

SHRI SHRI CHAND GOYAL

the requirement of the constitutional provision and the Representation of People's Act is that a member cannot, simultaneously, remain a member of two legislatures and that if one is elected to two Houses, one has to vacate the seat of one House so that he does not enjoy the membership of two legislatures. What is going to be the position here is that the members of the new autonomous State will enjoy the membership of the new autonomous State as well as that of the State of Assam. This is going to be a constitutional anomaly.

Then, I would submit, as we already know, that in the Sixth Schedule of the Constitution, the District Councils have already been given autonomy. So, the position is, there are the District Councils enjoying autonomy on one side, the people of the new autonomous Hill State enjoying second autonomy and the full State of Assam enjoying third autonomy.

Are they going to revert to a system of triarchy? You know that, when triarchy existed during the British regime, it was a subject of much criticism. Now we are going to adopt a system of triarchy in which there will be three independent bodies and the interests of the new State of Assam are likely to come in conflict with the interests of the people of the full State of Assam.

My respectful submission is that not only we are going to allow a situation in which these ugly demands will get strengthened, but Constitutional complications are also likely to arise. Therefore, I vehemently oppose the introduction of this Bill.

THE MINISTER OF LAW (SHRI GOVINDA MENON): These are matters pertaining to the merits of the Bill. Probably they are important points which the House should consider at the time of consideration of the Bill.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The Motion was adopted.

SHRI Y. B. CHAVAN: I introduce the Bill.

12-32 hrs.

FOOD CORPORATIONS (AMENDMENT) BILL—Contd.

MR. DEPUTY-SPEAKER: Now we shall take up further consideration of the Food Corporations (Amendment) Bill. The time allotted was two hours. We have already exhausted one hour and 50 minutes. As I said on the last occasion these matters are decided by the Business Advisory Committee where all groups and parties are represented. The maximum discretion left to the Chair, whosoever is sitting, is just half an hour.

Now, I would request the hon. Minister to reply.

THE MINISTER OF STATE IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION (SHRI ANNASAHIB SHINDE): I am glad that various sections of this House have welcomed the provisions of this Bill. Of course, some criticism also has been made on the floor of the House, and I will try to meet some of the points raised by the hon. members. But before I go into the specific points raised by the hon. members, I would like to submit that, by and large, the intention of the provisions is to provide safeguards to the employees whose services are to be transferred to the Food Corporation. There are three categories for which the hon. members have expressed some concern.

In the case of the category of Central Secretariat employees which is specifically excluded from the purview of this Bill, there is some rationale behind it, and I hope the hon. members will be in a position to appreciate this rationale. Even in the old days when the Food Corporation was not there, the Food

Department was broadly divided into two sections : one, the policy section, and the other, the Regional Directorates of Food. After the Food Corporation has come into being, naturally, progressively the work which was being handled by the Regional Food Directorates is being transferred to the Food Corporation, but the policy section which was being handled with the assistance of the Central Secretariat employees continues to be with the Government. If the hon. members examine even the original scheme of the Food Corporation Act, they will find that it is the Government of India which is competent to issue policy directives to the Food Corporation. That means, even at the time of enactment of the Food Corporation Act, it was contemplated that policy formulation should be with the Government of India. Naturally, the secretariat which helps in the formulation of policy is going to be with the Government of India and, therefore, the question of transfer of the services of the Central Secretariat employees does not arise. Unfortunately in the beginning everybody wanted to resist the transfer. Now when large sections of the employees are going over to the Food Corporation pressure is being brought on us, saying, why not also transfer along with them the employees of the Central Secretariat. I don't think this is justified. Their services are well protected and I don't think there should be any grievance in regard to that category of employees. The second category in regard to which some concern was expressed is the existing employees, direct employees of the Food Corporation of India. They are directly recruited employees and their services are governed by the rules and regulations which have been framed under the Food Corporation of India Act. They are all well protected—even their scales of pay are better than the Government employees. They have also got the retirement benefits; there are also benefits in regard to leave etc. Moreover the other benefits which are available for the Government employees are also available to them like medical benefits and so on. All that has been provided for and I don't think there need be any fear on that account.

SHRI S. M. JOSHI (Poona) : What about seniority and promotion ?

SHRI ANNASAHIB SHINDE : Even in regard to that you will appreciate that the normal rules would apply. From the time of recruitment, if they fall in a particular category, normally, they will be eligible for promotion on the normal standards.

SHRI S. M. JOSHI : Will it be seniority or seniority-cum-merit ?

SHRI ANNASAHIB SHINDE : Instead of going into details I would say, whatever rules are there, those will apply. The present rules governing the Food Department employees would prevail. There won't be any discrimination against the directly-recruited employees. I think that should satisfy the hon. Members.

SHRI S. KANDAPPAN (Mettur) : There are 24 people under orders of retrenchment in Tanjore. That is what I brought to your notice yesterday.

SHRI S. KUNDU (Balasori) : We have a fear that the direct recruits will lose seniority. The seniority of the departmental employees are well-protected. In respect of these people, they will lose the seniority. You are retrenching the direct recruits also. You are taking fresh people from the Department. They are very much concerned about it. You can do something about it.

SHRI ANNASAHIB SHINDE : The fear is unfounded. Suppose a Government employee of Food Department has been serving the Government for the last 20 years, do you mean to say that he should be placed below in the same category as compared to the employee who has been recruited only two years ago ? But, by and large, in the same category, in regard to seniority etc. the normal rules will apply. And their interests will not be adversely affected in any way by the existing arrangements.

SHRI N. SREEKANTAN NAIR (Quilon) : Is there not a third category which is quite large, namely, the deputationists ? What about that category ?

SHRI ANNASAHIB SHINDE : I propose to come to the point raised by Shri Sreekantan Nair a little later.

I was making this point the main bulk of the employees for whom this Bill has been brought forward is the employees belonging to the Food Department. Now, I am really puzzled a little bit when I see hon. Members complaining and asking what are you doing to protect the interests of the employees who are directly recruited. Previously they asked : What are you doing for the employees of the Food Department. All along pressure was being exerted on the Government that Government must come forward with a Bill, with a legislation, to protect the interests of the Food Department employees whose services are to be transferred to the Food Corporation. When we have come with that kind of Bill, now some doubts are being expressed and we are asked as to what we are doing in regard to other sections. Now, Sir, may I broadly say this ? Government has taken into account the legitimate interests of all sections of the employees and we will not do anything which will give any injustice of any kind to the employees.

SHRI S. KANDAPPAN : Does the hon. Minister deny the order of ousting served on certain employees at Tanjore to which I made a reference yesterday ? I brought it to the notice of the hon. Minister yesterday, Sir.

श्री एस० एम० जोशी : मैं आप से सिर्फ इतना पूछना चाहता हूँ कि क्या नये आदमी फूड डिपार्टमेंट से फूड कारपोरेशन में नहीं लाए जाएंगे ? जो रूल बना रहे हैं वह नये आदमियों के लिए है। लेकिन वह जो आएंगे तो यह जो डायरेक्ट रिज्यूट्स हैं यह जूनियर बनेंगे और सरप्लस भी हो सकते हैं, तो आप उनको यह आश्वासन दे सकते हैं कि इस तरह से उनको सरप्लस नहीं बनाया जायगा ?

SHRI ANNASAHIB SHINDE : Again, I should say that that fear is also a little bit unfounded, because the existing employees are being transferred along with their posts.....

SHRI LOBO PRABHU (Udipi) : Duplicate posts.

SHRI ANNASAHIB SHINDE : After all, I would like my hon. friend to understand the existing arrangements for work. Suppose the Regional Director of Food is working in a particular place, the various employees there are being transferred along with their existing posts. Therefore, there should not be any fear. Moreover, I wish to point out that the Food Corporation is expected to do much more work than the Regional Food Directorates, because the Food Corporation is entering in a bigger way in procurement. Naturally, there would be a large number of posts, such as inspection posts, posts of quality checking inspectors etc. The Food Corporation is also entering the food processing industry in a big way. Therefore, the food Corporation is likely to undertake a number of activities which are consistent with the objectives of the Corporation. In fact it is likely to open more avenues for employment and promotion. So, I fail to understand why there should be such expression of apprehension in regard to what might happen to the employees transferred to the Food Corporation.

A point has been made as to what the retirement benefits, pension benefits and service conditions etc. of the existing employees will be. Broadly, I have already indicated that the existing facilities would continue. The Bill provides for option. If a particular employee wants to continue the existing facilities, he is free to do so; if he wants to opt for the facilities or benefits available from the food corporation he is free to opt for the rules of the Food Corporation. So, there is no difficulty on that score.

My hon. friend Shri Lobo Prabhu has asked us why we are spending Rs. 3 crores more. If some employees opt for the scales of the Food Corporation, then they will get better scales of pay.....

SHRI LOBO PRABHU : Let him spend even Rs. 30 crores. But the money has to come from somewhere.

SHRI ANNASAHIB SHINDE : If some of our employees are likely to benefit as

result of this transfer from the monetary point of view, I would welcome it and I would not be prepared to accept any criticism on that score.

SHRI DEVEN SEN (Asansol) : What about children's education allowance and widows pension etc. ?

MR. DEPUTY-SPEAKER : I shall permit the hon. Member to ask for clarification later. But now let the hon. Minister be allowed to complete his reply.

SHRI ANNASAHIB SHINDE : The hon. Member has raised the point in regard to the educational facilities, medical benefits etc. All these facilities are there. May I say that the facilities provided by the Food Corporation are even better than those provided to Government employees ? If in their wisdom some employees whose services are transferred to the Food Corporation want to take advantage of the facilities or the conditions of service provided by the Food Corporation, I think we should welcome that, and we should not have any sort of hesitation on that score. So, there should not be any fear in the minds of hon. Members.

The question has been asked as to what would happen to their accommodation. Normally, a Government employee is not having Government accommodation now, but is getting 15 per cent of pay as house rent allowance. But the Food Corporation provides 20 per cent house rent allowance. So, those employees who in their wisdom desire to opt for the Food Corporation are entitled to 20 per cent house rent allowance and so on that score also not much inconvenience is going to be caused to those employees.

Then a question was asked why a particular wording had been used in the Bill that they would cease to be Government employees after their services are transferred to the Food Corporation. A point was also made by Shri S.M. Banerjee that an assurance had been given by Shri Jagjivan Ram that this particular wording would not be there. I have looked into the papers and I found that what the Minister said was this. Of course, as far as my Ministry was concerned, we took the view

that if we could possibly omit this wording, we would very much welcome it. But even at that time the Minister had observed that this might be referred to the Law Ministry for their scrutiny. Then this was referred to the Law Ministry, the Law Ministry had advised us that when an autonomous body like the Food Corporation was likely to avail of the services of these officers permanently, there was no sense in keeping that wording and they said that this would not be consistent with legal provisions and would be against the provisions of the existing arrangements and the entire scheme of the Food Corporation. So, how could we act against the Law Ministry's advice ? That is the reason for the present wording. After all, the point that Shri S. M. Banerjee had in mind when he raised this issue was whether the service conditions of the employees would be protected. I have already made it amply clear that their service conditions are not going to be affected and they were not likely to lose on that score.

Even in regard to permanency and other benefits naturally those will be available to them because it is only on paper that the transfer would take place. But by and large, the same conditions would prevail except where they would like to opt for better conditions.

Then a question has been raised as to what would happen when the Food Corporation is wound up at some later stage. My hon. friend Shri S. M. Banerjee had raised that point. He wanted to know whether Government would give some firm assurance in regard to that. I would like to say that I am prepared to give the firm assurance that in case the food corporation is wound up—of course, I do not foresee that eventuality, but assuming for argument's sake that it is wound up—the existing policy approach of Government to provide re-employment to those employees would be there. We would treat them as any other Government employees. In the case of the employees who have been transferred from the Food Department to the Food Corporation, supposing the Corporation is wound up or their posts are abolished, or their posts are retrenched, or their posts are declared surplus, they would

[Shri Anna Sahib Shinde]

be rendered re-employment assistance in accordance with or consistent with the general Government policy approach, and so, there should be no fear on that score also. But I would like to submit that looking to the history of the Food Department in our country, I do not think that there is any likelihood of the Food Corporation being wound up in the next generation or two

SHRI S KANDAPPAN : There would be scarcity and they would continue.

SHRI ANNASAHIB SHINDE : It is not a question of scarcity at all. There are two possibilities. Even when there is a surplus, as we had last year, when there was a substantial surplus, we have to protect the interests of the producers, because whenever there is a surplus, unless there is a powerful agency having a commanding position in the market, I do not think it would be possible to protect the interests of the farmers or producers. So, assuming for the sake of the argument that the scarcity is no longer there, even then, there would be necessity for the Food Corporation; in fact, I think there would be need to expand the activities of the Food Corporation more and more in case our country becomes surplus or some of our states become surplus. In regard to periods of scarcity the corporation will no doubt be there during those periods. My hon. friend Shri Lobo Prabhu had based his argument on the assumption that the Food Corporation was part of scarcity and Government of India wanted to create scarcity through the Food Corporation. I do not agree with that thesis. But the point that I was making was that there was no possibility in the near future of the Food corporation being wound up in any circumstances. Therefore, the fear of what would happen to the future of the employees transferred to the Food Corporation is a point which should not engage our attention.

Shri Kandappan made the point that the Act provides that the Food Corporation headquarters would be in Madras and asked why it should have been shifted from Madras to Delhi. I would draw his attention to the original Act which says that it would be at Madras or such other

place as the Central Government may by notification in the official gazette specify. So the competence of Government to shift the headquarters is established.

SHRI S. KANDAPPAN : I did not question their competence, but their efficiency. If within such a short time they had to shift the headquarters, why should it originally have been located at Madras ?

SHRI ANNASAHIB SHINDE : First, I must explain the legal provision and then I will explain the other point. The hon. Member is well aware that when the Corporation started operations in 1965, they were mainly confined to the southern parts of the country. At that time, we thought that instead of managing the affairs of the Corporation from Delhi, it would be better at that time to have the headquarters in Madras. It was from that angle that the headquarters were located in Madras. Thereafter, the Corporation's operations have extended to other parts of the country, mainly, to many States in North India. This necessitated a change in the original decision to locate the headquarters. Moreover, we have found from experience that if the headquarters of the Corporation are far away from the capital, it becomes very difficult for the Ministry to keep in touch with it in regard to issue of policy directives and also with a view to seeing whether those directives are properly implemented or not.

SHRI S. KANDAPPAN : It is better for an autonomous body to be always away from Ministers.

SHRI ANNASAHIB SHINDE : The Ministers are responsible to Parliament for the activities carried on by the Corporation. I do not think there is any week without questions regarding the Food Corporation having been raised. I am not criticising, because hon. Members have the right to raise such questions. If the Corporation's headquarters were away from the capital, it would have been difficult for us to satisfy hon. members with our replies and information required. From all these points, I think Government rightly decided to shift headquarters to Delhi.

SHRI LOBO PRABHU : Will there be any change if the DMK Government loses power in Madras ?

SHRI ANNASAHIB SHINDE : I do not think any political meaning should be attributed to it.

SHRI S. M. BANERJEE (Kanpur) : Because the Corporation is of all-India importance, let us have a mobile office.

SHRI ANNASAHIB SHINDE : I would request Shri Kandappan to see that this decision was not actuated by any political considerations or background, because Ministers come and go but the continuity of government policy has to be maintained. This decision was not, I repeat, taken because of the coming into power of the DMK in Madras. If he has any such impression, I would on behalf of Government dispel it.

SHRI NAMBIAR (Tirucherappalli) : This is not a convincing argument. It may be a pious desire.

SHRI ANNASAHIB SHINDE : Shri Nambiar will never be convinced.

SHRI NAMBIAR : I am always open to conviction.

MR. DEPUTY-SPEAKER : He should not take note of interruptions.

SHRI ANNASAHIB SHINDE : A point has been made that close relations of Ministers and Officers are being appointed in the Food Corporation. I take serious note of this.

श्री रवि राय (पुरी) : कुछ नाम भी दिया गया है ।

SHRI ANNASAHIB SHINDE : I have gone into all those names. The criticism is not correct, it is not justified. First of all the number of employees in Category I is very limited and it extends only to two figures. I went into the details of the cases which were mentioned by hon. Members yesterday. I found there were more than 100 applications for particular posts. There was a committee of officers to scrutinise those applications. They interviewed them

and then on the basis of merit 37 persons were selected. Even this committee of officers was not the final authority. Then a committee consisting of the Managing Director and Chairman again went into them. The officers whose names have been referred to here were found to belong to Category A. Among the employees one or two were found to be A plus, much above the average or outstanding. Their educational qualifications were found to be First class degrees in particular courses etc.

SHRI S. M. BANERJEE : Shri Deven Sen mentioned the case of a lady. She had no qualifications except that she was known to Mr. S. K. Patil.

SHRI ANNASAHIB SHINDE : I am sorry. That lady also is qualified.

SHRI THIRUMALA RAO (Kakinada) : He should be more serious. He is flippant. Because he is privileged to be a Member of Parliament he should not take the names of those who are not present here. It is very unfair.

MR. DEPUTY-SPEAKER : I entirely agree with him.

SHRI S. KANDAPPAN : That was already mentioned in the House.

SHRI S.M. BANERJEE : On a point of personal explanation. I may inform you that I have nothing against Mr. Patil or the lady. It was mentioned by Mr. Deven Sen that she had no qualification and she had been given a good post. That is why I mentioned, nothing else.

SHRI ANNASAHIB SHINDE : I am satisfied at the moment that all these selections have taken place on merit, and I would like the Food Corporation to follow the policy of making selections on merit. At the same time the hon. Members should not be sensitive. Suppose somebody is highly placed and his son or daughter is qualified on merit, is it the contention of the hon. Member that they should not serve anywhere or should not be selected for any post ? I do not think the hon. Members should go to that extent.

श्री रवि राय : कोई वायर पुलिंग नहीं होना चाहिये ।

SHRI ANNASAHIB SHINDE : I have conceded the point that appointments in the Food Corporation should be strictly on merit and that should be the only criterion for selection.

SHRI S. KANDAPPAN : You are avoiding the question of retrenchment.

SHRI ANNASAHIB SHINDE : I do not want to say anything which may not be correct. I have gone into the telegram which is from Tanjore of Madras I have no immediate information. I will try to get the information, but I have explained the broad approach of the Government. As a result of this transfer of the employees of the Food Department the intention is not to retrench the employees of the Food Corporation who have been directly recruited.

I have already explained the position.

श्री रवि राय : भविष्य में भी नहीं करेंगे ? .. (व्यवधान) . . .

SHRI ANNASAHIB SHINDE : I am sorry to say—because I have explained this point. (Interruptions). The employees are being transferred along with their work. Therefore, as a result of transfer.....

MR. DEPUTY-SPEAKER : How much more time will the hon. Minister take ?

SHRI ANNASAHIB SHINDE : I will take about 7 or 8 minutes more.

MR. DEPUTY SPEAKER : He may then continue after lunch.

RE. BUSINESS OF THE HOUSE

MR. DEPUTY-SPEAKER : At the request of Shri Madhu Limaye and Shri Fernandes, the discussion under Rule 193 has been deferred.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock

The Lok Sabha then re-assembled after Lunch at five minutes past Fourteen of the Clock.

[SHRI R. D. BHANDARE in the Chair]

FOOD CORPORATION (AMENDMENT) BILL—Contd.

MR. CHAIRMAN : The hon. minister may continue.

श्री जार्ज फरनेन्डोज (बम्बई दक्षिण) : सभापति महोदय, अभी इस सदन के अन्दर जो विधेयक आने वाला है उस के सिलसिले में व्यवस्था सम्बन्धी प्रश्न उठाना चाहता हूँ..

सभापति महोदय : उसके आने के बाद आप अपनी व्यवस्था को बात सुनाइयेगा ।

श्री जार्ज फरनेन्डोज : आप पहले मेरी बात सुन तो लीजिये । मेरी इस सदन के कामकाज के बारे में एक बहुत ही बड़ी तकलीफ है.....

सभापति महोदय : वाद में रखियेगा ।

श्री जार्ज फरनेन्डोज : आप एक मिनट केवल मेरी बात सुन लें क्योंकि अगर अभी आप नहीं सुनते हैं तो वह वाद में बेमतलब हो जायगी ।

आज सुबह बम्बई के मजदूरों के संगठनों की ओर से एक पेटिशन मराठी भाषा में मैंने लोकसभा सचिवालय के दफ्तर में दी है । जिसको कि मुझे सदन में पेश करना है लेकिन दफ्तर मुझे यह कह करके कि उसके हिन्दी अथवा अंग्रेजी अनुवाद के बिना अनुमति नहीं दी जा सकती है । उसको पेश करने की इजाजत नहीं दे रहा है ।

SHRI ANNASAHIB SHINDE : Sir, I have already satisfied hon. members in regard to the important matters raised by them. Various figures have been mentioned about the number of directly recruited employees of the Food Corporation as 3000 and above. The number is not so big. There are only about 2300 direct recruits and out of them, category 3-quality inspectors—form the bulk. There