

PAPERS LAID ON THE TABLE

THE NAVY (PENSION) "SECOND AMENDMENT" REGULATIONS 1970

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI P. C. SETHI): Sir, I beg to lay on the Table, under section 185 of the Navy Act, 1957, a copy of the Ministry of Defence Notification S.R.O. No. 457, dated the 4th November, 1970 (in English and Hindi), publishing the Navy (Pension) "Second Amendment" Regulations, 1970. [Placed in Library. See No. LT-4554/70].

ANNUAL REPORT (1969-70) AND ACCOUNTS OF THE ENGINEERS INDIA LIMITED AND RELATED PAPERS

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS (SHRI P. R. CHAVAN): Sir, I beg to lay on the Table, under sub-section (1) of section 619A of the Companies Act, 1956, a copy each of the following papers:

(i) Fifth Annual Report and Accounts of the Engineers India Limited, New Delhi, for the year 1969-70, together with the Auditors' Report on the accounts.

(ii) Review by Government on the working of the Company. [Placed in Library. See No. LT-4489/70 for (i) and (ii)].

THE PREVENTION OF FOOD ADULTERATION (AMENDMENT) RULES, 1970

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI B. S. MURTHY): Sir, I beg to lay on the Table, under sub-section (2) of section 23 of the Prevention of Food Adulteration Act, 1954, a copy of the Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Health) Notification G.S.R. No. 1809, dated the 3rd October, 1970 (in English and Hindi), publishing the Prevention of Food Adulteration (Amendment) Rules, 1970. [Placed in Library. See No. LT-4558/70].

MESSAGES FROM THE LOK SABHA

I. THE APPROPRIATION (No. 4) BILL, 1970

II. THE APPROPRIATION (No. 5) BILL, 1970

SECRETARY: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

(I)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Appropriation (No. 4) Bill, 1970, as passed by Lok Sabha at its sitting held on the 8th December, 1970.

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

(II)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Appropriation (No. 5) Bill, 1970, as passed by Lok Sabha at its sitting held on the 8th December, 1970.

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

Sir, I beg to lay a copy of each of the Bills on the Table.

THE SALARIES AND ALLOWANCES OF OFFICERS OF PARLIAMENT (AMENDMENT) BILL, 1970

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI K. RAGHU RAMAIAH): Mr. Deputy Chairman, Sir, I beg to move:

"That the Bill to amend the Salaries and Allowances of Officers of Parliament Act, 1953, as passed by the Lok Sabha, be taken into consideration".

This is a very simple piece of legislation. It affects only the officers of Parliament as defined in the Act, viz., the Chairman and Deputy Chairman of Rajya Sabha and the Speaker and Deputy Speaker of Lok

[SHRI K. RAGHU RAMAIAH]

Sabha. It only extends to them a facility which has already been extended to Ministers. In the case of Ministers, in the event of demission of office by a Minister, he is allowed to stay there for a month. In the case of any unfortunate death of any Minister—we hope not—this family is allowed to stay for two months. The first month there will be no charges, but the second month charges are payable. But in the case of officers of Parliament, as defined by me earlier in my speech, at the present moment that facility or amendment is not there. At the present moment they are entitled in the case of demission for fifteen days, and in the case of death the family is entitled for one month only. The object of this legislation is to put them on a par with the Ministers so that in the event of demission of office they can stay for a month, and in the case of death the family can stay for two months; the second month they will be paying the rent and other charges. We have also one clause giving retrospective effect so that the benefit of this Bill may accrue to the family of Mrs. Alva, and that is the only reason we have given this retrospective operation.

This is a very simple measure and I hope I shall have the generous concurrence of the House in this.

The question was proposed.

SHRI GODEY MURAHARI (Uttar Pradesh) : Mr. Deputy Chairman, I actually support the Bill. I have nothing against the Bill. It should be passed, but I would like to take this opportunity to say a few things about this matter. Actually there are two things which arise in my mind.

एक तो प्रेसाइडिंग आफिसर्स के काउन्ट के बारे में और दूसरी चीज जो यहां पर मुलाजिम लोग हैं, कर्मचारी जो हैं उनके बारे में भी हमको कुछ सोचना चाहिये। यह ठीक है कि यह तो बिल्कुल कासीक्वेंशल अमेडमेंट है और इसमें यह सब चीजे नहीं आती हैं, लेकिन जो राज्य सभा और लोक सभा में काम करते हैं और कर्मचारी हैं उनके बारे में कोई एक बिल लाते जिसमें उनके वेतन के बारे में, उनकी और सहूलियतों के बारे में भी सोचा जाता तो अच्छा होता। तो मैं मिनिस्टर आफ पार्लियामेंटरी अफेयर्स से यह कहना चाहता था। इसके बारे में मुझे पता नहीं है कि कौन इसके अधिकाारी हैं या तो स्पीकर साहब हैं या और कोई हैं या हमारे चेयरमैन हैं, हम नहीं कह सकते, लेकिन इसके

बारे में भी सरकार को सोचना चाहिये कि राज्य सभा और लोक सभा सन्नेटेरियट में जो काम करते हैं, जो मुलाजिम हैं उनके बारे में भी कोई काम्प्रेहेसिव लेजिस्लेशन हो और उनकी पेन्सेल्स वगैरह के बारे में भी सोचा जाय।

और साथ-साथ में प्रेसाइडिंग आफिसर के बारे में यही कहूंगा कि जो भी प्रेसाइडिंग आफिसर हो उनको यह ध्यान में रखना चाहिये कि वह निष्पक्ष अपना काम करें। यह नहीं होना चाहिये कि क्योंकि कोई एक पार्टी के वह सदस्य हैं, इसलिए उस पार्टी...

श्री जगदीश प्रसाद माथुर (राजस्थान) : आन ए प्वाइंट आफ आर्डर, आन ए प्वाइंट आफ आर्डर। श्री गोडे मुराहरि ने जो प्रश्न उठाया है प्रेसाइडिंग आफिसर्स के बारे में कि उनको निष्पक्ष काम करना चाहिये तो मैं समझता हूँ कि वह एक प्रकार से उन पर एसपर्शन कर रहे हैं।

श्री गोडे मुराहरि : नहीं, नहीं।

श्री जगदीश प्रसाद माथुर : मेरी बात सुन लीजिए। क्योंकि आज उनको कुछ सुविधा देने के सम्बन्ध में विधेयक ले आये हैं, इसमें कोई आपत्ति नहीं है, लोक सभा में पास हुआ और हम इसका समर्थन करते हैं, किन्तु उस स्थिति में इस प्रकार की बातें कहना कि इस प्रकार की सुविधा दे रहे हैं, तो आपको निष्पक्ष रूप से काम करना चाहिये। यह तो स्पष्ट रूप से उनको धमकी है, डराना है। मैं समझता हूँ कि अगर आपको कोई उन पर आपत्ति है, मैं नहीं कहता कि हर एक काम अच्छा है या बुरा है, तो अलग से उनके सम्बन्ध में कोई मोशन लाइए। इस विधेयक के सम्बन्ध में इस प्रकार से उनको एक प्रकार से धमकी देना, उन पर दबाव डालना, यह व्यवस्था के विपरीत है। इसलिये सदस्य महोदय को इस प्रकार की बात कहने से रोका जाय।

श्री गोडे मुराहरि : इसके विपरीत नहीं होता, इसमें कोई प्वाइंट आफ आर्डर नहीं है, यह कोई एसपर्शन नहीं है, यह हो सकता है कि अगले जो प्रेसाइडिंग आफिसर्स होने वाले हैं, उनके लिये मैं कह रहा हूँ, हो सकता है कि अभी जो हो चुके हैं उनके बारे में मैं कह रहा हूँ, या तो उनके बारे में कुछ कहने की बात ही नहीं है; क्योंकि वह अब प्रेसाइडिंग आफिसर नहीं रहे हैं, लेकिन अगर है तो वह इसमें से कुछ समझना चाहें तो वह भी उनको समझ लेंगे।

इसलिये मेरा यह कहना है कि जो भी प्रेसाइडिंग आफिसर हों, उनको निष्पक्ष काम करना चाहिये और उनको कोई इस चंज की चिन्ता नहीं होनी चाहिए कि सरकार क्या कहती है या सरकारी पक्ष क्या कहना है, उनको सरकार के आवाज में नहीं आना चाहिये या यह नहीं सोचना चाहिए, हमको ऐसा ही काम करना चाहिये जो उनकी सहायता में हो या उनके पक्ष में हो। और अगर वह खुद उस पार्टी के सदस्य होकर भी, जब तक चेयर में बैठ कर अपना काम निभाते रहेंगे, तो चेयर से जो बात वह करेंगे और क्लिग देंगे वह इस ढंग से दे कि उस समय वह पार्टी भूल जाये, तभी हमारे लिए अच्छा होगा, सबके लिए अच्छा होगा। हम चाहते हैं यही प्रेसाइडिंग आफिसर का दृष्टिकोण हो और यह मैं आपके ध्यान में लाना चाहता था। वैसे मैं इस बिल का समर्थन करता हूँ।

SHRI A. P. CHATTERJEE (West Bengal) : Sir, this Bill is, of course, innocuous but there is one thing which arises from this. That is, a Bill is now being moved for the further amendment of the Salaries and Allowances of Officers of Parliament Act.

What about the other employees of Parliament Article 98(2) of the Constitution says :—

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

As far as I understand and as far as I know, so far as the recruitment and conditions of service of the secretarial staff of Rajya Sabha are concerned, they have not yet been regulated by any law of Parliament enacted under Article 98(2) of the Constitution. Now that is really a very big and very sad lacuna. As far as I know, some persons are naturally seeing Members of Parliament, some people may be approaching us, and there is no reproach in that if some people approach some of us. As far as we know from these approaches made to us by some people from certain quarters in the secretarial staff, there is a great grievance among the members of the Secretariat, particularly of Rajya Sabha—I cannot say anything about Lok Sabha—that their conditions of service are not satisfactory. Not merely that, Sir. As far as recruitment and promotions are concerned, there is a lot to be said and there is a charge not merely of callous neglect of the wel-

fare of the staff but there is also a change of nepotism now and then, here and there. It is said that sometimes promotions or appointments are done according to the sweet will of certain officers and the promotion, etc., depends not so much on the good conduct or good service of the person concerned but on other qualifications, the other qualifications satisfying or pleasing a particular set of persons. I myself have had occasion to deal with a particular matter and I myself have written one or two letters also in regard to the conditions of service of the Watch and Ward staff of Rajya Sabha.

Suddenly it was found that, as far as the promotional avenues of the Watch and Ward staff are concerned, those promotional avenues were either stopped or obstructed by certain rules framed on the spur of the moment by the Chairman. Of course, the rules are framed by the Chairman. I wrote certain letters but, as usual, these letters have been replied—if I may say so with great respect—in a bureaucratic spirit. Well, when I say ‘bureaucratic spirit’ I do not mean it in any abusive sense. Bureaucratic spirit is that spirit which always tries to uphold an order which has once been made. If an order has been made—however illegal it may be, however inequitable it may be, however unjust it may be—well, that order has to be upheld, and it has to be upheld though untenable. Now the letters which I wrote point out the injustice meted out to the Watch and Ward staff but the letters which I receive in reply are bureaucratic in spirit—I call them so—because in those letters we find that justification of the order which has been passed is sought to be made out. Of course, as far as I see, they are untenable reasons.

SHRI A. D. MANI (Madhya Pradesh) : Who sent the letters ? I want to know.

SHRI A. P. CHATTERJEE : Of course, this letter was sent by the Chairman,

“राजा कर्णेन पश्यति”

The Chairman always acts upon the advice of others. Now, I do not know...

MR. DEPUTY CHAIRMAN : You need not cast aspersion on him and on the staff of the Secretariat. Certainly if you have anything to say about their grievances, you can say them without casting any aspersion or discussing at length all these matters.

SHRI A. P. CHATTERJEE : Mr. Mani provoked me. I did not cast any aspersions—I am saying that because an order has been passed, therefore that order has to be supported and justified even if there is no justification for it or even if there is no reason for supporting it. I think that should not be the attitude. But then, Sir, I was going to say that all these things arise because there are no set conditions of service and conditions of promotion and recruitment as contemplated under article 98(2) of the Constitution. Why is there actually this allergy to bringing forward this Bill regulating the recruitment and conditions of service of the secretarial staff who are in Parliament itself? Parliament is dealing with so many matters. Why cannot it deal with the conditions of their services? Why cannot it deal with their recruitment conditions? Why cannot it deal with the promotional conditions of the Secretariat staff here? If such a legislation were brought forward here, I think the staff also would not have any ground for grievance. The conditions of service are regulated by whims or fancies, the promotions are regulated arbitrarily—that kind of grievance, I think, will not remain with the staff. Therefore, what I am saying is this. For the officers of Parliament, well, we have respect for them and let the officers of Parliament have more amenities. We do not mind. But the point is this. What about the other staff on whom really the functioning of Parliament depends? Really, Parliament functions because of the blood—not blood really, but sweated toil—of these persons who work in the different sections of Parliament, in the Rajya Sabha or in the Lok Sabha. Now, if the conditions of service of these persons are not looked after and are not properly cared for, then—I do not know—the functioning of Parliament also may suffer. There may be a bottle-neck in this functioning. After all, people cannot work merely on patriotic slogans or merely on slogans that we must see that the Parliamentary institution of the country must function smoothly. They also must have something to look forward to. Some more amenities should be given to them; better conditions of service, better conditions of salary should be there.

Sir, this is no doubt a simple Bill. As far as this is concerned, this is an innocuous Bill. Everybody will agree with that. But then, when this Bill has been brought forward, I think that it is a pointer to the other fact that the other Bill is not being brought forward, that the conditions of service of the secretarial staff of

this House are not being regulated properly. This Bill gives a call to us, so to say, a call to the various parties, certainly to the ruling Congress Party also, that they must bring forward a Bill so that the conditions of service of the secretarial staff may not be left to the whims and fancies and caprices and the arbitrary will of certain officers or certain persons, and they may be regulated properly by an enactment passed by this House, an enactment, which before it is passed, will have the proper attention and consideration by all sections of this House.

SHRI M. N. KAUL (Nominated) : Mr. Deputy Chairman...

MR. DEPUTY CHAIRMAN : I have not called you yet. Already it is 1 00.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : May I request that we sit for 10 more minutes and finish this Bill?

MR. DEPUTY CHAIRMAN : In that case, I call Mr. Bhadram to speak.

SHRI K. S. CHAVDA (Gujarat) : Sir, we want to speak from this side.

MR. DEPUTY CHAIRMAN : Mr. Kemparaj, you also want to speak?

SHRI B. T. KEMPARAJ (Mysore) : Yes.

SHRI M. N. KAUL : In five minutes we can finish this.

MR. DEPUTY CHAIRMAN : You can also speak for two minutes—one Member from your side.

SHRI M. S. GURUPADASWAMY (Mysore) : Sir, let it be taken up after lunch. There is no harm.

SHRI M. V. BHADRAM (Andhra Pradesh) : Sir, we can finish it in ten minutes. We can sit.

MR. DEPUTY CHAIRMAN : All right. If it is the desire of the House that we should discuss this matter after lunch, the House stands adjourned till 2.00 P.M.]

The House then adjourned for lunch at one of the clock.

The House assembled after lunch at two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

REFERENCE TO THE NEGOTIATIONS ON JUTE WORKERS' STRIKE

SHRI NIREN GHOSH (West Bengal) : Mr. Deputy Chairman, Sir, the negotiations on the jute workers' strike have broken down yesterday and we feel that the workers' side has failed. As one of the representatives of the workers I feel that the Government of India is not prepared to take up any position against the jute bosses. The workers have scaled down their demands to the minimum. Even on the question of gratuity they left certain vital principles to be discussed in future, namely the question of gratuity being related to the total wages or earnings. They wanted to clinch the question of daily allowance for the *badli* workers if on any day they are not provided with job. On these questions I regret to say while the Government of India have not taken a strong position, they are advancing Rs. 48 crores to them as loan in order to modernise the industry. Now the jute industry is making fabulous profits. They themselves have been saying that they have never earned so much profits during the last two decades. That being the position, the Government which speaks of socialism, is not prepared to put pressure on the jute bosses even for this small demand of the jute workers. On the contrary, they will side with the jute bosses. This is a serious question. The question of foreign exchange is also involved. This industry is such that if the Government takes a blunt decision they are not bound to come down to that position...

SHRI MAHAVIR TYAGI (Uttar Pradesh) : What is the good of your saying all this when the Minister concerned is not here ?

SHRI NIREN GHOSH : I am telling you. I am telling the House so that the House may be seized of this matter and does not allow the Government to behave in this atrocious fashion.

SHRI D. THENGARI (Uttar Pradesh) : Sir, the stage has now reached that if the Government of India strongly intervenes, the employers have to succumb; they have to yield. It is only reluctance on the part of the Government of India that they are prolonging this particular dialogue. So we urge upon the Government that they must take a strong attitude and put

appropriate pressure upon the employers. The stage has reached now.

MR. DEPUTY CHAIRMAN : Let us proceed with our business now.

THE SALARIES AND ALLOWANCES OF OFFICERS OF PARLIAMENT (AMENDMENT) BILL, 1970—contd

SHRI M. V. BHADRAM (Andhra Pradesh) : Mr. Deputy Chairman, Sir, I support the Bill. While doing so, I would like to bring to the notice of the hon. Minister one or two points. There is an order of the Government which gives some facility of overstay by one month when a Member of Parliament resigns or retires. But the order does not mention whether the same facility will be extended when a Member of Parliament dies, to the family of that Member. I think it is proper that when a Member dies, such a facility should be extended to his family.

SHRI MAHAVIR TYAGI (Uttar Pradesh) : Members will not die.

SHRI M. V. BHADRAM : The other day Mr. Thirumal Rao died.

Now, another aspect is that when we speak about socialism, it pre-supposes that the underdog should be taken care of. This Bill seeks to give some amenities to the officers of Parliament. But the staff working in both the Secretariats should also be taken care of. In my experience of the last four and a half years, I have seen that when Parliament is in session, they are working from 9 a.m. to 9 p.m. It means that during the days of session, they have to forget about their families and all social life. This aspect should be borne in mind. This also strengthens their case under article 98 which envisages some special treatment to the staff of the Secretariats of both the Houses. There may be some rules, but they are not statutory in the sense that they are not approved by Parliament. Therefore, their grievances should not be allowed to be accumulated. This is the only service, I think, which is functioning very effectively and to the satisfaction of the Members of Parliament. So this service should be taken care of as also the Watch and Ward. There should not be any room left to nurture any grievances about the way in which promotions are done or some appointments are done