

(Interruptions). Mahatma Gandhi massively and substantially liberated this land and he stuck to the policy of non-violence. That policy was nobly enshrined by Jawaharlal Nehru and Lal Bahadur Shastri. We being the makers of that policy cannot easily give it up. Is it not the policy of the Government of India to adhere to that policy, though our scientists are capable of delivering the goods and they are held back because of our own policy? And, the Chinese shall not use the bomb inasmuch as Hitler did not release the ABC weapons of warfare, atomic, bacteriological and chemical. I want to know whether it is still the declared policy of the Government not to manufacture the bomb?

Shri Swaran Singh: I do not think any reply is called for.

श्री योगेन्द्र झा (मधुबनी) : अणु बम जब अथवा पराजय का माधन नहीं है। जब कभी अणु बम का प्रयोग युद्ध में होगा तो वह युद्ध स्थानिक न रह कर विश्व युद्ध में परिणित हो जायेगा। अमी विष्टनाम का उदाहरण सामने है। अमरीका हार के बाद हार खाने के बाद भी वहां अणु बम का प्रयोग नहीं कर रहा है। क्योंकि अगर अणु बम का प्रयोग हुआ तो सारे संसार में मध्यता का नाश हो जायेगा ऐसा ख्याल है। इन सभी बातों को ध्यान में रखते हुए मैं सरकार से यह जानना चाहता हूँ कि क्या सरकार इस बात की घोषणा करेगी कि किसी भी हालत में भारत अणु बम का निर्माण नहीं करेगा।

Mr. Deputy-Speaker: Let us take up the Half-hour-discussion.

17.22 hrs.

EMPLOYEES* OF INDIAN AGRICULTURAL RESEARCH INSTITUTE

The Minister of Food, Agriculture, Community Development and Co-operation (Shri C. Subramaniam): Sir, before the hon. Member begins the discussion, I would like to remind him that this very matter is before the High Court now and, therefore, I do not think the hon. Member should go into the merits of the case.

Shri K. N. Pande (Hata): I am not going to cover those points.

Mr. Deputy-Speaker: The subject is *sub judice*.

Shri K. N. Pande: We have taken a separate issue before the High Court. This is such an important issue that if it is not properly dealt it will affect the services of 30,000 employees.

Sir, on 22nd March, 1966, to a question whether the employees of the IARI and its branches have been given notices about the termination of their services if they do not resign their posts and join again afresh with the ICAR, and whether if they join the ICAR they will have their services and other benefits as they used to enjoy while they were in IARI.

Mr. Deputy-Speaker: This very question is now before the High Court.

Shri K. N. Pande: That is not so.

Shri C. Subramaniam: It is so.

Shri K. N. Pande: It is not so.

Mr. Deputy-Speaker: When the Minister says it is so.....

Shri K. N. Pande: Unless you hear what I am going to say, how can you decide.

Mr. Deputy-Speaker: The matter is *sub judice*; we cannot discuss it.

Shri K. N. Pande: Sir, unless you hear me you cannot take a decision.

The reply given by the Government was that a statement is laid on the Table of the House. The statement said that an expert team went into the question and recommended "in the interest of consolidating the Central Agricultural Research Programme and assuring adequate coordination all the Central Research Institutes and Commodity Committee Research Institute should be brought under the control of the ICAR and that the Council should be suitably reorganised and strengthened to develop and administer a national programme of agricultural research commensurate with the country's needs".

While stating this, they also made the statement:—

"Accepting these recommendations the Government of India have decided to reorganise the Indian Council of Agricultural Research, which is an autonomous organisation like the Council of Scientific Research institutions... at present under the control of the Ministry of Food and Agriculture, including these under the Central Commodity Committee. This decision has been taken in consultation with topmost scientists and in order to provide better working conditions for research work. In consequence of the above decision, the staff employed at the said research institutes would be surplus to the requirements of the Ministry of Food and Agriculture from the date the Institutes are transferred to the Indian Council of Agricultural Research, i.e. 1st April, 1966. The Indian Council of Agricultural Research have, however, agreed to employ such of the staff at these institutes as are willing to serve the Council on the following conditions."

First of all, I want to say something about this statement.

Mr. Deputy-Speaker: If it has anything to do about the retrenchment which is before the High Court, it will not be proper for this House to discuss it.

Shri K. N. Pande: I am not going to cover that point. I am now criticizing their own statement. Their own statement is contradictory.

Mr. Deputy-Speaker: That very question is before the High Court.

Shri K. N. Pande: That is not before the court. Only the permanent employees have filed a writ petition before the High Court. There are so many types of employees there—permanent, quasi-permanent and temporary employees. What is going to happen to them? They have not filed any writ petition.

Mr. Deputy-Speaker: Your question is that the expert team proposed the transfer of agricultural research programme from Central Institutes to the Indian Council of Agricultural Research with a view to co-ordinate different research works but the Ministry while implementing the recommendation wants to do away with the services of the employees. It is the question of services of the employees that is now before the High Court.

Shri K. N. Pande: It is the permanent employees who have filed this writ petition.

Mr. Deputy-Speaker: Whether it is permanent or quasi-permanent.....

Shri K. N. Pande: There is no writ filed on behalf of the temporary employees.

Mr. Deputy-Speaker: But that very question is before the High Court. How can we discuss it?

Shri K. N. Pande: I am not going to discuss that.

Mr. Deputy-Speaker: If you are confining your remarks to research, I have no objection.

Shri K. N. Pande: Research and also the service conditions.

Mr. Deputy-Speaker: How can we discuss a matter which is *sub judice*?

Shri K. N. Pande: I am not going to talk about retrenchment.

Shri Ranga (Chittoor): Let us get a statement from the minister.

Shri K. N. Pande: If you have no patience.....

Mr. Deputy-Speaker: It is not a question of patience. We should not do anything illegal. It is not permitted by the Rules.

Shri K. N. Pande: Am I going to talk anything illegal?

Mr. Deputy-Speaker: When the matter is *sub judice*, how can we discuss it?

Shri K. N. Pande: Let us see what is the issue before the High Court.

Mr. Deputy-Speaker: What is the issue before the High Court?

Shri C. Subramaniam: The issue before the court is that all the employees in these institutions were Government employees and they have stated that their status as Government servants should not be disturbed and that they should continue to be Government servants. That is the writ which they have filed. That is the very point which arises in this discussion.

Shri K. N. Pande: I shall not make any reference to it, whether they

should remain as Government servants or not. I shall talk only about the statement made by the Minister.

Mr. Deputy-Speaker: Do not refer to the Employees.

Shri K. N. Pande: I cannot touch only those points which are before the court, but I can touch other points which are not before the court.

Mr. Deputy-Speaker: That is all right.

Shri K. N. Pande: In the course of the statement the Minister says:—

“The Indian Council of Agricultural Research will protect the scale of pay of the post as also the emoluments drawn by the said staff at the time of their employment by the Council, so long as they continue to be employed in the same post.

The staff will continue to be entitled to the pensionary benefits in accordance with the provisions of Ministry of Finance Office Memorandum No. F. 2(6)EV(A) 62 dated the 5th November, 1964.”

What does this memorandum of the Finance Ministry say? The circular of the Finance Ministry says...

Shri C. Subramaniam: All these questions arise on the basis that these government servants would come over to the employment of the ICAR which question is under dispute and against which they have filed a writ petition. Therefore, to proceed on the basis that if they go over to the ICAR, what would happen is pre-judging the judgment of the High Court. Therefore, unless that question is settled, whether the Government is entitled to give them notice and transfer them to the service of the ICAR, I do not think that we can discuss this here.

[Shri C. Subramaniam]

In view of this, I cannot give any useful answer. He expects some answer from me.

Mr. Deputy-Speaker: I am sorry the matter is *sub judice*. We cannot discuss it here.

Shri K. N. Pande: How can we say that before examining the.....

Mr. Deputy-Speaker: The Minister has made the statement. I am sorry

I cannot allow. My ruling is that we cannot take it up here.

The House stands adjourned to meet again tomorrow at 11 A.M.

17.32 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, May 11, 1966/Vaisakha 21, 1888 (Saka).

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