

SHRI D. P. DHAR: The planning process in this country after independence was initiated under the leadership and guidance of Pandit Nehru. Naturally, whatever was considered valuable or of use to our present conditions was adapted from the earlier report, which had been published as a result of the deliberations of the sub-committee appointed by the Indian National Congress.

Employment for "Sons of the Soil"

†*433 **SHRI PRABODH CHANDRA:**
SHRI SHRIKRISHNA
AGRAWAL:

Will the **PRIME MINISTER** be pleased to state.

(a) the States which have restricted the employment opportunities only to the "sons of the soil";

(b) the reaction of the Central Government, and

(c) what steps Central Government propose to take in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): (a) to (c). A statement is laid on the Table of the House.

Statement

Article 16(1) of the Constitution prohibits discrimination in matters relating to employment or appointment to an office under the State. However, Article 16(3) enables Parliament to make any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within a State or Union Territory, any requirement as to residence within that State or Union Territory prior to such employment or appointment. Under Article 35(a) (i) of the Constitution only Parliament has the power to make laws under Article 16(3). The Public Employment (Requirement as to Residence) Act, 1957 was enacted by the

Parliament repealing all laws in force in the States and Union Territories with regard to requirements to residence for purposes of any employment or appointment under the State or under any local or other authority, but Section 3 of the Act empowered the Central Government to make rules prescribing requirements as to residence within the Telengana area of Andhra Pradesh and the erstwhile Union Territories of Himachal Pradesh, Manipur, and Tripura for appointments in subordinate services or posts under the control of the State Government/Administration or to any service or post under a local authority in those areas. The Supreme Court has, however, decided that the provisions of the Public Employment (Requirement as to Residence) Act are *ultra vires* the Constitution in so far as they relate to the Telengana area. Thus, the aforesaid exceptions contained in Section 3 of the Public Employment (Requirement as to Residence) Act, 1957 now apply only to the areas of Himachal Pradesh, Manipur and Tripura and by virtue of the Amendment Act of 1969, these exceptions will continue to be in force upto 20th March, 1974. In view of the position explained above, there is no question of any State Government other than those of Himachal Pradesh, Manipur and Tripura restricting employment opportunities in posts/services under them only to local residents. However, normally vacancies in subordinate Non-gazetted posts in offices/establishments under a Government are filled through the Employment Exchanges and these vacancies are notified to the local Employment Exchange which sponsors suitable candidates out of those registered with it.

SHRI PRABODH CHANDRA: What steps have the government taken, or propose to take, to curb the tendencies of provincialism which go contrary to the integration process?

SHRI RAM NIWAS MIRDHA: The hon. Member has asked a wide and general question. I have given the constitutional position, so far as restriction on public employment are concerned. We do hope that constitutional position is

being enforced by all the State Governments.

SHRI PRABODH CHANDRA: From the government departments the malady has gone deep into the private enterprise also. The Government of Bihar have given a sort of ultimatum to the Tatas that most of the labour employed in their mills should be from Bihar and not from any other State. As a result of that, many Punjabis who were considered very useful are being eliminated from those establishments.

SHRI RAM NIWAS MIRDHA: Government is not aware of any order issued by either Bihar or any other government in this respect. If the hon. Member brings it to the notice of the government, we will take it up with the State Government concerned.

SHRI PRABODH CHANDRA: May I know whether there are tendencies towards provincialism in the government departments and big industries located in certain States?

SHRI RAM NIWAS MIRDHA: This is again repeating the first question.

SHRI PRABODH CHANDRA: Sir, may I seek your protection?

MR. SPEAKER: I gave it once.

SHRI PRABODH CHANDRA: I do not want to put another question. A reply has not come to my earlier question. Does he feel that all is well in all the States so far as employment of people coming from other States is concerned?

MR. SPEAKER: That is too wide a question which he can ask at some other time.

SHRI R. BALAKRISHNA PILLAI: May I know whether the Government of India have received any complaint to the effect that the employment exchanges controlled by the State Governments have even received instructions not to register the names

of candidates coming from other States for employment? Has such a complaint come to the Central Government?

SHRI RAM NIWAS MIRDHA: The employment exchanges are dealt with by the Ministry of Labour. I do not know whether any such complaint has been received by them that people who live in that area can get themselves registered in the employment exchanges.

SHRI R. S. PANDEY: The term "sons of the soil" should be applicable to every citizen of this country. Is it a fact that the slogan "sons of the soil" is being used by local organisation like the Shiv Sena to restrict employment to only those who belong to the local area?

MR. SPEAKER: Has the Minister followed the question?

SHRI R. S. PANDEY: I will repeat it.

MR. SPEAKER: Let him have more time to think over it. I will come back to him again

SHRI INDRAJIT GUPTA: Just now I understood the Minister to say in reply to Shri Prabodh Chandra's question that government is not aware of any specific directive or decision by the Government of Bihar to the effect which he had indicated. May I know from him whether they are unaware of the fact that two or three months ago Shri Kedar Nath Pandey, the Chief Minister of Bihar, made a public speech in West Bengal, in Asansol, which appeared in all the papers, in which he told the audience that in Bihar "we have seen to it, or we are going to see to it that 90 per cent of the Jobs are reserved only for Biharis" and, as a consequence of that, the Chief Minister of West Bengal also had some discussions with Shri Pandey? I do not know what the outcome of that was. If the other State Governments are tempted to follow the example of Shri Kedar Pandey, I would like to know from him what would become of the integration of the country.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS, MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF SPACE (SHRIMATI INDIRA GANDHI): This is a matter in which one has to have a certain balance. While we stand for the principle that any Indian should be able to work in any part of India, at the same time, it is true that if a large number of people come from outside to seek employment in an area while there is unemployment among the local people there; that is bound to create tension in that area. Therefore, while I do not like the idea of having any such rule, one has to have some balance and see that the local people are not deprived of employment.

SHRI INDRAJIT GUPTA: My State is the worst affected. But we do not go about saying—we have never said it—that 90 per cent of the jobs should go only to Bengal.

PROF. MADHU DANDAVATE: Fortunately we have the unusual presence of the Prime Minister in the House. Therefore, I would like to ask a question. Is it true that in one of the meetings of the National Integration Council, held at Varanasi, presided over by the Prime Minister, Shrimati Indira Gandhi, the consensus was that as far as unskilled jobs are concerned not technical and other job where expertise is needed—the local population should get priority in the matter of jobs, and Shri Jayaprakash Narain welcomed this attitude that the Prime Minister took in the National Integration Council meeting?

SHRIMATI INDIRA GANDHI: I have already expressed my views on this. If the local people remain unemployed and people from other areas come for employment, that creates tension. Therefore, one should try to avoid it. But this does not mean that a person residing in some area should be discriminated against merely because his ancestors do not belong to that State. That would be unfair. If

somebody is living in that area, he should not be discriminated against. This applies to unskilled labour.

PROF. MADHU DANDAVATE: I do not want discrimination.

MR. SPEAKER: No arguments during question hour.

PROF. MADHU DANDAVATE: I want only clarification.

MR. SPEAKER: The Prime Minister has made the position very clear.

SHRI S. M. BANERJEE: I have been elected from Kanpur.

SHRIMATI INDIRA GANDHI: Mr. Banerjee is an example.

SHRI K. C. PANT: Unskilled job!

SHRI B. K. DASCHOWDHURY: It is highly appreciated that the hon. Prime Minister and the Government have come to the realisation that this tendency of "Sons of the Soil" has been creating problems. I would request the hon. Minister also to consider that the theory behind "Sons of the Soil" has been creating such disturbances as to make the persons indigenous and non-indigenous. Even the persons who are living in a particular part of the country are not being regarded as indigenous persons or regarded otherwise, as outsiders. In view of this, may I request the Government to re-appraise the whole situation taking into consideration that in the matter of employment, there should not be any tension in a particular locality and that the whole situation should be re-appraised so that it may not go against the spirit of the Constitution?

MR. SPEAKER: Should I take it as a suggestion for action? It is a suggestion for action

श्री अटल बिहारी वाजपेयी : ग्रामी प्रधान मंत्री जी ने कहा है कि इस मामले में हमें एक संतुलन बनाये रखना होगा। यह बात ठीक है, लेकिन वह संतुलन क्या होगा ?

क्या सरकार ने इस बारे में विचार किया है कि जब संतुलन बिगड़ जाता है, तभी गड़बड़ पैदा होती है ?

प्रभ्यक्त महोदय : संतुलन सभी का बिगड़ा हुआ है ।

श्री अटल बिहारी वाजपेयी : यह कहना काफी नहीं है कि बैलंस होना चाहिए । वह बैलंस क्या होगा ? क्या सरकार ने इस बारे में गहराई से विचार किया है ।

SHRI N. K. P. SALVE : About unskilled jobs, there is a Government directive in regard to public undertakings that "Sons of the Soil", as the term is commonly understood, should be given preference. In view of the fact that the Prime Minister has admitted that this creates tension, would the Government give clear directions in which the criteria might be given as to who would be considered "Sons of the Soil", someone living there for 10 or 15 or 20 years, so that at least one of the major causes of tension would be removed?

SHRI RAM NIWAS MIRDHA : As regards public undertakings, while the higher posts are to be filled on an all-India basis, the posts carrying basic salary of less than Rs. 500 are to be filled through local employment exchanges. So, there is no question of any definition of "Sons of the Soil". The people who are registered in the employment exchanges will be considered for the posts.

SHRI PILOO MODY : I think, a great deal of difficulty that has arisen on this problem arises out of the prevarication that takes place on a subject like this. Either we take the attitude that anybody has the right to work anywhere in this country and thereafter do not deviate from it at all or do not take that attitude. Instead we have been pandering on occasions when any trouble arises in a particular place and we make special provisions and find some special definitions, including what happened in the National Integration

Council at Srinagar. Therefore, I would like to ask the Government: Why does it not make up its mind once and for all that we cannot strike a balance, and maintain it? Everytime we talk in terms of balance, we are just postponing the problem for some time. Will the Government come out categorically that henceforward the Government will take no notice of this, or otherwise let them set down very specific criteria as to who is what and how jobs are to be given and not given?

SHRI RAM NIWAS MIRDHA : The Government has issued specific orders of the type I mentioned regarding public undertakings. Similarly, the Railway Public Service Commissions on a regional basis, select the candidates. The people who are registered in the local employment exchanges are given priority there.

MR. SPEAKER : So many supplementaries have been asked on it. Next Question

दिल्ली में टेलीफोन उपभोक्ताओं की ओर बकाया राशि

* 436. **श्री महावीर सिंह शाक्य :**
श्री नवल किशोर शर्मा :

क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) मार्च, 1972 से अब तक दिल्ली में टेलीफोन उपभोक्ताओं की ओर से कुल कितनी राशि बकाया है; और

(ख) इस के क्या कारण हैं तथा इस सम्बन्ध में सरकार ने क्या कदम उठाए हैं ?

संचार मंत्री (श्री हेमचलानन्दन बहुगुणा) : (क) और (ख). एक विवरण पत्र सभा पटल पर रखा जाता है ।