-a-vis similar services obtaining in the Secretariat or other Governmental branches, or if there are other kinds of discrimination or injustice being perpetuated, then these are individual matters which can be looked into and surely I suppose there will be no objection from any party of the House to remedying such anomalies and discrepancies and they could be put in order.

But at the moment a law emphasizing the anomalies in one branch or so, as was done by the hon Member, seems to be wholly unnecessary. If, on a critical examination, there appears to be more things which are in disorder in the Rajya Sabha Secretariat which has been doing an immensely good job and which has been doing creditable service to the House, and if there are certain things that need to be done for the staff, then I suppose the government would come forward with a comprehensive legislation considering all aspects and if necessary suitably amend or recast or bring forward a new legislation giving them relief or improving their conditions of service. But the Bill in its present form, in my opinion, hardly makes any advance and hardly would serve any useful purpose. Apart from the suggestion that the hon Member has made that in order to improve the terms and conditions of service, Members of the House should be taken into confidence and should be asked to participate in the various committees, there are really no major departures. This particular suggestion that he has made is not free from danger or difficulty and therefore not free from criticism. Normally this Secretariat is catering to the need of the House. If the Members are not associated with decisions concerning a particular grievance or disciplinary action or other cases of that nature then I would say that it is better for everybody concerned and better for the morale of the services also. Initially it all

[Shri D. P. Singh]

begins very innocuously and innocently. Normally everyone would say—and I would support it wholeheartedly—that Members of this House are capable of detachment and their decisions will not be influenced by their personal ideas or whims, much less personal interests. But though years it has been seen that the more you keep aloof from these decisions, the better. Therefore, everybody would appreciate the suggestion made that in matters of appointment, promotion, etc. the best of standards will be maintained and there will be no discrimination. I only say that the rule that obtains today inculcates all these and there are no major departures sought to be suggested in the Bill. Therefore, I am content to say that the government—if they consider that there are certain aspects to be looked into or certain grievances that have to be remedied or removed—should come forward with a comprehensive legislation and in that case this Bill must be rejected.

MR. DEPUTY CHAIRMAN : Before I call the next speaker, I will read out a note which I have just now received from Shri Gangoo Sharan Sinha :

“I never have been a member of any Select or any other Committee of the House nor do I intend to be a member now. Therefore, my name may be deleted.”

That is why I say that the hon. Members should make sure first and propose the names.

SHRI PRANAB KUMAR MUKHERJEE (West Bengal) : Mr. Deputy Chairman, Sir, my name appears in one of the lists submitted earlier. I am not also concerned with it.

MR. DEPUTY CHAIRMAN : Members should be very careful when they propose the names to the Select Committee. They should take first the consent of the Member concerned. Otherwise, the amendments will fall through. Now, I call upon Mr. Anandan to speak.

SHRI K. CHANDRASEKHARAN (Kerala) : Mr. Deputy Chairman, Sir, may

I have a word ? I do not know whether my name has also been suggested. Anyway, I have not been consulted.

SHRI MAHAVIR TYAGI (Uttar Pradesh) : Mr. Deputy Chairman, may I make a submission ? Sir, the convention is that in such matters the views of the Government must be known to the House before we discuss the question. You may please ask the Government representatives to express their views about it.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI OM MEHTA) : That is not the convention.

MR. DEPUTY CHAIRMAN : Mr. Tyagi, they might even make up their mind during the discussion.

SHRI T. V. ANANDAN (Tamil Nadu) : Mr. Deputy Chairman, Sir, the Bill introduced by my colleague, Dr. Bhai Mahavir, is to be appreciated because of the fact that we are a big democracy, the biggest democracy in the world, the success of which, Mr. Deputy Chairman, depends upon the efficiency with which the Parliament Secretariat works. It is the Parliament Secretariat which functions every day to see that the Members of Parliament who are elected by the electorate are fed properly in all spheres. Therefore, Sir, the Secretariat staff should be kept above everything. I remember, Sir, in the days of the British Raj—you know, we follow the British pattern of parliamentary democracy—his then Secretary of State, Mr. Bavin, said once that “the Secretariat staff of Parliament are to be above board and they should be kept contented in all spheres. They should not lower themselves so as to approach any Member of Parliament or any political party and for that they should be above their needs.” Therefore Sir, I think, Dr. Bhai Mahavir, though he may belong to a political party, thought it right to bring forward this Bill to frame the rules, pay structure and the service conditions in such a way that the Secretariat staff feel contented. Therefore, Sir, I am in full support of what all Dr. Bhai Mahavir said. Not only that, Sir. The presence of so many Members today in this afternoon

session shows how much interested they are to relieve the Secretariat staff of their difficulties. It behoves you who was sitting on the Opposition benches till yesterday that the Bill has come up for discussion now under your leadership. Therefore, Sir, this is the appropriate time for us to go into the Bill in detail which is now before us and see that the entire body of this House supports it. I am not finding fault with the Government. But, Sir, the Government ought to have brought forward this Bill earlier. But they have failed, although in the name of Dr. Bhai Mahavir this Bill has been lying since 1968.

Sir, I am not in full agreement with the pay structure proposed by the Bill, because it is out-dated. Today we are in 1972 when the Third Pay Commission is going into the details of the pay structure of the Central Government employees where the need-based minimum demanded is between Rs 300 and Rs 350 for a Class IV unskilled worker. When a Class IV unskilled worker could demand a need-based wage of between Rs 300 & Rs 350, how could the minimum pay of a Class IV employee in the Rajya Sabha Secretariat be less than that demanded by an unskilled wage-earner in the country?

Here, Sir, for a class III employee the recruitment qualification is matriculation *plus* typewriting. Matriculation is essential for entry into the Central or a State Government in the country today. The typewriting qualification meant an additional pay or an honorarium for him. This is what is happening today in the Central Government Secretariat all over. But here, Sir, the qualification insisted is matriculation *plus* typewriting for the minimum start of Rs 110, which is given all over India to Lower Division Clerks. Therefore, Sir, it needs immediate rectification because the Secretariat insists that typewriting qualification is one of the essential qualifications for entry into this Secretariat.

Sir, I remember that soon after we took over charge of governance of this country the All India Congress Committee sent some of their representatives to European countries to find out how the pay structure is

constructed there. They came and submitted a report to the All India Congress Committee, stating that the difference in the advanced countries of Europe between the lowest and the highest paid is not more than twelve times. Put here, unfortunately, Sir, —I am not casting aspersions on anybody— when the Secretariat's highest official is graded at Rs 3500, a Class IV man is at Rs 70. And compared with other Central Government employees, it works out to more than 30 or 35 times the difference. Therefore, Sir, in the changed political set-up after the mid-term election, and in view of the propaganda being carried on all over the country today that disparities should be removed—this is one of the major, fundamental programmes before the ruling party—this disparity has to be removed. You must first remove disparity in this democratic set-up of the Rajya Sabha. The parliamentary system of government for its success depends upon the staff of the Secretariat. And, therefore, here the application of formula 1/10 should first be applied. If it is applied, Sir, to the demand of the working class in this country, the demand of a need-based minimum would automatically end. Members of Parliament should today decide that the pay structure for the Secretariat staff should be set up in this order.

I have no desire to go into the other service conditions placed before the House by Dr. Mahavir. I have no difference of opinion with him, except when he says in one clause that when one has obtained 5 increments then he is entitled to fixation on a point-to-point basis in the new pay scale. Those who are in service on the date when the new pay structure comes into effect should be fitted into the new pay structure and be given the point-to-point increase. Then only a man who has put in some ten years of service be equally satisfied with the pay structure considering his number of years of service. If you bring in the five-year limit and then have the point-to-point increase there will be discontentment amongst the staff. Therefore, depending upon the number of years of service one has put in he has to earn his increments, either one increment for every three years or one increment each year, that depends upon the pay structure that we are going to adopt.

[Shri T. V. Anandan]

Then there is another point and it is police verification. We have seen in this country that the Kerala State Government has removed police verification; so also the famous West Bengal Government. Why should we, after having attained freedom and a democracy, go in for police verification? It was a process brought into this Government by the Britishers when everyone of us was not free and whatever they dictated was law. Therefore, why after 25 years of freedom, a citizen who attains citizenship under the Constitution of India and when applies for a Government employment, should be subjected to the verification of his antecedents by a police man? Are the police above board?—I ask. I come from a railwayman's family and I have been dealing with railwaymen's problems for the last so many years. And I know, if a man tips something immediately a good report is given by the police. If he does not, an unfavourable report is given by the police. So, why should we, under a democracy, following a Constitution unparalleled in the world, submit ourselves to a policeman's verification? I think this process of police verification is quite contrary to the freedom that we are enjoying. Therefore, I do not at all like the suggestion of Dr. Bhai Mahavir that this police verification should be made.

Then, Sir, there are many other problems. After all, the Secretariat staff also are human beings just as our Ministers, the Prime Minister and the President of India are. In 1957 certain rules and regulations have been framed for the staff of the Secretariat but, I think, in certain cases they were violated. It is not fair. When we Members of Parliament expect judicious disposal of our business at the hands of the Secretariat staff, I think violation of the rules by the Secretariat against their own staff should not find a place. But I maintain that everybody is prone to err and therefore they too err. In future at least the rule of seniority should be very strictly followed amongst the Secretariat staff according to the rules which we have framed for observance. A specific case was mentioned but I do not want to refer to it. It is a case of the past and let the past be buried. In the future at least let us follow the rules to

create confidence and contentment amongst the staff of the Secretariat.

As Dr. Bhai Mahavir has stated, promotional chances are very restricted. Sir, after having become a Member of Parliament my ambition is to become a Minister. When we ourselves think so, what to speak of an ordinary class IV employee of the Secretariat? Can he keep mum? Can we always see him standing at the gate without a promotion? God has given us ambition to bring forth children. Family planning is there but it has not succeeded. There are many Class IV having not less than half a dozen children. So when he produces the family, will he not expect equal promotion in the service he renders? Therefore adequate promotional chances should be there . . .

AN HON MEMBER : There are many Members who have more than half-a-dozen children.

SHRI T. V. ANANDAN : They must ask additional allowances for them. I think in France there is allowance for every child but here it is not so because our Planning Minister is not able to cater for all. Mr. Dharia said that he has to feed every day 50,000 mouths and therefore the plan goes out of gear. Here the promotional chances should be adequately provided. I have pleaded the cause of the Railwaymen in this country in the promotion committees. They have upgraded 50 per cent of the posts. 50% of the Class III posts are reserved for promotion. So also here we should see that there is no stagnation and thereby the discontent should be taken out of the mind of the Secretariat staff by providing for adequate promotion from Class IV to Class III. Nobody should be allowed to stagnate for long. We will cooperate with you as I said yesterday, Mr. Deputy Chairman.

AN HON MEMBER : Why do you not cooperate in regard to children also by remaining a bachelor?

SHRI T. V. ANANDAN : During the session period the Secretariat staff have too much work. They do not go to sleep whereas the Ministers, you and I go to

sleep in air conditioned rooms—although Members do not have air-conditioned rooms. We go home to sleep but here the Secretariat staff, on our behalf, sit overnight and work. Are we not, duty bound to provide them, when they complete their work after midnight, to reach their houses, some staff car? When Members are having, at the close of the Parliament in the evening one or two buses waiting for them what is it that we do in return to the Secretariat staff who work overtime? Either you should provide staff car or grant TA or provide them with housing accommodation in and around the Parliament House. I know even among the Central Government employees, the high officials are provided with houses nearby whereas the Class III people are to go 12 miles away. That is what is happening in this country of ours who are now wedded to bring a socialistic State but it is not so easy to bring socialism in this country after having encouraged the capitalists and the monopolists. It will take a long time because ours is a different democracy than what we see in other countries. Therefore some of the essential staff who are working here day and night should be provided with some accommodation near the Parliament House.

Then Many Members go the UNO but I have not yet gone to the UNO because I do not belong to that party. I have been to the ILO as representative of labour. There we found interpreters who are given higher scale of pay. It is not easy to interpret. I have also interpreted many an Englishman in the days of the Britishers when they used to come for meetings. Many North Indian leaders had come to Madras and I used to translate from English their speeches in Tamil. It is not easy to interpret. So the interpreters should be given extraordinary pay. You cannot say: "Compare the per capita income in this country". If that is so how do you give Rs. 9000 for the Pilots? Yesterday the Minister for Civil Aviation said that Rs. 6000 is the pay of a Diploma holder in the airport.

Where does that per capita income go? It is only in the case of the secretariat staff that you bring in the argument. Therefore the secretariat staff has got a very clear case for consideration. I want that

Members of Parliament should go into this issue and they should with one mind recommend to the Government to appoint a Joint Committee to go into details because the pay structure given by my colleague, Dr. Mahavir, is outmoded and out-dated. To suit the present-day circumstances a revised pay structure should be made in consultation with Members of Parliament by referring this Bill to a Joint Committee.

Thank you.

[THE VICE-CHAIRMAN (SHRI V. B. RAJU)
in the Chair]

SHRI YASHPAL KAPUR (Uttar Pradesh): Sir, this Bill has been presented by Dr. Bhair Mahavir to implement the constitutional provisions under article 98 (2) of our Constitution. I think Dr. Mahavir know that Parliament has two wings, Rajya Sabha and Lok Sabha, but nothing in this Bill suggests that it shall be applicable to the Lok Sabha Secretariat as well. On this very ground I oppose this Bill and would request Dr. Mahavir to withdraw it. I also make an appeal to the hon. Minister to bring forward a comprehensive Bill to regulate the conditions of service of employees of both House of Parliament in order to fulfil the requirements of our Constitution. This should be done after consulting the Chairman, the Speaker and the leaders of all the parties. Dr. Mahavir states in the Statement of Objects and Reasons that the Bill seeks to remove certain existing anomalies in the pay scales but going through the Second Schedule which deals with pay scales I find that all the anomalies have not been removed. Actually, certain anomalies would be created in the process of removing them. Sir, if you go through the whole Schedule you will find that while raising the scales of certain categories, the scales of other connected categories have not been changed and so the anomalies still exist and perhaps all of us, would like that all the categories should benefit whenever a comprehensive legislation is brought before the House. Sir under the present rules Editor, Research officers, Reporters, Interpreters, have the same grade; that is they are bracketed together but in the Bill a higher scale has been suggested for the

[Shri Yashpal Kapur]

Editors, Research Officers whereas the scales of Reporters, Section Officers and Interpreters have not been revised correspondingly. As regards Interpreters who do a fine job and who are responsible to make us understand each other, I wish to state that when in 1963 Members of Parliament wanted this system of interpretation to be introduced in the Houses of Parliaments and when they placed their proposal before Prime Minister Jawaharlal Nehru, he is said to have remarked that we might not find a adequate talent for this purpose in our country, but in case we find we shall have to pay them handsomely. Fortunately the talent was found inside the country but we are not paying them handsomely. Sir, before this arrangement of interpretation was introduced in the Houses of Parliament for the first time in India a death snatched Panditji away from us and he could not see the national languages rising to such heights.

Sir, you know that no university or institution in India trains simultaneous interpreters. They were trained in this Secretariat. Our thanks are due to the officers who trained them. But I have learnt that only 50% of the interpreters have been confirmed in their posts. Early steps should be taken to confirm the other interpreters also who have, I learn, put in 6 to 7 years of service.

Sir, there are some salutary provisions in this Bill which the Minister may take note of and incorporate them in a comprehensive Bill about which I have already made a suggestion.

Now coming to some Clauses. Clause 4 deals with the Finance Committee. I welcome it. However, its terms of reference will have to be carefully laid down. I have no doubt that the financial powers should be vested only in our Chairman for the sake of efficiency and to avoid delays. But I do not agree with the proposals in Clauses 5, 6 and 7. The subjects mentioned therein should be left to the Chief Executive of the Rajya Sabha Secretariat, that is, our Chairman, and the administrative head, that is, the Secretary of the Rajya Sabha Secretariat. The involvement of the Members of

this House, I am sure most of the hon. Members will agree with me, would result in discouraging unhealthy practices. I hope the House would join me in paying a tribute to the Secretary and the officers of the Rajya Sabha Secretariat for their recruitment policy. They have been impartial and have brought in staff of good standard, and have maintained the efficiency of the Secretariat. Sir, we know that the officers and staff of the Rajya Sabha Secretariat work very hard, and if you look into Mr. Banerjee's eyes, you will see clearly that he is having sleepless nights specially when the Session is on.

SHRIN G GORAY Since you came here probably

SHRI A G KULKARNI (Maharashtra) Since Mr. Rijnarain is no longer here, he may be having good health.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) : श्रीमन् मेरा एक व्यस्तता का प्रश्न है। अप के माध्यम से मैं यह जानना चाहता हूँ कि हमारे माननीय सदस्य श्री कपूर जो बयान पढ़ रहे हैं वह किन का लिखा हुआ है ?

THE VICE-CHAIRMAN (SHRI V. B. RAJU) He is referring to his notes.

SHRI YASHPAL KAPUR As regards Clause 12 regarding the fixing of retirement age at sixty, I have my own reservations. Sir, we are aware of the extent of unemployment among the educated in our country, and I would advise Dr. Mahavir to keep this in mind while making any suggestions on this matter. In my humble opinion the policy should be consistent with that of the Government of India who employ a very large number of Government servants.

Sir, one point more, and that is about the promotion chances of the technical and non-technical staff. At present, non-technical staff has got a weightage in this matter, and the technical staff, that is, the Editors, Reporters, Research Officers and Interpreters have also got some provision for promotion to all posts of Under Secretary and above. I understand that

out of the four Under Secretaries, one comes from a State Legislature. In this, as I have said earlier while the House was considering the Reports of the Union Public Service Commission, why should there be one-way traffic? And if Rajya Sabha Secretariat takes officers from State Legislatures, why not the officers of this Secretariat be deputed to State Legislatures?

The chances of promotion for the staff are not very satisfactory. This is especially so in the case of the Watch and Ward staff and some other categories. To avoid stagnation there should be some higher posts in their own line. One word about the Watch and Ward staff. They are specially trained for this work, for the type of work they are doing. They are the people who are responsible for our security inside Parliament. They are required to know not only the sitting Members of both Houses, but also the retired Members. Nobody can escape their eyes. They are like Lankini in Ramayana, but Dr. Bhai Mahavir seems to have forgotten them.

DR. BHAI MAHAVIR: No, I have not forgotten them.

SHRI YASHPAL KAPUR: Similarly, the lot of the entire printing staff has escaped the notice of Dr. Bhai Mahavir. The provisions suggested in his Bill in regard to these categories are insufficient. Likewise Class III and Class IV employees deserve a better deal. The nominal annual increment of a rupee or two for Class IV employees is simply a mockery.

In the end, I would request the Minister to bring forward a comprehensive Bill on the subject and also to appoint a Committee of Members of Parliament to examine the scale of pay of each category of staff because, according to my information, the question of pay of the Parliament staff does not come within the purview of the Pay Commission.

Thank you.

SHRI V. V. SWAMINATHAN (Tamil Nadu): Mr. Vice-Chairman, Sir, I take this opportunity to make my maiden speech. The DMK Party supports the spirit of the

Bill brought forward by Dr. Bhai Mahavir as a measure of remedy and redress to rectify and regulate the conditions of service of the staff in Secretariat of this illustrious House of Elders. I am not only surprised, but shocked also to see the pitiable plight of the staff of the Rajya Sabha Secretariat. They have no sufficient transport facilities, no proper housing accommodation and no avenues for promotion and recruitment. Rajya Sabha consisting of the elite and elders must set a good example. Only we have the privilege of having the Vice-President of India as the Presiding Officer of this House. We should no longer have rules which are susceptible of being struck down by a court of law. There should be no room for favouritism. The staff must be certain of their promotion and periodical rise in their legitimate pay and emoluments. I want to bring to the notice of this House that the allowance and salary conditions of the staff in the State Secretariat of Tamil Nadu were raised and some of the Central Government employees, especially in the Railways, told me that the pay and allowances of the State staff of Tamil Nadu are more attractive than those of the Central Government staff. In fact, some of the State Government staff get a little more than their counter parts in the Union Government. It was possible to raise not only the pay of the present staff of the State Government, but also the pension of the retired staff this year because of its approach from the autonomy point of view. The Minister and other Members of Opposition are not unaware of their strength. True democracy as Gandhiji said should not be reckoned on numerical strength, but upon the right cause. The hon. Member, Shri Anandhan, said that only Kerala and West Bengal have abolished the system of police verification. In Tamil Nadu we have abolished the confidential film system. We should not see brings forward the Bill, but look into the purpose for which the Bill is brought forward. When we say autonomy we are immediately suspected. In fact, autonomy is not a big issue as the creation of new States. We want autonomy while the States are kept intact as inseparable units of India. But Bangla Desh started out of the autonomy move. So, it may create some fear or suspicion in the minds of men and Ministers like Mr. C. Subramaniam, and Mohan Kumaramanglam.

[Shri V. V. Swaminathan]

They pretend to be terribly frightened to see the photo of Mujibur Rahman with the Chief Minister of Tamil Nadu. But such fear has no foundation because the Chief Minister of Tamil Nadu categorically affirmed time and again in unmistakable terms that he wants a strong Federal Centre. What he wants is autonomy or more powers for States within the framework and spheres allotted in the Constitution. Autonomy is a token word or expression in a single syllable for more powers.

Somebody asked the Chief Minister what powers he wants from the Centre for which he replied ...

(Interruptions)

AN HON. MEMBER: He is making his maiden speech.

SHRI V. V. SWAMINATHAN: What powers he does not want at all, namely Defence, Foreign Affairs, Communication and Currency. There cannot be more eloquent and emotional explanation than the solemn statement made by the Chief Minister of Tamil Nadu in the recent DMK Conference held on 9.4.72 in Conjeevaram, the birth-place of the Father of Dravida Nadu and Founder of the DMK Party. It is an eye-opener. He said that he would be the first man to vote against the separation move. Dravida Nadu was given up by its author himself long ago during the Chinese aggression. Yet, some retired politicians and politicians who are to be compulsorily retired are creating a ghost.

When Mr. Narendra Ghosh talks of autonomy, the Planning Minister suspects and says it is a ghost. Yesterday, Mr. Shahi said that he would be forced to agitate for a separate State if poverty in his State is not likely to be wiped out. Are we to believe that Mr. Shahi wants separation? No. It is an emphatic way of expressing his earnest desire to drive away poverty from his State. Mr. Veerendra Patil talks about autonomy. What motive can be attributed to it? Let alone my friend, Mr. Veerendra Patil, what about Mr. Chandra Shekhar? He talked about autonomy on 12.4.72 during the discussion on Planning in

so many words, of course omitting to use the actual term 'autonomy'. Is he to be dubbed as a partner of the DMK Party? What I want to impress is, kindly do not try to give a new or more meaning to the word 'autonomy'.

THE VICE CHAIRMAN (SHRI V. B. RAJU): Mr. Swaminathan, I do not like to interrupt you. But if you can skip off these portions and come to this Bill, it would be better.

SHRI SASANKASEKHAR SANYAL (West Bengal): Can the virginity of a maiden be outraged by the Chair?

SHRI V. B. SWAMINATHAN: Do not get angry with the word and fight with the ghost.

We know the Prime Minister is more national and rational. She would accept reality. Even when her father was against the bifurcation of the bilingual Bombay State and even though the senior Congress leaders like Nehru felt and expressed the fear that too much of linguism would encourage separatist tendencies, the Prime Minister scissored Bombay into Maharashtra and Gujarat. So also she supported Punjab Suba and divided Punjab into two States. Recently, she inaugurated the Meghalaya State. Thus, the creation of linguistic States—we have seen—has only strengthened the unity of India.

We have faith in the Prime Minister that she would respect the popular movement and sentiment of the people. The Planning Minister is frightened to look at the photo of Mujibur Rehman. But our prime Minister broke the convention and all protocol rules and made unprecedented event in meeting Mujibur Rehman in West Bengal instead of at Delhi, the Indian Capital.

I want to assure the House that nobody need fear on merely hearing the word 'autonomy'. We, the DMK, repeat the word in the same sense as it was used by Mahatma Gandhi, the Frontier Gandhi and Mr. Jayaprakash Narayan who cannot be mistaken for a moment as a separatist.

Once, when the news reported in some paper was brought to the notice of the Chief Minister of Tamil Nadu that Yahya Khan compared him to Mujibur Rehman, the Chief Minister immediately refuted it and reiterated his stand as different from that of Mujibur Rehman. Everybody knows that from the Ministers and their wives, down to the students and workers of the DMK, they donated blood during both wars in 1971 and 1965. Does this not show that we are prepared to sacrifice our lives to save the unity and integrity of India? We have taken a solemn oath to preserve the unity and integrity of India.

SHRI BANARSI DAS (Uttar Pradesh): On a point of order, Sir. Is the hon. Member speaking on the Bill?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Let him continue. Please do not interrupt.

SHRI V. V. SWAMINATHAN: In spite of all this, if anybody doubts our *bona fides*, then we have to doubt about the *bona fides* of those who doubt us in respect of the unity and integrity of India. It is Tamil Nadu that offers the largest sum of Rs. 6 crores for the Defence Fund.

Is not a friend in need is a friend indeed? One cannot easily forget that not only our Chief Minister refused when the mantle of Presidentship fell on him but also he asked the DMK MPs to give unhesitating support, without any bargain whatsoever, to the progressive legislations like the bank nationalisation Bill and the Bill on the abolition of the privy purse and the privileges of the princes, which were piloted in in the Centre. And the most prestigious and precious election to the Presidentship of India was to take place. During these stormy seasons, it is we who saved India and India—by 'India', I mean Indira Gandhi's Government.

There is perfect communal harmony and industrial peace and progress in the production of food in Tamil Nadu. In short, we will not lag behind the Centre in serving the poor and rendering speedy social justice and implementing our poll pledges.

It is a model State where novel schemes are introduced for instance, by daily paying one rupee one can own a house within five years. Mr. TA Pai, our brother Member, knows this very well. Houses are constructed at the rate of one house per one hour in Tamil Nadu. But it is the only State where the non Congress Party is in power, with the massive mandate of the people of Tamil Nadu.

Even no steel man would dream of toppling that Government. But one or two instant political prophets are projecting incorrect image of Tamil Nadu before the Prime Minister. Some Parliament Members flying to Delhi from Madras with wings borrowed from us, are creating a phooey of unrest and have been inciting the students and workers for mass agitation against the D. M. K. Government. There is a feeling of fear that a conspiracy is going on in the capital in collusion with American papers.

One cannot forget that in 1968 when Awami League leader Fazlul Haque was ruling in East Pakistan, the New York Times published that Mr. Fazlul Haque planned to proclaim an independent East Pakistan. Mr. Fazlul Haque refuted it, issued a special statement that they were for the autonomy of provinces, not for their independence. However, the Central Government of Pakistan paid no attention and on May 30, 1954 the Assembly in East Pakistan was dissolved, and the Governor's rule was introduced.

We are also reminded of what happened in our adjacent sister State, Kerala, only a few years ago when the Congress Ministries were in office in all the States except Kerala. The Communist Party coming to power in Kerala was a unique historical event in the annals of democracy and Communism. It proved socialism could be established through Parliamentary democracy and that Communists can also form a Government through ballot box, not necessarily through bullet or bayonet. But it was destined to be short lived. The Legislature was dissolved and the President's Rule was promulgated due to agitation against the Communist Government in Kerala.

THE VICE CHAIRMAN (SHRI V B RAJU) Mr. Swaminathan, how many pages more?

SHRI V V SWAMINATHAN I am finishing Democratic institutions should not be allowed to die like that in the cradle itself especially by those who profess to be living for democracy I feel it is the duty of the Congress to prove that the Centre would not become monolithic and would not try to establish one-party rule. If socialism is implemented by a Government it should be allowed to function whether it is the D M K or the Communist or the Socialist to the fullest term of office.

While the Prime Minister is silent and soft, one or two impatient Ministers talk about the effect of Aryan Kuppam election May we take the victory of Veerendra Patil in the recent Rajya Sabha elections in Mysore and the success of the Jan Sangh candidate in the Mayoral election at Delhi as clear indication that the people have lost faith in the Congress

Even when we contested for the Rajya Sabha there was strong rumour that one of us would become a casualty. But we escaped fortunately from the effect of the so called Indira wave

THE VICE-CHAIRMAN (SHRI V B RAJU) Please complete

SHRI V. V SWAMINATHAN I am finishing In the interest of peace and prosperity of India there must be an end to the talk of toppling of Government Ananda Vikatan, usually an anti-DM K weekly itself forewarned that if any tiltings contemplated on the much ado about nothing, of Aryan kuppam election it will be inviting unrest in the peninsular region and the people of Tamil Nadu will not tolerate

Sir, there cannot be a better homage paid to the memory of Mahatma Gandhi by the Congress Members than to accept the principle of autonomy On behalf of the leader of my party who is also the Chief Minister and who is my guide and philosopher I invite Ministers and Members on the Treasury Benches, Young Turks like Mr Mohan Dharma, Mr Chandra Shekhar and Mr Krishan Kant and the press to attend

the ensuing D M K conference in Manrakudi in May to assess the aspirations of the people of Tamil Nadu

As far as this Bill is concerned we hope the Treasury Benches and the honble Minister of Parliamentary Affairs Shri Om Mehta, will come forward with a comprehensive Bill to regulate recruitment and promotion of the staff in the Rajya Sabha Secretariat

SHRI LOKANATH MISRA (Orissa) Mr Vice Chairman, Sir at the outset I would like to make it very clear that in intervening in this debate I have nothing against the Secretariat as such On the other hand I would like this to be put on record that I feel extremely satisfied about the efficient functioning of the Secretariat. I feel the speed with which the Rajya Sabha Secretariat has been functioning is unparalleled *vis a vis* the other offices in India, including the Central Secretariat Therefore, what I say is no reflection on the functioning of the Secretariat as such All the same, Sir, I feel that there must be certain changes in the procedure, in the pattern, in the recruitment policy and in the promotions, in the pay structure and all that

4 P M.

While I support the spirit of Dr Bhai Mahavir's Bill so far as these aspects are concerned, I am one with the idea which has been thrown up in this House that it should be a more comprehensive thing, bringing under it both the Rajya Sabha and the Lok Sabha Secretariats because the Rajya Sabha cannot have a separate Bill for its own Secretariat, while the Lok Sabha would have none Therefore, there has to be some deliberation, some discussion between the two Presiding Officers and the Leaders of Opposition of both the Houses along with the Government, I would not like the Government to come in directly into any of these things In fact, I am very much against the idea of governmental influence in the Secretariat of the sovereign body of India To the extent there is governmental interference or influence I am terribly against it, I am opposed to it In one of the letters which has been passed on to me, I see that the Finance Ministry of the Government of India has turned down a proposal of the Rajya Sabha Secretariat. I

do not know how they should have the audacity to do it. In fact, the matter should not have been referred to the finance Ministry at all. If the Finance Minister or any other Ministry of the Government of India has any influence, directly or indirectly, on the functioning of the Secretariat of the sovereign body, to that extent it is a slur on democracy and democratic functioning.

SHRI KALYAN ROY (West Bengal)
What has Mr. Mirdha to say about it? He should clarify it.

SHRI LOKANATH MISRA The Presiding Officer of the House is the chief executive so far as Rajya Sabha is concerned and since it is a sovereign body, it must have a sovereign Secretariat attached to it, and that Secretariat can only be under the Chairman and the representatives of the House. Therefore, to the extent it has been corroded—and it has been corroded surreptitiously without the knowledge of the House—it must be restored immediately, and the references which were being made for either increment or pay increase or promotion or anything of that sort, should not be made hereafter to any ministry of the Government of India.

Now, Sir, the present situation is an anomalous situation. This sovereign Secretariat has the disadvantages of both and the advantages of none. It has no opening. If it were in the main stream of the Central Secretariat, many of our people who join in the subordinate position in the Secretariat would have an opening and would get promotions to higher posts in the Central Secretariat. Now they do not have that opening. But the disadvantages are there. They refer any matter to the Finance Ministry and whatever proposal is mooted by the Secretariat of the sovereign body is turned down by the Finance Ministry. Therefore, it has double disadvantage, and advantage. Therefore, I would like the Secretariat of the sovereign body to be completely free from any kind of governmental influence or interference.

The other point that I wanted to make is that there has been a suggestion to refer this Bill to a Select Committee. I would beg of the Members who have moved amend-

ments for referring this Bill to a Select Committee not to press for it too much now. If there is a comprehensive legislation, naturally the point that the leaders of the Opposition have to be taken into confidence, would be taken up seriously, because without the consent of the entire House through the leaders of the Opposition, it would be unworkable.

Therefore, the Government or the Chairman, whosoever takes up the deliberations and the discussions, the leaders of opposition must be taken into confidence and if that is done, I think it can be a much better deliberation than a Select Committee going into the thing. Government's consent has to be obtained anyway. The Chairman would be in a better position to persuade the Government to restore to the Rajya Sabha Secretariat the sovereignty that ought to be there in it. I hope the Chairman would take it up immediately. Therefore, I would beg of the honorable Members not to press for reference to the Select Committee and leave the complete matter in the hands of the Chairman. Let the Chairman take it up as soon as possible. But I would add at this stage when the Chairman takes it up, he should not ignore the claims of the different categories of employees in the Rajya Sabha Secretariat. As I said earlier they enjoy the disadvantages of both and enjoy the advantages of none. The Chairman should take into consideration that they have no openings and they cannot look forward to any kind of promotion even with the maximum of efficiency. Therefore the pay range here should be much wider than that in the Government Secretariat, especially since they have to put in a lot of sacrifice by joining the Secretariat of the Rajya Sabha or the Lok Sabha. If they enter into the Government Secretariat probably a Lower Division Clerk could look forward to becoming an Under Secretary in course of time. But here he cannot even become a Section Officer because there are only a few posts of Section Officers. I am told. There must be about 200 Lower Division Clerks. Therefore, the possibilities are much less here or promotion while the charges are much greater in the General Secretariat. Therefore, to compensate that sacrifice there must be some kind of an incentive here so that people with better talent could be attracted

[Shri Lokanath Misra]

to these jobs in the Secretariats of both Houses of Parliament. So much has been said about the different categories and their emoluments. Particular mention has been made of interpreters. I know what interpretation means. I have had the good fortune of interpreting Rajaji so many times when he came to Orissa, into Oriya. He used to speak in English. He is a very powerful talker. But he takes a little breathing time between sentences because he is old. Even then I had at times difficulty in finding suitable words for his speech. The way it is being brilliantly done on the floor of the House simultaneously is something which goes to the credit of our interpreters. I am told interpreters under the United Nations are paid £20 to £35 per day. It is Rs. 400 to Rs. 500 per day. The UNCTAD people were paid Rs. 10000 per month. In some cases they were paid Rs. 15 000. I cannot ask our Secretariat to pay our interpreters Rs. 10000 or Rs. 15000, not even Rs. 400 a day. But what I would suggest is that they can be paid at least one tenth of what is being paid elsewhere because they are doing one of the most strenuous jobs in the country, simultaneously translating 240 Members belonging to different ideologies having different tempi of speech at different speeds. All that is being interpreted and very successfully interpreted. Therefore, that aspect must be looked into. In the other categories of also there is a lot of indifference, I can only say indifference, because their interest has not been properly looked after.

We have probably four or five Chamber attendants. I have not even counted how many they are. I am told that they are paid Rs. 70/- much less than what a peon gets. The responsible job that they are doing should be appreciated. I would be happy if they are paid at least as much as a peon or a daftry. All the time they have to keep on standing from 11 to 5. I really feel for them. They cannot afford to sit. They have to attend to the needs and orders of each and every hon. Member. It is such a strenuous job. All the same they are probably the lowest paid so far as the Secretariat employees are concerned. The interests of some of the categories have, there-

fore, to be looked into more seriously. I hope the Chairman, while framing a new and comprehensive Bill in consultation with the Speaker and the leaders of opposition Parties, will take into consideration these aspects.

So far as the Reporters, other Class II, Class III and class IV employees attached to the Chamber, are concerned they work as long as we sit here. We do not take their difficulties into consideration. I have raised it once or twice earlier. On some occasions we sit here till 8 or 8.30 or even 9 P. M. Sometimes the parliamentary Minister arranges dinner for us as otherwise the passing of a particular Bill may be delayed. But nobody seems to be looking after the convenience of either the Reporters or the other people who always look after the convenience of the Members. Some of them have to cycle back home 20 miles or 25 miles or may be 30 miles to reach the outskirts of Delhi city. Mind you they have to do it after 9 P. M. By the time they reach homes, their children would be fast asleep. Many of the children would not be seeing their fathers. Normally the House sits upto 5.30 P. M. Some of them have to stand in the bus queue for an hour. By the time they reach home, it will be 8 P. M. In the Morning again they have to stand in the queue. I think we are doing the greatest injustice to this category of employees. On the other hand officers who have motor-cars are given bungalows round about. That is good because their services are more essential. I do not grudge that. They have to be consulted always and they have to run to and fro when they receive summons from the Chairman or the House. They are getting accommodation near about the Parliament House. I do not grudge it. At the same time these Reporters, Class III and class IV employees who are always attached to the House should also be given some accommodation near about Parliament House, may be in a multi-storeyed building. Multi-storeyed buildings are coming up everywhere. Supposing we have one such building near the Parliament House. What is the harm? All these employees can be accommodated there. We could have three or four such buildings for the employees of both the Secretariats of the Parliament. I do not know why it is not being done. Who has to take initiative in the matter? I

would request the Chairman and the Rajya Sabha Secretary to take it up with the Ministry of Finance. It might need a little finance. But then it will be well spent for the good cause of the growth of sovereign democratic institutions—rather supreme democratic institutions of the country. Even if it means one crore of rupees, Government should not grudge it because if you want to run democratic institutions, it is bound to be expensive.

If you have want to do away with the Ministers, if you want to cut away the paraphernalia of democracy, you can do it in a day and probably that would save you nearly Rs 5 crores. But, you would not like to do it and the people of India would not like to do it because they have voted you to power only for strengthening the democratic institution. So, Sir, I would plead with the Finance Ministry to be good enough to provide accommodation to these Class III and Class IV employees of the Secretariats belonging to both Rajya Sabha and Lok Sabha, accommodation near about the Parliament House, so that they would not be inconvenienced because of living farther away.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) Will you conclude now?

SHRI LOKANATH MISRA : I have concluded almost. Finally, I would like to say one thing. I would not like the Government to do it. The Government should not have anything to do with the Secretariat directly. I would rather like that the hon. Chairman of the House, in consultation with the Speaker, should take whatever steps are possible as provided in the Bill drafted by Dr. Bhai Mahavir and he should pick up those provisions as given in the rules for the Government employees which should govern the staff of the Secretariat of the House and he should immediately call a conference of the Leaders of the Opposition wherein the Minister for Parliamentary Affairs and the Finance Minister or any of his representatives could also be present and a final decision taken regarding what is going to be the legislation that would govern the employees of both Houses of Parliament and it should be done at the earliest, Sir.

SHRI PRANAB KUMAR MUKHERJEE : Mr Vice Chairman, Sir, when I went

through the Bill—I admit my shortcomings I failed to understand the purpose of this Bill. Sir, when I listened to the speeches of some of the hon. Members I became more confused. Mr Lokanath Misra, who spoke just before me, pointed out that he has nothing to speak against the Secretariat, that the Secretariat is doing a marvellous job, that they are performing their business in a very nice way, etc. Then, Sir, naturally it strikes me that if the Secretariat formed under the present system, manned under the present system, guided by the present service rules, can render such a beautiful service, which may be described as a unique service, which may be considered much better than that of the Central Secretariat, why should he again bring forward a piece of legislation to regulate their service conditions? To speak of these two things in the same breath increases my confusion and I would expect somebody to clarify and dispel my confusion.

Mr Vice Chairman, Sir, on principle I am opposed to this Bill, because Sections 4, 5, 6 and 10 stripe off the power of the Chairman who is the Vice-President of India. Mr Vice-Chairman, Sir, we all know that the Vice President of India, the second highest dignitary in the country, is to discharge only one useful function, that is, to preside over the session of the Council of States and to manage a small Secretariat, that is, the Secretariat of the Rajya Sabha. His power, his position, these are not like those of the Vice President of the U. S. A. Even the Vice-President of the U. S. A. has a chance, if by accident or for some other reason the President dies, to become the President for the rest of the period.

But so far as India is concerned, even if the President dies by any chance the Vice-President gets a chance for only six months. The only executive power he enjoys is of managing his own secretariat. The purpose of this Bill is to infringe that power, to stripe off the Vice President or the Chairman of the Council of States.

DR BHAI MAHAVIR : Do you think he will be out of job if this Bill is passed?

SHRI PRANAB KUMAR MUKHERJEE : I think so. He will be powerless. I am coming to that.

[Shri Pranab Kumar Mukherjee]

Dr. Bhai Mahavir has prescribed in section 10 of this Bill that appointments to posts shall be made by the Chairman on the recommendation of the Selection Committee in the case of Class I and Class II Gazetted posts and on the recommendations of the Recruitment Board in the case of all other posts. This is obligatory on the part of the Chairman or the Vice-President of India.

Regarding financial power, he is totally deprived of any financial power. Section 4 of this Bill says :

"The financial matter of the Secretariat shall be dealt with by a Finance Committee which shall consist of the Chairman, four members of the Rajya Sabha to be elected by the House and two officers of the Secretariat to be nominated by the Chairman,"

Take the practical proposition, Mr. Vice-Chairman. Seven members will be in the Finance Committee. Four members will be elected by the House. Chairman is *ex officio* member. Suppose the Chairman and his two nominees are one side in a particular matter, there will be four on the other. In all financial matters, four members of the Rajya Sabha may totally put aside the Vice-President of India or the Chairman of the Council of States who is the custodian of the privileges and prerogatives of this House, who is the custodian of parliamentary democracy so far as this House is concerned, who is the second highest dignitary of the country. Dr. Bhai Mahavir believes that even after passing this Bill the powers and prerogatives of the Chairman as Presiding Officer of this House shall not be infringed. I am sorry, Mr. Vice-Chairman, my understanding is definitely much less than that of Dr. Mahavir. But, to my mind, if this piece of legislation is enacted, it will definitely affect these powers and functions of the Chairman of this House,

Mr. Vice-Chairman, Sir, what happens in the USA ? The Vice-President is the Presiding Officer of the Senate. Is there any Parliamentary Committee to look after the recruitment or to conduct business of the Secretariat ? It is still the prerogative of the Vice-President of the USA, so far as

the Secretariat of the Senate is concerned. What happens in the House of Commons ? ..

DR. K. MATHEW KURIAN : Are you concerned with the welfare of the staff or with the powers of the Vice-President ?...

(Interruptions)

SHRI PRANAB KUMAR MUKHERJEE : I am coming to that point. So far as this Bill is concerned, it has created full confusion in my mind. I am confused still even after the intervention of Dr. Kurian. I am confused fully...

(Interruptions.)

Mr. Vice-Chairman, Sir, if the Bill aims to do away with the grievances of the staff, I have nothing to say. But what is the purpose of the Bill ? They are going to set up a Recruitment Board. They are going to decide what should be the financial administration of this Secretariat. Who will be the members of the Selection Board ? Who will be the members of the Recruitment Board ? The purpose of this Bill, that is, the welfare of the staff, is secondary business in the Bill. The welfare of the staff is the secondary purpose of this Bill. That could have been done in other way. It could have been discussed in a much better way than bringing a Bill like this. The whole purpose of the Bill is to deprive the Vice-Chairman of India Chairman of the Council of States of the very little power left to him by the Constitution of India. . . .

DR. BHAI MAHAVIR : Could you say how it can be done in a better way ? Where could it be discussed ?

SHRI PRANAB KUMAR MUKHERJEE : I have give one example, Mr. Vice-Chairman. If four members of the Finance committee go against the wishes of Chairman, so far as the proposed legislation is concerned, the Chairman will have no single financial power. . . .

DR. BHAI MAHAVIR : You say that the welfare of the staff could be discussed in a much better way than through this Bill...

SHRI PRANAB KUMAR MUKHERJEE : I am coming to that . . .

(Interruptions).

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Don't answer their questions.

SHRI PRANAB KUMAR MUKHERJEE : Already, Sir, much of my time has been taken by my friends.

THE VICE-CHAIRMAN (SHRI V.B. RAJU) : No, no. Please do not go into that point.

SHRI PRANAB KUMAR MUKHERJEE : What can I do if somebody puts some question ? I am coming to the conclusion.

So far as sections 4, 5, 6, 8 (2) and 10 are concerned, these sections definitely aim at abusing the powers of the Chairman of the Council of States.

The second question which I like to put to the Mover of this Bill is whether we should discuss the service conditions of the staff of the Secretariat or not. Nobody would deny the services which they are rendering to us, the way they are functioning the pains they are taking, the strenuous job they have to do. Each and every Member of this House will say that they should be better paid, their amenities should increase and that could have been done by discussing, by bringing forward a Resolution in this House instead of bringing a Bill like this. You could bring forward a non-Official Resolution to discuss the service conditions of the Secretariat staff, that could have equally mandatory effect. Therefore, I fail to understand why you have brought the question of the welfare of the staff along with the infringement of the powers of the Vice-President. My objection is that if you talk about the welfare of the staff, none will oppose you, nobody would oppose you. Every Member of this House would like that the service conditions of the staff should improve, that their working conditions should be better, that they should have more amenities and should be provided with more facilities. Nobody would object to it, nobody would deny it, but why are you bringing a Bill to deprive the Vice-President of India, to deprive the Chairman of the Council of States of his rights ? That is my objection. Are you trying to induct some political proposition here ? Through this Bill, perhaps you propose to bring some Members of the Rajya Sabha on certain Committees ; otherwise what purpose would be served ? The

Chairman of the Council of States is the custodian of the immunities and privileges of this House, he maintains the privilege of the whole house. He is the custodian of the privileges of 240 Members of Rajya Sabha and why can't we rely on him when he recruits his own staff ?

THE VICE-CHAIRMAN (SHRI V.B. RAJU) : You have already made that point.

SHRI PRANAB KUMAR MUKHERJEE : I am concluding, Sir. Therefore, my contention is this: To bring about the welfare of the staff through this Bill is useless, purposeless. I would like to request Dr. Bhai Mahavir to withdraw this Bill and not to create any further confusion so far as this subject-matter is concerned.

SHRI BALACHANDRA MENON (Kerala) : Sir, I am glad that Dr. Bhai Mahavir has thought it necessary that such a Bill should be brought forward. I do not know how far this Bill really will satisfy the needs of the staff—that we have to wait and see, but this Bill relates to the Rajya Sabha Secretariat employees only. In a Bill of this kind should we not have the consideration of the Lok Sabha Secretariat employees ? If that is so, the entire staff of the Parliament should have a Bill which should definitely say how they should be recruited. It should definitely lay down the method of promotions. There should be a comprehensive Bill. Without that if we are going to have a Bill of this type, it will only mean that certain rights which we give here will be immediately taken up there and then agitations will be started. The result will be that we will start a series of agitations which could very well be avoided by having a comprehensive Bill, where we could have same conditions of service for all employees of the Parliament. I am not against agitations, but I am against the one-sided affair. This will not help either the employees here or the employees there. It will only be one against the other. Should we do that ? I would, therefore, seriously request that the Government should come forward with a Bill which will contain all these things and which will certainly tell us how they are going to recruit and also promote the staff of the Parliament. I do not want that they should

[Shri Balachandra Menon]

be selected by any Selection Committee. It should be done by some sort of a Commission, something like the PSC. I do not want the same PSC but it should be beyond any Member of the Rajya Sabha to insist what he should do with such and such employee. That will create certain troubles. Tomorrow if I am put there, innumerable people will be behind me forcing me to recommend such and such man. I do not want that and I do not want any Rajya Sabha Member or any MP to be degraded to that extent. You may say that it is giving you a right. It is giving you no right. It is only depriving you of the independent stand you can take either of the employees or of the Government. Today we will be part of this and then Members will be selected by the Rajya Sabha. That means the Ruling Party will do it and the majority of the Members would be from the Ruling Party, most probably all Members would be from the Ruling Party. The difficulty will be they will be forcing people on us and we will have to accept them. We will be helpless spectators in that and we will have to accept that position. It should be an independent body which should select them, otherwise there is very great danger. The majority also might misuse their powers and often they will because when they know they are in a majority they will do so. Dr. Bhai Mahavir brought this Bill thinking it can restrain or to an extent control. Actually they are going to control us and therefore I request you not to have this sort of organisation but something else. Let there be a recruiting body separate from the influence of any political party. Our business is to agitate ourselves. Our business is to fight for the rights of people. Our business is not to recruit or fight for promotion. We refuse to be the people who will help them in their promotion. If you do not allow the seniority in promotions, result will be favouritism. I know there will be bad people, there will be inefficient people but in this system it is the best to allow seniority. Do not tamper with that. Once you have chosen a man, allow him to continue till he retires and give him promotion, unless it is found that he is very bad. How can you say that so and so is

inefficient. It is a subjective attitude of the concerned officers or concerned person. One may say 'So and so is sympathetic to our Party, allow him to come up'. No. The best thing should be to allow promotion on seniority. I would suggest that you seriously consider bringing a Bill which will lay down rules for recruitment and also which will lay down the policy of recruitment both for the Lok Sabha and for the Rajya Sabha.

I want to know if conditions of service of Class IV or some sections of people are much worse than the conditions of service of the Central Government employees, and if so, it must be immediately changed. There is no reason why they should not be changed. If as I am told people are getting only Rs 70 or Rs 80 those who serve here as members of the staff, it is a damaging thing. The minimum wage should be something which must satisfy the employee and his family. I do not expect him to have a big salary but consistent with the economy of this country, with the position of our country you should be in a position to give them better wages. If there are wages which are less than the wages of the Central Government employees of that grade, then it should be corrected. In other cases of course there are people who have to sit very late but one must remember that when the Rajya Sabha is not there they are having very little work. Because I have to go to the other employees also tomorrow and when I talk to them and tell them 'These people have such and such emoluments because we felt they are doing much greater work' they will ask me 'They are working for 120 days whereas we are working for 280 days and therefore pay us double salary'. These are dangerous things. At least the time has come for a political leader to say what he feels about these things and not just go in for applause. I would therefore say this. Of course if people are sitting late give them certain overtime wages for the period they work but regarding the other period, they are not having any work and that must be remembered.

Because we have got NGOs in other sectors also. We cannot just go on attending to one section of people alone. That cannot be done and it will not be done.

You will have to look upon all employees alike. When that is so, I would say that you must take into consideration their difficulties. Provide bus for them to important areas. Every big factory does it. During the period of the session to important areas where they are you can provide buses for them so that they can be rushed back home earlier. And a little inconvenience they will also have to undergo when there is Parliament.

There is one last thing, I would seriously suggest that the Government must consider the introduction of Staff Councils. It is possible they may have it: I do not know whether they have it and whether it is effective, I have doubts about it because a good deal of complaints has come. I can pass it on to you. It is necessary you should know what they feel about you. I am sorry the staff here is terribly discontented. I do not know how far they are correct. I do not want to sit in judgement on these papers, I am not going to seriously look into them even, it is only one sided matter. But the time has come when you should be able to sit with them, discuss with them and get their opinion. I would therefore suggest you have a Staff Council consisting of representatives of these various categories, discuss with them and accept whichever suggestions are found to be good. And in that if you want the help of Parliament Members in an advisory capacity we can come and we can help in such things but nothing more than that. So while I welcome this Bill I would say the Government must seriously consider bringing forward a comprehensive Bill for the staff of both Houses. Anyhow I thank Dr Mahavir for having brought this up here because it helps us to see what is wrong even in this which we consider to be a model because the staff here is discontented.

SHRI K. CHANDRASEKHARAN Mr Vice-Chairman, Sir, the provisions of the Constitution, particularly article 98, which has been referred to, no doubt contains an enabling provision for framing rules governing service conditions of the employees of the two Houses of Parliament but it is not as if the requirements of the Constitution are not met at all today. Article 98 (3) provides for rules being made by the Presi-

dent in consultation with the Chairman so far as this House is concerned and this House has got the Recruitment and Conditions of Service Rules 1957, Methods of Recruitment and Qualifications for Appointments Order 1958 which has since been superseded by the Order of 1969. Sir, there is an analogous provision so far as State Government and Central Government employees are concerned under article 309 of the Constitution. Under this article the Governor so far as the State Government employees are concerned and the President so far as the Central Government employees are concerned can make rules as per the proviso to article 309 and the main article gives an enabling provision to the legislature or Parliament as the case may be to frame rules. Sir many of the State Governments in this country have not framed any rules for service conditions of their employees in their respective States by Acts of Legislature in terms of the enabling provision of article 309. Insofar as the Central Government employees are concerned, the Central Government also has not framed any rules by an Act of Parliament for the purpose of putting in the service conditions of Central Government employees. So far as the All India Service employees are concerned, there is the All India Services Act, and rules are framed in pursuance of the provisions contained in the All India Services Act. So far as I know, Sir, Kerala is probably the only State in the country which has framed rules in pursuance of an Act of the Legislature as contemplated by Article 309. What Kerala has done is to adopt all the rules so far issued under Article 309 by the Governor as deemed rules, as rules passed by the Legislature, and give an enabling provision to the Legislature to amend those rules when necessary. I mean, all rules are to be framed by the Government and the approval of the State Legislature has to be obtained. Even though these rules have worked very well, Sir, in the course of all these years, I have no doubt that it would be in the interests of all parties that there is democratisation of these rules and the service conditions are passed into law by this House so far as Rajya Sabha employees are concerned, and the other House so far as Lok Sabha employees are concerned. It will be good that the Government bestows its mind upon this aspect, and certainly I would welcome a

[Shri K. Chandrasekharan]

comprehensive official Bill in this regard so far as both Houses are concerned, rather than a non-official Bill so far as Rajya Sabha employees alone are concerned

Sir, the provisions contained in this Bill, most of them, as has already been stated by another hon. Member, are analogous or similar to the provisions contained in the existing rules themselves. But there are certain striking departures no doubt. Sir, the fact that almost every Member who has spoken today, including the mover of this Bill, has joined in a chorus of appreciation of the efficient working of the Rajya Sabha staff—and I completely agree that the Rajya Sabha staff require that appreciation—shows, Sir, that these service rules have really worked very well and effectively but at the same time, as I said, it is in the interests of all parties concerned that these rules are democratised and any subsequent amendment to the rules, is done only with the approval of the House of Parliament.

So far as this Bill is concerned, Sir, I have no doubt to oppose the provision contained in Clause 6. Clause 6 contemplates a Selection Committee which includes two Members of this House to be nominated by the Chairman. I cannot understand for once as to why, if Members are to be nominated it should be confined to two. I certainly oppose the system of nomination, and it will be impossible for the Chairman of the Sabha to nominate two out of 43 Members to the Selection Committee as contemplated. Then, Sir, the fact that this Selection Committee should be an independent body altogether has to be borne in mind, and it will be very difficult for Members of Parliament to function effectively and independently in this Selection Committee because of the fact that Members of Parliament are also public men, and certainly, Sir, neither in the Central Government nor in the State Governments Members of the Legislature or Members of Parliament are associated in appointments, are associated in the maintenance of service conditions. Therefore, I would submit that the proposed Selection Committee is not likely to work. I would also oppose the

amendment that has been brought forward by one hon. Member for the very same reasons. The amendment says that representatives of all groups in this House should be associated with the Selection Committee, but the Mover of the amendment does not say at all how these representatives should be brought in.

Then, Sir, the proposal contained in clause 7 to have a Recruitment Board of the nature suggested to fill non-gazetted posts, I find, is already working very well. So far as gazetted posts Class I are concerned, the Chairman is the appointing authority. So far as non-gazetted posts are concerned, a committee headed by the Joint Secretary recruits and it has been working very well.

Then, Sir, clause 17 is with respect to character, verification by the police. It is not there in the present conditions of service. This is a new introduction and I would call it the result of some sort of mediaeval thinking. It is an absolutely outmoded provision which has already been rejected by some of the State Governments. The sooner it is rejected by the other State Governments in the country, the better it would be for the country as a whole.

DR. BHAI MAHAVIR : See the proviso also.

SHRI K. CHANDRASEKHARAN : With great respect to Dr Bhai Mahavir, the proviso, according to me, is meaningless. I cannot understand what is this moral character. Certainly with this sort of moral character being introduced in a legislation like this, it would encompass character in every form. It would include political character. It would include a person's political thinking and the verifying person's political approach or the Government's political approach. Certainly it would be very bad to have any sort of verification like this.

Then, Sir, the provision contained in clause 18 is very harmful because it gives an enabling power to exempt any employee from the Rules. Such power of exemption is likely to be very arbitrarily exercised. It has been found to be arbitrarily exercised

even by State Governments. Therefore, I oppose the provision contained in clause 18.

(Time bell rings)

I am finishing. There are two other matters on which I would like to stress while speaking on this Bill. One is, it is immediately to have a pay revision for the employees of the Rajya Sabha. To this the objection that has been taken by the Finance Ministry, I understand, is that the Third Pay Commission is still on its job. It has been stated by the Finance Minister on the floor of this House on more than one occasion that the Third Pay Commission does not go into the pay structure of the employees of Houses of Parliament and the employees of the Supreme Court. If that be the position, this matter will have to be independently gone into. I would request the Chairman to take up the matter with the Finance Minister and see that it is done.

Then, Sir, the question of staff quarters is also a matter which should be looked into by Government early. Even today priority to the personnel of the Rajya Sabha Secretariat is given, but the priority that is given is to the key personnel of the Rajya Sabha Secretariat. The 'key' personnel has not been defined and, therefore, accommodation is being given on the basis of seniority alone. I submit that the Chairman of the Rajya Sabha should look into this aspect, so that accommodation is made available to key persons on the basis of seniority. So far as the Government are concerned provision of staff quarters should be taken up on a priority basis. Thank you.

SHRI N.G. GORAY : My I suggest that the Government should make their position clear ?

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : There will be another day also.

SHRI SASANKASEKHAR SANYAL : Mr Vice-Chairman, Sir, the highest common factor that all these discussions disclose is that the House is unanimous that the conditions of service of the Secretariat staff have to be examined afresh keeping in view that they are no longer in the year 1955 or 1960 but they are in the year 1972 and their emoluments, amenities and necessities have

to be examined in the context of the price index which prevails now. We all feel for them because they feel for us. Dr. Bhai Mahavir was very much critical of the word "harem". After all harem is a sacred place and every henpecked husband is fond of the harem. So, if we in this House are looked after by the housewives, we must look after them also properly, fairly and squarely. The question is not that. The question is whether the Bill will be passed. Sir, it is the Rajya Sabha Secretariat Bill. It cannot be passed here. Before it becomes law, it has to go to the other House. The other House may not like it and it may come to some conclusion, they are more interested in their own Secretariat. That is the objection and that would be thrown away forthwith. Therefore, in order to make the Bill acceptable, we have to make it a House of Parliament Bill.

Sir, I have an extreme weakness for Dr. Bhai Mahavir, I am fond of him, he is a lovable person. I think he has advisedly drafted the Bill in such a way as to make it more attractive. But we have not put the Secretariat of this and the Secretariat of the Lok Sabha on a parity basis, and that cannot be done unless a comprehensive Bill is brought forward.

I must also express my feeling that we must not involve ourselves in participating in the matter of appointments because that will be plaguing and pestering ourselves. We have no hand in the appointment of High Court Judges; we have no hand in the appointment of daftries. Why should we, MPs, get involved in the appointment of these people? They can be left to other agencies.

Therefore, my humble submission is this that my friend will be good enough to withdraw this Bill in anticipation of an assurance that may be forthcoming from the Government.

DR BHAI MAHAVIR : Why in anticipation ?

SHRI SASANKASEKHAR SANYAL : I modify my submission. Before you withdraw, let us have an assurance from the Government that a comprehensive Bill will be brought forward without any delay.

[Shri Sasankasekhar Sanyal]

Now, Sir, there is one other matter, This Bill, when it goes through, probably it will have to go to a Joint Select Committee. We have to examine the methods of appointment, the methods of recruitment, how these things have been done, etc because when we are examining these things, we should see that nepotism and favouritism do not crawl into this Act. Regionalism has to be avoided, provincialism has to be avoided. But at the same time, we must see that in this Act provisions are made that all the contributing States feel happy. There is a tendency—excuse me, my young man—in Delhi to absorb all employment from the local sector. The other day it was said that people from the Eastern States, they do not apply. We can collect more revenues from the Eastern State but we cannot make recruitment from the Eastern States? This is a danger which is eating into the vitals of all sections of public appointment. So, these things have to be gone into by the Joint Select Committee so that the Act comes out in such a way as to make our service-holders free, happy and secure—to make themselves and their families secure. But a question arises. It will be some time before this matter comes up in the shape of law. Instead of this state of things being dragged up to that time let us express that our Chairman will find ways and means by consulting Members of Parliament just on a consultative basis with a view to making some mid-term proposal, interim measures so that the desired objectives, even though they do not come in their full form, be fulfilled and that rancour and unhappiness disappear and some satisfaction will be there.

There is a sense of discrimination here and there—this may be unfounded or founded—but in order to get out of that, the best thing would be to have a sort of consolidation. I agree with my friend, Mr. Pranab Kumar Mukherjee that the Vice-President and the Chairman should not be divested of all powers very much because one of the provisions of the Bill envisages a Committee only of the members of the Secretariat leaving out Members of Parliament very well which I welcome but also leaving aside the Chairman's discretion. These things will create complications

AN HON'BLE MEMBER Let it go to the Select Committee

SHRI SASANKASEKHAR SANYAL How can it go? If it has to become law it has to go to the other House where it will be rejected. Therefore, you make a comprehensive Bill for both the Houses of Parliament. If I were a Member of the Lok Sabha I would have rejected it because it is a partial Bill.

DR BHAI MAHAVIR If you drew up a Bill for the other House too, it would be considered an encroachment.

SHRI SASANKASEKHAR SANYAL If it were a comprehensive Bill it would be considered with respect. Therefore, I say that my friend, Dr Bhai Mahavir, should withdraw this Bill after the hon'ble Minister representing the Government gives an assurance that a comprehensive Bill would be brought in no time without any delay. That is all I wanted to say.

SHRIMATI PRATIBHA SINGH (Bihar): Mr Deputy Chairman Sir.

THE VICE-CHAIRMAN (SHRI V B. RAJU) Is it a long one?

SHRIMATI PRATIBHA SINGH Only two minutes. I never take very long, Sir. I just want to make one or two points. I am looking at the watch. I would not take more than two minutes.

SHRI SASANKASEKHAR SANYAL : We want to hear our sister for some time. If it is in your power you may ask the clock to stop.

SHRIMATI PRATIBHA SINGH Dr. Bhai Mahavir has initiated the Bill to ensure proper conditions of service to the officers and staff working in the Rajya Sabha Secretariat. Article 98 (2) of the Constitution of India empowers Parliament to make laws to regulate the conditions of service of the staff and officers of Parliament. Sir, I only wanted to point out that this article has remained in the Constitution for the last 20 or 25 years but no attention has been paid to its existence there. I would submit that as this Bill is defective since it deals only with the Rajya Sabha Secretariat people

and not with the Lok Sabha Secretariat, it should be withdrawn. There are other things also left out from this Bill. Some hon'ble Members have also requested the Government to bring a comprehensive Bill revising the conditions of service and benefits which are given to other Secretariat staff.

I would not suggest, Sir, that the honourable Chairman has spared any effort to ensure good conditions of service to the employees of the Rajya Sabha Secretariat. He has in his high ingenuity and wisdom done the best he could conceive to ensure proper conditions to the staff of the Secretariat. Yet I think that the Constitution contemplated the enactment of such a law under article 98(2) to bring it into conformity with democratic principles and the doctrine of checks and balances. With all regard to the ingenuity of the Chairman in carrying out the obligations vested in him in so far as providing for proper conditions of service of employees is concerned, I hope the Government will take notice of the feelings of the hon. Members of this House that there is need for revision to give better facilities and better remuneration to the staff and officers of the Rajya Sabha and the Lok Sabha Secretariat.

5 P M

It is necessary to draw the attention of the Government to the fact that while three Pay Commissions have so far gone into the conditions of service of the employees of the Central Government, since the Rajya Sabha Secretariat is a so called independent office, their conditions of service, pay-scales, etc., have been ignored by these Pay Commissions. The recommendations of the Pay Commissions have been adopted by this Secretariat also, as the Chairman deemed fit in his judicious discretion. Yet, on several occasions the staff of the Secretariat have been put to a disadvantage, not because the Hon'ble Chairman meant it, but at times because the Government, especially the Finance Ministry, did not agree, even though the same had already been given to the Central Government employees. An example of this was when the clerks of this Secretariat were denied the grant of four additional increments after completion of three years of service.

Another point I would like to make in

this connection is that while a system of Joint Consultative Machinery with provisions for compulsory arbitration has been introduced in the Central Government Departments to enable the staff and officers' representatives to discuss and resolve the disputes and iron out differences between them relating to the conditions of service, in the Rajya Sabha Secretariat only outmoded Staff Councils exist which are unable to make even recommendations unless there is complete unanimity between the staff and the officers, and even if such a recommendation is made, it might not be implemented, for it is only a recommendation and not a decision for action.

One more thing that I would like to say in this regard is that in different Ministries of the Government of India, special importance and weight is attached to the work relating to Parliament. A special category of Assistants named Parliamentary Assistants has been created and they are paid a special allowance at the rate of Rs 150 p m, and in every Ministry not one but many such posts exist. Other officers connected with parliamentary work are paid honoraria. But in the Parliament Secretariat, no such allowances are paid to those who are more closely connected with the work of Parliament. I am gratified to note that about a year back, the scale of pay of the Translators working in the Parliament Secretariats was raised from Rs 210-530 to Rs 320-600 odd. But the pay-scale of Assistants in the Parliament Secretariats continues to be the same Rs 210-530.

THE VICE-CHAIRMAN (SHRI V B. RAJU) How much more time will you take?

SHRIMATI PRATIBHA SINGH: I am finishing.

THE VICE CHAIRMAN (SHRI V B. RAJU) Or you can continue next time.

SHRIMATI PRATIBHA SINGH: Therefore, I oppose the Bill and I would request that the Government may bring a comprehensive Bill which will give more facilities to the staff in these Secretariats so that they get better pay and better service con-

[Shrimati Pratibha Singh]

ditions and they enjoy all the facilities which the staff in other Govt. departments get in regard to their children, in regard to their houses and other amenities.

THE VICE-CHAIRMAN (SHRI V B RAJU): Thank you. Now, Half-an-hour Discussion. Mr. Dahyabhai Patel,

HALF-AN-HOUR DISCUSSION ON
POINTS ARISING OUT OF ANSWERS
TO STARRED QUESTION NO. 122
GIVEN ON 20TH MARCH,
1972, *RE* DECLINE IN
TEXTILE EXPORTS

SHRI DAHYABHAI V PATEL (Gujarat): Sir, with your permission I raise a discussion on points arising out of the answers to Starred Question No. 122 given in the Rajya Sabha on the 20th March, 1972, regarding decline in Textile Exports.

Sir, I have personally not much interest in textiles. I do not understand the subject. I am a life-long user of khadi and so what I know of textiles is limited to khadi only. I was very closely associated with the boycott of foreign cloth when we picketed foreign cloth shops, courted imprisonment and so on. Why? Because cloth is an important trade for this country. With difficulty, we got out of the clutches of the foreign cloth-makers. Then, we built up our own cloth. Fortunately our textile industry was doing well at a time when the textile industry in the world was not doing well. The war resulted in dislocation. And we had a great opportunity of improving our trade. Some of it was done. Unfortunately I think we did not do as well as we should. There is a case of the Government interference and what it results in. The Government started poking its nose at every stage instead of encouraging the exporters. I am talking of four years ago. The Government was poking its nose at every stage instead of allowing manufacturers and exporters from this country to take up, to make their way into foreign markets in the East as well as in the West. Government started poking its nose at every stage. And now what do we come

to? As a result of these policies, instead of being a large exporter, today we do not know what to do. And this is how we finance our exports, this is how we finance our declining exports. We want to raise the cess on something that is good to supplement and support what is not good. I think this is a very short-sighted policy like many of the policies which are based on Government controls. Government controls necessarily lead to such sort of a thing. They necessarily lead to favouritism. (Interruptions) Sir, if they finish their discussion or if they adjourn to another House, it will help us. I was saying that Government's short-sighted policy has resulted in this situation when cotton textiles in all wears should have been very popular. Even today I do not know whether the Government's eyes are open or shut. Indian textiles, Indian ready-made cloth, they find a very large market all over the world, even in America. Instead of encouraging that, the Government is trying to poke its nose and is making difficulties for everybody. In this particular case the question I referred to was buying cotton because we may be short of cotton and we may spin cotton for the benefit of a country which has certainly been friendly to us, particularly it has led us through a very difficult situation very recently. I must say, while appreciating the help that the Soviet Union gave us in the situation that arose as a result of the conflict with Pakistan, I do not like this attitude where they want to export us cloth and take it back from us where we lose Rs. 1.75 per spindle. The Minister may correct me if I am wrong. I have heard him admit that in this House. And if I may say so, in a day or two or thereafter we had the case of export of batteries to the Soviet Union. I do not know how the Government can justify it. The Soviet Union is short of drink; it is a hard currency purchase. And we export to them batteries by soft currency. I consider this is a very short-sighted policy. If we want to be friends with the Soviet Union and if the Soviet Union is friendly to us, we can have a business deal on a business basis. But this is neither business nor friendship. This is throwing dust into the eyes of the people of India and that is what I object. This sort of a thing should not be done. I have been reading through the question to refresh my memory. On the