

अध्यक्ष महोदय : इस में सिर्फ इतना है . . .

श्री मधु लिमये : माफ कीजिये, आप प्रश्न को नहीं समझे हैं . . .

Shri G. N. Dixit (Etawah): I raise a point of order against this point of order. Under rule 376, "A point of order may be raised in relation to the business before the House at the moment." That business has gone over; so many points have been raised. Hence, it is not a point of order and it cannot be raised now.

श्री मधु लिमये : आप समझे नहीं हैं। व्यवस्था के बारे में फंसला नहीं हुआ है।

अध्यक्ष महोदय : अब आप बैठ जाइये।

श्री मधु लिमये : मेरी बात सुन लीजिये। दो बातें थीं? एक सदस्य का क्या मतलब है और दूसरी बात थी कि आपकी माफ़त में सवाल कर सकता हूँ। आपने मुझे इसलिये इजाजत नहीं दी कि आपने कहा कि सदस्य में सत्य नारायण सिंह जो नहीं आते हैं। आप कार्यवाही रिकार्ड देख लीजिये।

अध्यक्ष महोदय : आप बैठ जाइये। मैं बता देता हूँ। 355 में आप जे. सवाल पूछना चाहते हैं दूसरे से वह नहीं प्रेसक्राइब किया हुआ है। 355 में सिर्फ इतना लिखा हुआ है कि जब एक मेम्बर दूसरे मेम्बर से सवाल करे तो वह थू. दो स्पोकर करे, बराह-रास्त न करे। सिर्फ इतना है। इस में यह हक नहीं हो जाता है कि एक मेम्बर दूसरे से सवाल जरूर पूछ सकता है। वह दूसरा रूल है।

श्री मधु लिमये : आपने कहा है वह सदस्य नहीं हैं, मंत्री हैं। मैं कहना चाहता हूँ कि 355 के अन्दर वह भी आ जाते हैं।

दोनों आते हैं। आपने इतना कहा है कि मंत्री नहीं आते हैं।

अध्यक्ष महोदय : जो सवाल पूछ सकते हैं दूसरे मेम्बर से वह 355 के अन्दर नहीं है।

श्री मधु लिमये : मैं आपको इसके बारे में चिट्ठी लिखूंगा।

12.55 hrs.

CALLING ATTENTION NOTICE TO
MATTER OF URGENT PUBLIC
IMPORTANCE

Hunger Strike in Indian Audit Department

Mr. Speaker: Shri Sachindra Chaudhuri.

Shri S. M. Banerjee (Kanpur): Sir, before it is taken up, I want to make a submission. When the Calling Attention Notice was given by Shri Kachhavaia, I requested you to see that the hon. Home Minister also is present, because this matter concerning the strike is equally concerned with the Home Minister, and my information is that the Home Minister may reconsider it. So, I want to know whether the Home Minister will supplement the statement to be made by the Finance Minister and give his views.

Mr. Speaker: Let the Finance Minister make his statement first.

The Minister of Finance (Shri Sachindra Chaudhuri): As hon. Members may be aware, some employees of the Indian Audit and Accounts Department went on a token fast on 3rd and 4th March last. From the reports received by the Comptroller and Auditor General, it appears that on both days his offices functioned normally. The posters issued by the Association also required the staff to wear black badges, but actually such badges were worn by a small fraction of the staff.

On one or both of these days meetings were organised outside the office premises and after office hours. Such meetings were not largely attended and some of those who attended did not belong to the Indian Audit and Accounts Department.

2. From the representations received from the All India Non-gazetted Audit and Accounts Association and a number of other local associations of the employees of the Department, it appears that the fast had been organised mainly to press the Associations' demand for restoration of its recognition which was withdrawn in 1959. The facts are that this Association was recognised by the Government of India in December 1956. Shortly thereafter, the Association was found indulging in activities inconsistent with their constitution as approved by Government. These seriously affected the relations between the administration and the affiliated associations in the Audit and Accounts Department. The Association was, therefore, served with a show cause notice on 3rd April, 1959, and was allowed time upto 30th April 1959 to submit its explanation. As no explanation was forthcoming by the prescribed date, the Government after careful consideration and in consultation with Comptroller and Auditor General, decided in May 1959 to withdraw the recognition accorded to the Association. Subsequent to the order regarding its "derecognition", the Association submitted a detailed reply to the show cause notice. This reply was carefully considered but as it was not found satisfactory the order withdrawing the recognition was maintained.

3. In July 1960, the Association and its office bearer took a prominent part in the illegal strike of certain sections of Central Government employees. Subsequently, the Government issued instructions for restoration of the recognition of Associations where such recognition had been withdrawn for participation in the

strike. These instructions were not applicable in this case as the withdrawal of recognition of this Association had taken place long before the July 1960 strike and had nothing to do with it. Since then, the Association had been asking for the restoration of its recognition. At no time however, has it expressed regret for violating its own approved constitution.

4. Meanwhile the legal position with regard to the recognition of Staff Associations of Government has undergone an important change. In October 1962, Rule 4(B) of the Central Civil Services (Conduct) Rules, 1955 was declared void by the Supreme Court as being repugnant to the provisions of Article 19(1) (c) of the Constitution. As the Central Civil Services (Recognition of Service Association) Rules, 1959, were framed with reference to Rule 4(B) of the Conduct Rules, which was struck down they became automatically void and unenforceable. There is, therefore, at present no power left with the Government for grant of recognition to service associations.

5. However, in May 1965, Government decided that, pending formulation of fresh Rules, associations which conform to the existing rules should be allowed opportunities of presenting their grievances and discussing them with the administrative authorities, irrespective of whether they were formally recognised or not. This procedure is actually being followed with regard to three other Associations of the Indian Audit and Accounts Department which had been derecognised on account of participation in the strike but whose recognition could not be restored before the relevant Rules became inoperative.

6. As regards the All India Non-gazetted Audit and Accounts Association, its request for similar *de facto* recognition has also been under consideration. The Comptroller and Auditor General had asked the Association

[Shri Sachindra Chaudhury]

in January last to furnish information regarding the date of the last election as well as the names of the present office bearers and of its affiliated associations and their members represented on the Working Committee. The reply of the Association was received by the Comptroller and Auditor General only on the 2nd March 1966 and is now under his consideration.

7. The constitution of the Association as previously recognised by Government envisaged annual elections of the Working Committee and office bearers. The reply furnished by the Association shows that its Working Committee was elected at the Annual Conference in 1960, i.e. about 6 years ago. The Working Committee had elected the present office bearers in 1963 and they appear to be continuing without any fresh election. These and other relevant facts are being duly taken into account by the Comptroller & Auditor General in reaching a decision.

श्री हुकम चन्द कछवाय (देवास) :
मंत्री महोदय ने जो वक्तव्य दिया उस में उन्होंने बतलाया कि बहुत थोड़े लोग भूख हड़ताल पर थे . . .

श्री बाजी (इन्दौर) : भूख हड़ताल पर एक भी नहीं था ।

श्री हुकम चन्द कछवाय : उन्होंने कहा कि भूख हड़ताल पर बहुत थोड़े लोग थे । मैं बतलाना चाहता हूँ कि 40 हजार कर्मचारी काम करते हैं उन में से 30 या 33 हजार के करीब लोग भूख हड़ताल पर थे । मैं जानना चाहता हूँ कि क्या सरकार ने अपने स्तर पर यह जानकारी हासिल की है या कि आडिटर जनरल के कथनानुसार यह सारा वक्तव्य दिया है । इस यूनियन की मांगें जो हैं उन को मानने में क्या विशेष आपत्ति है और क्या सरकार यह बतलायेगी यह यूनियन किस के प्रभाव में चल रही है ।

Shri Sachindra Chaudhuri: As I have already said, certain questions had been asked by the Auditor General about the office bearers, etc. and the reply was received. The Auditor General is taking that into account and a decision will be given soon. If I may make a suggestion, without in any way embarrassing the gentlemen on the other side, perhaps it will be better to await the decision of the Auditor General and if they wish to be helpful, they should suggest to the association to elect soon their working committee and the office bearers.

श्री हुकम चन्द कछवाय : यह जो बयान दिया है मंत्री महोदय ने उस के सम्बन्ध में उन्होंने अपने स्तर पर जांच की है या कि जो आडिटर जनरल ने बतलाया उस के अनुसार दे दिया है ।

Mr. Speaker: He wants to know whether it is information received from the Auditor General or any independent enquiry has been made.

Shri Sachindra Chaudhuri: This information was received from the Auditor General by enquiries made with his office.

Shri S. M. Banerjee: This question was raised many times with the Home Minister, because the Auditor General has made it a question of personal prestige not to recognise this association. He has made a statement to that effect. He has challenged in a court of law, regarding the statement made by the late lamented Shri G. B. Pant about the strike, that utterances in Lok Sabha have no binding on him. I would like to know whether the decision about recognition of a particular association which was derecognised in 1959 will be left solely in the hands of the Auditor General, who has repeatedly refused to recognise it or whether the Home Minister and Finance Minister will decide this issue once and for all.

Shri Sachindra Chaudhuri: As the House knows, the Auditor General has

got a peculiar position under the Constitution and therefore there is no question that the matter must be left to him. So far as the influence of his decision is concerned, certainly any reasonable decision he takes will be supported. If it is not reasonable, naturally there will be persuasion on him not to come to an unreasonable decision.

Shri S. M. Banerjee: The decisions about recognition are taken solely by the Home Ministry. All the trade unions, whether associations or unions are recognised under the instructions of the Home Ministry. May I know why in this particular case, it will be left to the Auditor General?

Shri Sachindra Chaudhuri: I have already stated that there are no rules at the present moment in existence because of the decision of the Supreme Court. But my information is that the Home Ministry is going into the matter to work out rules which might be comprehensive. When the rules have been made, undoubtedly the question will arise whether recognition can be given under those rules or not. When the rules are framed, the Auditor General has to make up his mind whether the rules are applicable or not. Apart from the rules, at the moment the Auditor General is in fact giving practical recognition to certain unions on certain conditions, one condition being that the Association has got a properly elected working committee and properly elected office bearers. All that is asked for is whether these office bearers and the working committee have been properly elected or not. Once that has been done, it will be for the Auditor General to decide. He is still considering the matter, even without there being this election of the working committee and the office bearers. In consequence of that, can he not be given a little time? I assure the House that although the powers of the Auditor General may be prescribed under the Constitution, he is

not completely free to ignore the advice given to him.

श्री मधु मिलये (मुंगेर) : मंत्री महोदय ने अपने बयान में बतलाया कि अपने संविधान के विपरीत कार्रवाई करने के कारण घाडिट की यूनियन की मान्यता को छीन लिया गया। आगे उन्होंने यह भी कहा है कि सर्वोच्च न्यायालय के फैसले के कारण सरकार के हाथ में कोई अधिकार नहीं है मान्यता देने का फिर भी व्यवहारिक मान्यता डी फॅक्टो रिकग्निशन वह दे रहे हैं। अब इस संघ या संस्था को व्यवहारिक मान्यता देने के बारे में कुछ दिक्कतें हैं, जैसे कि छः साल तक उनके चुनाव नहीं हुए हैं। चुनाव संविधान के अनुसार होने चाहिए थे। मेरा सवाल यह है कि वार्षिक चुनाव का सिद्धान्त अच्छा और प्रजातान्त्रिक है लेकिन अन्य संघों अथवा संस्थाओं को मान्यता देते समय क्या इस बात की जांच पड़ताल की जाती है कि चुनाव हुए हैं या नहीं या कि इसी यूनियन के खिलाफ ऐसा किया जा रहा है। यदि नहीं हुए तो क्या उन से चुनाव करने को कहा जायेगा।

Shri Sachindra Chaudhuri: As far as my information goes—subject to checking up—all the associations which have been given practical recognition where there are negotiations and so on, are those which have carried out their elections properly. I cannot say whether every association has had the elections last year or once in two years. I can enquire into that.

श्री मधु मिलये : यही तो मेरा सवाल था। अगर वह चुनाव करने के लिए तैयार होंगे तो क्या मैं यह समझूँ कि उन को मान्यता मिलेगी? घाडिट की यूनियन चुनाव कर लेगी तो क्या उन को मान्यता मिलेगी?

Shri Vasudevan Nair (Ambalapuzha): The Minister is again and again harping on annual elections to the working committee and office

[Shri Vasudevan Nair]

bearers. We all know from 1959 this union was not recognised. Has he enquired into the fact whether some obstructions were there on the part of the authorities in the way of the employees participating in the meetings of this association and participating in the elections of office bearers? If not, will he enquire and see that a proper atmosphere also is created for this association to function properly and elect the office bearers?

Shri Sachindra Chaudhuri: As far as I know, no obstruction has been placed on the election of the working committee and office bearers. But I have not directed my attention to make an enquiry about it. It has not been brought to my notice at all that there has been any obstruction of any description in the matter of elections. I am certainly prepared to enquire into that.

Shri Warrior (Trichur): Is it not a fact that the derecognition of the union itself was an impediment in the functioning of the association in a proper way according to their constitution and once government removes that impediment, the other constitutional provisions will be adhered to by the association and new office bearers will also be elected?

Shri Sachindra Chaudhuri: If I may say so, this is not a question, this is a suggestion or an argument, and I am afraid I do not accept this argument.

Shrimati Tarkeshwari Sinha (Barh): May I know, Sir, whether the rules applicable to the other unions as formulated by the Home Ministry will be entirely applicable to this association in case it is being given recognition or the Auditor-General has his own right to impose his own rules on the working of this association; and secondly, may I know how this association is being associated in the Consultative Committee. . .

Shri S. M. Banerjee: JCL.

Shrimati Tarkeshwari Sinha: Yes, that is right. May I know how this association is being associated in the consultative committee sponsored by the Home Ministry and how their grievances are being met at the present moment?

Shri Sachindra Chaudhuri: This is really a question which should be directed to the Home Ministry and not to me. It is for the Home Ministry and not to me. It is for the Home Ministry to say whether the consultative committees are giving them recognition or whether they are taking them in for consultations or not. So far as the other part of the question is concerned, as I said, these rules are general rules. Within the framework of those rules there is certainly some discretion with the Auditor-General and one expects, having regard to the office of the Auditor-General, him to exercise this discretion properly. Unless there is anything really material to prevent him from giving recognition, he should not refuse recognition.

Some hon. Members rose—

Mr. Speaker: Let us proceed now.

Shri Priya Gupta (Katihar): Sir, on a point of clarification.

Mr. Speaker: No, Sir.

Shrimati Tarkeshwari Sinha: Sir, the Home Minister is sitting here. He can reply to the other part of my question which is very important.

Shri S. M. Banerjee: Sir, the Home Minister is here. Shri Hathi is also here. An assurance has been given to this association that they will be recognised for the purpose of J.C.L.

The Minister of Home Affairs (Shri Nanda): For the question of recognition, a new machinery, going to be known as the Joint Councils is on the point of being finalised. I hope the hon. Member would facilitate that coming into being. We do not object to their coming in there.

Shri S. M. Banerjee: The point is whether this association is being recognised?

Shri Priya Gupta: Sir, I rise to a point of order.

Mr. Speaker: Order, order. Unnecessary obstructions should not be placed and I should be allowed to proceed now.

Shri Priya Gupta: Sir, this is a very important question.

Mr. Speaker: Let us proceed now—Papers to be laid on the Table.

13.15 hrs.

PAPERS LAID ON THE TABLE

COMPENSATION FOR INCREASE IN COST OF LIVING FOR SALARY GROUPS BETWEEN Rs. 1000-2250.

The Minister of Finance (Shri Sachindra Chaudhuri): Sir, I beg to lay on the Table a copy of Ministry of Finance Office Memorandum No. F.1(12)E.II(B)/66 dated the 9th March, 1966 regarding compensation for increase in cost of living for salary groups between Rs. 1000—2250. [Placed in Library. See No. LT-5710/66.]

Shri S. M. Banerjee (Kanpur): Sir, on this I have something to say.

Shri Priya Gupta (Katihar): Sir, the Government decided . . .

Mr. Speaker: Order, order. Unless I call the hon. Member he should not begin to speak. Shri Banerjee—

Shri S. M. Banerjee: Sir, today the hon. Finance Minister is laying a copy of the Finance Ministry's Office Memorandum No. F.1(12)E.II(B)66 dated the 9th March, 1966 regarding compensation for increase in cost of living for salary groups between Rs. 1000—2250. Sir, on 17th February a question was asked here and we

were told that the matter was under consideration. On 4th March, 1966 I read in the newspapers: "More DA for central officials—The Union Government on Thursday approved a proposal to grant dearness allowance from this month at the flat rate of Rs. 100 to central officials drawing pay between Rs. 1000-2250, PTI learns. The Finance Ministry is expected to make an announcement after working out the details." My submission is only this. Here, even the day has been mentioned—Thursday. If it is a scoop of the Press, I congratulate them for it. If that is not the case, when the Parliament is in session, I would like to know whether it was given from the office of the Finance Ministry.

Shri Sachindra Chaudhuri: It was not issued from the Finance Ministry.

Shri Priya Gupta: Sir, in this august House the hon. Finance Minister said that the Government has given increase in dearness allowance five times or six times within the last five years and increase in dearness allowance is no solution for this spiralling rise in cost of living index. This he said in regard to class III and class IV staff, and he said that he has not finalised their case as yet. I want to know how he makes this discrimination now in the case of the higher salaried groups. I do not grudge his giving dearness allowance to the higher salaried people. I only want to know why there is this discrimination.

Shri Sachindra Chaudhuri: How is it, Sir, a point of order, and how does it arise out of this?

Mr. Speaker: So far as the other employees are concerned . . .

Shri Sachindra Chaudhuri: So far as the other employees are concerned, they are treated in a way which is different to the terms that are being given now to these people. They are being given something in connection with their demands, on a percentage basis, there is the first stage, second stage and so on. Here we are giving a flat increase of Rs. 100 a month.