

Keeping in view the importance of these petro-chemical projects, I would like to know from the hon. Minister whether this credit is going to be diverted or a fresh credit is going to be sought.

Shri Sachindra Chaudhuri: As I said, the negotiations are going on at the moment, and therefore it would not be proper for me to say that this is what is being suggested on the one side, this is what we are suggesting. What we can say is that we are trying to get over-all assistance by way of foreign exchange from France on the best terms possible for us.

Shri Hem Barua: May I seek a clarification from you?

Mr. Speaker: No. I anticipated that.

Indian Audit and Accounts Department Employees' Association

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*603. **Shri Madhu Limaye:**
Shri Kishen Pattanayak:
Dr. Ram Manohar Lohia:

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 779 on the 1st September, 1966 and state:

(a) whether *de facto/de jure* recognition has since been granted to the Association of the employees of the Indian Audit and Accounts Department;

(b) if not, the reasons for the delay in this regard; and

(c) whether Government propose to lay on the Table the Rules with regard to the recognition of Government Employees' Associations, old and new?

The Minister of Finance (Shri Sachindra Chaudhuri): (a) No, Sir.

(b) As there are at present no valid rules for recognition of Service Associations, the question of *de jure* recognition does not arise. The question of according *de facto* recognition to the Association is, however, being processed by the Comptroller and

Auditor General of India. For this purpose, the lists of members of staff associations claimed to be affiliated to the All India Non-gazetted Audit & Accounts Association, as received from that Association up to 16th November 1966, are under verification by the respective heads of offices to ensure that they adequately cover the particular categories of staff the Association purports to represent.

(c) A copy of the old Rules with regard to recognition of Government employees associations is laid on the Table [Placed in Library. See No. LT-7480/66]. The question of framing revised rules for recognition of associations/unions of Central Government employees is under consideration.

Shri S. M. Banerjee: Sir, I rise on a point of order.

अध्यक्ष महोदय : क्वेश्चन में प्वाइंट ऑफ ऑर्डर रोज़ करके हम वक्त सर्फ़ क्यों करें। क्वेश्चन तो बिना प्वाइंट ऑफ़ ऑर्डर के चलने चाहियें। एक-एक सैकिंड इसका सवाल पूछने में सर्फ़ होना चाहिए।

श्री स० मो० बनर्जी : सुनने के बाद मेरा खयाल है कि आप कहेंगे कि मैं सही कह रहा हूँ।

अध्यक्ष महोदय : अब तक तो ऐसा प्रसर नहीं हुआ है। शायद अब हो। ग्राहिस्ता ग्राहिस्ता होता है।

Shri S. M. Banerjee: The hon. Minister stated that *de facto* recognition is being processed. Half-an-hour discussion was allowed and that was not discussed because of lack of time. The Deputy Minister, Mr. L. N. Mishra answered a question put by Shrimati Renu Charaverty whether *de facto* recognition will be for all puposes, and said that the *de facto* recognition had been given for all purposes. Today the Minister makes a statement that it is being processed. I want to know which is correct. Is

the Minister within his right to make a statement contradicting an earlier statement by the Deputy Minister?

Mr. Speaker: What is the point of order? There may be a contradiction between the two. But what rule is contravened? Mr. Banerjee should have known this.

श्री मधु लिमये : 9 मार्च, 1966 को वित्त मंत्री ने सदन को ग्राहवासन दिया था कि यदि ग्राडिटर जनरल के कर्मचारी अपनी यूनियन के पदाधिकारियों का चुनाव नये सिरे से करते हैं तो उनको मान्यता दी जायेगी। अब वह शर्त पूरी हो गई। अब नई शर्त आ गई। यह कहा गया कि अब सदस्यता की जांच की जायेगी।

अध्यक्ष महोदय, मैं आप का ध्यान 1 सितम्बर के सवाल-जवाब की ओर दिलाना चाहता हूँ। कब मान्यता मिलेगी, इसके बारे में श्री ललित नारायण मिश्र ने यह कहा था :

“मैं एक या दो दिन की ऐसी कोई निश्चित तिथि तो नहीं बता सकता हूँ। बाकी हो सकता है कि उनको रिकगनिशन मिल भी गया हो”।

इसका मतलब यह होता है कि करीब-करीब मामला तय हो गया था। उपमंत्री यह कह रहे थे कि शायद मिल भी गई हो। अब मंत्री महोदय सदस्यता की जांच करने की बात कर रहे हैं। ग्राडिटर जनरल भी इन नियमों के अन्दर आते हैं या नहीं, वास्तविक मान्यता, डिफैक्टो रिकगनिशन को जो नियम है, उसके अन्तर्गत आते हैं या नहीं या उनके लिए सभी नियम और कानून अलग हैं? मैं चाहता हूँ कि मंत्री महोदय खुलासा करें कि उनको निश्चित रूप से कब मान्यता दी जायेगी? इसकी क्या गारंटी है कि नई शर्त नहीं लादी जायेगी?

Shri Sachindra Chaudhuri: The position is this. In order that there may be, de facto recognition, the association must cover at least fifteen per cent

of the employees which it claims to represent. Lists of members of affiliated Associations have been supplied by the association itself and the last list of members has come only on 16th November, 1966. That is to be verified and after that verification is done we shall give de facto recognition as quickly as possible. In the meanwhile I can say that this association was invited to meetings of the dearness allowance commission held the other day and the secretary-general was also invited to the inaugural function of the joint consultative machinery. It is not as if they are ignored.

Mr. Speaker: Why was the Deputy Minister positive that recognition was going to be granted or it might have even been granted... (Interruption).

Shri Sachindra Chaudhuri: The only reason that I can give is that he probably hoped that the list of members had already come in and all that was necessary was to find out whether this list fulfilled the condition of 15 per cent. If the association itself has not sent the list before 16th November, how can I help it?

श्री मधु लिमये : अध्यक्ष महोदय, मेरा एक प्वाइंट आफ ग्राडर है। दूसरा सप्ली-मेंटरी मेरा बच गया है और इसके बाद मैं उसको करूंगा।

प्वाइंट आफ ग्राडर इसलिए है कि इन्होंने सभा-पटल पर जो नियम रखे हैं ये 1959 के नियम हैं और “एज एमेंडिड अपट्ट 11 सितम्बर 1962” हैं। ये इन्होंने सभा-पटल पर रखे हैं। अभी इन्होंने पंद्रह प्रतिशत की नई शर्त कानूनी नहीं, वास्तविक डिफैक्टो मान्यता के लिए कही है। मैं जानना चाहता हूँ कि क्या डिफैक्टो मान्यता के लिए भी कोई नियमावली बनी है? प्रगर बनी है तो मेरा प्रश्न आप देख लें। मैं बिलकुल समय आप का नहीं लेना चाहता हूँ। लेकिन मेरे प्रश्न के सी भाग को आप देख लें। वह इस तरह से है :

(c) Whether Government propose to lay on the Table the Rules with regard to the recognition of Government Employees' Associations, old and new?

यह तो डि जूरे के लिए हो गया। कानूनी मान्यता के लिए नई नियमावली नहीं बनी है यह बताया है। अब नई डिफेंक्टो मान्यता शर्त पढ़ कर सुनाते हैं। मैं जानना चाहता हूँ कि क्या डिफेंक्टो मान्यता के लिए, वास्तविकता में व्यवहार में मान्यता प्रदान करने के लिए भी कोई नियमावली बनी है और यदि बनी है तो फि टेबल पर उसको क्यों नहीं रखा गया है?

अध्यक्ष महोदय : इसका जवाब मुझे देना है क्या ?

श्री मधु लिमये : यह प्रश्न में है जिसका जवाब मंत्री महोदय का देना है। मेरी सप्लीमेंटरी दूसरी है, यह तो प्वाइंट आफ ऑर्डर हुआ। यह तो स्पष्टीकरण हुआ। एक सप्लीमेंटरी मेरी रह जानी है।

अध्यक्ष महोदय : डम प्वाइंट आफ ऑर्डर का जवाब मैंने देना है ? पूछ आप मिनिस्टर से रहे है।

श्री मधु लिमये : उन से पूछ कर दीजिये।

अध्यक्ष महोदय : जो नहीं।

श्री मधु लिमये : अच्छा बात है। सप्लीमेंटरी समझ लें और जवाब दिला दें।

Shri Sachindra Chaudhuri: I am afraid I have not quite followed the question which was put as a point of order. Will the hon. Member repeat it?

Mr. Speaker: The question was that the statement filed there, amended up to 1962, contained no condition that 15 per cent of the membership is required in order to get *de jure* recognition, and that now, a new condition is being imposed. They want to know whether any new rules have been framed to get that *de jure* recognition.

Shri Sachindra Chaudhuri: Do I answer this question that you were kind enough to put to me or do I have to answer that put by him?

Mr. Speaker: He might answer it.

Shri Sachindra Chaudhuri: I was going to say that so far as the rules are concerned, up to 1962, they have been put before the House. I have also been informed that it is necessary to have 15 per cent membership for *de facto* recognition; it has to be checked up. I have not got the rules before me and I will have to find that out and tell the House.

श्री मधु लिमये : अध्यक्ष महोदय, मेरे प्रश्न का जवाब नहीं आया है। आप ने कहा था कि सप्लीमेंटरी के रूप में आ सकता है।

अध्यक्ष महोदय : आ गया है।

श्री मधु लिमये : नहीं आया है। कुछ क्लरिफिकेशन हो गया है। दोहराना चाहता हूँ अपने सवाल को।

अध्यक्ष महोदय : आप ने कहा था कि प्वाइंट आफ ऑर्डर नहीं है तो इसको सप्लीमेंटरी गिन लो।

श्री मधु लिमये : सप्लीमेंटरी पूछ रहा हूँ। प्वाइंट आफ ऑर्डर आप खत्म कर दें। क्या डिफेंक्टो रिकग्निशन के लिए नियमावली बनी है ? यह मैंने पूछा था।

अध्यक्ष महोदय : उन्होंने कहा है कि मैं देख लूंगा, मुझे पता नहीं है।

श्री मधु लिमये : एक नियम क्यों कोट किया है ? इस पर मेरा व्यवस्था का प्रश्न है। डाकुमेंट्स टु बी लेड आन बी टेबल पर मेरा व्यवस्था का प्रश्न है।

अध्यक्ष महोदय : आप ठहर जायें।

श्री मधु लिमये : इन्होंने कोट किया है।

अध्यक्ष महोदय : आप जरा बैठिये।

Shri Surendranath Dwivedy: I would like to know whether there is any other union claiming recognition. If not, what is preventing the Government, after agreeing to give in *de facto* recognition, to start meetings with the present union and to establish a healthy convention: that a formal recognition will follow after verification of the 15 per cent membership?

Shri Sachindra Chaudhuri: Whenever there is recognition given to a union, it is recognised that the union has got the right to represent its employees. If we do not know that there is a certain number of people who are employees and who are also members of the association, how can negotiations take place?

Shri Ranga: I wanted to add one word to the point of order raised. What has transpired now gives us an inkling into the way in which the answers to these questions are being prepared. Are we to understand that when the answer to be given by the Minister himself is being prepared by the Secretariat, they do not bother to look into the earlier answers given either by himself or by his Deputy Minister, and the Finance Minister is put into this mess of not knowing what the Deputy Minister had said and what assurance he had given to the House? Now, the Minister himself comes and gives a kind of legalistic reply. Is that the way that the answers are to be prepared for this House to our questions?

Mr. Speaker: I have myself told him. The reason probably was—

Shri S. M. Banerjee: It was a definite statement given.

Mr. Speaker: I have repeated that he gave that assurance and I also remember that he said it might have been given.

Shri Ranga: My point is, how are these answers being prepared by the Secretariat for the Minister? (*Interruption*). Should it not be their prac-

tice that when an answer is being prepared to any question put in this House, it is the duty of the Secretaries concerned to look into the earlier replies given to similar questions on the same subject, because they must be having a file for them?

Mr. Speaker: I agree it should be.

श्री मधु लिमये : मेरा व्यवस्था का प्रश्न अब आयेगा ?

अध्यक्ष महोदय : व्यवस्था क्या है इस पर ?

श्री मधु लिमये : बता रहा हूँ। थोड़ी तो मेहरबानी कीजिये हमारे ऊपर। मंत्री महोदय ने कहा है कि जा पुरानी नियमावली है, वह इस वक्त ल गू नहीं है। उन्होंने कहा है कि इस लिये अब वह डीफेक्टो रेकग्नीशन के बारे में सीच रहे हैं—डीजूर रेकग्नीशन नहीं। इस से ऐसा लगता है कि डीफेक्टो रेकग्नीशन के बारे में भी कुछ नियम बने हैं, जिन में से मंत्री महोदय ने क्वोट किया है। नियम 368 इस प्रकार है :

"If a minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table."

मंत्री महोदय ने पंद्रह परसेंट सदस्यता वाल नियम पढ़ कर सुनाया है, उस को क्वोट किया है, उसका उद्धरण दिया है।

अध्यक्ष महोदय : उन्होंने क्वोट नहीं किया है।

श्री मधु लिमये : उन्होंने कहा कि यह नियम है।

Mr. Speaker: Order, order. He is not quoting from any document. He says he has this information that 15 per cent is required.

Shri S. M. Banerjee: Under what rule?

Mr. Speaker: He has said he has no rule just at present before him

which lays down that 15 per cent is required.

श्री मधु लिमये : जब नियमावली ही नहीं है, तो किस नियम के मातहत ?

Shri Radhelal Vyas: Please see the proviso to rule 368.

Mr. Speaker: Yes; what I have said comes under that proviso.

Shrimati Renu Chakravarty: The Indian Audit and Accounts Union is one of the most powerful unions in the Central Government Employees' Federation. Is it not a fact that even according to the old rules for recognition of a service association, all information relevant to such recognition including membership has already been submitted by all the unions throughout India? The only argument put forward by Government was that the association has not held its conference and elected the office-bearers who were members of that particular department. They held their conference and intimated Government the names of the new office-bearers on the 8th April and it was said that this was enough for purposes of recognition. After that also, no recognition was given. On the 1st September again it was said that recognition might have been given already. Now why is it that the Auditor General has now wanted fresh verification of the membership of all the unions which have already been recognised for a very long time? Is this not really trying to play for time, so that the promise made for de jure recognition is being withheld to this powerful union?

Shri Sachindra Chaudhuri: The hon. lady member will realise. . .

Mr. Speaker: They say that they are as good as male members and so they might be just addressed as hon. members.

Mr. Speaker: Some have taken objection to it.

Shrimati Renu Chakravarty: I take no objection to it. I only want his answer.

Shri Sachindra Chaudhuri: Through you, I wish to apologise to the hon. member. As a matter of fact she is a lady. I personally recognise her as a lady. I have always done that and I will go on doing that.

Sir, the rules of 1962 were struck down by the Supreme Court. Thereafter, regarding the question of how recognition can be given *de facto* and *de jure*, the rules are being considered by Government. I hope the rules will be finalised shortly. I am just as anxious as this House is that there should be a finality in this matter. At the same time, so far as the membership is concerned, they have a habit of changing, as all other memberships change. Therefore, we have still to be satisfied that the members are at least 15 per cent of the employees. Until 16th November, this had come in. There is a cooperation between the Auditor General's office and the employees of the union. In consequence, I hope that having regard to the wishes expressed in this House, we shall have finalisation of this matter at an early date. More than that, I cannot say anything.

Shri A. P. Sharma: Sir, up till now, according to the rules to recognise trade unions, recognition is accorded on a voluntary basis, but according to the trend of the discussion here I understand that if a union fulfils all these conditions recognition necessarily must be accorded to it. May I know whether hereafter, after fulfilling all these conditions, the voluntary nature of according recognition is also going to be changed and it is going to be said that all the unions which fulfil all these conditions must be recognised?

Shri Sachindra Chaudhuri: My hon. friend is asking me to give an assurance on a fact which I cannot possibly give because, as I have said, the rules are being looked into by the Government and as soon as the rules are finalised I shall be in a position

to give an answer. At the moment, all that I can say is that we are as equally anxious as the hon. Member and the House to have the matter finalised.

Shri A. P. Sharma: Sir, my question has not been answered. I want to know whether the voluntary nature is going to be changed into compulsion?

Shri Sachindra Chaudhuri: Until the rules are framed how can I give any answer?

Shri S. M. Banerjee: Sir, before putting my supplementary I would like to say that the paper which has been laid on the Table by the hon. Minister gives the amended rules up to 11-9-1962. The hon. Minister has then stated that in a judgment given by the Supreme Court in 1962 the recognition of these rules has been held invalid. When it has been declared invalid, it was very improper on the part of the hon. Minister to lay it on the Table knowing fully well that these rules do not apply.

I would like to know whether it is a fact that after the elections were completed this is a new point, an after-thought, of the Comptroller and Auditor-General to get the names of fifteen per cent of the names—he does not give the number—of members, and the employees' representatives are unable to give those names because they feel that victimisation will be done; if so, may I know whether any protection against victimisation will be given if they submit the names?

Shri Sachindra Chaudhuri: I do not know whether this arises out of this question. So far as impropriety is concerned, I do not know it is improper to give information to this House. I did not say these are valid. I only said that these are the old rules. Again, I have said that these have been struck down by the Court. Therefore, there is no impropriety, in my humble submission, in placing the rules on the Table. I think it is proper the House should know.

So far as the second part of the question is concerned, there is no question of there being any oblique motive in the Auditor-General's asking for the names. I have said, and I say it again, that we are as anxious, to have a representative body with whom we can deal, as my hon. friends there, and it is necessary to have the names, otherwise how can we have any identification?

Shri Sham Lal Saraf: May I know whether it is under the Trade Union Act that trade unions are being formed by civilian employees or under the law of forming associations? If it is either, is the hon. Minister aware that it will lead to a lot of confusion among the civilian employees? Otherwise, as it was said already by the then Home Minister that the Whitley Council pattern is going to be introduced for civilian employees, may I know by what time that will be ready so that there will be a uniform set of rules formulated for civil servants to form their associations?

Shri Sachindra Chaudhuri: The rules are under consideration and I cannot immediately give an answer until they are finalised.

Nagarjunasagar Dam

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*604. **Dr. M. M. Das:**

Shri Bhagwat Jha Azad:

Shri M. L. Dwivedi:

Shri S. C. Samanta:

Shri Subodh Hansda:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether the revised estimate for the Nagarjunasagar Project as submitted by the Andhra Pradesh Government has gone up from Rs. 91.12 crores to Rs. 139.53 crores;

(b) whether the amount will further increase as a result of devaluation; and

(c) if so, the reasons for such a big difference between the original and revised estimates?