

Clauses 1 to 5, the Enacting Formula and the Title were added to the Bill.

Act, 1962, be taken into consideration."

**Shri T. T. Krishnamachari:** I move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** We shall now take the Bill clause by clause. The question is:

"That Clauses 1 to 3, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

Clauses 1 to 3, the Enacting Formula and the Title were added to the Bill

**Shri T. T. Krishnamachari:** I move:

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**Mr. Deputy-Speaker:** The question is:

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*The motion was adopted.*

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"That the Bill further to amend the Estate Duty (Distribution)

*The motion was adopted.*

**Mr. Deputy-Speaker:** We shall now take the Bill clause-by-clause. The question is:

"That Clauses 1 to 3, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

Clauses 1 to 3, the Enacting Formula and the Title were added to the Bill.

**Shri T. T. Krishnamachari:** I move:

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**Mr. Deputy-Speaker:** The question is:

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*The motion was adopted.*

15.12 hrs.

GOA, DAMAN AND DIU (ABSORB-  
ED EMPLOYEES) BILL

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence) (Shri Hathi): I beg to move:

"That the Bill to provide for the regulation of the conditions of service of persons absorbed for service in connection with the administration of the Union territory of Goa, Daman and Diu and for matters connected therewith, be taken into consideration."

This is a small Bill with five Clauses, but it is an important Bill—important from the point of view of integrating the services of persons who were, and are even now, serving in connection with the administration of Goa, Daman

and Diu and also in some of the Central organisations or departments of the Government of India. Four years have passed. I agree that this Bill should have been brought up earlier. However, even now it is not too late. The persons in service are naturally anxious that there should be certainty about their future. If anything worries the service class, that is the uncertainty through which they have to pass. Therefore, we have tried to bring in this Bill in this session itself.

It is known that, during the Portuguese regime, there were various grades; there were no regular pay scales; they had a particular law under which the services were being regulated. In certain cases they were paid from the collections made. In some cases like the Railways, Telegraphs, etc., there were Corporations and although they were officers of the Corporation, we have absorbed them—about 5,000 employees. 1,240 are in the Departments of the Central Government. Although they have been absorbed, yet they are governed under the old Act of the Portuguese Government because we have no law. It was first thought that it might be possible to regulate or make rules without coming to the Parliament or without having an Act of Parliament, but as those service conditions were governed by a decree, having the force of law, it was thought that it would be better to bring it before the Parliament and have an Act of Parliament.

This Bill enables, under Clause 3, the Central Government to make rules for the regulation of recruitment to absorbed posts and the conditions of service of absorbed employees; and for the regulation of the conditions of service of persons who were in the service of a Corporation (whether known as a junta or otherwise) immediately before the 20th day of December, 1961, and who on or after that date either served or have been serving in connection with the administration of the Union territory of Goa, 2157 (A1) LSD—8.

Daman and Diu or in any of the Departments of the Central Government.

In making these rules, we will take into consideration the fact that the officers or persons in service do not suffer. It is intended that whatever salaries they are drawing now will be protected. When they are fitted in our cadre, their present pay will be protected and in the future increments, whatever they get, it will be merged. The second thing is that whatever leave they have earned will be carried forward and they will be entitled to that leave. So far as the allowances are concerned, if they want to opt for the allowances of the Central Government, it will be open to them to do so. So far as the persons who have already retired are concerned, they will not be affected and they earn their pension and they will have it without any difficulty. Others can opt to be regulated according to their old rules of pension, if they want. There also, we shall be liberal. But the only thing is that if they opt for them, then naturally they would not have the benefits which they would get under the Central Government scheme for pension, whatever we have such as gratuity, death-cum-retirement benefit or family pension etc. They can have either of the two; if they would choose for the other, they would not have this, but if they would choose for this, they would have this.

Therefore, all efforts will be made, as I have mentioned, to treat them as liberally as possible and to give them the option also.

The real necessity is this. Many of them have been absorbed in the Central Government departments and now they have to be integrated, and that could not be done unless we had an Act of Parliament.

Two or three amendments have been tabled, and I would like to deal with them just now so that the Members who have tabled those amendments may understand our view point.

[Shri Hathi]

The first amendment standing in the name of Shri Alvares and Shri Shinkre reads thus:

Page 2, line 22, after 'pension',  
insert—

"or be deprived of any benefits already given under any decree or law in force."

So far as this is concerned, I have already said that their pay, their leave will all be there. Secondly we have said that sections 6 and 24 of the General Clauses Act will apply; that means that all the rights that have accrued will continue to accrue; that is, if they have earned pension, they will get it; they will get whatever pay they are getting. If they exercise the option and they choose, that is a different matter. Otherwise, they will be entitled to get whatever they are getting.

There is only one point here which I should make clear and that is regarding the age of retirement. Though it is not mentioned here, I would like to point out that the age of retirement is 65 at present under the existing decree of the Portuguese laws. That decree is called the Overseas Functionaries Decree. Under that decree the age of retirement of those em- we integrate them with our officials and our service personnel, since here we have the age of retirement as 58, the age of retirement is 65. But when ployees also from now onwards will be 58. But as for those who have retired at 65, they will get the pension under the old rules up to the date when the Bill is passed into an Act. That is the only one thing where we shall have to do like this, because otherwise it would not be integrated properly; some people would retire at 65 while others who are working at the same table in the same room would retire at 58 and that would be a difficult thing. But, otherwise, all other benefits are there.

The second amendment is:

Page 2, line 5, after 'Administration', insert 'or any such post since taken over by the present Administration.'

All the posts have been taken over. Therefore, there is no question of any post not being taken over; all the posts that were there are now there and they have been taken over; therefore, there is no question of any post being left out. Therefore, this amendment is not necessary.

The third amendment reads thus:

Page 2, line 22, after 'pension', insert 'or be deprived of any benefits or rights enjoyed under any of the existing laws.'

As I have said already, sections 6 and 24 of the General Clauses Act would apply, and, therefore, that is also included.

Therefore, I would command this Bill for the consideration of the House and I hope the House will support it.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to provide for the regulation of the conditions of service of persons absorbed for service in connection with the administration of the Union territory of Goa, Daman and Diu and for matters connected therewith, be taken into consideration."

The time allotted for this Bill is 1 hour. I would like to know how many Members would like to speak. I find that there are about four or five Members who want to speak. Let them take about six to seven minutes each.

**Shri Shinkre (Marmagoa):** I am grateful to the hon. Minister of State for the assurances that he has given. But in view of those very assurances I fail to appreciate the reason why he feels himself backward and reluctant

to accept the first amendment tabled by Shri Alvares and myself. If the question relates only to the acceptance by us of the age of retirement at 58, I am perfectly ready to accept it, and he can change the amendment slightly and insert the phrase that the retirement age shall be the one that is operative in the rest of the country and that would allay my fears and also my apprehensions.

As for the hon. Minister's contention that the other amendments do not appear to be necessary according to him, I beg to disagree with him. He has said that all the posts have since been taken over by the new administration. But I would like to point out to him that after the date mentioned in the Act, that is, 20th December, 1961, there are several new undertakings which were in private hands formerly and which have since been taken over by Government and similarly what was obtaining elsewhere or in other spheres in that territory has now become part of the public administration there, or rather, the administration of the State. For instance, the people who were formerly working in the electricity departments, and similarly some people who were working in the hospitals and other places in the nursing cadres and other such services have all been taken over by Government in the Administration of Goa, Daman and Diu. I fail to see any justification for not extending to them the same benefits as for the other Government employees have been contemplated in the present Bill. Even morally, I think that we should extend to them these benefits, after the liberation that has taken place in Goa, Daman and Diu. The very term 'liberation' connotes two main ideas. One is that because the people of these territories wanted liberation, therefore, the Government of India had taken the trouble . . .

**Shri Hari Vishnu Kamath (Hoshangabad):** No trouble.

**Shri Shinkre:** It was trouble for our sake.

**Shri Hari Vishnu Kamath:** Inspiration.

**Shri Shinkre:** It was inspiration or it was their right, but they had taken this trouble for our sake.

In these circumstances, I do not see any reason why Shri Hathi who has been so kind as far as the people of these territories are concerned, has not thought it fit to extend the benefit a little longer or a little farther. After all, we cannot admit that these people wanted liberation to deprive themselves of some rights which were vested in them at the time of the liberation, because nobody wants to cut the hand that feeds him. If Shri Hathi would be prepared to accept these two amendments, I do not see any point in making a quarrel with him.

There is one other thing that I would like to submit. As some of my distinguished friends and prominent friends in this House had voiced on a previous occasion, there is a tendency that is lately coming too much into sight or view, and that is of restricting very much the acts and leaving everything to the Central Government . . .

**Shri Hari Vishnu Kamath:** Delegated legislation.

**Shri Shinkre:** In some cases, that may amount to the negation of the rights vested in Parliament under the Constitution and it may permit the Administration to play sometimes according to its whims. I do not want to impute any motives regarding this. I know that the Government are very eager and keen and are in right earnest to see that the problem of the Government employees in the Union Territory of Goa, Daman and Diu is solved forthwith without any dissatisfaction. But at the same time, I

[Shri Shinkre]

would like to draw the attention of the Minister of State to the fact that there is a growing resentment in Goa, among the employees not proposed to be covered by this measure. I have received two wires, one from the Chief Minister himself. I do not know how to put it, but unfortunately we have a Chief Minister who does appear to be awakening too late to realities, because his wire came to me only the other day. Since we are in a sort of very familiar atmosphere and there is no point in my hiding the truth or the real facts from the hon. Minister or in his trying to dupe me in this or that, I would like to read it out before the House.

**Shri Hathl:** One point. Where they actually in the service of the Goa administration at that time?

**Shri Shinkre:** They were not. Here comes the point. They now contend that as long as they were in private enterprise, they could have at least fought the private enterprise for their rights. Now that all the labour and industrial legislation has been extended to Goa, they would be in a first class position to fight their employers and get redress of their grievances, and acceptance of their rights. Now that the Government have taken over those enterprises, I do not see any reason why they should not extend the same benefits to those people, when they have accepted this principle. Otherwise, if the Government had left them alone, they would have seen how far they could succeed in their fight against their employers for the redress of their grievances.

With the permission of the Chair, I will read out the telegram I have received from the Chief Minister. It reads:

"Use your good offices to press Hathji. Minister of State, introduce EFU Bill in Lok Sabha urgently stop Strike threat continues".

**Shri Hathl:** That is introduction of this Bill. I have done that.

**Shri Shinkre:** This came four days ago.

**Shri Hathl:** It was thought that this Bill might not be able to go through in this session. But now that is not the case.

15.31 hrs.

[SHRI SONAVANE in the Chair]

**Shri Shinkre:** There is the second part—the strike threat continues. In the first instance, it was scheduled to start on the 30th November. The date has been extended because the local government gave them some assurance that as soon as this Bill is passed in Parliament, they will be benefited and all their grievances would be redressed. But when I see that this legislation does not cover their case specifically, the threat of strike continues and will continue. There are about 5,000 people. I could also read out the other telegram, received from the President of their Union. He has told me that they have withheld the strike on the assurance given by the local government that as soon as this Bill is passed by Parliament, their service conditions will be regulated and brought completely on par with those of the other employees of Government. So if the hon. Minister could make it clear that this will also be extended to all such employees of the Government who have been absorbed by the Goa administration even after the date mentioned in the Bill, that is, 20 December 1961, I think the problem will settle itself. So there should be no objection to the acceptance of our amendment.

Another point I want to bring to notice is this. I do not know whether the intention of those who drafted the Bill is to bring within the purview of the Bill the municipal employees of Goa. Municipal corporations were also formerly treated under the Statute of Overseas Functionaries, EFU. If one goes through the definition given in the Bill, one is bound to nourish some sort of doubt that municipal employees might not have been

contemplated as coming within its purview. If the hon. Minister makes it clear that municipal employees will also come under its purview, that would clarify the position. Because they have no other statute to regulate their service conditions; after the Statute of Overseas Functionaries was extended to Goa, Daman and Diu, all the municipalities of Goa, Daman and Diu, at the instance of the administration functioning at that time extended it to almost all the municipal employees so much so that they even made it possible to shift government employees to municipalities and vice versa, provided they were holding the same ranks. So if the hon. Minister clarifies this and says that the municipal employees also shall be covered by this Act, that would set at rest all doubt. At this time we cannot move any amendment; only he is entitled to do so. If that is done, our friendly dispute in regard to this matter will immediately be settled.

**Shri Hathi:** There is no dispute as such.

**Shri Alvares (Panjim):** There is not much to discuss in this Bill except to tell Government that it was rather long in coming, and if it was introduced earlier, as he had said, many of the doubts and tension in the small territory would not have arisen at all. My colleague, Shri Shinkre, has drawn attention to the lacunae in the Bill.

The first, obviously, is that there is no statutory guarantee except through delegated legislation. Apart from this very unwholesome practice—here we are bound to put up with it because of the assurance of the Minister that what we have intended he will implement—there is just one point in this, that all the absorbed employees in the absorbed posts will be given the facilities that had existed on 20 December 1961. I hope this would mean a package deal to the employees because if he is going to remove only the age of retirement from the entire

service conditions that existed before 20 December 1961, that would be a sort of discrimination. Though I will not insist upon it, I would urge him. to give it; if he is going to have them all other concessions, why does he not also give this one concession, because logically it was a part of the totality of service conditions that the Portuguese Government had at that time assured its employees?

The next point is, what is the definition of 'absorbed posts? My hon. friend, Shri Shinkre, has drawn attention to certain employees who were absorbed by the Central Government or the Local Government after 20 December 1961. The term 'municipal employees of the administration of Goa including local self-governing bodies was just a misnomer. The administration was highly centralised. Everybody was nominated by Government, the President, employees, everybody else. Therefore, under such circumstances, where there was no local autonomy and every employee was directly or indirectly an employee of the Government. It stands to reason that even municipal employees should come within the purview of the Bill. There is no clarification of this point whether employees of municipal corporation in Goa are absorbed employees from absorbed posts. I hope the Minister will clarify the position in respect of them.

Secondly, Shri Shinkre has drawn attention to the employees of the electricity companies which are now taken over by the Union Government. These employees, it is true were employees of the private company. But immediately after liberation, when the Goa Government decided to follow the pattern of a local grid and later on of a Union grid, these employees were taken over and they became Union Government employees in absorbed posts. Their number is extremely limited, less than 300 or 400. I think it would be proper on Government's part to give the same treatment to these employees.

[Shri Alvares]

After all, these employees were serving there in those electricity companies at the time of the Portuguese administration and they had certain rights, and since they have now been taken over by Government, their employment is continuous from the point of view of continuous liability of the companies taken over by Government. I am sure that the service conditions of those employees in the companies taken over by Government will be allowed to continue as liabilities of Government. Therefore, they must continue to be protected as they were when they were employees of the private limited companies.

The last point is in respect of the railway employees. May I refer to a very important incident at the time of the liberation movement? In 1956, at the instance of the National Congress of Goa, the late Prime Minister suspended the railway service between India and Goa. At that time, the Area Officer of the Southern Railway, Shri Gopalakrishnan, issued a notification to all the employees of the Southern Railway which was administering the WIP railway—the Western India Portuguese railway—, that the railway services were going to be suspended and all employees who wanted to remain loyal to the Government of India should come out for service in India,—I use the word "India" because then Goa was under the Portuguese—that these employees of the WIP Railway who opted to remain loyal to the Portuguese and serve the Portuguese railways in Goa would be considered to have resigned their posts and forfeit all privileges regarding gratuity, pension etc. About 900 employees, partly at my instance, came out of Goa to serve the Indian railways, for political reasons, to show their loyalty to India, and they refused to co-operate with the Portuguese colonial regime in Goa. These 900 employees are now here. These 900 employees had certain conditions of service. They want to come back now. But after they came out to India in 1956 till the liberation, a cer-

tain number of people had been recruited in Goa; these people who have been recruited and those who opted to remain with the Portuguese are now considered senior in service by the railway administration, with the result that those people who remained loyal to India and risked their life by coming out through underground routes from Goa to India, now find themselves junior, and deprived of promotion etc.

**Shri Warior (Trichur):** For patriotism.

**Shri Alvares:** I want to ask the hon. Minister what protection is given to them. There have been repeated representations to the Government of India by these 900 employees. The majority of them are still in Hubli. A few of them who were transferred back to Goa found that the senior positions have been taken by those who remained loyal to the Portuguese and those who are junior to them. This is a very important issue, because it is a question of principal, it is a question of loyalty to our nation, and it is a question whether the Government of India will honour its commitments to these nationalist elements who tried to disrupt the Portuguese railway system and aided the liberation movement by refusing to co-operate with the Portuguese by running the railway.

**Shri Warior:** I wanted only to add my support to the amendments moved by Shri Shinkre.

We have also our experience of this integration at least in the native States. The position is always—not always, I cannot say always, but generally—that whatever is disadvantageous to the services are integrated, and whatever is advantageous to them in the services in both the States are left out, and the sum total of the integration will be disadvantageous to both the parties, those coming from the directly administered areas and in the princely States. Such a thing

should not happen at least in the case of these Goa employees, because there are certain very disadvantageous positions held by the Central Government as far as these employees are concerned in India. There are certain rules and regulations which need to be amended, to give them more freedom and initiative, but that aspect of the question we are not taking at present.

In Goa, under the Portuguese rule, there was this statute of *ultra marine*. I do not know what is meant by this statute. Goa was overseas under the Portuguese administration. We can infer, we can very well understand, that there will be very many disadvantageous conditions imposed upon the employees in Goa. There should not be a tendency on the part of Government now after integration to retain all those things, and at the same time deny whatever small advantages they had been actually enjoying under the Portuguese administration. It is not only the question of remuneration, not only the question of their salaries or dearness allowances or pensions or gratuities, but also the question of service, which is also very important, and there is also the question of promotion, there is the question of security of tenure. All these things are there. If any advantageous conditions had been enjoyed by the employees in these respects in Goa at the time of integration, those things must be retained and they must be allowed to continue to enjoy those conditions.

The second point is about the delegated legislation. The rules may come, and the rules may be placed on the Table of the House. That is the justification as far as the Government is concerned, but nobody takes so much of interest, we cannot take so much of interest. When the rules are placed here, nobody comes up and takes it up on himself to raise a discussion on these rules and regulations. In my experience of the last nine years, I have not known of any rules and regulations placed on the

Table of the House being discussed threadbare here. It is taken for granted that when the Bills are passed and over-all legislative power is given under them, it ends there, it is final. But in this case I wish the Minister takes the Members of Goa at least in this House into confidence before finalising the rules and regulations, so that they at least, who are in the know of things, who are on the spot, will be satisfied that these will not take away whatever advantageous conditions the employees had been enjoying there. This is my request, and I hope that those two amendments which have been moved will be accepted. I do not think that they are particularly offensive in any way to the concept enshrined in this Bill. They can be accepted by the Minister. If they are not accepted, after some time he will have to bring another amending Bill from the Government side and have this incorporated. There is absolutely no criticism of the handling, but there is a lurking fear at the same time. Why should that fear be kept there, which will smoulder into a sort of discontentment of the employees. That can cleared now.

About demi-government or semi-government employees also, there is no schedule as to who are the employees that will be covered. Only the statute is given. We do not know what that statute is. It is an omnibus statute of the Portuguese administration in Goa. We do not know which categories or which sections of the employees are brought in there. That is why all this apprehension has been voiced by these two hon. Members from Goa, about municipal employees, about electricity employees or those employees who are considered as semi-government, health employees perhaps, malaria eradication employees—there are so many categories. Some are directly in Central Government employment, some are indirectly under the Government, some are semi-government employees. All these varieties are there. There are autonomous corporations, that also we can understand, and the extension of

[Shri Warior]

that enactment which is enforced here will satisfy so far as the autonomous corporation employees are concerned, but actually there are employees who are left out of this legislation. That should not be the case. They also must be brought under the purview of this legislation, and I think that satisfaction must be given.

With these words, I support the amendments.

**श्री तुलसीदास जाधव (नांदेड़) :** सभापति महोदय, इस बिल को सपोर्ट करते हुए मुझे कुछ सजेन्स देने हैं। इन क्षेत्रों के पांच हजार कर्मचारियों में से 1250 से लिए गए हैं और बाकी लिए जाने वाले हैं। उन के लिये जो नियम प्रावि बनाए गए हैं और बनाए जाने वाले हैं, उन का इम्प्लीमेंटेशन ठीक होना चाहिए। इस बारे में मुझे अनुभव है कि जब विदम्ब को महाराष्ट्र में मिलाया गया, तो उन दोनों क्षेत्रों के सरकारी कर्मचारियों में सीनियारिटी और कौन प्रच्छा है, कौन बुरा है, इन बातों के बारे में कनफिलक्ट पैदा हुआ, जो कि अभी तक चल रहा है। इस से एडमिनिस्ट्रेशन को बड़ी हानि होती है। इसलिए मेरा कहना है कि गोधा के एडमिनिस्ट्रेशन में जो सरकारी कर्मचारी हैं और जिन को एबजाब किया गया है, उन दोनों में ऐसे भाव-नहीं पैदा होने चाहिए कि हम प्रलग हैं, हम सुपीरियर हैं या इनफीरियर हैं, हम सेन्ट्रल गवर्नमेंट के कर्मचारी हैं।

दूसरी बात यह है कि प्राप ने 20 दिसम्बर, 1961 के पहले वाले लोगों को इस में एबजाब किया है। उस के बाद जो नौकर हुए हैं, जो कर्मचारी नियुक्त हुए हैं, जिन को प्राप ने एप्वाइंट किया है, उन पर प्राप इस कानून को लागू क्यों नहीं करते हैं। उन पर भी प्राप को इस कानून को लागू करना चाहिये।

तीसरी बात यह है कि गोधा के जो कर्मचारी हैं उन को अभी प्राप सेंट्रल गवर्नमेंट के कर्मचारियों की उचिस में एबजाब करने जा

रहे हैं। प्राज या कल या परसों, एक बरस बाद या दो बरस बाद या प्राप गोधा, दामन दीव को प्रलग प्रलग प्रान्तों में मिलायेंगे, उन को प्रलग प्रलग प्रान्तों में विलीन करेंगे। उस वक्त फिर उन पर उस स्टेट के कर्मचारियों के नियम और रूज वगैरह लागू होंगे। मेरी रिक्वस्ट यह है कि प्राब उन को इन सेंट्रल रूज पर लाना, और फिर उधर उनका मिलाना और उनके रूज पर लाना, ऐसा प्राप क्यों करते हैं। वहां के लोग चाहते हैं कि उन को महाराष्ट्र में मिला दिया जाए और प्राप एक दिन ऐसा करेंगे भी। इस वास्ते यह डबल जो मेहनत प्राप कर रहे हैं यह जाया जाएगी। प्राज तो प्राप इन कर्मचारियों पर सेन्ट्रल गवर्नमेंट के तहत ला रहे हैं, फिर उन के रूज में प्राप उन को एडजस्ट करेंगे, यह दुहरी मेहनत प्राप क्यों कर रहे हैं। कई दिन से जब कि उन लोगों ने रेजोल्पूशन भी पास किए हुए हैं कि महाराष्ट्र में या गुजरात में वे जाना चाहते हैं, उन में प्राप उन को भेज क्यों नहीं देते हैं, सेंट्रल गवर्नमेंट यह डबल तकलीफ क्यों उठाने जा रही है। इस के लिए कोई खास कारण दिखलाई नहीं देता है। मैं चाहता हूं कि इस पर प्राप और विचार करें। जल्दी से जल्दी जिन जिन प्रान्तों में वे लोग जाना चाहते हैं उन उन प्रान्तों में उन को प्राप मिला दें और सेंट्रल गवर्नमेंट की तकलीफ जितनी कम हो सकती है, उतनी कम प्राप कर दें, तो यह बहुत प्रच्छा होगा। यह प्राप के हित में भी है और उन के हित में भी।

**श्री श्रींकार लाल बेरबा (कोटा) :** सभापति महोदय, शिकरे साहब ने जो एमेंडमेंट दिया है उस का मैं समर्थन करता हूं। उस की प्राबादी पांच लाख की है। पांच हजार वहां कर्मचारी हैं। उन में से बारह सौ के करीब को प्राप सुविधायें प्रदान करने जा रहे हैं। जो वहां मास्टर है, या नगरपालिका के कर्मचारी हैं, इन्होंने क्या कपूर किया है कि प्राप इन को ये सुविधायें नहीं दे रहे हैं। बंहगाई का जहां तक सम्बन्ध है, वह सभी के

लिए एक समान है। भ्राजाद भारत के घन्दर जब उस का बिलय नहीं हुआ था तब वे सारी की सारी सुविधायें दूसरों के बराबर भोगते थे। तब उन सब के समान अधिकार थे। सारा पैसा, भत्ते वगैरह मिलते थे। लेकिन जब से हमारे पास चार साल हुए वह प्रदेश धाय है सरकार क्यों सोती रही है? चार साल से वह किस की राह देखती रही है? क्या कहीं उन को वापिस भेजना था। क्यों ध्राप इंतजार करते रहे हैं? उली वक्त क्यों नहीं ध्राप ने इस चीज को उन सब पर लागू कर दिया? ध्राप को चाहिये था कि ध्राप तभी इस को लागू कर देते। शायद सरकार यह चाहती थी कि जितने छोड़ कर नौकरी जा सकते हों चले जायें। कई कर्मचारी तो उन में से पेंशन ले कर चले गए हैं या उन्होंने ने नौकरी, छोड़ कर हिन्दुस्तान में ध्रा कर भरण ली है यहां हिन्दुस्तान में ध्रा गए हैं। करीब नौ सौ ऐसे कर्मचारी होंगे। उन की सारी की सारी पेंशन रह गई है। ध्रगर वे वापिस गोधा में जाना चाहते हैं तो उन की सारी की सारी जो सविस है वह मारी जाती है। उन के सारे के सारे जो अधिकार हैं, वे समाप्त हो चुके हैं। इस लिए ध्रगर यह चार साल पहले कानून लागू हो जाता तो इस का लाभ उन को भी मिल जाता। उन को तब भागने का मौका न मिलता। सरकार ने तब इस कानून को लागू न कर के उन कर्मचारियों के साथ खास तौर पर विश्वासघात किया है। उस वक़्त ध्रगर यह लागू कर दिया जाता तो उन को अपने अधिकार मिल जाते।

जहां तक लो ग्रेड के कर्मचारियों का ताल्लुक है, छोटे कर्मचारियों का ताल्लुक है म्युनिसिपैलिटी के कर्मचारियों का ताल्लुक है, टीचर्स का ताल्लुक है उन की कोई मुनता ही नहीं है। यह कोई देखता ही नहीं कि उन को किस ग्रेड में लाया जाए। बारह सौ को तो ध्राप सैंटर के अधिकार में ले रहे हैं उनको तो सुविधायें प्रदान कर रहे हैं लेकिन

3800 की ध्राप छोड़े जा रहे हैं। क्यों ध्राप उन को इन अधिकारों से वंचित रख रहे हैं।

ध्रभी जाधव साहब ने कहा कि कल को ध्राप को इन कर्मचारियों को महाराष्ट्र प्रादि में मिलाना होगा। फिर ध्राप को उन के ग्रेड में ध्रदला बदली करनी पड़ेगी। इस वास्ते यह ध्रच्छा होगा ध्रगर उन को वही सुविधायें ध्रभी प्रदान की जायें जो कि उन को बाद में ध्राप करेंगे ताकि बाद में यह ध्रदलाबदली ध्राप को न करनी पड़े।

ध्राप यहां शैड्यूल ध्रलग बना रहे हैं। ध्रलग शैड्यूल बनाने से उन के दिलों के घन्दर ध्रसन्तोप पैदा होगा। ऐसी भावना किसी के दिल में भी पैदा नहीं होनी चाहिये कि भारत में बिलय के बाद उन को किसी प्रकार से नुकसान हुआ है। इसलिए ध्राप को चाहिये कि ध्राप सब को समान अधिकार दें। पांच हजार के पांच हजार कर्मचारियों को समान अधिकार प्रदान करें। ऐसा नहीं होना चाहिये कि म्युनिसिपैलिटी के कर्मचारी ध्रलग, राज्य सरकार के कर्मचारी ध्रलग तथा दूसरे कर्मचारी ध्रलग। यह गलत बात है। सब को समान अधिकार दिये जाने चाहियें। खास तौर पर मास्टर्स की तरफ ज्यादा से ज्यादा ध्यान दिया जाना चाहिये।

**Shri Hathi:** I am grateful to the hon. Members for the general support they have given to this Bill. They have made certain suggestions and have also indicate the justification for their amendments. I have nothing to say on the general observations they have made, because I also fully agree with them that the uncertainty among the service classes should be removed as early as possible.

Now, it is only a question of the two amendments. The first amendment is that of Shri Alvares which is about age of retirement. The sug-

[Shri Hathil]

gestion of the hon. Member is that we might include it in clause 3 (2). It will be seen that clause 3 (2) reads as follows:

"Provided that no person shall, by virtue of such retrospective effect be liable to refund any amount paid to him by way of salary or allowance or pension before the making of any such rule."

Here, the question is, he will not be liable to refund the amount. We cannot here add that the age of retirement will be such and such. This deals with the question of allaying their fears about refund. If they have got any more pension than the present rules contemplate, they will not be liable to refund it. Therefore, it will be only with regard to age of retirement that an exception is going to be made and all other conditions of service, namely, the salary, leave and allowance—each of these things—will be protected. This is not a matter of legislation because, what this piece of legislation seeks to do is only to enable the Central Government to make rules regarding the service conditions.

**Shri Shinkre:** The hon. Minister is quite right. But as long as there is no word there referring to service conditions or protection thereof, I think it will only be limited to refund. There shall be no refunds but all other things may be changed. That is what I said.

**Shri Hathil:** Therefore, when I say that the Government is only empowered to make rules and regulations, nothing else is mentioned: neither the salary is mentioned nor the leave is mentioned nor the allowance is mentioned nor pension is mentioned. But I thought that I should give them a categorical assurance, and I stand by the assurance, that all those will be protected except one thing: that also I would not have said, but I want to be frank about it and tell them and they also know—and this is the only point where there is some difference—namely, instead of the age of

retirement being at 65, it is now going to be 58. But nothing of this sort has been included; neither the protection of their salary is mentioned in this. But I assure them that this will be included in the rules. Moreover, as Shri Warrior suggested, we could discuss about it. In addition to that, these rules will be laid on the Table of the House, and we could have a discussion. But I do not want that occasion to arise, that there may be anything which would detract from my assurance. Therefore all this will be implemented except this age of retirement on which there is nothing further to say.

Then there was mention about the municipal employees.

**Shri Shinkre:** PWD employees also.

**Shri Hathil:** The PWD will be there; electricity and radio will be there. Here also, let us be clear about this position. This does not mean that those people who are not absorbed or were not absorbed will not get the benefit of the existing law if it applies to them now. We are not repealing the existing law; that is, this decree continues. It will be only repealed to the extent that a rule is made under this Act which is in no way inconsistent with the other. Therefore, all the rights that accrue to the municipal servants will continue. Therefore, they are not thrown out; they will be benefited according to the existing law. We are not repealing it; therefore, they are safe. But if they want, the municipality can adopt these rules. There will be no difficulty, but this does not mean that all the benefits that they had under the existing law—under the Portuguese decree—will go away. It is not repealed. The repeal will be only to the extent where a rule is made which is inconsistent with this. For example, if a rule is made that the age of retirement shall be 58 and there it is 65, 58 will prevail. Otherwise, the existing benefits will continue. Since the hon. member has spoken in a

very friendly and cooperative and accommodative mood, I want that I also should explain the position frankly and keep nothing behind. In fact, we have met very often before too.

16 hrs.

So far as the question of other employees like the railway employees is concerned, it is a rather technical matter, because they were already in service at Hubli on that day. This is a special case. I will take it up with the Railway Ministry. Because they were then in the service of the Government of India, they were not absorbed. Now they have gone there. It is a special case and I will take it up with the Railway Ministry.

**Shri Warior:** Since they have been loyal to the Portuguese Government, they must not have the initial advantage over these people.

**Shri Hathi:** I have discussed it with Mr. Alvares.

**Shri Shinkre:** I have raised the same point in the discussion on the railway budget and Mr. Patil promised to look into it.

**Shri Mathi:** Then, Shri Jadhav wants the cart to be before the horse. Government employees there are very worried and they are eager that this should be passed before it is late, as they are rather worried about their service conditions and what will happen to them. 1200 employees have been taken into the Government of India services. Some are from Maharashtra; they are on deputation and there is no difficulty. Those who are here are eager and it would be better if we make the rules before any other decision is taken. Of course, whatever decision is to be taken will be taken no doubt. But so far as the service conditions are concerned, it is important that we should do it.

So far as the framing of rules and Mr. Warior's suggestion are concern-

ed, I again assure that it is not that the Home Ministry is simply looking after law and order. It has also to look to the services and the contentment among the service classes is also nearer to our heart. We have to look to that also. We shall see that their present pay and allowance are protected, that their earned leave is carried over. If they have earned pension and retired, we will not ask them to return anything.

With these clarifications, I hope the hon. members will not press their amendments and accept the Bill as it is.

**Mr. Chairman:** The question is:

"That the Bill to provide for the regulation of the conditions of service of persons absorbed for service in connection with the administration of the Union Territory of Goa, Daman and Diu and for matters connected therewith, be taken into consideration."

*The motion was adopted.*

**Mr. Chairman:** We will take up clause-by-clause consideration. There are three amendments.

**Shri Shinkre:** In view of the assurance given by the Home Minister, I do not move my amendments.

**Mr. Chairman:** What about Shri Alvares?

**Shri Alvares:** I am also not moving the amendment.

**Mr. Chairman:** No member is moving the amendments. I will put all the clauses together.

The question is:

"That clauses 2 to 5, clause 1, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 5, clause 1, the Enacting Formula and the Title were added to the Bill.*

श्री श्रीकार सप्त वेदाः समापति महोदय, सदन में गणपूर्ति नहीं है ।

**Mr. Chairman:** The bell is being rung—Now there is quorum.

**Shri Hathi:** I beg to move:

"That the Bill be passed".

**Mr. Chairman:** The question is:

"That the Bill be passed".

*The motion was adopted.*

16.07 hrs.

### INDIAN TARIFF (AMENDMENT) BILL

**The Minister of Commerce (Shri Manubhai Shah):** Sir, I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

Sir, this Bill mainly seeks to amend the First Schedule to the Indian Tariff Act, 1934, in order to give effect to Government's decisions on certain recommendations of the Tariff Commission. Hon. Members will have observed from the Statement of Objects and Reasons attached to the Bill that the Bill seeks to discontinue protection with effect from the 1st January, 1966 to six important industries, which have now in the opinion of the government reached a stage of maturity.

Copies of the Tariff Commission's reports on all these industries and of Government Resolutions issued on these Reports have already been laid on the Table of the House and Notes on each of these industries have been circulated for the information of the members of the House. The notes circulated to the members contain a gist of the Tariff Commission's recommendations in respect of each of these industries. Hon. members will no doubt, have gone through the documents and I shall not, therefore, take much time of the House by going into details of these industries.

I shall first give the House a brief resume of the working of the Tariff Commission with particular reference

to protection to indigenous industries. Under the provisions of the Tariff Commission Act, 1951, a permanent Tariff Commission was constituted in January, 1952. The main functions of the Tariff Commission cover (i) dealing with references from Government on matters relating to tariff protection generally; (ii) undertaking *suo motu* inquiries into the working of protection; (iii) keeping a continuous watch over the progress of protected industries; and (iv) dealing with reference from Government on fixation of fair prices of commodities, whether protected or not. The Tariff Commission has wide discretion in regard to application of the general principles relating to fixation of protective tariffs. It also watches the effects of protection on other industries and on prices. Besides, the progress of the protected industries is watched and reviews of prices undertaken. The Tariff Commission also makes ancillary recommendations on matters other than tariff for development of the industry.

Sir, on 1st January, 1965, the House will be glad to know, the number of protected industries stood at only 15 out of the vast gamut of industries running in this country. This includes industries on which protection is due to expire at the end of this year, namely, 31st December, 1965. In addition to these industries, there is the 'safety match industry' which was protected in 1928 for an indefinite period, and which I have the honour to place before the House for de-protection.

While the Tariff Commission recommended de-protection of the safety match industry which was protected in 1928 for an indefinite period, the Commission recommended continuance of protection to sheet glass, non-ferrous metals, electric motors, power and distribution transformers and automobile sparking plug industries. The position in respect of all these industries is detailed in the notes already