

[Mr. Samar Guha]

were correct. 30 lives and so much of property were lost because the Government passed the Bill in a hurry. That tragedy may be repeated. I am giving a warning. Let the minister give a solemn assurance that till a consensus is arrived at, that enabling clause will not be implemented. If the consultation fails, as I said earlier, the two alternatives suggested by the Vice-Chancellor himself should be referred to in some kind of referendum to the teachers and the majority view of the teacher should be accepted. Let the minister give that assurance.

PROF. S. NURUL HASAN : I am not in the habit of repeating myself. I have never used one year's lecture notes on a subsequent occasion.

AN HON. MEMBER : History repeats itself.

PROF. S. NURUL HASAN : History does not repeat itself. That is the only lesson of history I remember after a few months in the service of this House.

I am very grateful to Mr. Guha for joining me in appealing to the teachers to sit and hold consultations. I hope my friend, Mr. Banerjee also would make such an appeal, particularly to the *karmacharis*, to sit down and discuss matters and not to continue with the strike, which does not help the university at all. (*Interruptions*). My difficulty is, if I agree with an hon. member in one House, there will be disagreement in the other House.

SHRI S. M. BANERJEE : Let us meet in the Central Hall !

PROF. S. NURUL HASAN : I must make one thing clear. Supposing I had accepted the advice of my friend, Mr. Guha and dropped the word "Muslim" from the name of the Aligarh Muslim University, would the situation have been much better ?

SHRI SAMAR GUHA : That was not the main issue. The main issue was to

send it to the Select Committee and think soberly.

PROF. S. NURUL HASAN : This House would remember how many amendments my hon. friend had moved to the Aligarh Bill. He must at least give me credit that I did not accept his amendments and advice.

SHRI SAMAR GUHA : The minister himself set up a record by moving 84 amendments to the Bill.

MR. DEPUTY-SPEAKER : Will you develop the habit of listening also ?

PROF. S. NURUL HASAN : Sir, I do not want to take more time of the House. I appeal to the House to pass the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

14.14 hrs.

FORMER SECRETARY OF STATE
SERVICE OFFICERS (CONDITIONS
OF SERVICE) BILL

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
K. C. PANT) : Sir, I beg to move :*

"That the Bill to provide for the variation or revocation of the conditions of service of former Secretary of State Service officers in respect of certain matters and for matters connected therewith or incidental thereto, be taken into consideration."

Article 314 of the Constitution, as originally enacted, which has been omitted by the Constitution (Twenty-eighth) Amendment Bill, 1972, guaranteed certain special conditions of service for former Secretary of State Service officers.

14.15 hrs.

[SHRI K. N. TIWARI *in the Chair*]

It was considered that the concept of a class of officers with immutable conditions

*Moved with the recommendation of the President.

of service was incompatible with the changed social order. It was for this reason that the Constitution has been amended to provide for the deletion of article 314, as originally enacted, and for the insertion of new article 312A. Article 312A empowers Parliament to vary or revoke, whether prospectively or retrospectively, the conditions of service as respects remuneration, leave and pension and the rights as respects disciplinary matters of former Secretary of State Service officers in service and the conditions of Service as respects pension of the former Secretary of State service officers who have since retired or who have otherwise ceased to be in service.

Consequent on the constitutional amendment, it is now considered necessary to revoke most of the special conditions of service of the former Secretary of State Service officers and bring them on par with other officers of corresponding services.

It will be recalled that even when the draft Constitution was being discussed in the Constituent Assembly, the late Sardar Vallabhbhai Patel, after explaining the circumstances in which it was considered necessary to give certain constitutional guarantees to the members of the former Secretary of State service, expressed the view that after the country was stabilised and when it was strong enough, it would be open to Parliament to make such changes in the special conditions of services as were considered desirable.

Even though Parliament has now been vested with the powers to revoke or vary the special conditions of service of the former Secretary of State officers, it is proposed that in respect of certain aspects relating to remuneration and pension the existing terms should continue. As this House is aware, it has been the policy of the Government that adverse changes in the conditions of service of Government servants as respects pay and pension should be avoided.

I may also refer here to certain litigation that has been resorted to by some of the former Secretary of State Service Officers, claiming pension in or in terms of sterling. It is proposed to make it clear through this

legislation that no former Secretary of State Service officer shall be entitled, or be deemed ever to have been entitled, to claim pension in or in terms of sterling or that his pension shall be paid outside India.

The Bill contains necessary, consequential and incidental provisions. I commend the Bill for the consideration of the House.

MR. CHAIRMAN : Motion moved :

"That the Bill to provide for the variation or revocation of the conditions of service of former Secretary of State Service officers in respect of certain matters and for matters connected therewith or incidental thereto, be taken into consideration."

SHRI SOMNATH CHATTERJEE (Burdwan) : Sir, when the Constitution was amended, article 312A was introduced. We had supported that amending Bill because it was to do away with a vested interest involved of a certain handful of officers. But we had pointed out, and we will point out again, that after 25 years being allowed during which they enjoyed all the special privileges, when it was only a microscopic minority of officers in this country, only a handful of them are still left—I believe their number would not exceed one hundred—to bring this Bill or the Constitution Amendment Bill was nothing but a vote-catching slogan or show-piece legislation, because it would hardly matter now for, if I may use that expression, this specie is going to be extinct soon.

Even in this Bill what do we find ? Clauses 3 and 4 provide that the conditions of service of ICS and IPS officers will be those applicable in the case of IAS officers. Yet, sufficient provisions have been made to make these provisions not applicable to a class of officers. Clause 5 specifically says that ten of these officers will not be governed by this Act but they will continue to enjoy better privileges and conditions of service. So, out of 100 these ten go and only ninety remain. Again, there is a provision that their period of service can be extended under clause 6 provided it is done before the appointed day. The "appointed

[Shri Somnath Chatterjee]

day" will be notified in the Gazette. But I do not know in the case of how many ICS officers the period of service may be extended before the appointed day. Why is this power taken for the period before the Act is brought into force? It seems to be in the contemplation of the government to extend the services of the ICS members of the Indian Administrative Service.

Also, there is a provision that so far as regulation that may be framed under clause 6 is concerned, they may also be provided extension of service. So, out of about 100 officers, 10 will not be within the scope of this legislation. In regard to others, their services may be extended under clause 6 of the Bill. So far as the pensions of the existing ICS members are concerned, they will be maintained under clause 7. That will be different from the pensions enjoyed by the IAS officers. Therefore, I say, this is really nothing but a show-piece.

After 25 years have elapsed, the number of ICS officers has been reduced considerably. Now, suddenly to come up with this legislation will not serve any real purpose from the economic point of view or financial point of view. But we are supporting this Bill because we do not want that any particular class of officers should have any special privileges, specially such privileges which are nothing but a hangover of the British imperialism in those days. Therefore, we support the principle underlying it.

The Statement of Objects and Reasons also says

"However, in respect of certain aspects relating to remuneration and pension, it is proposed to continue the existing terms since Government do not as a matter of policy, favour adverse changes in the conditions of service of Government servants as respects pay and pension during their service."

I believe, the hon. Minister also said that in his introductory speech. What changes are really being brought about? Nothing except that you do not pay them in sterling.

Nobody is supporting that. Except that, there is no real change that is being brought about by this Bill. The old ICS officers will continue to enjoy the same privileges.

Only one other point that I would like to stress is. What is the rationale behind selecting particular classes of officers and putting them in Schedule and giving them special conditions of service? Clause 5 says:

"Notwithstanding anything contained in section 3 or section 4, an ICS member of the Indian Administrative Service or an I.P. member of the Indian Police Service, as the case may be, holding a post specified in the Schedule or a post declared by the Central Government to be equivalent to such post shall, for so long as he holds that post, be entitled to draw pay as indicated against the post in the Schedule."

So not only 10 officers who have been designated, there may be other officers, other posts, which may be declared by the Central Government to be equivalent to such posts and they will get special privileges. I would like to know from the hon. Minister how many officers will, ultimately, be affected by this legislation which is being brought about and what is the real change that is being brought about in the present terms of service conditions.

In this session itself, we have passed two nationalisation Bills. We have found that large number of amounts are being given to monopoly houses, to big business houses. In the case of coking coal mines, crores of rupees are being given. In the case of general insurance also, suddenly, we find at the last stage of the Joint Committee deliberations, there is an increase of Rs. 5 crores to be given to big business houses. Only yesterday or day before yesterday, in the case of Indian Copper Corporation, the Government has given Rs. 75 crores to these monopoly houses. When that is the attitude taken by the Government, we feel, this particular piece of legislation, although we support the principle behind it, is brought more for the purpose of a sort of supposed opposition of this Government against vested interest, not for the real

purpose of making uniformity in the Indian Administrative Service and the old ICS.

With these words, I support the Bill.

श्री मूलचन्द्र ढागा (पाली) : आज से कुछ महीने हमने अखबारों में पढ़ा था कि अधिका-रियों के विशेषाधिकारों को सरकार खत्म करना चाहती है। उसका बड़ा प्रचार भी हुआ। लोगों ने सोचा कि देश के अन्दर जो विषमता है वह इसमें कम हागी और यह एक बड़ा कदम उठाया गया है। इस भावना का लोगों ने बहुत स्वागत किया। लोगों ने कहा प्रिन्सीपलिस को समाप्त करन के बारे में राज्य ने जो कदम उठाया है वह सही दिशा में एक कदम है और सरकारी कर्मचारियों के विशेषाधिकारों को भी खत्म कर दिया जाए तो ठीक होगा। लेकिन अब जो बिल है, उसको मैंने देखा है। मैं एक बहुत बड़ी कमजोरी पाता हूँ। जिनकी हमारी सेवाएँ हैं, चाहे पहली योजना हा, दूसरी हो, तीसरी हो, वे मैं समझता हूँ कि इनकी वजह से ही पूरी नहीं हुई है। कारण यह है कि राज्य सरकारों में जो भ्रष्टी आ जाते हैं वे इन अफसरों की हवा में बह जाते हैं। जब कभी उनसे कहा जाता है कि आपके जो हैं, उनमें क्षमता की कमी है या वे काम नहीं करते हैं या वे दूसरों को हेय समझते हैं तो जवाब दिया जाता है कि सरकारी कर्मचारियों के बारे में कोई शब्द कहने का तुम्हें अधिकार नहीं है। इस बिल को बनाने के पीछे भी जो सिद्धान्त है...

सभापति महोदय आप अपना भाषण अगली बार जारी रखें।

श्री कृष्ण चन्द्र पन्त।

14 25 hrs

STATEMENT RE: DECLARATION OF
NAGA NATIONAL COUNCIL AND
CERTAIN OTHER ASSOCIATIONS
AS UNLAWFUL ASSOCIATIONS

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
K. C. PANT) : Sir, the Central Government

have today issued a notification in the gazette declaring the Naga National Council and certain other associations describing themselves as the Naga Federal Government and the Naga Army, etc., as unlawful associations, with immediate effect, under section 3 of the Unlawful Activities (Prevention) Act. A copy of the notification is placed on the table of the House.

It has also been decided that in the changed circumstances, further periodical extension of the suspension of operations order would be neither logical nor in the interest of peace and normalcy in the State. In spite of repeated extensions of the suspension of operations order in the past, there has been deliberate defiance of laws by the underground and recourse to acts of violence and intimidation. The House is fully aware of the recent cowardly attempt to ambush and assassinate the Chief Minister of Nagaland. The developmental efforts made during all these years in Nagaland and the overwhelming desire of the people to pursue their peaceful avocations have isolated the underground and created confusion in their ranks. Out of frustration, small groups of fanatic individuals have been trying to create obstacles in the way of development and prosperity of Nagaland. The Government of Nagaland are determined that lawlessness should be put down with a firm and the law and order agencies of the State will take all necessary action to maintain peace and prevent the commission of offences, according to the normal laws of the land. The State Government are being provided with all reasonable assistance to enable them to maintain law and order in the State.

MR CHAIRMAN : Now, we take up Private Members, Business...

SHRI K S CHAVDA (patan) : Before you take up that business, may I know for my information how many hours have been allotted for the discussion of the motion regarding the report of the Commissioner for Schedules Castes and Scheduled Tribes, so that we can prepare accordingly. Only one day is left out.

सभापति महोदय : इसके लिए छः घंटे हैं। लेकिन यह सवाल तब उठेगा जब इसको