

variations in re-insurance arrangements, I need not go into those details at the present moment as my object is only to give a general idea to this House as to the re-insurance business with which this Bill is primarily concerned.

Next I will give some idea as to the pattern of operation of re-insurance business arising out of general insurance business transacted in India. Insurance companies operating in this country place their re-insurance only to a very limited extent within the country. The bulk of re-insurance is placed with companies in foreign countries. Generally speaking, the terms which the Indian companies are able to get abroad are poor. Then also, Indian business is highly profitable business. The Indian re-insurance business or Indian insurance business is highly profitable business, whereas, generally speaking, insurance business in foreign countries is not so profitable. Therefore, even if the Indian company gets some foreign business placed with it by way of re-insurance, it is only exchanging its highly profitable Indian business for foreign business yielding less profit. This re-insurance business being placed with the foreign companies is not profitable for the Indian companies; that is to say, it is not a very good business principle to get in exchange poor business in the place of good business. The main cause for these unsatisfactory features appears to be the lack of a strong market in India which can handle reinsurance business.

This operation also leads to a loss of foreign exchange every year. Further, there is a loss of income-tax, because of a large amount of Indian insurance business being placed with the foreign reinsurance companies. We lose by way of income-tax also, because those foreign reinsurance firms make profit on the Indian business but they do not pay taxes in India since their offices are located abroad in the respective countries. Therefore, in that way, we lose income-tax on the reinsurance business that is at present being done

abroad by companies operating in India.

Mr. Speaker: How long will the hon. Minister take?

Shrimati Tarkeshwari Sinha: I shall take a little more time. If you so please, I can continue on Monday.

Mr. Speaker: Very well.

15.31 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SEVENTY-NINTH REPORT

Shri Jhulan Sinha (Siwan): I beg to move:

"That this House agrees with the Seventy-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th March, 1961."

Mr. Speaker: The question is:

"That this House agrees with the Seventy-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th March, 1961."

The motion was adopted.

RESOLUTION RE: TRADE UNION ACTIVITIES OF GOVERNMENT EMPLOYEES—Contd.

Mr. Speaker: The House will now resume further discussion of the following resolution moved by Shrimati Parvathi Krishnan on the 4th March, 1961:

"This House is of opinion that no Government employee should be penalised for trade union activities and that whenever any disciplinary action against a trade union functionary is proposed to be taken, the case should be referred to the Public Service Commission for examination and advice

[Mr. Speaker]

in the light of the Directive Principles of State Policy in the Constitution”.

Out of one and a half hours allotted for the discussion of this resolution, only 48 minutes have been taken. Shri Indrajit Gupta may continue his speech. I find he is not here.

Shri Tangamani (Madurai) rose—

Mr. Speaker: I think everything has been said about this. Why not I call upon the hon. Minister?

Shri T. B. Vittal Rao (Khammam): Please give a few minutes for us.

Mr. Speaker: Very well. Shri Tangamani.

Shri Tangamani: Mr. Speaker, Sir, the other day, while moving this resolution on the trade union activities of the Government employees, the Mover, Shrimati Parvathi Krishnan, had dealt with in great detail the history of the trade union movement and pointed out how the same facilities should be extended to the Central Government employees also. There were two amendments moved: one by Shri S. M. Banerjee and the other by Shri Indrajit Gupta. I shall refer to the amendment moved by Shri S. M. Banerjee where he has made pointed reference to the recent strike and also the situation that has arisen as a result of the withdrawal of the recognition as well as the dismissals and discharge and even demotions that have been effected against those who participated in the strike. I shall not cover the wide field which has already been traversed by hon. Members. I will bring only certain instances to show how necessary it is to take speedy action in the matter.

15.34 hrs.

[SHRI MULCHAND DUBE in the Chair]

Enough has been said about the right to strike, and we read in the newspapers this week that the Central Government employees in France went on a 24-hour strike on a certain issue. So, it is not as if the strike or the

joint action by the Central Government employees was a peculiar phenomenon for this country alone. Many hon. Members, and more particularly, Shri Indrajit Gupta, have pointed out how the strike has justified all the things that are now coming. The taxation proposals are now increasing the burden on the middle class employees and more particularly the fixed income group.

The point that has been focussed by the Central Government employees was that when the prices go up, when the cost of living index goes up, wages also go up. They wanted a proper linking of the dearness allowance to the cost of living index. That in brief was more or less the issue which is facing the entire country. I would even say that those patriotic men who focussed public attention on this action have brought forward to the country an issue which is a very real one.

Having said this, I would like to point out certain anomalies which have flown from it. As the hon. House is aware, under rule 4B, about which many things have already been said, no Government servant shall join or continue to be a member of any service association of Government servants, which has not within a period of six months from its formation obtained recognition of the Government, under the rules prescribed in that behalf, or recognition in respect of which has been refused or withdrawn by the Government under the said rules. This was the rule which was governing the Central Government employees. A case in respect of this rule was decided by the Bombay High Court, where Justice Tambe and Justice Gokhale have held that this rule is *ultra vires*. This is what they have said:

“It is difficult to assume that allowing Government servants to become members of service associations which are not recognised or whose recognition has been withdrawn by the Government would itself be prejudicial

to maintenance of discipline amongst them or their efficiency.”

They have more or less pointed out that nothing should be done to prevent the Government employees to continue in a registered trade union which may or may not have been recognised by the Government. But I find that in spite of this high court decision, there are still several cases pending against the employees under rule 4B.

I believe there was a reference made to one Mr. Venkataraman of the P. & T. Audit, Madras, who has been proceeded against under rule 4B. He has been removed and nothing has been done about it to this day. Another employee in the P. & T. Audit, Madras, is one Mr. Majid who has also been removed under the provisions of rule 4B. So, it is necessary to reinstate these people. I have given only two cases of employees who have been removed from service, and this action was taken under rule 4B. The Bombay High Court has held that rule 4B is *ultra vires* and it no longer holds. So, I trust that early action will be taken to see that those who have been removed from service or have been penalised under this rule immediately reinstated.

In particular, for the sake of emphasis, I would like to add that more than 60 employees are still under suspension or have been removed from service in the Audit and Accounts Department. When a percentage of the employees thus removed is worked out, it is seen that the number of persons removed from the Audit Department works out to a very high percentage when compared to the other departments. Maybe the Audit Department moves slowly, but it is necessary that the Government, if they are true to the declarations made on the 27th July, 1960, must see that the orders are carried out in spirit and also strictly. We have travelled many months since July, 1960. It is time that action was taken.

Another point which I would like to mention in this connection is that in the case of employees in the P. & T. the railways and other departments also, it was pointed out by some Members of Parliament, in a memorandum to the hon. Home Minister, that as many as 700 employees are under suspension or have been removed from service. It is but natural for the employees to expect that some speedy action is taken and no more month is allowed to pass.

Another point I would like to mention is the question of review of cases. We find that in the case of these who have been removed from service by the head of the department—and the head of the department will be certainly influenced by his past prejudices against a particular employee—the matter was referred to the appellate authority. In some cases, the appeal has been allowed and in some cases the appeal has been rejected. In cases where the appeal has been rejected, the next procedure that is allowed for the employee is to file a petition more in the nature of a mercy petition to the President. I believe these petitions, in the case of P. & T. employees, come to the D.G.P. & T. and the matter is referred to the UPSC. It is such a cumbersome process. Most of these petitions coming to the President are cases arising out of the participation in the strike. It is, therefore, necessary that some speedy measure is adopted. We have suggested that a review committee may be set up and a time-limit may be fixed within which all these issues will be disposed of. I hope this matter will be favourably considered.

I would like to mention a case. In the defence department, E.S.D. West Bengal, nine people were dismissed on 13-7-1960. No reasons were stated and I understand it was one Major D. K. Guha who was officiating as the O.C. who filed a complaint against them. This was before the Government had come forward with any kind of policy statement. In this House questions were asked about this particular officer

[Shri Tangamani]

and the Defence Minister stated that there were 17 or 18 charges against him, but they are not proceeding against him because of some legal advice. I think he has now been transferred to Delhi. I have no grievance against this officer, but this officer's record may be borne in mind before the services of these nine employees are summarily dispensed with.

Regarding the question of recognition, repeatedly in reply to many of our questions, we were told—I remember one occasion—on 7-12-1960 in reply to one of the supplementaries to Started Question 749, Shri G. B. Pant said:

“As I said, the matter is under consideration as to the terms and conditions that should govern recognition. All these matters will come under consideration.”

Many suggestions were made by hon. Members that there should not be any delay in restoring this recognition. At no time were we under the impression that these recognitions will go, because they were recognised trade unions, more particularly in P & T, Audit Defence and Audit department and many issues were disposed of through negotiations. Now, it will only create breach of industrial peace over even small issues. That was why it was felt that the rules and regulations for recognition would be soon formulated and circulated to Members. I would like to know at what stage it is today and whether it has reached any final stage.

Another suggestion has been made for over a year now that something like a Whitley Council is going to be formed where many departmental matters will be disposed of. That also does not seem to have seen the light of day. We would like to know from the Minister to what stage we have advanced regarding the scheme for having bodies like the Whitley Councils, because as late as 17-2-1961, we were told:

“A scheme has been worked out and a final decision is expected to be taken shortly.”

We were told in this House that there will not be any irregularities in the procedure against the employees. I believe that a representation has been made that rule 15 of the Civil Service (Classification, Control and Appeal) Rules has not been strictly followed and in some cases, even articles 311 of the Constitution has not been followed.

When the supplementary demands were being discussed, there were cases of two employees who were wrongly dismissed and Rs. 6,000 had to be appropriated. Even the hon. Speaker himself pointed out that the officer who was responsible for this loss must be proceeded against, and he must be asked to make good the amount. My submission is that Government should see that this does not continue. At least those persons who have been removed from service or who have been proceeded against may be taken back without any further delay.

Only yesterday I had occasion to refer to a certain committee which has been set up for doing justice to the work-charged employees of the CPWD. The CPWD Workers' Union has been a recognised union and a very representative union also. This union has discussed many issues with the department. When the *ad hoc* committee, formed after the Sen Committee report was published, held its deliberations, this union helped to a considerable extent. That has been accepted by the *ad hoc* committee also. After the *ad hoc* committee has given its findings, a categorisation committee has been set up. We were told on the floor of the House by Shri K. C. Reddy that there is no union for us to consult, because there is no recognised union. My request is, even though there may be delay in giving *de jure* recognition to this union, *de facto* recognition may be given, because in all these matters, even when an inquiry was held by Shri R. L. Mehta about the conduct of the strike, these trade unions, which were recognised, were asked to give evidence and make representations. Here is a

very important committee set up—the categorisation committee—because they wanted to do justice to the work-charged employees. If this committee is not having the privilege of the collective wisdom of the employees' organisation, viz., the CPWD Workers' Union, I submit that it is not doing justice either to the workers or to the people.

I would also like to know how many people had been down-graded as a result of the strike. I believe other hon. Members have referred to the number of workers who have been dismissed. Increments had been stopped in the case of more than 4000 people in the P & T alone and I understand nearly 1300 people had been down-graded. I think I will be justified in mentioning the name of one employee. There was one telephone operator in Madurai, by name Shri Kuppuswamy. This can be verified. At the time of the strike, he was officiating as monitor. It was a promotion. After the strike was over, he has not only been demoted, but he has been reduced to the lowest level. That means 13 increments have been cut. To put it in popular language, this worker who was getting Rs. 225 is now getting Rs. 110. I would like to know whether this is social justice and whether this is in conformity with the directive which was given by Pantji, when he gave us the assurance that these workers will meet with humane treatment. This may be verified. There is an employee who has suffered a cut of 13 increments and he is getting a wage which is also 50 per cent of what he was getting previously.

One more point and I will conclude. In the case of defence, it is well known that the Ishapur workers are doing a lot for the Ministry. The Ishapur Masdur Union is known for the most concrete suggestions rendered to the Ministry, which has been recognized also. On 5-2-1961, Shri Uma Lal Singh, who is the President of the Union, was presented with two

letters. The first letter said "we congratulate you for the valuable service that you have done to us, the valuable suggestions you have given to us. It is you and your life that made what Ishapur is today". On the same day, another letter was received by him, saying "your services are hereby dispensed with". This is the sort of thing that is happening now. A union which has been working for the expansion of the defence industries, a union which has given many concrete suggestions for the development of those industries, a union whose services have been acknowledged by Government themselves, the very President of that union receives such a letter as I have referred to above.

So, once again, to sum up, I would like to know at what stage is the assurance given by the hon. Pantji about the treatment of these employees. I would also like to know whether the Government is in a mood to accept the proposal of many of the trade unions for quickly disposing of the cases of those employees whose appeals have been rejected and who have come forward with petitions here. I would like to know by what time the employees in the audit department can get justice.

Here I would like to mention one incident which has created such a stir in Madras. There was one employee in Postal Audit, Madras, who was one of those who went on strike. Soon after the strike was withdrawn, he had an attack of typhoid. This poor man could not avail himself of the leave and so he had to return for duty. He was given such a job where he had to climb up and down and he used to complain—that is how it is reported in the papers—of severe pain. He was even complaining to his people that this particular officer is out to kill him. One day he collapsed and died. A very serious situation would have arisen there had not responsible people intervened at that moment. His name is Subbarayan. This case may be looked into. The hon. Minister must look into why he was not

[Shri Tangamani]

given his leave or why he did not avail himself of the leave. If the officer had not given him this leave knowing full well that this particular employee had suffered from this attack of typhoid, then something must be done to that officer. We have written to the concerned head of the department but I am not satisfied with that and that is why I am raising it here. There was an editorial in one of the papers demanding that this is a case where the officer concerned must be arraigned for murder. Leave alone the question of strike, humane treatment was necessary. I would like to know whether at the time of his death he was given a type of work which was different from the type of work which he was doing before his participation in the strike—that will indicate whether there was any kind of motive on the part of the officer concerned—whether he was forced to do this work in spite of the fact that he demanded that he must go on leave and whether that has contributed in any way towards his premature death. These are questions which are very much agitating the minds of millions of employees and most of the people in Tamilnad. Several editorials have been written on many papers on this subject. A Tamil weekly called *Kalki*, which is supposed to represent the views of Shri Rajagopalachari, has referred to this incident. I would not like to mention the names of the papers, but the general feeling is that this is a matter worth looking into this matter should be looked into so that those employees who, have been doing the patriotic job of focussing public attention to the burning issues should not be penalised in the way they have been done.

Shri T. B. Vittal Rao (Khammam): In supporting this Resolution, I wish to point out that we are not demanding much more than what is being given to the ordinary industrial workers who are governed by the Industrial Disputes Act. There is a section in the Act which safeguards the services of a trade union functionary.

under that section, nobody can easily dismiss or take any disciplinary action against a trade union functionary or office-bearer of a trade union. By this Resolution we are only asking the Government to extend it, in the sense of giving this facility that whenever any disciplinary action is being taken against any employee, who is a trade union functionary, for his legitimate trade union activities, such an action should be referred to the Union Public Service Commission, and the Government, after getting the advice of the UPSC, act accordingly. This is very necessary especially since what has happened after the July 1960 strike to the Central Government employees.

Here I may mention one or two facts very briefly. In Lalguda we went to represent the case of certain railway employees in the workshop. We met the works manager and requested him to consider the case of those workers of the railway workshop sympathetically and take them back on duty, as some of them have been suspended and others dismissed. But the works manager, in stead of giving us a satisfactory reply, said that these trade union functionaries and office-bearer have refused to allow certain workers to appear for periodical medical examination. Those workers were employed in the white metal section. I do not agree with the stand taken by the trade union there. But, at the same time, I do not agree with the view of the works manager. You cannot take into account their past conduct and punish them now, because now you have got an opportunity. He could have said that he cannot reinstate them or he would not revise his decision to dismiss them. But he started calling the trade union workers *goondas*. This is the attitude of certain railway officers and every worker has to be protected against such arrogant officers who are going to deprive the worker of his bread. Therefore, we suggest that all cases of disciplinary action should be referred to the Union Public Service

Commission, if the trade union functionaries are involved in such cases, because trade unions have been recognised.

I happened to take part in the evolving of the labour policy for the Second and Third Five Year Plans. It has been recognized on all sides, whether employers, Government or workers' representatives, that trade union is very essential. It is recognized also that trade union is not only essential for improving and creating better conditions for the workers but also for increasing production and for improving the efficiency, in whichever department they serve. When we recognize the existence of trade unions, why should we not give some sort of protection for these employees. That is what we demand. There are civil employees association in every country. The International Labour Organisation organises an industrial committee with regular meetings once in two or three years, wherein the representatives of Government as well as civil servants meet and discuss. By this Resolution we are not asking for anything more than this privilege which is given to ICS officers and other gazetted officers. Every case of disciplinary action against any gazetted officer is referred to the Union Public Commission.

16.00 hrs.

I know of a case, which I have been agitating in this House, in which the highest railway officers were involved. It was a case of corruption involving Rs. 20 lakhs. That case went on for three to four years. During this three or four years' time they were under suspension and were getting subsistence allowance which was a very huge amount. It was a good amount. First an enquiry committee was appointed which said the amount was Rs. 20 lakhs. Then another enquiry put it at Rs. 13 lakhs. Then the Auditor-General came into the picture and he put it at Rs. 6½ lakhs. For such a big case of this type of corrup-

tion those officers continued to draw the allowance from the Government for nearly three to four years. Finally, it was sent to the Union Public Service Commission. The Union Public Service Commission also took a considerable amount of time in arriving at a decision and in sending their advice to the Government.

By this Resolution we are asking nothing more than certain facilities which are enjoyed by the industrial workers under the Industrial Disputes Act and by the gazetted officers. Just now we had a big sermon on the democratic process. If the Government really professes to be democratic, it should accept this simple Resolution which has been moved by my hon. colleague, Shrimati Parvathi Krishnan.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Mr. Chairman, Sir, the hon. Mover of the Resolution, I had thought, had brought it forward for the purpose of getting this House to recognise certain principles. But in the course of discussion that generally followed you must have seen that the debate mainly centred round the unfortunate strike of July, 1960. A number of cases were quoted according to the information that hon. Members had and certain statements were based mostly thereupon. I would, therefore, have to deal first with the merits or otherwise of this Resolution. Then, I will also place before this hon. House certain figures which are eloquent in their nature and which would show that in spite of this unfortunate step that was taken by certain Government employees, the Government have taken, what can be called, a liberal attitude towards these people.

Taking the first point first, in this Resolution two points have been made out. One is that no Government employee should be penalised for trade union activities. So far as trade union activities are concerned, my hon. friend has proceeded on the

[Shri Datar]

footing that all the Government servants are trade union employees. That is an entirely inaccurate statement to make. That is a point which has to be duly noted by the hon. sponsor of this Resolution and by the supporters thereof.

Under the Government, may I point out in a broad way there are two categories of Government servants—one the non-industrial employees and the other the industrial employees in respect of whom we have got either a Central Trade Union Act or similar measures and rules thereupon. So far as the latter class is concerned, you are aware that they are governed to the extent that is necessary by the Trade Union Act. That allows them to carry on to a legitimate extent the trade union activities in respect of the industrial undertakings, as I have pointed out.

My hon. friend has proceeded on the assumption that all Government employees ought to be treated as trade unionists. That, if I may point out, is the first mistake or inaccuracy that arises in connection with this Resolution. So far as the industrial employees are concerned, they have got certain rights. They are governed by certain obligations also. But all the same to the extent that the Trade Union Act, applies to them, they have got certain special rights. All these rights are duly safeguarded. When their action is far from right and when their action amounts to misconduct, a certain procedure has to be gone through before they can be punished.

The second category is what is known as the civilian employees under the Government of India. The Government of India, as you are aware, has a number of such people. Their number is fairly large. So far as these employees, that is, the non-industrial employees, are concerned, they are mainly governed by what is known as the Central Services Conduct Rules. Then we have got the rules regarding appeal, classification

etc. In such cases what has been allowed under the Trade Union Act cannot be allowed because so far as these Government employees are concerned, they are academically or intellectually of a better class except perhaps the Class IV employees. They are also entitled to form certain associations subject to certain restrictions. I would subsequently deal with the point that my hon. friend, Shri Tangamani, had raised about the recognition of such associations. Here I am merely pointing out that most of the Government servants, though in their cases also there are certain exceptions recognised by Government, subject to those exceptions are governed by the Central Services Conduct Rules and they are bound to follow these rules. Their conduct has to be according to these rules and whenever they contravene any of these rules, certain punishments are prescribed under these rules. It is not that there has to be a uniform treatment. It depends upon the magnitude or otherwise of the particular piece of misconduct that the servant commits. Then a procedure has to be followed specially when severe punishments are to be given. Then two things are done. Firstly, an enquiry is duly gone into. An enquiry officer is appointed. As you are aware, under the Constitution notice has to be given to him. His explanation or his objections, or whatever they are, are to be fully gone into and then a further opportunity is given if it is found that a punishment has to be meted out to him. It is only in certain cases that the matter has to go to the UPSC.

I would invite the attention of hon. Members to the rules that have been made in this respect so far as the UPSC are concerned. I am, therefore, requesting hon. Members to consider the relevant provisions of the Constitution. Thereafter, the Central Civil Service Conduct apply to certain categories of Government employees and have been accepted therefrom. Then we have got what is known as a special notification dealing with the

UPSC. (Exemption from Constitution) Regulations. Therein, with the consent of the UPSC certain regulations were framed and were placed before both the Houses of Parliament. These rules have the force of law. I would invite the attention of the hon. Member to rule 5 which points out how it shall not be necessary to consult the Commission in regard to certain points. Last time certain hon. Members had made a reference to what are known as the Safeguarding of the National Security Rules of 1953. They are of a very important nature so far as the conduct of Government officers is concerned. And the question is taken into account to the extent that it contravenes what is known as the national security of India. Such cases are not many, but when they arise a procedure has been laid down for the same. That procedure has to be followed. And then all that there is is that he is compulsorily retired. Though he gets the retirement benefits, still in the interests of the security of the nation it becomes absolutely essential that he ought to be compulsorily retired from government service. That is the punishment that is awarded to him. Such cases are reported, may I point out to the hon. Members of the House, in the annual report of the Home Ministry. And their number is not very large.

Therefore, if these principles are duly taken into account we shall come to the conclusion that every employee under the Government, either in an industrial concern or in a non-industrial concern, cannot necessarily be considered as participating in trade union activities. A government servant cannot necessarily be called a person participating in trade union activities. There ought to be a trade, there ought to be industrial labour, there ought to be a union of such industrial labour. Not all civil employees therefore can be governed by this.

Shri Tangamani: They may be government servants' associations, but those associations formed by employees are known as trade unions.

Shri S. M. Banerjee: The hon. Minister stated just now that if anybody is employed in a particular industry, if he is an industrial employee and if they have formed themselves into a trade union, he will have the benefit of such orders. Am I to understand from the statement that those who might have taken part in a strike, which is a trade union activity according to us, will not be discharged from work without those rules being applied, and if there are any cases where those rules have not been applied, will they be reconsidered?

Shri Datar: So far as this question is concerned, the reply is very simple. Whenever there are employees who can be said to be carrying on trade union activities, if they commit certain breaches of the rules, either under the Trade Union Act or to the extent that it is possible under the Government Servants' Conduct Rules, a certain procedure is followed even with regard to them. And it is not that in every case the matter can be referred to the the U.P.S.C.

Therefore, there is a fallacy, a double fallacy underlying this particular resolution. First, they proceed on the footing that all government employees, civilian or otherwise in any department, even apart from industrial undertakings, are to be considered as members who carry on trade union activities or can form what is known as a trade unions. That is entirely wrong. And when, for example, there are, as I stated, certain associations formed so far as the civil employees are concerned—there also the right of organisation is not necessarily taken out, the right is there—but they are governed by certain rules. Therefore, this clear categorisation of the two types of government servants should be understood.

Whenever there is any misconduct, alleged misconduct, on the part of the government servant, an enquiry is made, and it is only after an enquiry that in certain cases the matter can be considered or referred to the U.P.S.C. Because, as I have stated, we

[Shri Datar]

have got rules under which the U.P.S.C.'s advice has to be dispensed with. This is so far as the merits or otherwise of the resolution are concerned.

Now, I would point out that most of the hon. Members spent more time on dealing with what they called the acts of omission or commission on the part of the Government. In this respect I would submit that though the strike, as it was always pointed out, was highly unwise and unfortunate, still Government have taken a liberal view. ¶

16:15 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

May I also assure the hon. Members that the assurance that was given by the then Home Minister, Pantji, has been fully implemented by the Departments concerned?

It is true, on the one hand, certain hon. Members have given us certain cases, according to the information that they had. Now, it is quite likely that this information may be one-sided. But I am not going to pre-judge the matter at all, and I would have an enquiry made so far as all those allegations are concerned. That will satisfy my hon. friends. The various Departments or Ministries concerned will certainly look into the complaints or grievances that the hon. Members have made, because it is our desire that there ought to be no grievances to the extent that it is possible. To the extent that they are legitimate, they ought to be made.

After dealing with this, I shall come to what was treated by most of the hon. Members as the main point, on which attention was riveted. I would give certain figures to this House. Some of them have already been supplied to hon. Members. When the strike was gone through, when it was a short-lived strike, during that period, according to the hon. Members also, the highest number of government employees that took part in the

strike, directly or indirectly, either by abatement or by actual participation, did not exceed 4 lakhs. This is the figure that the hon. Members have given. Taking that as the basis, may I point out what the Government did and how the Government have always acted liberally so far as these defaulting members of the government service were concerned?

Now, what was done after the strike came to an abrupt end was that Government did two things. The Central Government took departmental action. In respect of the various Central employees in the various States, there, prosecutions also were launched by the State Governments under the provisions of certain penal laws.

I would first deal with the question of departmental proceedings. So far as these departmental proceedings are concerned, hon. Members might kindly note the figures and how we have erred, if at all we have erred, on the side not of excessive action but, I might say, of meagre action. Out of 4 lakhs of persons who had acted wrongly, proceedings were initially instituted against 45,000 persons only. That number should be noted. That means about one-eighth. Of the person who at least *prima facie* were liable for certain action under the Government rules, action was taken only in respect of 45,945 persons. Even here, in certain cases only minor punishments have been given. It depends, as I stated, on the magnitude or the smallness of the offence concerned. With regard to about half this number the matter was finished at a very early stage, and in those cases there was no question of demotion as such. What was done was, either a censure was administered to them or certain increments were stopped.

My hon. friend Shri Tangamani has quoted a particular case which, certainly, I shall look into. But, I cannot believe,—of course, I speak subject to correction—that 13 or 14 increments were not only stopped, but they

were stopped retrospectively. That is what the hon. Member's contention comes to. I cannot believe it. All the same, he has also given the name and we shall look into the matter. Out of those persons, about 27,098 had been placed under suspension; not all the 45,000, but 27,098 persons had been placed under suspension after the strike. This order was taken back and a very large number of them were actually reinstated in service. Today, orders of suspension remain only against 261 persons out of 27,098. You will please understand that today, suspension remains operative only against 261 because proceedings might have been pending against them. The number of persons who have been reinstated apart from those who were not thrown out of employment and who only got minor punishments, comes to 28,837. This figure may kindly be noted. Suspension was against 27,000 and odd. Out of them, 28,837 were actually reinstated in service. These figures are extremely eloquent.

The next item is dismissals or removal from service. Under the Government Servants Conduct Rules, for gross offence or gross misconduct, he has to be dismissed from service. But, when there are certain circumstances where the actual taint of dismissal should not be applied to him, he should be removed from service. Between the two, this is a lower type of punishment.....

An Hon. Member: Milder.

Shri Datar: A milder type of punishment.

Shri N. R. Muniswamy (Vellore): May I submit, Sir, this is going on taking the time: the other one has to be taken up.

Mr. Deputy-Speaker: He is giving the reply. How can I cut it?

Shri Datar: I have to give my reply.

Some Hon. Members: This is a very important matter.

Shri Datar: These figures are very necessary, because there were certain statements which are of an astounding nature. Therefore, I am entitled to have on record the Government side also, though I shall be as brief as possible.

The total number of dismissals and removals was 2065. Out of them, 1836 have been reinstated in service. Today, the order of dismissal or removal remains in the case of 229. This is so far as permanent government servants are concerned. So far as temporary employees are concerned, I would point out, they were discharged from service because it was found that their action was rather far from satisfactory. Therefore, 2137 temporary employees had been discharged. But, 2011 have been already taken in service back. The order of discharge in respect of temporary employees remain only at the modest figure of 126.

So far as actual departmental proceedings now pending are concerned, they are against 321. Out of them, 43 cases are either under police investigation or before the court. As regards compulsory retirement, I may point out to hon. Members that there were only 24 cases: not more. Therefore, the number would appear to be extremely small. Certain action was taken in respect of prosecution. Even in respect of them, I shall give these figures. The total number of government employees prosecuted was 11,876 and convictions were had in the case of 1560. A large number of prosecutions were either withdrawn by the Government or after that particular order has lapsed, these prosecutions also were allowed to lapse. Thus, you will find that actually, at present, the cases pending now in the courts are only 53. We started with a four digit figure or five digit figure. Now, it is hardly a two digit figure. Therefore, hon. Members will understand that the Government have taken an extremely liberal if not a mild view, or an excessively mild view of the action that was unfortunately resorted to by certain misguided employees.

[Shri Datar]

I would point out that the object was that to that extent the Government took the view that most of these people had been misguided, and therefore, the Government desired that these people should be treated with a certain amount of generosity.

The last question that my hon. friend had asked was about certain Service associations. It is true that recognition was withdrawn in the case of certain services. But, their number is hardly about 25 per cent. of the whole. In these cases also, certain action or misguided action had been taken or had been threatened to be taken by these associations. The Government were considering that. Since we received the report of the Central Pay Commission, the Government have been considering the positive side also, the question of bringing in the employees and the heads of departments or higher officers together. My hon. friend rightly made a reference to the institution of Whitley Councils. The Government have been considering that question. The matter is nearing finalisation. I am confident that on the one hand, the Government are anxious that whenever there is misconduct, there ought to be punishment commensurate with the enormity or otherwise of the crime and on the other hand, the Government are anxious to have as large a measure of contentment and satisfaction in the minds of their employees, because they have to carry on a very great and important work. That is the reason. I cannot, at this stage, give out what we are considering so far as these institutions similar to Whitley Councils are concerned. The Indian conditions have to be taken into account. I am sure, when the scheme will be before Parliament, you will find that full attention has been given also to the positive side of having an opportunity or a forum for those government servants who have a grievance or, may I say, who feel that they have a grievance, so that all these questions can be decided by sitting at the

table or by sitting through councils at various levels. I am confident that these positive measures, these constructive measures will bring the government employees and the Government together and we shall have their services completely voluntary, enthusiastic service, for the development of this nation.

Shri Narasimhan: Will it come this session?

Shri Datar: I cannot, at this stage, promise anything.

Mr. Deputy-Speaker: The Mover is not here to reply. I will first put to the House the amendment of Shri S. M. Banerjee.

The amendment was put and negatived.

Mr. Deputy-Speaker: There is another amendment by Shri Indrajit Gupta: I shall now put it to the House.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

"This House is of opinion that no Government employee should be penalised for trade union activities and that whenever any disciplinary action against a trade union functionary is proposed to be taken, the case should be referred to the Public Service Commission for examination and advice in the light of the Directive Principles of State Policy in the Constitution."

The Resolution was negatived.