

[Mr. Deputy Speaker]

Clause 126, as amended, was adopted to the Bill.

Clauses 127 and 128 were added to the Bill.

MR. DEPUTY-SPEAKER: I think we shall interrupt the proceedings on this Bill for a little while and hear the Finance Minister on the Report of the Third Pay Commission.

17.30 hrs.

STATEMENT RE: DECISION OF GOVERNMENT ON REPORT OF THIRD CENTRAL PAY COMMISSION

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN): With your permission, Sir, I rise to make a statement on the Report of the Third Central Pay Commission.

As the House is aware, the Third Central Pay Commission, which was set up in April, 1970, submitted its final report to the Government on 31st March, 1973, which has already been laid on the Table of the House. During the course of its deliberations, the Commission submitted three interim reports in September 1970, November, 1971 and September, 1972, recommending payment of interim relief to employees in the specified pay ranges. These recommendations were accepted by the Government involving an expenditure of about Rs 175 crores.

The Commission has itself estimated that the additional expenditure for implementing its recommendations, apart from the expenditure on interim relief of about Rs. 175 crores per annum, would be of the order of Rs 145 crores per annum which would increase further in subsequent years due to normal increases both in pay scales and pensionary benefits. This amount is exclusive of the expenditure which might be incurred in implementing the recommendations relating to improvement suggested by the Commission in respect of a few allowances and facilities and in extending the decisions of

Government on pay scale etc. to the employees of these autonomous bodies which are at present governed by the rules applicable to Central Government employees. If all this is taken into account, the total additional expenditure per annum is expected to be more than Rs 150 crores, and about Rs. 800/900 crores for the 5-Year Plan period.

This House had an opportunity recently to discuss the report. The representatives of Staff side made a number of suggestions when they met the Group of Ministers on the 6th July, 1973. The Group of Ministers met them again today. Since the receipt of the Report, the representatives of Class III and IV employees have been demanding that Government should take decisions on the recommendations of the Commission after discussions with the Staff side of the Joint Consultative Machinery. This request has been considered in the light of the provisions of the JCM Scheme. The interpretation of clause 20(ii) of the Scheme is that if once any particular recommendation of the Commission is re-opened or Government takes a decision even more favourable than the recommendations of the Commission, then such an issue would become referable to arbitration in the event of disagreement. The Staff side representatives, while taking note of this difficulty, have agreed that the Staff side will not insist on arbitration, if Government modifies certain recommendations in a manner more beneficial to the employees. Welcoming this positive response from the Staff side, Government has decided that such discussions should take place with the representatives of the Staff side on the points raised by them in their first meeting with the Group of Ministers before Government takes decision on the Report of the Pay Commission. Government has also accepted their suggestion that four major issues relating to minimum wage, pay fixation formula, the dearness allowance formula and date giving effect to the recommendations relating to pay and pensions should be discussed first. Government is very anxious that these dis-

cussion should start immediately and concluded without avoidable delay. We highly appreciate the spirit of understanding and cooperation shown by the representatives of the Staff side in their discussions with us on this important matter. We hope that the same spirit will prevail in future as well

17.35 hrs.

CODE OF CRIMINAL PROCEDURE
BILL—contd.

[SHRI S. A. KADER in the Chair]

Clause 129—(Dispersal of assembly by use of civil force).

SHRI DINESH JOARDER: I beg to move:

Page 42, lines 38 to 40,—

omit "or officer in charge of a police station or, in the absence of such officer in-charge, any police officer, not below the rank of a sub-inspector." (177)

Page 43, line 1,—

omit "or police officer referred to in sub-section (1)," (178)

This comes under the Chapter "Maintenance of Public Order and Tranquillity". Here, it is stated:

"(1) Any Executive Magistrate or officer incharge of a police station or, in the absence of such officer incharge, any police officer, not below the rank of a sub-inspector, may command any unlawful assembly, or any assembly or of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly."

I have put an objection to sub-clause (1) and also to sub-clause (2). What we see is that in the name of dispersing any unlawful assembly, these provisions are applied very often.

Suppose some procession of hungry millions comes in front of the Parliament House or in front of the Governor's house or somewhere else just to demonstrate their demands that they are without any food and they are hungry. Even in that case, such assemblies are declared unlawful assemblies, not to speak of trade union movements or peasant movements which I am referring to in the context of other provisions of the Bill.

In the case of such assemblies which do not go in favour of the party in power, the police officer becomes very prompt in taking action in dispersing such assemblies. Very often, they use these sort of provisions to term such assemblies as unlawful assemblies and order dispersal of assemblies.

The powers have been given to police officers also. Generally, what police officers also. Generally, what or at the time of unusual circumstances prevailing in any part of the country or in any part of the city, the Magistrates do move with the police force or with the armed force from one place to another to assess the situation prevailing at that time. So, the Magistrates do move with the police force when the occasion arises. In that case, why do you empower the police officers with these sort of powers to disperse unlawful assemblies?

Sometimes, the police officers who do not possess that much of patience or that much of sobriety or that much of respectability, to the political leaders of trade union movements or peasant movements become so much irresponsible at times. Why do you empower these police officers with such powers to disperse such assemblies which have a legitimate ground