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**Thursday, May 20, 1976
Vaisakha 30, 1898 (Saka)**

LOK SABHA DEBATES

**Sixteenth Session
(Fifth Lok Sabha)**



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

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LOK SABHA DEBATES

I

LOK SABHA

Thursday, May 20, 1976/Vaisakha 30,
1898 (Saka)

The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER in the Chair]

PAPERS LAID ON THE TABLE

NAGALAND EVICTION OF PERSONS IN
UNAUTHORISED OCCUPATION OF PUBLIC
LAND (AMENDMENT) ACT, 1976

THE MINISTER OF STATE IN THE
MINISTRY OF WORKS AND HOUS-
ING (SHRI H. K. L. BHAGAT): I
beg to lay on the Table a copy of the
Nagaland Eviction of Persons in Un-
authorised Occupation of Public Land
(Amendment) Act, 1976 (Hindi and
English versions) (President's Act,
No. 1 of 1976) published in Gazette
of India dated the 5th March, 1976,
under sub-section (3) of section 3 of
the Nagaland State Legislature
(Delegation of Powers) Act, 1975.
[Placed in Library. See No. LT-
10878/76].

CENTRAL EXCISE (14TH AMDT.) RULES,
1976

THE MINISTER OF STATE IN-
CHARGE OF THE DEPARTMENT
OF REVENUE AND BANKING
(SHRI PRANAB KUMAR MUKHER-
JEE): I beg to lay on the Table a
copy of the Central Excise (Four-
teenth Amendment) Rules, 1976
(Hindi and English versions) pub-
lished in Notification No. G.S.R. 658
in Gazette of India dated the 8th
219 LS-1

2

May, 1976, under section 38 of the
Central Excises and Salt Act, 1944.
[Placed in Library. See No. LT-
10879/76].

REVIEW AND ANNUAL REPORT OF
HINDUSTAN SHIPYARD LTD., VISAKHA-
PATNAM, FOR 1974-75 AND ANNUAL
ACCOUNTS OF MORMUGAO AND CAL-
CUTTA PORT TRUSTS FOR 1974-75 AND
1973-74 RESPECTIVELY

THE MINISTER OF STATE IN THE
MINISTRY OF SHIPPING AND
TRANSPORT (SHRI H. M. TRI-
VEDI): I beg to lay on the Table—

(1) A copy each of the following
papers (Hindi and English ver-
sions) under sub-section (1) of
section 619A of the Companies Act,
1956:—

(i) Review by the Govern-
ment on the working of the
Hindustan Shipyards Limited,
Visakhapatnam, for the year
1974-75.

(ii) Annual Report of the
Hindustan Shipyards Limited,
Visakhapatnam, for the year
1974-75 along with the Audited
Accounts and the comments of
the Comptroller and Auditor
General thereon. [Placed in
Library. See. No. LT-10880/76].

(2) A copy each of the following
papers (Hindi and English ver-
sions) under sub-section (2) of
section 103 of the Major Port Trusts
Act, 1963:—

(i) Annual Accounts of the
Mormugao Port Trust for the
year 1974-75 and the Audit Re-
port thereon. [Placed in
Library. See No. LT-10881/76].

[Shri H. M. Trivedi]

(ii) Annual Accounts of the Calcutta Port Trust for the year 1973-74 and the Audit Report thereon. [Placed in Library. See No. LT-10882/76].

ACCOUNTS OF AIIMS, NEW DELHI FOR 1971-72 AND 1972-73, STATEMENTS AND CIGARETTES (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) RULES, 1976

स्वास्थ्य और परिवार नियोजन मंत्रालय में राष्‍ट्र मंत्री (बोधरी राम सेवक) अध्यक्ष महोदय, मैं श्री ए. के. एम. इसहाक की तरफ से निम्न लिखित पत्र सभा पटल पर रखता हूँ :

(1) अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 की धारा 18 की उपधारा (4) के अन्तर्गत निम्न-लिखित दस्तावेजों (हिन्दी तथा अंग्रेजी संस्करण) की एक एक प्रति—

(एक) अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली, के वर्ष 1971-72 के प्रमाणित वार्षिक लेखे ।

(दो) अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली के वर्ष 1972-73 के प्रमाणित वार्षिक लेखे ।

(2) उपर्युक्त दस्तावेजों को सभा पटल पर रखने में हुए विलम्ब के कारण बताने वाले दो विवरण (हिन्दी और अंग्रेजी संस्करण) ।

[Placed in Library. See No. LT-10883/76].

(3) सिगरेट (उत्पादन , सप्लाई तथा वितरण विनियमन) अधिनियम, 1975 की धारा 21 की उपधारा (3) के अन्तर्गत सिगरेट (उत्पादन, सप्लाई

तथा वितरण विनियमन) नियम, 1976 (हिन्दी तथा अंग्रेजी संस्करण) की एक प्रति, जो दिनांक 31 मार्च, 1976 के भारत के राजपत्र में अधिसूचना संख्या सा. सां. नि. 266 (इ.) में प्रकाशित हुए थे ।

[Placed in Library. See No. LT-10885/76].

NOTIFICATION UNDER ESSENTIAL COMMODITIES ACT, 1955

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI VISHWANATH PRATAP SINGH): I beg to lay on the Table a copy of Notification No. S.O. 1374 (Hindi and English versions) published in Gazette of India dated the 17th April, 1976 rescinding the Viscose Staple Fibre Distribution Order, 1972, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-10885/76].

ANNUAL REPORT OF CENTRAL INSTITUTE OF ENGLISH AND FOREIGN LANGUAGES, HYDERABAD FOR 1974-75

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV): I beg o lay on the Table—

(1) A copy of the Annual Report (Hindi and English versions) of the Central Institute of English and Foreign Languages, Hyderabad, for the year 1974-75 along with the Audited Accounts.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above document. [Placed in Library. See No. LT-10886/76].

11.01 hrs.

**CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE**

**REPORTED DAMAGE TO FOODGRAINS IN
COASTAL DISTRICTS OF ANDHRA
PRADESH**

SHRI K. SURYANARAYANA
(Eluru): I call the attention of the Minister of Agriculture and Irrigation to the following matter of urgent public importance and I request that he may make a statement thereon:

"Reported damage to several thousands of metric tonnes of rice and paddy purchased by the Food Corporation of India from farmers and rice millers in West Godavari and other coastal districts of Andhra Pradesh and also damage to imported wheat kept in open places due to hot weather followed by recent heavy rains."

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI SHAHNAWAZ KHAN): Due to unprecedented and heavy procurement during the Kharif and Rabi seasons and due to the off-take from the public distribution falling because of the plentiful availability of foodgrains in the country, the stocks with the Food Corporation of India have increased substantially in the past few months. Since the covered accommodation available was not enough to store the stock, the Food Corporation has had to resort to storage of foodgrains in the open with suitable covering and have also had to resort to storing foodgrains on the runways of certain abandoned airstrips in various States.

It is reported that in Tadapalligudem where foodgrains are stored in one such abandoned airstrip, there were 60 mm of rain on the 13th and 30 mm of rain on the 16th. At this airfield, stocks were being moved from various places for being stacked on the runway with suitable dunnage.

Some of the stocks to the extent of 5000 bags of rice which were in the process of being received got wet due to the rains. Salvage operations were immediately undertaken. So far 2,000 bags have been salvaged and out of this, the total quantity found damaged is reported to be 8 quintals. Salvage operations are continuing and the balance stocks would also be salvaged soon. It is expected that the total damage out of the 5,000 bags affected may not exceed 12 to 15 quintals. The Collector, West Godavari, also visited the spot and has verified that the damage is only slight and salvage operations are proceeding properly. It has also been reported that out of 55,000 tonnes of foodgrains stored in the open under covers in various places in Krishna District about 4 tonnes were damaged due to rain.

Every effort will be made to see that the stocks which are kept in the open are suitably protected.

SHRI K. SURYANARAYANA: Mr Speaker, Sir, while thanking the Hon. Minister for his statement on my call attention motion, I would like to make a few more observations in this regard.

I am not fully convinced that no serious damage has been caused to the stored foodgrains. The authorities always deny but the facts are otherwise. It happened a number of times in the past I have before me a big bunch of press clippings regarding the past incidents of damage to foodgrains in storage and in transit. I do not want to take the time of the House in quoting from these reports. Some time back nearly 12,250 million tonnes of food grains were damaged by rain in open wagons during 1967-68 and 1969 according to the figures available with the Government.

At the outset, let me make it clear that I have raised this subject in the House not as a complaint against any officials of the Food Ministry or the

[Shri K. Suryanarayana]

Food Corporation of India. We are aware of the big task undertaken by the FCI in procuring large quantities of paddy and rice. This has helped the farmers in a critical situation caused by the falling paddy prices in Andhra Pradesh and elsewhere. The agriculturists are grateful to the Government for this. But, we cannot shut our eyes to the instances of wastage and losses.

Let me briefly tell you what happened in my district of West Godavari. I am told that the FCI has procured, till now, about 1,90,000 tonnes of rice and over 16,000 tonnes of paddy in the district. After despatches to the other States, about 1,20,000 tonnes of rice are held in stock, either in covered godowns or in the open under cap storage. It is also learnt that the entire stock of paddy and about 14,000 tonnes of wheat, imported through Madras Port, are lying in the open. I fail to understand why such huge quantity of wheat has been brought to a surplus district like West Godavari where there is no demand for wheat and where there is no sufficient godown capacity even to store the procured paddy and rice in the district.

The paddy and wheat as well as a large quantity of rice, are kept in the open at six places in West Godavari District. During my visit to my constituency on May 15 and 16, farmers and public men told me that these stocks kept in the open are liable to be damaged to the extent of 30 per cent due to the excessive heat, despite the polythene covers. On the top of it, the unusually heavy rain on May 13 and 16 in the area has aggravated the situation. Accompanied by the District Manager of the FCI, I visited one of the storage areas i.e., Tadepalligudem on May 16.

I found that a large number of paddy bags have been kept in the open exposed to sun and rain for want of godown in 6 places. I had

not tried to check on the exact quantity reportedly damaged or the position in the other five storage areas as there were heavy rains.

I do not want to blame the local officials for the loss or damage. They have taken necessary precautions within their capacity. But the question is this. Should we allow such situations to arise at all? When we know about the impending monsoon cannot we think of better methods for storage to meet contingencies like this? I hope the Food Ministry would give serious attention to this problem and devise methods to meet such situations.

MR. SPEAKER: Please do not read.

SHRI K. SURYANARAYANA: Only one sentence, Sir. I do not want to mislead the Government or mislead the House. Please allow me, Sir.

MR. SPEAKER: By your reading, the Minister may not be able to follow you. Please do not read it.

SHRI K. SURYANARAYANA: I am just concluding. In our villages we have big houses, cattle sheds and paddy godowns unused at present. These can be profitably utilised.

The Planning Commission has already allotted Rs. 21.5 crores to FCI for setting up warehousing facilities in 1976-77. A crash programme for construction of warehouses should be taken up immediately. I would also request the Minister to depute some senior officials and food technologists to enquire into the nature and extent of damage to foodgrains in West Godavari and other coastal districts of Andhra Pradesh and submit a report to Government. They can also report on the condition of the damaged foodgrains and their suitability for human consumption. This is necessary to prevent cases of epilepsy due to grain contamination, as happened in some U.P. districts recently.

SHRI SHAHNAWAZ KHAN: I am grateful to Shri Suryanarayana ji for bringing this matter before the House and drawing the pointed attention of the House to the very serious problem of storage. This year we have been lucky to have had kharif crop which has been unprecedented so far. The rabi crop is equally good. Procurement target for kharif crop has already been exceeded. We hope to exceed procurement target for rabi crop also. As a result of this we find that covered storage space is rather limited. We have been during the last few years storing foodgrains in the open without much loss. We have developed expertise of covering foodgrains with polythene bags and tarpaulins and these have saved the foodgrains and these have not caused any substantial loss in open storage. This year, I am afraid, we will have to continue the practice of storing foodgrains in the open. I entirely agree with Suryanarayana ji that we should take up construction of foodgrain godowns. We are doing that. We are also encouraging private enterprise to set up godowns so that we can hire those godowns also.

At present the storage availability with FCI is 12.42 million tonnes. That is a very substantial storage capacity which is both open and covered.

We hope that we will be able to meet the exigency of the situation. Only when there is a heavy downpour, some losses are bound to occur. But the loss, as I said, was due to the downpour in Tadepalligudem and it was only marginal and the assessed damage is only 12 to 15 bags.

We are grateful to him for making this suggestion and we shall take full advantage of it. But, I do not wish to create any alarm or any panic because the paper that reported the loss of one crore of rupees, the very next day had corrected that statement and it said that the loss had been only marginal.

SHRI K. SURYANARAYANA: Sir, my information is that the loss may run into a crore of rupees.

SHRI SHAHNAWAZ KHAN: As I said in my statement, the total tonnage may not be more than four.

SHRI M. RAM GOPAL REDDY (Nizamabad): Mr. Speaker, Sir, Shri Shah Nawaz Khan usually makes a very correct statement. But, this time he has made an underestimation of the losses that have been suffered by the F.C.I.

Now, the Minister says that there was an unprecedented levy procurement. I want to know from him the plan for foodgrains production, the plan for the procurement of foodgrains and the plan for storing them. It has not happened in one day: It is a continuous thing. Why has the Ministry failed to make adequate godown availability for storing these foodgrains?

The foodgrains in our country have touched the figure of 118 million tonnes. The Government are trying to achieve this figure during the last several years. But, they have not created the godowns capacity. So, I want to know from the hon. Minister what has been done in this regard. Moreover, now-a-days, there is a terror created among the kisans that if anybody keeps the foodgrains beyond a certain limit, he will have to declare them. There is a rule in Andhra Pradesh. I do not know whether it is so everywhere. In Andhra, if a kisan has 100 quintals of foodgrains with him, he has to declare it to the Government. If he keeps more than this limit, the whole of the grains is confiscated. This has happened in a village where most of the people are not aware of the law and most of them have stocks with them exceeding the prescribed limit which were brought from the field the previous night. The next morning, the vigilance inspector goes there and seizes the grains under the present law. If the Government

[Shri M. Ram Gopal Reddy]

relax, that rule at least during the bumper period, some of these kisans can hold back the paddy in their godowns.

There are many godowns on the seashore which were owned by the private people which were used for the storing of smuggled goods. I have made repeated request to the Government several times in this House to acquire those godowns and store the imported wheat and other things there. Government has not done that. I now request the Minister to see that all such godowns are acquired and suitable storage capacity is created.

It is a strange phenomenon that when they procure more the FCI suffers from more losses and they can't make any profit. Now, the Minister says that the loss is very marginal. On some other day he will come and say that after all it is only 2 or 3 per cent loss in storage. This will run into several crores of rupees. The rats have eaten away the whole thing and sometimes the rats in human form have eaten away the whole thing! Like that he will go on making a statement. I want to know from him—he said that the loss was only about four or five tons—whether the figure of loss given by him in Tadepallegudem and other places on account of recent rains is correct and whether the quality of grains has deteriorated as a result of that or not.

As pointed out by my colleague, Shri Suryanarayana, I want that some senior officers from the Ministry of Agriculture should visit these places immediately and assess the actual losses. There is no use hiding the losses. In some form or other the losses would be shown in the end at a future date. Of course, the FCI officials in my State are doing a very good job. It is of course beyond their capacity. Where should they store? Should they not stop procurement for some time so that the

farmers may keep the foodgrains for some time in their houses? What is the hurry in procurement? If the Government advances some money to the kisans, the kisans may store the foodgrains in their houses for some time and hand over the same to the Government in good form. I may also point out that the shortage in the houses of the kisans is merely 1 per cent. May I also know what is the percentage of shortage in the godowns of the Food Corporation of India?

MR. SPEAKER: I think the Minister has come from some Conference and has forgotten to take off the badge. Preferably it should be removed.

SHRI DINEN BHATTACHARYYA (Serampore): Is it permissible?

MR. SEAKER: No. He has forgotten to leave it behind.

SHRI SHAHNAWAZ KHAN: Sir, I am sorry.

The hon. Member has said that the farmers are asked to declare their stocks. I do not see any difficulty in the growers declaring their stocks. If they have more than what is prescribed by the State, all that is required is that they should declare it.

SHRI M. RAM GOPAL REDDY: Say one evening the farmer brings paddy from his field and the next morning any vigilance inspector can go and seize it saying that he has not declared his stocks.

SHRI SHAHNAWAZ KHAN: I do not think any such harassment is caused to the farmers. If the hon. Member would bring any specific instance to my instance, I will take up the same with the State Government.

Sir, we are hiring all private godowns that are available and we are acquiring other godowns that might be lying vacant. We are making full use of it.

श्री विभूति शिख : (मोतीहारी) :
अनाज को स्टोर करने के लिए स्कूल,
कालिज और दूसरे इस्टीम्युएन्स लेंगे, इसके
बारे में मैं श्री जगजीवन राम जी ने पटना
में एलान किया है।

अध्यक्ष महोदय : ये तो खुले गोडा-
उन्स की बात कर रहे हैं।

श्री विभूति शिख : उन्होंने कहा है
कि स्टोरेज कैपेसिटी कम है, इस लिए
हम स्कूल और कालेजों की बिल्डिंगें लेंगे।
कितने स्कूलों और कालेजों को अभी तक
लिया गया है, इसके बारे में ये बताएं।

**SHRI NASINGH NARAIN PAN-
DEY (Gorakhpur):** Sir, this is
happening in all the States.

SHRI SHAHNAWAZ KHAN: Sir,
we are building godowns as fast as
possible but it takes about six to eight
months to put up a storage godown.
We have taken note of the fact
that there is a steep rise in pro-
duction and we must keep pace
with the construction of godowns.
Our experience in the past four to five
years has shown that we can safely
store foodgrains in the open provided
it is suitably covered with tarpaulin
and polythene.

MR. SPEAKER: Can you store in
the open in the heavy rainfall area
like Goa?

SHRI SHAHNAWAZ KHAN: In
Maharashtra we can store. Even in
Northern India they stood well.

MR. SPEAKER: It is a very happy
development.

SHRI SHAHNAWAZ KHAN: Fur-
ther, sir, when the farmers bring their
produce for sale to the Food Corpora-
tion of India, we cannot tell them
to go back. We are committed that
whatever amount of foodgrains the
farmers would like to sell, the Food
Corporation of India will purchase the
same and we cannot tell them to go
back.

11.26 hrs.

STATEMENT RE. INDOCANADIAN NUCLEAR DISCUSSIONS

**THE MINISTER OF EXTERNAL
AFFAIRS (SHRI YESHWANTRAO
CHAVAN):** On 18th May, 1976 the
Canadian Secretary of State for Exter-
nal Affairs informed me through his
High Commissioner in Delhi of
Canada's decision that further nuclear
co-operation with India was not possi-
ble. His message states *inter alia* that,
in view of Canada's policy to have nu-
clear cooperation only with countries
which had renounced the use of Cana-
dian supplied materials equipment and
technology for nuclear explosions,
further co-operation with India would
have to be compatible with this policy
and since this Canadian requirement
was not acceptable to India, a settle-
ment on any other basis was not pos-
sible. The Secretary of State made a
similar but more detailed statement in
the Canadian House of Commons.

As the House is aware, Indo-Can-
adian discussions have been going on
for two years to resolve differences on
nuclear matters stemming from
Canada's decision to suspend nuclear
co-operation with India after 18th May,
1974. The final round of talks was
held in New Delhi in March this year.
After three days of detailed negotia-
tions, an agreement was reached on
differences on nuclear matters. It was
also agreed that after this draft Agree-
ment has been approved by the two
Governments, Indo-Canadian nuclear
co-operation will be resumed and re-
lations between the two countries re-
stored to their traditional level.

The Government of India cannot but
regret Canada's decision to terminate
nuclear co-operation and turn down
the agreement negotiated and initialled
by its own representatives in the
March discussions. We are indeed
disappointed that, after two years of
strenuous negotiations, when a detail-
ed understanding had been reached,
the Canadian Government should have
unilaterally taken the step to termi-
nate nuclear co-operation which form-
ed an integral part of the Nuclear Co-
operation Agreements of 1963 and 1966.

[Shri Yeshwantrao Chavan]

This amounts to unilateral abrogation of several provisions of these agreements.

I should like to state that during the last two years when three rounds of formal discussions, two rounds of technical level discussions and several informal discussions at the Ministerial level were held, Government of India made a sincere effort to accommodate Canadian view point. It was also explained to the Canadian side at the highest level that in conducting the peaceful nuclear experiment, which India had every right to do as PNE is an internationally recognised concept, we had not violated any provision of any agreement with Canada, a fact which was subsequently recognised by the Canadian Government. India's views on nuclear development were reiterated on several occasions and Canada was assured of our desire to cooperate with her at various international forums to achieve our common goals on general and complete disarmament including nuclear disarmament. Throughout these discussions, India's representatives showed goodwill and negotiated in good faith with a view to resolving the differences. In return all that we asked of Canada was that she should fulfil her contractual obligations under the existing cooperation agreements. It is regrettable that, after these long months of an almost continuous dialogue, the Canadian Government has now decided to turn its back on the negotiated settlement and its contractual obligations. The House, I am sure, will agree that there is no ground for any suggestion that the Government of India is in any way responsible for ending Indo-Canadian nuclear cooperation.

The Government of India is examining various implications of the Canadian Government's announcement and will take appropriate steps after this review has been completed.

11.29 hrs.

**DELHI AGRICULTURAL PRODUCE
MARKETING (REGULATION)
BILL***

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI SHAHNAWAZ KHAN): I beg to move for leave to introduce a Bill to provide for the better regulation of the purchase, sale, storage and processing of agricultural produce and the establishment of markets for agricultural produce in the Union Territory of Delhi and for matters connected therewith or incidental thereto.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the better regulation of the purchase, sale, storage and processing of agricultural produce and the establishment of markets for agricultural produce in the Union Territory of Delhi and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI SHAHNAWAZ KHAN: I introduce† the Bill.

11.30 hrs.

**LIFE INSURANCE CORPORATION
(MODIFICATION OF SETTLEMENT)
BILL—Contd.**

MR. SPEAKER: Now, we take up further consideration of the motion moved by Shri C. Subramaniam on the 19th May, 1976, i.e., Life Insurance Corporation (Modification of Settlement) Bill. Time allotted 4 hours, time taken 2 hours, balance 2 hours. Shri Priya Ranjan Das Munsi will continue his speech.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South): As I was telling

*Published in Gazette of India Extraordinary, Part II, section 2, dated 20-5-76.

†Introduced with the recommenda

yesterday that it does not at all give me pleasure just to oppose or support it. When I see that the agreement with the LIC employees was done under the Industrial Disputes Act and when I find that the basic economic situation of the country was not good, I had to decide in my mind to defend this Bill. I have cited many points yesterday as to how a settlement was reached. I am not abusing the opposition who were criticising the Minister for bringing forward this Bill. But, I just want to appeal to the LIC employees to realise the economic situation of the country.

What is really the working class in the country, it has not yet been defined. Only the other day, the Finance Minister told the House that under the 20-Point Economic Programme, to settle the rural indebtedness, it would require more than Rs. 3000 crores and we have no resources at our disposal. There is a serious concern about unemployment problem. While the natural resources are not plenty and inflation is at our doors, there is no other alternative but to take some stern measures to fight against those forces for which emergency was imposed in our country. I am surprised to hear the comments from the opposition, especially from Shri Somnath Chatterjee and Shri S. M. Banerjee that if this is done, this will create history in the trade union movement of the country. I really feel that when there is an agreement between the Government and the employees and when it is violated by the same Government, it creates problems in the country. So, I would appeal to the Finance Minister that in order to bring uniformity in the Bonus Act, something should be done. If there are some agreements between the working class and the management in semi-Government undertakings, public and private sector units, which are basically against the interest of the working class and which were concluded under duress or pressure from the management, we will have to consider to revise those agreements so that there is overall uniformity in the country. I know many

cases of this nature. There are agreements of multi-nationals with foreign collaborators for repatriation of money from the country out of the huge profits. I think, Government should consider to revise them and cancel those agreements.

My Communist friends yesterday were trying to defend the LIC employees. I have every respect for the LIC employees. They have developed a very good technique to appeal to all the Members of Parliament through a memorandum requesting them to raise their voice in support of their cause. I would respectfully submit that their performance is very good particularly after emergency. They have made sacrifices. But when I consider the economic situation of the country, I just cannot agree with them.

May I put one fundamental question to Shri Somnath Chatterjee and Shri S. M. Banerjee? For the last five years, I have been listening to the debates on the working class wages. But I have failed to understand why they have not pleaded for a national wage policy or a national income policy. Why is there not a uniformity in the pay-scales? I agree that it has got to come. We will have to see when it comes. When the national wage policy is formulated and when we have uniformity in pay-scales, will everyone stand where he does not? No; someone who is getting more will have to sacrifice something; and some others who are getting less will have to get more. When the Bonus Act came, it had created an adverse effect on the working classes here who were getting Rs. 300/-but it gave scope to people to participate in the patriotic duties at the time of Emergency.

I did not expect the progressive working class leaders to represent the white-collared employees who say that they would contribute to the mass struggle but who would not come forward and say that they would be the first group to respond to the call for having uniformity as laid down in

[Shri Priya Ranjan Das Munai]

the Bonus Act. Why has it happened?

I find that a graduate is working in the State Government services and gets Rs. 300/-; his minimum wage is only Rs. 307/- but a similar graduate gets Rs. 420/- in the LIC and Rs. 450/- in the Bank of Baroda or in the Allahabad Bank. Similarly, a graduate who worked in the municipalities got only Rs. 180 and he was not getting any bonus.

What is our objective during the Emergency? While we say that we should fight inflation and disparities among the bonus earners, what is the basic view of the working class leaders in that context? I have said yesterday that it is not the right reactionary forces which are responsible for the collapse of the morale of the working classes. I know they are cruelly destroying the basic fabric of the country; but the foolishness and wrong calculations of the working class leaders who claim themselves to be progressive, have resulted in their striving always to satisfy and play to the tune of all the white-collared employees who are organized and are concentrated in towns and cities. To satisfy the ego of such workers, the leaders have virtually demoralized the whole concept of the world class movement of this country. It is a fact. I will have to admit it. If I don't do it to-day, I will have to do it tomorrow. Better I admit it to-day. I know that the LIC employees would mind it. But the job of the LIC is only to insure the individual's life. I consider that the job of this country, during this Emergency, is to insure and ensure the well-being of the whole nation, for the future. It is most important and virtually important. If that is not done in real terms and in the real perspective, it will be wrong.

If Mahatma Gandhi had been alive, or if Lenin had been alive to-day—I can say with my experience only of reading their books, and not of mixing with them I am fortunate to have been born during those days—I am

sure Mahatma Gandhi would have his *satyagrahis* against all this sort of white-collared workers' movement as also against the monopoly houses of this country; and Lenin would also have led his revolutionary army against these things. Because of petty bureaucratic influences and tendencies of the white-collared employees and the encouragement which they are getting, their idea is to squeeze out to the maximum from the national exchequer, to their satisfaction and thus to deprive the millions of their rights. I do not say that Government is unaware of this. Government is aware of it. I said this yesterday.

I could not pay my respects adequately; but I am respectful to persons like Mr. Morarji Desai, Mr. Sachin Chaudhury and Mr. T. T. Krishnamachari. But I cannot pay or have any regard for the contributions they had made to the basic policies of this country, because these problems have been created due to their policies. As I had said yesterday, Mrs. Gandhi is facing a situation which is the accumulated result of our past calculations, and is not the result of to-day's actions alone. When she is facing them, why should not all of us share her problems?

It would have been proper if, before bringing in this bill, Government could have given an opportunity to the Union leaders, talked to them and understood their mind. I think it would have helped in maintaining the democratic tradition. I still have my views in that regard. I do not deny it. At the same time I also say that Government will have to proceed with determination on certain matters.

Some of the Members from our own party are doing trade union work—whether it is in the LIC or other public sector undertaking. I also do trade union work, but not on a large scale. But I do not champion the cause of the working class, at their gates, or in their offices. I have seen it and experienced it in the core of my heart that no single white-collared trade

unionist of this country realizes the basic problems of the millions of unemployed youth of this country. Absolutely not.

Quotations from Lenin are being used for upgrading the grades of the Reserve Bank employees. The poems of the poet 'Shaku to are being used; so many of the revolutionary poems of this poet are being used to support the demands of the bank employees. When this is done, what will be kept in reserve for the nude millions who are fighting in Bastar and in the Basti area of Gorakhpur in North Bihar, as landless labourers?

There, we say, "what is Government doing?" Government cannot deliver the goods merely by a legislation and enactment of laws. Government cannot deliver the goods if a bad atmosphere is created. Positive response comes from the sensible participation of the progressive democratic forces.

During the emergency, MISA is used against the right reactionary leaders. When MISA is used against Bhakia, we say, "O.K.". When MISA is used against economic offenders, we say, "O.K.". When bonus is paid highly, we say, "Long live Indira Gandhi". When banks were nationalised, we said, "Long live Indira Gandhi." But when Shrimati Indira Gandhi comes and says; "I am facing another bigger economic crisis, please share your little blood with me." Then we say, "It is disastrous." I do not agree with it. There is not a single developing country or a socialist country where the revolution came within ten years. It did not happen. I am not telling that we are going to bring a revolution within a day nor are we going to achieve socialism within a day.

But we have made a process with emergency to evaluate the whole faults of the past, and to know about the future. In between, we did not try to bring a situation in the country whereby the economic order can be protected and saved. There, I feel that this is not an insult to the LIC

employees; this is not an insult against the trade agreement. It is a genuine thing. What is the trade union agreement? I would like to know from the hon. Members of the Opposition about it? A trade union agreement has been signed foregoing the right of the medical benefits to the poor employees. A Superintendent can afford to bring a doctor to his house, but a sweeper cannot afford to do it. What have you done there?

We have given a priority to the bonus of 50 percent even forgoing to sign a contract. Was it a proper document? I think the agreement signed by most of the leaders of the working class will have to be viewed in their proper perspective also. I do not say at all that the LIC employees or the bank employees or the employees of the other financial institutions have the right to lose their basic rights what they have got. I say, why should they not also equally echo with the voice of the country, what is going on in the country, at the moment? They must echo with the voice of the country; they must do it in a patriotic sense, not depending upon our parliament to bring any legislation. If the employees of a bank are getting something, why should there not be any uniformity in the LIC? I must plead that there must be a uniformity.

There are employees of my constituency in the LIC. They gave me a memorandum. They would be unhappy. I tell you today that I prefer to lose my election even speaking in this debate. I prefer to see that the interest of the country is safeguarded and no further encouragement is given depriving the rights of the poor millions just for the sake of the organised sector of the trade union movement to please somebody who are in the majority and who are getting much more benefits in this country. What has happened to those who do not get an increment for years together? I established this gradation from a sweeper to a Superintendent yesterday. We are clubbing them in the same class. A class struggle is

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going on. A Superintendent getting a bonus of Rs. 40,000 also belongs to this class. A Sweeper getting an increment of Re. 1 also belongs to this class and you are talking of the class struggle. It is not a class struggle; it is not even a struggle of oppressed and depressed people; it is a struggle for a certain sort of arrangement made by ourselves to survive and sustain and nothing more.

We do feel in regard to this Bill which has been brought forward by the Minister today that perhaps it would have been much better if the Unions had been called before-hand for a discussion before it was introduced here. After this Bill is passed by the house, I hope the Government will review all the agreements arrived at in the private as well as in the public sectors, especially those agreements which have been arrived at by the management against the interest of the working class.

So far as this Bill is concerned, since Government are taking a unified view of the whole situation, I shall support it once again, and I do so not because I belong to the Government but because I feel I should do so with all my conscience.

My conscience permits that there should be some uniformity. If there is to be a national income policy if there is a national wage policy, if there is an equilibrium in the pay structure of the country, some of us will have to sacrifice. At that stage, what will you say? What arguments do you have about it?

I think, today, if you really want to fight the reactionary forces by the progressive forces like the leaders who spoke yesterday, we should define today categorically what is genuine working class struggle in this country, where we should give the first priority and where we should give the second priority. Our priority has not been identified. That is why the leftist movement of this country has got lost. We could not have made our priority today.

In spite of the death of the two nationals in the Secunderabad Jail on 1st December, 1975,—Kishtu Growda and Bhumia—I do not agree with their views about nationalisation. But even then, they tried to defend the land labour cause in the Andhra Pradesh villages. Even at their sacrifices, even at the cost of so many young peoples' lives, even at the cost of so many Harijan lives, the country still has not been able to build up a potential resistance movement of the working class, genuinely landless labourers to get their rights even for getting Rs. 6 per day as wages.

The country is busy very much every day to fight for LIC employees, to fight for Allahabad Bank's employees and other employees and tells here Lenin comes and here Gandhi comes. It is absolutely nonsense, fantastically nonsense.

The whole approach will have to be changed. If you feel satisfied in this way, that is not enough. I tell you, whether Mr. S. M. Banerjee becomes the Finance Minister of the progressive united Government, whether Mr. Somnath Chatterjee becomes the Finance Minister of the progressive united Government, their first legislation will be to review the whole structure of this country in a direction of what a socialist order should be, what a revolutionary order should be. It is very easy to criticise. Even I also sometimes criticise my Government on some basic issues. But this time I feel that the Government is doing the right thing in the cause of the national interest. I know there are monopoly houses in the country working against the interest of the country and huge profits are being looted by them. The Government should take still more effective steps to stop that.

With regard to white-collar employees, I must tell you this. What is LIC? I give money as an insurer and out of my money, out of my premium, the interest and profit goes to the LIC and the LIC employees claim their share. They must claim

their share. It is a business. But I ask Mr. Banerjee and Mr. Somnath Chatterjee: Is it a concept of Marxist philosophy? It is a bourgeois philosophy. There is no manufacture of goods; there is no production; there is no profit or loss question. There is no concept of hard labour. It is simply claiming share out of the premises of the policy-holders and depriving others of their rights.

This is a wrong concept; it is not a correct concept. This Bill should not be defended just to defend it in a usual manner but it should be defended in the national interest. I have made my suggestion to the hon. Finance Minister to rectify those agreements. I know, there are some agreements of the public sector and the private sector in my State where clearly the management did compel the employees to sign the agreements which are against the interest of the country. There is a private sector unit, Gresham & Craven where there is no medical facility for the employees. There is a Government order saying that medical facilities should be there. But that is not there. In the private sector, there are so many things which are to be reviewed. The Finance Minister is not responsible only for a particular Department. He is responsible for the whole economic situation of the country, for the whole economic system of the country. He should do that if he really wants to bring in a genuine socialist order in this country.

With these words, without having any disrespect to the Members of the Opposition, without having any disrespect to the LIC employees, I am sorry with a very painful heart I have to support the cause in the interest of the country. I would request the hon. Finance Minister and the entire Government to review those things which I have cited earlier. I would once again request Mr. Somnath Chatterjee to define the concept of "weaker section" because he began

his speech by saying, "I am defending the weaker section", attributing the tribute to the LIC employees. I know, he is a very good lawyer to defend Constitution cases in the courts; he is a very good debater and is also a very good man. But he is not able to define the concept of "weaker section" and the Marxist philosophy.

I support the Bill.

SHRI P. M. MEHTA (Bhavnagar): Mr. Speaker, Sir, I have heard my hon. friend, Shri Priya Ranjan Das Munsal, very attentively. He has tried to oversimplify the Bill and has also tried to give an ideological colour to the very limited issue of annulling this bipartite settlement arrived at by the LIC and its employees.

The Government has brought forward this Bill with a view to annulling the bipartite settlement mutually agreed upon by the LIC and its employees. Who were the parties to this agreement? Parliament was never a party to this agreement. Parliament never knew about this agreement. The Finance Minister has now come before Parliament for the purpose of annulling the agreement to which Parliament was not a party. This is a strange way of doing things.

I would like to give a background of this settlement. The earlier settlement expired on 31st March, 1973. Then, protracted negotiations were carried on by both the parties and, ultimately, in the year 1974, in the month of January, Shri Raghunatha Reddy the Labour Minister initiated the discussions and the then Finance Minister Shri Y. B. Chavan associated himself at every stage of the negotiations. Thus, both the Ministers, the Labour Minister as well as the Finance Minister, helped the parties to arrive at an amicable settlement and, in this way, the agreement between both the parties was reached. Therefore it is not the Parliament which was a party to this agreement; on the

[Shri P. M. Mehta]

contrary, it was the Ministers who took interest, bridged the differences and brought about this agreement.

And what is that agreement? The final layout of the order of Rs. 6 crores was finalised between the parties, that is, the LIC on the one side and its employees on the other.

During these negotiations the representatives of the All India Life Insurance Corporation Employees Association met the Finance Minister as well as the Labour Minister more than once and in that way, the break-up was also finalised amicably. I would like to quote here the break-up of the lay-out of Rs. 6 crores which was agreed upon. The sums allocated for the various items are as under:

	Rs.
1. Basic Salary & D. A.	2,68,77,365.00
2 Increase in Bonus from 10% to 15%	1,81,68,600.00
3 House Rent Allowance	68,00,000.00
4 City Compensatory Allowance	31,41,720.00
5 Provident Fund Contribution	31,87,418.00
6 Gratuity	10,00,000.00
7. Fitment	8,54,507.00
	<hr/>
	6,00,29,610.00

So, this break-up was also agreed upon by both the parties and, according to the LIC Act, it is obligatory for the LIC to get the formal approval of Government in writing before any effect of the settlement can take place. Thus, the Government approved this settlement and, therefore, in reality the Government was a party to this settlement.

But now the Government is coming before the House to annul the settlement to which they themselves were a party. In what manner have they come? I must say they have come here in an unashamed manner. I generally don't use harsh words, Subramaniamji, and it pains me to use these harsh words that you have come here in an unashamed manner, violating all the norms of industrial relationship. This Bill will annul not only the settlement but the spirit of industrial relations; it will annul the harmony of labour relations; it will annul faith in collective bargaining, and it will also annul the sanctity of

bipartite agreements in the Labour sphere. By this, the Government is destroying the basic, fundamental norms and principles in the industrial field also. It was obligatory on the part of the Government, before coming to the House to invite the representatives of the employees for a discussion or at least to take them into confidence as to what their purpose is in annulling this Agreement. But they have not done so. They have not invited the workers' representatives, nor have they taken them into confidence. Not only that, the representatives of the All India Life Insurance Corporation Employees' Association prayed for grant of an interview with the Finance Minister, but the Finance Minister, Shri Subramaniam, has not cared to grant them an interview. Thus not only were the representatives not invited, even their prayer for an interview with the Finance Minister was not granted. This only shows that you do not want to care for the workers, for their legitimate right to put their

point of view and to discuss their problem with you....

THE MINISTER OF FINANCE (SHRI C. SUBRAMANIAM): It is very unfair. It was because of my ill health I could not meet them. Otherwise, I would have certainly met them.

SHRI P. M. MEHTA: I agree that your health is such that you were not able to meet them. But they could have been granted an interview with the Minister of State. It was a moral and legal obligation on the part of the Government to take them into confidence before coming to the House. Why they are not inclined to do so is because there is no rule of law in this country today; it is only the rule by MISA and DIR. Therefore, they think that their hands are so strong that they can do anything they want without caring to maintain the harmony and the spirit of industrial relations. That is why they have not cared to discuss this matter with the employees of the LIC.

Now, what is the financial position of the LIC today? Today the financial position of the LIC is quite strong. The LIC has done a record business for the year ending the 31 March, 1976, when it completed over Rs. 5,000 crores of business. Moreover the valuation results for 1973-75, presented to Parliament, revealed that the yield on investment has tremendously increased to leave a surplus of Rs. 181 crores, of which Rs. 172 crores have been distributed to the policyholders and Rs. 9 crores to the Government of India as its share. Therefore, the question arises whether, by annulling this agreement for the purpose of streamlining the bonus pattern, you are ready to reallocate the amounts which were paid as bonus to the employees against their other benefits. Will he assure the House and the employees that he will invite them for a discussion before this Bill takes effect and assure

them that he will reallocate this amount for their other benefits? Can I have the attention of the Minister?

12.00 hrs.

As I said, the Minister may kindly give a categorical assurance to the House and to the employees that he would invite the LIC employees for a discussion about reallocation of the amount which they lose because of annulling the settlement for other benefits before this Bill comes into effect. I hope, he would do so.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Mr. Speaker, Sir, I want to make a submission. The allotted time for discussion on this Bill would be over by about half past two, but there are a number of hon. Members from both the sides, who want to speak. If you agree, and the House agrees, the time may be so extended that the Minister will be called at 4.00 o'clock to reply to the discussion.

MR. SPEAKER: Is it the pleasure of the House that the time be extended by about two hours?

SOME HON. MEMBERS: Yes.

MR. SPEAKER: The Minister will be called to reply at 4.00 o'clock.

SHRI AMARNATH VIDYALANKAR (Chandigarh): Mr. Speaker, Sir, I feel hurt after having listened to the speeches of the various hon. Members from the Opposition. By imputing motives and by questioning the intentions of the Government, they have very much weakened the case of LIC employees. The place of arguments cannot be given to acrimony, but they have tried to do that. I am convinced and I think, majority of the House is convinced, that so far as the interest of the workers is concerned, the Government and the

[Shri Amarnath Vidyalkar]

Minister are as much concerned, if not more, as anybody else. They are very much concerned not only for the interest of the higher class workers, but also ordinary workers at a very low rung.

12.03 hrs.

[SHRI P. PARTHASARTHY in the chair]

In this period of emergency, we are trying to streamline the economic order in the country. The Government should also try to streamline the whole system of bonus and other payments to the workers. The various trade unions in the country have demanded that there should be some national system of wages and distribution of wealth and this action of the Government is in line with that. If the Government thinks on those lines, we should not question their motives and intentions. The Minister has advanced certain arguments and has put up a strong case. We cannot just dismiss it for the simple reason that it hurts certain sections of the people. When we want to bring order and discipline in the economic system some will have to lose something while others will have to gain, but there would come some order in the system. If we think that nobody should lose and everybody should gain, that is a good intention, but it cannot be, if the present system has to be changed into a better system and an orderly system.

Therefore, I would have appreciated if the Opposition has given some cogent arguments. But they have based their whole case on the ground that this is why the workers are entitled to this thing or that thing. There may be a difference of opinion but that difference of opinion may be settled by a bilateral agreement. My only suggestion is: if we want to change the various bilateral agreements or bilateral systems—of course, a situation may arise where they may require to be changed because change is the law of nature—

they should be changed by a bilateral method. That is the proper method and also it is the spirit of democracy that we should try to persuade and convince each other.

I would have appreciated the Opposition if they had made strenuous efforts to try to understand the Government's point of view and also make the Government understand their point of view. Since this Bill was introduced, they should have made strenuous efforts to come to some kind of a bilateral settlement with the Government. That effort was not made. I do agree—some friends this side also have stated—that it would have been better if the workers were invited. I do not think that all the workers are irresponsible persons. There are various responsible elements among them. There are patriotic elements among them and there are trade unions who would have responded. Taking into consideration the present situation in the country they would have responded and we should feel confident in our mind that we can convince them, those who want to be convinced and those who want to understand the whole problem from the national angle. Therefore, I wish an effort should have been made to change this bilateral agreement by negotiations or some kind of an agreement. The agreement should have been replaced by some new agreement. That should have been possible and strenuous efforts should have been made. But, on account of certain circumstances or on account of a certain emergency this method has not been adopted. I do not know the background of the whole thing. But that does not mean that we should impute motives or question the intention of the Government.

I think at the present time we think in terms of participation of the workers and by participation we mean that in the management the workers should feel as much responsible as

anybody in any highest responsible position. That is that we should place the burden of responsibility on the workers and I think for this purpose we should have invited the workers, 'Come on, let us participate and let us discuss' and we should have thrown the burden of responsibility on the workers and we should have placed all the facts before them and we should have placed the whole situation before them, that this is the situation we are facing, come on and tell us what is the way out. If we had done that, I think we would have drawn a good response from the workers. At least in the trade unions there are elements that try to exploit the situation. They try to use the situation for purposes other than for national purpose, but the majority of the trade unions, if we had invited them, would have responded very enthusiastically and that would have changed the whole psychology of the workers. At present because this method was not adopted, there are some elements which are trying to spoil the psychology of the workers and I think this is the time when we should try to change the psychology of the workers from that psychology which some of the elements have created and which they have been creating in the past many years.

The workers just think for themselves, for their own section and in a spirit that their demands must be met. They do not bother to know whether there are sources available to meet their demands. They simply press for their gains. Their psychology must be to build the nation and not to nurse their own selfish interest. If we want healthy trade unionism, if we want workers participation in the administration and in nation building, it would be better if Government takes initiative in such cases. They have not taken any initiative in this regard. They should—take initiative in this regard. We, on

this side should take initiative in this regard where we think that things are not moving in the right direction. We should try to invite the best elements of the workers and we should try to settle such matters by bilateral system instead of any unilateral system. I wish that in future we should go about in such a manner that parliamentary intervention should be a remote thing. At the most only in the most important cases where parliamentary intervention in such bilateral agreements is required or is a must, we should do so. I am saying so only because democracy is by agreement, by mutual consent. This is the spirit of democracy. In order to keep up that spirit we should work on this line. My only regret is that this method could not be adopted. I do not know the circumstances why this could not be adopted. I do not apportion blame. My regret is that this was not adopted otherwise a better atmosphere could have been created.

SHRI C. M. STEPHEN (Muvattupuzha): I rise to support this Bill. It so happened that at the time of the introduction of the Bill I reacted because of a certain measure of moral indignation, and I raised my voice of protest against the act of the Parliament in the matter of allowing private bilateral or conciliation agreement to come before itself. The basis of my reaction was not that anything anti-labour was being done, but purely as per my own judgement. I thought that to have the sovereign Parliament to intervene to annul a private agreement would not be in accord with the dignity of the House. That was the simple reason why I thought it was an improper thing.

As far as the anti-labour character of the Bill and all that is concerned, I am very sorry, I will not agree with the contentions raised by certain friends on the opposition. After the introduction of the Bill, on second thought which I did myself voluntarily, I felt that the Government were not

[Shri C. M. Stephen]

doing anything improper but were doing what they should have done.

Two basic questions have been raised. The first is: can the bilateral agreement be annulled statutorily? My simple answer is this. There are two provisions which we have to take into account. In the Bonus Amendment Act this is done already. Under Section 34 it is stated that in spite of anything stated in any agreement the provisions of that Act and the formula stated therein would come into force. By that single provision thousands of agreements throughout the country stood annulled and the formula spelt out in Bonus Act has come into force. If that could be done with respect to industrial workers numbering millions there is no reason why the same thing could not apply to LIC employees.

Therefore, there is nothing wrong in annulling the agreement which is statutorily done. The House has already accepted it. The working class have already accepted it. This new amendment of the Bonus Act is in full force now. All agreements entered into whether for a quantum of 20 per cent or above 20 per cent stand annulled and only the formula remains in force. Secondly in the Industrial Disputes Act there is a provision that if the Government or Parliament feels that the award is not in national interest, in workers interest, this could be annulled. It could be amended or modified. If with respect to awards of courts this amendment can be contemplated, there is no reason why bilateral agreement also could not come under this. If there appears to be any contra-national interest, anything can be annulled by Parliament. Therefore there is nothing wrong at all on this score.

Thirdly, a question was raised by Mr. Vidyalkar and some other friends in the opposition. They asked: Why did you not have negotiation with trade unions? Why were they not invited for negotiations? I would say this that, if they had done that, that would have caused a very heavy burden on the trade union leaderships

themselves. After all, what is there to negotiate? No trade union would have agreed to give up what they were entitled to get under the previous provision.

In case of negotiation, a heavy burden would have been placed on the trade union leadership and it is good that the Government did not attempt to cast that burden on the trade unions. The Government has taken upon itself this responsibility and this burden to annul the agreement so that opposition leaders and trade union leaders and their rank and file would have the satisfaction of putting the blame on the Government. This burden, they did not cast. As I said, it is very clear that any negotiations would have been fruitless, absolutely fruitless I should say. There have been thousands of agreements, no trade unions are consulted; no central trade union gets consulted, let alone individual trade unions. Thousands of agreements could be annulled. There need not be any different treatment to be bestowed here. There is no question of any *quid pro quo*. This is no scope for in which Government approached the whole issue. There is no scope for negotiations or give and take and any such negotiation would have only been a futile exercise or cowardly exercise in an attempt to try to put this burden on the shoulders of trade union leaders and members asking them to give up what they got so that the Government might put up a face that we tried to negotiate and all that. It is good that hypocritical exercise was not attempted. But, what had to be done was proceeded to.. (Interruptions).

SHRI S. M. BANERJEE (Kanpur): What happened in the ONGC's case? What is the argument on that? After negotiations were done, the Ordinance came.

SHRI C. M. STEPHEN: Well, I do not know the facts about the ONGC. I am only concerned with this case. I do not know the facts about the ONGC and what exactly

Government did in their case. There is also another thing. The LIC is not within the ambit of the Bonus Act. The LIC employees are not entitled to get a pie as bonus; the bank employees are not entitled to get a pie as bonus. Although, under the Act, the employees are not entitled to get anything, as bonus, the Government are now coming forward with a proposal that although 'you are not entitled to get this, here is an *ex-gratia* payment which we are prepared to give. Accept that *ex-gratia* payment. This is the offer of Government. The L.I.C. employees have got the option before them either to stick to the agreement and collect the margin of 5 per cent or something like that or accept this *ex-gratia* and to fall in line with the rest of the employees in the monopoly industries and collect *ex-gratia* bonus for a long time to come. This is the option before the trade unionists. Any honest worker should have no other option but to accept this *ex-gratia* payment and, in return, to give up the marginal benefit that they got by the accident of having signed an agreement there. This is the clear position. Therefore, there is absolutely nothing to be ashamed of, to apologise about in coming forward and saying that in return, the Government is giving us this thing although we are not entitled to get it under the law. Till the longstanding arrangement comes into force, let this temporary advantage be there for a while; let there be grace in accepting that offer of the Government and let there be a grace in agreeing that Parliament annuls this agreement so that the new arrangement may come into force in place of the bilateral agreement whereunder, let us remember that there is not one union INTUC or AITUC but there are a number of unions which are victims of these two things. Shri Banerjee may agree; I may agree but he knows that there are other unions which will not agree to any sort of an annulment of the arrangement because certain unions are there which we know will not agree and if one unions stays out, then

any sort of annulment of the agreement, the bilateral agreement, will have no effect at all. Knowing that why make an attempt like that?

Therefore, finally and ultimately it is advantageous for the workers and so we have got to agree that this Bill is in the interest of the workers and that we must accept that Bill. Any agreement raised against this is only a populist slogan not related to the merit of the case at all. This is what I feel about it. Therefore, I feel, that this Bill has got to be accepted and will have to be supported and it is absolutely in the interest of workers and they are going to get something substantial for the future. I do not want to pass on to the class interest (Interruptions).

SHRI S. M. BANERJEE: You will kindly read the Bill. They have not provided anything at all. They have only annulled the agreement without telling what they are going to give them.

SHRI C. M. STEPHEN: For the purpose of the *ex-gratia* payment, there is no Bill in this country at all and it has been made very clear and, the Finance Minister himself, in his opening statement, made it very clear that the *ex-gratia* payment will be made available to the LIC employees. Could there be anything more sacred than that? They have made it absolutely clear. There is no use saying that Rs. 750 is the ceiling but Rs. 900 is what you are getting. The LIC people must be put in line with the millions of industrial workers in this country. Let us not plead that the LIC employees or any other employee must have a place higher than that of the rest of the workers. Mr. Banerjee and myself are representing not only the public sector workers but we are also representing the millions of other industrial workers in this country. Those workers are not even getting the minimum wage. We represent them also. Let us not say that we stand out and plead the case of the LIC who are already comparatively in privileged position. Let us not say that they must be given a treatment

[Shri C. M. Stephen]

far higher and more privileged than the industrial workers in this country.

I would raise my voice of protest if more preferential treatment is meted out to these employees than to the industrial workers. It is good that Government has come forward this Bill and I support it fully. This is of course a Bill which I support not with a painful conscience but with the full conviction that it is the right thing that Government has done and that they do not try to make us scape-goats for an exercise which in the national interest, was absolutely necessary.

I support this Bill full-throatedly.

श्री बन्धुलाल बाढ़ाकर (दुर्ग) . सभा-पति महोदय, अभी जो भाषण हुआ उसको और जो कल श्री चैटर्जी और बनर्जी ने भाषण दिए उनको मैंने बहुत गौर से सुना। इसमें जो बोनस एक्ट के अन्तर्गत एल० आई० सी० में समझौता हुआ था उस पर सरकार ने जो यह फैसला लिया है उसके पीछे जो पृष्ठभूमि है वह सभी को मालूम है। वह यह है कि एक सिद्धान्त के अनुसार बोनस में यूनिफार्मिटी लाना चाहते हैं। यह एक अच्छी बात है और मैं समझता हूँ कि यह किया जाना चाहिए। लेकिन जो समझौता हुआ था 1974 में बीमा कम्पनी के कर्मचारियों के साथ और कारपोरेशन के अधिकारियों के साथ उस पहले समझौते को रद्द करने के पहले एल आई सी के अधिकारियों का फ़र्ज था कि यूनियन वालों से बात कर लिए होते। अगर उसमें सफलता न मिलती तो और दूसरा रास्ता निकालने की गुंजाइश थी। एक तरफ़ा जो यह हुआ है इसको बन्द करने या रद्द करने का काम इसके पीछे भले ही एक अच्छा सिद्धान्त है और यह अच्छी बात है कि यूनिफार्मिटी सब जगह होनी चाहिए लेकिन फिर भी मेरा ऐसा निजी क्वाल है कि इसके सिलसिले

में बात कर लेनी चाहिए थी। जब विधेयक इट्रीव्यूस हुआ था उस समय जो कुछ समय मिला उस का भी लाभ उठा कर यह बात कर सकते थे और करना चाहिए था। इसके बावजूद नहीं किया गया। जैसे यूनिफार्मिटी लाने के क्वाल से अभी करना था और उनको यह नहीं देना था तब भी उनके साथ बात करके एक्सप्रेसिया वेमेट के सिलसिले में कुछ चर्चा करनी चाहिए थी और वह ज्यादा अच्छा होता।

ऐसे इसमें कोई शक नहीं है कि बोनस का जो सवाल सारे देश में उठा है कि किस को मिले, किस को न मिले, उस पर इस विधेयक के सिलसिले में ज्यादा बहम करने की अभी गुंजाइश नहीं है लेकिन किस को बोनस मिले, किस को नहीं मिले इसके ऊपर सरकार को बहुत गंभीरता से विचार करके फैसला कर लेना चाहिए। जहाँ जिस कारखाने में उत्पादन होता हो वहाँ उत्पादन के आधार पर बोनस मिले। जो ज्यादा उत्पादन करे उसे ज्यादा मिले और जो कम उत्पादन करे या नहीं करे या जो कम्पनी घाटे में हो उसके सिलसिले में जो भी दूसरा फैसला लेना हो ले। हालांकि बहुत सी कम्पनियाँ ऐसा मैनिपुलेट करती हैं कि लाभ होते हुए भी घाटा दिखावा देती हैं। इसको ध्यान में रखना चाहिए। मगर ऐसे उत्पादन करने वाले कारखाने में बोनस उत्पादन के आधार पर होना चाहिए। दूसरे जो बैंक या एल आई सी इत्यादि हैं उनके सिलसिले में गंभीरता से सरकार को विचार करना चाहिए कि इनको बोनस दिया जाय या न दिया जाय या जो अधिक काम करें उनको एक्सप्रेसिया वेमेट कैसे मिले।

अभी इस बिल को भले ही पास कर दिया जाय लेकिन बैंकों और एल आई सी के कर्मचारियों के सिलसिले में बातचीत

करने का मौका अधिकारियों को दिया जाना चाहिए। उसके सिलसिले में कोई ऐसा रास्ता निकालना चाहिए जिससे कि उन कर्मचारियों को यह भान न होने पाए कि सरकार बिना उनकी राय लिए एकतरफा सब कुछ कर रही है। इसकी थोड़ी सी जो उन को शिकायत है उसको दूर करने के लिए एल आई सी के अधिकारियों को चाहिए कि उसके लिए कोई रास्ता निकालें। यह बिल चाहे आज भले ही पास हो जाय लेकिन मंत्री महोदय इसके ऊपर दिवार करें कि कोई ऐसा रास्ता निकाला जाय जिससे उनसे बात करके इस बात का फैसला किया जा सके कि कितना उनको देंगे। मैं नहीं समझता हूँ कि क्या हो सकेगा लेकिन कुछ न कुछ इसके सिलसिले में ऐसा करना चाहिए जिससे उन को कुछ पैसा दे दिया जाय।

मैं अधिक समय न लेकर और अधिक सिद्धान्तों की बात न कह कर केवल यही कहना चाहता हूँ कि वित्त मंत्री जब उत्तर दें तो कोई ऐसा रास्ता निकालें जिस से कर्मचारियों और अधिकारियों में बात करने की गुंजाइश रखें और थोड़ा सा अगर पैसा उनको दे सकते हैं तो वह दें। इतना ही मैं कहना चाहता हूँ।

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Chairman, Sir, I feel very uneasy about this Bill and I do so because I object at the manner in which it is being sought to put before the House and with the kind of cavalier attitude Government possess in bringing forward this particular legislative measure.

Before I open my arguments, may I at the very outset, thank the Hon'ble Finance Minister, Shri Subramaniam, for his kind words in yesterday's debate about me and my speech? I must say that I was touched by his generosity and I am grateful to him.

Sir, the previous speakers, and significantly indeed on both sides of the House, have again and again pointed out one great truth, namely, why not take the L.I.C. employees into confidence before you decide to do something which upsets any agreement which, by the very nature of things, is a contractual thing between the two parties.

Now, Sir, I do not want to go into the various aspects of the Bill which have already been covered very ably by so many speakers, particularly from the Opposition benches; but I would like to ask the Hon'ble Deputy Minister straightway this question. Were you nervous that if dialogue or talks with the LIC employees had been started, you would not have been able to reach any satisfactory, mutually satisfactory, agreement? After all here was an agreement which was not the product of one day's labour or one month's labour, but it was the product of a protracted negotiation. In fact, the whole question of bonus to LIC employees has remained a controversial matter, but the principle of bonus was accepted, the practice of giving bonus to employees has been there since, I believe, 1956, when L.I.C. came into existence or even before that for the employees of the Life Insurance Companies. Therefore, the question is that if a certain practice is going on for decades and over and above that if on a matter of bonus being raised from 10 per cent to 15 per cent, the Government of India were a party to the overall agreement, how can Government set aside all this? It was at the instance specifically of the Labour Minister, Shri Raghunatha Reddy and the then Finance Minister, Shri Chavan, that negotiations took place and an agreement arrived at. In fact, as I understand, the Labour Minister himself wanted this kind of discussion to take place between the various conflicting parties, employees, the management and the Government. He initiated the discussion. The Finance Minister approved of this procedure. The management and the employees then had long drawn out negotia-

[Shri P. G. Mavalankar]

tions, and after all this, the agreement was signed and, Sir, now Government want to set aside that agreement! The Statement of Objects and Reasons says this. But, how do you do it? Of course you are a Government, but you are not a Government to do what pleases you, even under the Emergency! By your own sayings, you are committed to certain democratic procedures, and surely, certain decent and civilised and humanitarian procedures and processes have to be followed. Simply because you are the Government, can you take it into your head and say: "we will do what we like because we are the Government"? Then I feel: are we in the 20th Century or the 16th or 17th Century?

DR. KAILAS (Bombay South): What were the financial and other conditions in the country in 1974?

SHRI P. G. MAVALANKAR In the 17th Century England, there was a man called Thomas Hobbes.

MR CHAIRMAN: Let us not go into the detail. Let us be relevant.

SHRI P. G. MAVALANKAR: Thomas Hobbes of the 17th Century talked of "The Leviathan", the great Leviathan, in which the agreement takes place between the Government and the community, but once the contract or the agreement is made, the community is not free to get out. Government is free. Only the community is bound, Government is not bound. Sir, are we in this kind of an Hobbesian agreement, that is, the one-way contractual system?

Therefore, my point is that dialogue and discussions have to take place with the employees if really Government have any sense of decency and democracy in the matter. Therefore, the basic ethical question involved in this is this. Is it right, just and proper to have a one sided contract? How can Government modify unilaterally? But it has been done because there is an emergency and the Gov-

ernment knows that emergency regulations will make it well nigh impossible for the LIC employees—for that matter any employee or any citizen—to protest. But I would request the hon. Deputy Finance Minister who is listening to me with attention, not to consider the present quiet or present outward silence or lack of protest as something which means that there is no protest at all. It is only because of the various blanket provisions, fear of MISA and many other things that have made the employees and the citizens keep quiet. But they are not quiet internally, and in fact, they are totally disturbed. Therefore, I would request the Government through you, Sir, to consider this matter and see that there is no taste of bitterness, and no sense of disgust at the absence of fair play, at the absence of decency, and at the absence of democratic pattern of negotiation and understanding, and to see that a discussion between one side and other side is allowed to grow in this country. I also want to put a question to the Government. Could they not wait until 31st March, 1977 when in any case the present agreement was to expire? Hardly less than a year was left now and they could have waited for that agreement to expire. But if they could not wait for the agreement to expire, they could have called the employees of Class III and Class IV and representatives of the All India Life Insurance Employees Association and started negotiations.

My good friend, the trade union leader, Shri Stephen made a very interesting argument. He thanked the Government because he frankly admitted that as a trade unionist, he could not gulp down certain difficulties and certain insults and therefore, instead of himself to take the responsibility, he wanted the Government to have the blame. But in that argument, he did concede the point that the Government had acted shabbily and without any democratic basis whatsoever.

If you take the agreement, it was in the nature of a package deal. If it is in the nature of a package deal, the Government of India had agreed that an amount of Rs. 6 crores was to be disbursed to the LIC employees of Class III and Class IV in the manner in which the management on the one side and the employees on the other side, agreed and decided. That was decided in 1974. Now, Sir, in the year of grace, 1978, and that too under emergency, the Government of India had reduced the bonus from 15 to 10 per cent. If the employees knew it, they would have disbursed this amount of Rs. 6 crores differently. They would have given more amount for city compensatory allowance, more amount for medical facilities and more amount for house rent allowance and other facilities. All told, they would have had to disburse only Rs. 6 crores. But out of this Rs. 6 crores, more amount was put for bonus because the emphasis was on bonus. If you take away the bonus, then it means that most of the eggs which were in the same basket, i.e. the bonus basket and if you take away that basket, the other eggs in terms of house rent allowance, city compensatory allowance, medical facilities remain very few. Therefore, I request the Minister to come forward with a statement—she may not be able to come forward with the amendment at this late hour—of solemn assurance that they will now at least come to a discussion table with the employees and see to it that this amount of Rs. 6 crores is disbursed in other forms and keep the bonus from 15 to 10 per cent or lower, if necessary, in order to make the LIC employees fall in line with the general pattern of employees in other public sector, competing or non-competing, undertakings.

Sir, these are the points to which I wanted to draw the Government's attention. In conclusion, I would like to say this. I am sure many other members of Parliament, like me,

have received memoranda signed by hundreds of LIC class III and IV employees from their respective constituencies. It is not a question merely of trying to please one's constituency. I am one with my friend Mr. Das Munsi when he says that if an issue is correct and just, you have to stand by it, even if you have to displease the entire constituency—even face the possibility of losing the election. You should not fight shy of telling the truth. You should always be truthful and just. But the question is not that; rather, it is that, under the cloak of Emergency, under the assurance and full knowledge that people will not be able to do anything by way of protest, you are doing something which strikes at the very root of political, moral, democratic, decent, civilised standards of government behaviour, behaviour of government towards its own citizens in this democratic republic.

If LIC has made such a 'remendous business—I am told it is Rs. 5000 crores this year—surely you could have allotted some money for this purpose. I understand that the Jaipur Division of the LIC had this very week held its development conference at Srinagar for three days. They could all go to Kashmir for this development conference, they did not have it at Jaipur or at Mt. Abu. You cannot have two or double standards. I suggest that the Government should not stand on false prestige; let them be honest with their employees. What is involved, is not the question of 45,000 employees of the LIC belonging to Classes 3 and 4; but the stakes involved are fundamental: ethical and moral, viz. whether you would accept an agreement in its letter and spirit, or you would change it unilaterally. Thank you.

SHRI P. R. SHENOY (Udipi): While I wholeheartedly support any step taken towards the establishment of a national wage system, I must say that the way in which it is sought

[Shri P. R. Shenoy]

to be done in this bill, is neither right, nor rightful. I oppose the idea of depriving the employees of the LIC, of their rightful dues by modifying a valid and reasonable agreement which would automatically come to an end within a period of less than a year, without the intervention of this august House.

I come from a rural constituency, where there is not a single city or town with a population of more than 30 thousand. Yet, there are 500 to 600 life insurance employees working within my constituency. Their role in the society has been useful; and I must say that it has been appreciated by the people in general. Their pay-scale has helped them to be efficient in their office, and honest in their dealings. They have no money to waste; and they spend a part of their incomes for the cause of the less-fortunate workers as a whole, and for the cause of the exploited people in general.

The abrupt modification of the agreement will cause them great hardship and loss. Many of them have borrowed money for the purpose of constructing houses—not for renting, but for occupation, as also for educating their children and other purposes. In fact, if this bill is passed, some employees of the LIC will not get any salary at all for months together—after the impounding of 50% of their DA, cut to the extent of about 24 per cent in their DA and adjusting of the loans due from them to the LIC against the amounts of salary due to them. This will be the fate of a number of employees of the LIC, if the bill is passed.

MR. CHAIRMAN: They are over-spending it.

SHRI P. R. SHENOY: They have no money to waste. It is not a sin to have a small house. The LIC gave loans to its employees for the cons-

truction of houses. It is not a sin to educate the children. So, we cannot say that they are over-spending it. It is not a sin to spend part of the money for the cause of the less fortunate workers. There are so many trade union leaders sitting here. I am not a trade unionist. There are so many less fortunate workers in the country. The LIC employees spend a part of their income for the cause of the less fortunate workers. That is what I was trying to impress upon. We must appreciate anything done for the cause of the exploited people in this country.

MR. CHAIRMAN: What is your point? It means that you are opposing the provisions of the Bill.

SHRI P. R. SHENOY: I oppose the provisions of the Bill.

SHRI INDRAJIT GUPTA (Alipore): He is the only dissenter there from the Congress Party. He has the courage to speak like this.

SHRI P. R. SHENOY: I do not agree with the view that the modification of the agreement will be illegal.

SHRI INDRAJIT GUPTA: You would not get the ticket next time.

SHRI P. R. SHENOY: I am not worried about my ticket.

(Interruptions)

DR. KAILAS: Do not teach him indiscipline.

SHRI INDRAJIT GUPTA: You do not know what has happened in the British Parliament.

SHRI P. R. SHENOY: The Parliament is a sovereign body and it can do anything. But the question before

the House is not whether the Parliament can do this or that. The question before the House is why should the Parliament modify an agreement to which the present Government itself is a party. Has the income of the LIC gone down suddenly or is—the economic situation of the country so grave as to necessitate a cut in the bonus of the LIC employees. The employees of the ONGC are getting a bonus of 18 per cent.

If the argument of the Government is that the LIC employees are the best paid, I must say that we are mistaken. The employees of the Air India, Indian Airlines and even the Nationalised Banks etc. are better paid than the employees of the LIC. If you consider the pay structure as a whole, if you consider the promotion prospects in the LIC, a Clerk in the LIC is not in a very happy position and he generally does not get any promotion, even if he has worked for 20-25 years. It is not so in the case of the banks and other public sector concerns. Therefore, it was not necessary to modify this agreement which would have come to an end within a period of one year.

The aspect of the package deal is also to be considered. The management has agreed to pay 15 per cent bonus and the employees have agreed to other terms of the agreement. For instance, there is no term with regard to medical benefits and this is a package deal. The aspect of this deal has to be considered as a whole.

I, therefore, request the Government to consider the whole matter once again. If it is not possible for the Government to retrace its steps for any reason, I request the Government to see that the management pays the arrears due to the employees in some other form. This can be done by giving them benefits including liberal ex-gratia payments, better medical and travel facilities etc.

श्री नवल किशोर सिंह : (मुजफ्फरपुर) । समापति महोदय, मैं इस बिल का समर्थन करता हूँ । मैं इतना मानता हूँ कि यह संसद के लिए एक प्रसाधारण अवसर है । यह प्रसाधारण अवसर इसलिए आया है कि पिछले कुछ वर्षों में हमारे देश में एक वातावरण ऐसा बन गया था जिस में परिस्थिति की भावना बहुत अधिक व्यक्त हो गई थी । हर कोई यह सोचता था कि कितना अधिक समाज से वह ले सकता है और कितना वह कम समाज को दे सकता है ।

इस वजह से एक प्रतियोगिता हो गई थी हर क्षेत्र में कि कितना अधिक कौन प्राप्त कर सकता है । जितने मजदूर संभव थे वे अपने सदस्यों की कितनी बड़ी से बड़ी मांग चाहे जायज हो या नाजायज पूरा करा लें इसी को वह अपनी सफलता का मापदंड मानते थे । और इस कारण पिछले कुछ सालों में कुछ ऐसी मांगें मंजूर हो गईं जो बहुत अधिक तर्कसंगत और न्याय संगत नहीं थीं ।

सिर्फ बीमा निगम के कर्मचारियों का मामला नहीं है, हम ने देखा है पिछले कई वर्षों में कई ऐसे क्षेत्रों के जो कर्मचारी और पेशावरिकारी थे उन्होंने सरकार को अपनी ऐसी मांगों को मानने को विवश किया जिससे यहाँ की अर्थ-व्यवस्था को बड़ा धक्का पहुँचा और इस कारण देश में एक बड़ा विवाद अलग खड़ा हो गया । लेकिन इस बात को नहीं भूलना चाहिए कि जो इस बीच में बीमा निगम के कर्मचारियों ने कुछ दिनों में काम किया वह प्रशंसा के लायक तो था ही और बीमा निगम का कार्य भागे बढ़ा है । यदि आँकड़ों का अध्ययन किया जाय तो मालूम होगा पिछले कुछ वर्षों में निगम का कार्य भागे बढ़ा है और इसका व्यापार बहुत अधिक भागे गया है । अब

[श्री नवन किशोर सिंह]

देखना यह है कि बीच में जब बीमा निगम के कर्मचारियों की मांगें विचाराधीन थीं तो और भी कई सरकारी क्षेत्र के, सार्वजनिक क्षेत्र के कर्मचारी संघों की मांगें भी विचाराधीन थीं। जहाँ बोनस का प्रश्न आया वहाँ एक प्रकार का समझौता हुआ। लेकिन जहाँ दूसरे किस्म की मांगें थीं, जैसे बेतन स्तर को ऊँचा करने की मांग थी, वह लोग जो अपना बेतन स्तर कभी कभी बिल्कुल तर्कविहीन आधार पर बढ़वा कर ले गए और अन्य मांगें मनवा कर ले गए उनमें तो अब स्वायत्तत्व हो गया और उसको सरकार अब कम नहीं कर सकती। लेकिन जो बोनस मिला इस को कम करने के लिए आज सरकार को विधेयक लाने की आवश्यकता हुई और वह विधेयक हमारे सामने प्रस्तुत है। यह एक ऐसी बात है जिसकी बीमा निगम के कार्यचारियों को थोड़ा बुरा लगना स्वाभाविक है।

दूसरी बात यह है कि जिस वकन काम सारे दूसरे क्षेत्रों में यह हो रहा था अक्टूबर, 1975 में उस वकत अगर इस बीमा निगम के कर्मचारियों के मामले को भी सामने रख लिया जाता और इसका निपटारा किसी न किसी तरह से कर दिया जाता तो शायद यह एक अच्छी बात होती। लेकिन अब इस को अकेले करना पड़ रहा है। इसलिए बीमा निगम के कर्मचारियों में कुछ असंतोष होना स्वाभाविक है।

मैं यह कहना चाहता हूँ कि चार साल के लिए समझौता हुआ था। दो साल का बोनस मिल चुका है। दो साल का बोनस समझौते के मुताबिक और बाकी है। सरकार इस पर विचार कर सकती है कि इस दो साल के बोनस के मुताबिक कुछ सुविधा उन को दी जा सकती है कि नहीं। क्योंकि अब समझौता होता है तो आप जानते हैं कि कई तरह की मांगें होती

हैं। जब एक मांग मान ली जाती है तो दूसरा पक्ष अपनी अनेक मांगों को हटा लेता है। मुझे पता नहीं है कि कौन-कौन सी मांगें उन की थीं जिन को उन्होंने उठा लिया इसलिए कि उन का बोनस 10 से 15 प्रतिशत होने जा रहा था। इसलिये कुछ ऐसी स्थिति मालूम होती है कि जिस में सरकार को कुछ विचार करना चाहिये अगर ऐक्स-मैशिया पेमेंट के संबंध में सरकार कुछ विचार कर रही है तो वह अच्छी बात है वर्या कि आखिर जिस समय आप ने बोनस का ऐलान किया और समझौता किया इंडस्ट्रियल डिप्ल्यूट्स एक्ट के अन्तर उस वकत उम्मीदें हो गईं। और उम्मीद जब बढ़ती है तो उस आधार पर आदमी अपना बजट बना लेता है। माननीय शिंताय ने एक बात कही, उस पर विचार किया जाना चाहिये कि जैसे बहुत से लोगों ने दो, तीन कमरे का मकान बना लिया। दो, तीन कमरे का मकान बनाना कोई बहुत बड़ी बात नहीं है, इस के लिये जिन लोगों ने कर्ज लिया इस उम्मीद पर कि बोनस मिलेगा तो कर्ज दे देंगे, उनकी सारी आशाएं चकनाचूर हो गईं। इसलिए इस विधेयक का समर्थन करने हुए हम सरकार से यह अनुरोध करते हैं कि जहाँ तक ऐक्समैशिया पेमेंट का सवाल है, इस बात को ध्यान में रखकर विचार करे कि दो वर्ष का बोनस बीमा निगम का बच रहा है, इसलिए कुछ ऐसी सहायता होनी चाहिए जिससे उनका भी असंतोष दूर हो सके।

प्रो० एस०एल० सक्सेना (महाराज गंज): माननीय बैपरमैन साहब मैं इस विधेयक का साक, स्टॉक एंड बैरल विरोध करता हूँ इसका मुख्य कारण यह है कि किसी सौतम एप्रोमिट को तोड़ना इस-मोरल है। यह सरकार महात्मा गांधी के आशीर्वाद से बनती है, उनको अपना पॉजिटिव स्टार, कि नासकर एंड माईड माननी है।

आपको याद होगा कि जब हम आजाद हुए थे, उस समय सरदार पटेल ने, पाकिस्तान को जो 55 करोड़ रुपये देने का वायदा किया गया था, वह न देने की सिफारिश की थी और वह नहीं दे रहे थे, तब महात्मा गांधी ने इसका विरोध किया था और अनशन किया और अपनी जान की बाजी लगा दी। और वह सारा अन्न में उसको दिया गया मुझे दुख है कि उसके बाद भी इस सरकार ने जो उनके साथ एग्रीमेंट कर लिया है उसको तोड़ना चाहती है। जो एग्रीमेंट कर लिया है, उसका पालन करना चाहिये उसे तोड़ना इम-मोरल है।

एक बार प्रिन्सेज के साथ जो एग्रीमेंट था, उनको भी तोड़ा गया, मैंने उसका भी विरोध किया था। पर उसके लिए एक हिस्टोरिकल नैसिटी थी, उसके पक्ष में एक दलील थी। परन्तु इस एग्रीमेंट को तोड़ने के बारे में कोई दलील नहीं है। अगर उनको बोनस न मिलता तो शायद वे लोग इतना काम न करते, और शायद आज एल० आई० सी० की हालत बहुत खराब होती। लेकिन आज एल० आई० सी० ने इतना मुनाफा दिया है, जो किसी ने नहीं दिया है। जब उसके एम्प्लाइज को मालूम था कि हम बिजनेस देंगे तो ज्यादा बोनस मिलेगा, इसलिए उन्होंने काम किया। अगर आज आप उन से यह काट लेंगे तो इसका क्या नतीजा होगा यह आप जान सकते हैं। मैं आपसे कहना चाहता हूँ कि यह इम-मोरल है, इसके पक्ष में कोई कारण नहीं है और यह महात्मा गांधी के सिद्धान्त के खिलाफ है।

हमारे लेबर मिनिस्टर श्री रघुनाथ रेड्डी बड़े प्रोप्रियर मिनिस्टर हैं, उन्होंने अपने समय में हिस्टोरिक बिल पेश किए हैं, बीडेड लेबर आदि के बिल उन्हीं के

समय में पास हुए हैं, मेरा कहना यह है कि इन बिल को पास कर के उनके रिकार्ड को कलंकित मत कीजिए।

मैं राउरकेला में एक बिलियन टन लोहा बनाने की एनीवर्सरी पर गया था वहां पर एक भंगी का मिनिमम वेज 650 रुपये है। 450 रुपये तख्ताह है, 100 रु० डी० ए० है और 150 रुपये इन्सैटिव बोनस के हैं। हमारे चीनी मिर्चों में माल में 4 महीने चीनी बनती है और 8 महीने मजदूर बेकार रहता है। उसको केवल 300 रुपए मिलते हैं। क्या यही यूनिफार्मिटी है ? आपने यूनिफार्मिटी को दलील दी है, हम चाहते हैं कि हिन्दुस्तान भर में यूनिफार्म वेज पालिसी हो। पर ऐसा नहीं किया जाता है। यही कारण है कि रेलवे में स्ट्राइक हुई। श्री फर्नान्डो की मुख्य भाग यही थी कि जो बैंकों और एल० आई० सी० के मजदूरों को मिलता है वही रेल के मजदूरों को भी दिया जाए। क्योंकि आपने स्ट्राइक को कुचल दिया था, इसलिए आप उसको भूल गए हैं। मेरा कहना यह है कि अगर यूनिफार्मिटी बेरेज में नहीं होगी तो कभी भी अमनो-अमान मजदूरों की दुनिया में नहीं होगा। क्या हर जगह एकस ब्रेथिथा पेमेंट मिलता है ? यह आपकी केवल मनमानी है यह जो आप तानाशाही करते हैं यह ठीक नहीं है, आप एमरजेंसी का ब्रेजा लाभ न उठाए।

मैं इसका सख्त विरोध करता हूँ और आशा करता हूँ कि इस विधेयक को वापस ले लिया जाएगा।

12.00 hrs.

The Lok Sabha adjourned for lunch till fourteen of the Clock.

The Lok Sabha reassembled after lunch at three Minutes past Fourteen of the Clock.

[Mr. DEPUTY-SPEAKER in the Chair]

**LIFE INSURANCE CORPORATION
(MODIFICATION OF SETTLEMENT) BILL—contd.**

SHRI INDRAJIT GUPTA (Ahirpore): Mr. Deputy-Speaker, Sir, I am grateful to you for giving me an opportunity to say a few words.

I do not wish to repeat the many arguments which have been advanced from this side of the House. As you know, Sir, we had opposed this Bill even at the introduction stage; obviously, that had a meaning, that had an implication, and I wish to make that implication quite clear. Normally at the introduction stage, one does not really go into the merits of the Bill as such. But our opposition has been to the method which the Government has adopted, the way in which it has decided to take decisions of this type. This is not the

first example. In the case of the Bonus Ordinance, which later became an Act amending the original Bonus Act, we had warned at that time, all the trade union organizations in this country, including the INTUC, had warned the Government, that this was not the way to do it. If you want to revise something or change something, a fundamental right of the workers which has been in existence for a long time, the correct method is the method of discussion, bipartite discussion, negotiating and trying to come to a settlement. In the case of bonus, they flouted this concept; nobody was told about that Ordinance which they were hatching, I should say; not even the INTUC was taken into confidence; and suddenly we were presented with a *fait accompli*.

Again, on the question of Life Insurance Corporation employees settlement, if they wanted to revise it in this way, what prevented them first from calling the associations and federation of these employees and

putting the whole case before them? The Government could have told them that in view of the new legislation which has come imposing a ceiling of ten percent on *ex-gratia* payments in all the Public Sector Undertakings, they should fall in line and then they could have discussed that if their bonus was to be limited to ten percent instead of fifteen percent as under the agreement, what other adjustments were necessary and how it could be done. Could they not have done that? Shri Das Munsri this morning, of course, admitted this fact and said that he would have preferred if first of all a discussion had been held, and later he ended by pleading with the Government that even now they could have a discussion.

The whole method which is being followed is an obnoxious method and this is a dangerous precedent not because a few rupees, annas and pies are involved in this; the obnoxious precedent which is being set up, taking advantage of the emergency, is that the whole structure of bilateral, bipartite negotiations and discussions machinery which has been evolved over a large number of years in this country to deal with labour matters is being given completely the go-by. That is why, we had opposed this Bill at the introduction stage itself and I oppose it today also. We had a long lecture from our young friend, Shri Das Munsri and I have listened to him tolerantly because he is new to the trade union field, but anyway he talked about so many things like wage policy, income policy and various aspects of the economy in this country and so on. It is not necessary for me to go into all that today; we could discuss that some other time. But I do not know from where he got the idea that the trade unions are only concerned with the white-collar employees. In fact, he built his whole case on this false premise. If you ask me, I am certainly of the view that workers, who work on the

machines and produce wealth for the country in the shape of commodities and goods should, in my opinion, get higher wages than a mere clerical employee and, in advanced countries that is what is done also. Can you imagine a textile worker, or an engineering worker or a steel worker being paid less emoluments than a mere clerk in an office? This is a wrong way of looking at things, but what is to be done? Are you in a position today to revise this whole structure without a more basic and radical change in the whole economic set-up? I would like to know that.

Recently, we know that Padyatras have been carried out in different villages. We find that statutorily defined rate of minimum wages for agricultural labour which has been gazetted by so many State Governments is not being paid anywhere. In my own State, I find that the West Bengal Government has gazetted a minimum wage of Rs. 8.10 for the agricultural labour, but nowhere in any village, an agricultural labour is being paid more than Rs. 3.00 or Rs. 4.00. Why does the Government not do something about it? That has to be done by us, according to Shri Das Muns. The Government has gazetted these rates; nowhere are they being paid. The agricultural labour are not white-collar workers; they are half-naked and starving. Why don't you see that those wage rates are enforced? But you cannot do that because there is resistance from the people belonging to your own party. They are the hirers of the agricultural labour; they would not allow you to pay these rates. I would not go into that further now.

This was the result of an agreement—this bonus for LIC employees. It has been mentioned already. That agreement of the 24th January 1974 was a result of prolonged bilateral negotiations between the management and the Unions and I am sure Mrs. Rohatgi knows that in the course of the negotiations a stage came when a deadlock was reached and it

seemed as if the negotiations would break down. At that stage, at a very big level, the then Finance Minister, Mr. Chavan, assisted by the Labour Minister, personally intervened, took part in the negotiations and saw to it that the impasse was broken and the deadlock was resolved and the present agreement is the result of that. Can anybody deny it? And are we to believe that at that time all these things were not taken into consideration—the financial position of the LIC, its capacity to pay without jeopardising the interests of the policy-holders? And all these things have dawned on people only now? Is it that at the time of the protracted negotiations these things were not taken into account? Certainly they were taken into account.

SHRI C. M. STEPHEN (Muvat-tupuzha: Mr. Gupta, nobody questions the sanctity of that agreement. That is not the point.

SHRI INDRAJIT GUPTA: You have just come, Mr. Stephen. My main objection is to the way in which the government is doing it. That is why I am opposed to it. Your INTUC also, I know, is opposed to this method of bringing a *fait accompli* before the Parliament without discussing anything with the Unions outside. I would say that the status of this Parliament is being denigrated. Has it become a job of the Parliament to obstruct collective agreements which have been made outside between a public sector employer and its employees with the active co-operation of the Ministers of the Central Government? They made that agreement. If you want to revise it, why do you not follow the same method? I am quite sure that in the circumstances of the emergency and in view of the new legislation, that is, the Payment of Bonus Act, as amended, if these employees' organizations had been called and told, 'Look here. The whole structure of your agreement which is the package deal and its

[Shri Indrajit Gupta]

components will have to be changed and you cannot get bonus or *ex gratia* payment more than 10 per cent according to that, of which 5 per cent will have to be deducted, then a discussion could have taken place as to whether that can be adjusted or fitted in under any other head. But there was nothing of that kind. They do not want to follow this kind of a method at all. That is why I am objecting so strongly to it.

Therefore, I do not wish to take up more time and I wanted to be very brief on this matter. This will become a very dangerous precedent in all labour matters.

Mr. Subramaniam in his opening remarks said that this is not a precedent and 'we have revised many agreements and settlements earlier.' I am not talking about the sanctity of that. I am talking about the method of revising. If this is going to be the attitude towards the organized trade union movements, then, do not blame them if they do not play the role that is expected of them during the emergency. Do not be taken in by what is happening now. I am repeating what I said yesterday. A terrible discontent is there in the minds of the workers because of these things which have been done. If you had called them, discussed with them and come to some settlement and adjustment and all that, it would be a different matter. I am sure they would have agreed. Do you think it will be possible for them to say at this stage, 'No, we must have the 15 per cent come what may. Even if you bring a Bill in Parliament, we are not going to accept it.'? No such situation exists in the country to-day, but the method that is being followed is totally different, which is something, I should say, trying to ride rough-shod over the sensibilities of the workers and this is a very dangerous precedent which I do not

like because of its political implications. Do not antagonise the working class unnecessarily. I am repeating it day in and day out on the floor of the House. You want their support and co-operation. We all want to co-operate in this emergency. Just because strikes cannot take place because of MISA or DIR, the members on the other side of the House should not be lulled into a sense of complacency. The workers are not going on strike. Quite true. They have shown it that during this period they will keep the production and transport going on. If anybody wants to go on a strike, he cannot do it, he would not dare to do it—this is another aspect of it—because of the repressive laws which are there. That is a fact. Therefore, on the face of things, production and transport are going on fine. But that will not give you an insight into the mind of the worker. I am telling you in all seriousness that there are other procedures by which these things can be done if necessary. Do not follow this steam-roller method, just because you have got the majority in Parliament and everything must be brought here and rushed through.

I will now conclude by making an appeal....

SHRI CHANDRA BHAL MANI TIWARI (Balrampur): What is your suggestion?

SHRI INDRAJIT GUPTA: I have a very humble suggestion to make, we had already suggested informally that once you introduce the bill, because we were opposing the introduction also, but having introduced it, do not immediately bring it up for consideration. Give us some time. Let there be some talks. Let the Finance Ministry call the concerned unions and federations and let them sit with them. They already know that the Bill is there as introduced. If the Government wants, at any time they can pass it. They could have a discussion and they could have worked

out some adjustment and settlement, but it was not done.

Now, we find, they have brought the Bill. Immediately they want to pass the Bill. What suggestion am I to make? You have got the strength, you pass it. It will be passed after two hours. The effect of the Act will only be that that particular agreement of 1974 which includes the provision for a 15% bonus apart from other things, will be set aside. That will become invalid. Now the question is what can we put in its place? I do not think that the Government's contention is to scrap the whole agreement and not to give them anything. I do not think that they have gone mad to that extent yet. So, something has to be done. I would suggest in all humility, Mr. Subramaniam in his opening remarks gave some vague assurances which I was not quite able to grasp now having passed the Bill, please sit down with them, call them. You do not have to stand on any false prestige now. What you wanted to do, you have done. You have demonstrated your strength. Now call them and tell them that according to the provision of the law 10% is receding. I hope you will allow them 10%. That is permissible. That will not upset any plans of uniformity or anything like that. I do not know whether the Ministry of Finance has been briefed by the wonderful Bureau of Public Enterprises which I know is creating a havoc. At other times the Ministry of Finance behaves like the Bureau of Private Enterprises but now or at such times they behave like the Bureau of Private Public Enterprises whose one job is that if any worker or an employee has got an additional benefit, it must be cut down immediately. The bureaucrats sitting in the Bureau of Public Enterprises are known to me. I had some discussion with them also. I would say, now you have got your point. You have demolished the settlement and the agreement. Now at least call them and sit and discuss with them so that that amount of money which was involved in the total package settlement

should not be taken away from them. You distribute it under other Heads. If you do not want to give them bonus, you discuss with them in regard to the other benefits and facilities, because at no stage it has been argued that LIC has not got the financial capacity to spend that Rs. 6 crores. It is obvious from the figures of LIC working and so on. There is no question of not having the financial capacity, otherwise how can an agreement come with the active association of the Finance Minister himself? They had worked it out that this is what can be spared without harming the cause of the policy holders or anybody. Unfortunately in the distribution of the components of the package deal 15% as bonus was one of the items that now is being knocked out. What happens to the rest of it? At least that should be negotiated and I think the parties are quite willing to negotiate and have a proper and reasonable settlement and agreement. Let at least that be done. That is all I request them.

As far as the Bill goes, of course, we will vote against it.

SHRI Y. S. MAHAJAN (Buldana):
Mr. Deputy Speaker, I rise to support the Bill.

I have listened very carefully to the remarks of Shri Somnath Chatterjee. I must confess I was shocked at the remarks which he passed against the Government. I believe he got it all wrong; he did not consider the Bill in its proper perspective. He was more concerned with the organised group of workers. He did not consider the economic situation of the country as a whole. He did not even make an attempt to understand the circumstances which led the Government to bring forward such a Bill. He made a number of accusations in an unreasoned language to which I will come later on. His colleague Mr. Indrajit Gupta did at least try to understand the position of the Government and made a very constructive suggestion.

[Shri Y. S. Mahajan]

Sir, the LIC came into existence in 1956 as a result of the amalgamation and nationalisation of 245 insurance companies. Mr. C. D. Deshmukh, the then Finance Minister made a solemn promise on the floor of the House that as a result of nationalisation, a number of substantial benefits would accrue to the policyholders, of which two important would be reduction in rates of premia and increase in bonus paid to policyholders. Sir, even after 19 years these benefits have not accrued to them, in spite of the fact that the business in force in 1956 was Rs. 1220 crores and today the business in force is Rs. 13,309 crores. It has increased by more than ten times and still the policyholders have not benefited in either case. And this is the case in spite of the fact that the longevity has increased and the incidence of risk has diminished considerably during the last 20 years. The expenditure on certain items by the LIC has continued to increase.

Take the case of expenditure incurred on renewal business. The Insurance Act lays down that this expenditure should not be more than 15%. How many times has the LIC gone to the Government to get exemption from this condition? There have been number of such occasions. During the last 2 years, this was done twice. In 1973-74 and 1974-75 this renewal expense ratio was 15.43 and 18.97 per cent respectively. Sir, on both these occasions the LIC had to approach the Government to condone the lapse.

The LIC has been spending a disproportionately large amount on salaries for officers. Let me give some statistics. Expenses on salaries have gone up by 900 per cent. The expenditure on other benefits has gone up by 1411%. From the monthly gross salary bill it is observed that salary expenditure is very high indeed. The total monthly gross salary bill of LIC was Rs. 56 lakhs in 1957. It has shot up to Rs. 654 lakhs in 1975, registering an increase of 1068%.

Now I come to class 3 and class 4 employees. Their number was 27,000 in 1957. In 1975 this number shot up to 54,400. The average salary of a class 3 and class 4 employee in 1956 was Rs. 177 and now it is Rs. 1043. That is the average salary for class III and Class IV persons. It is clear, therefore, that the average salary has increased by 490 per cent. In 1957, the index number of wholesale price was 105 taking 1951-52 as the base year. If you take the same basis for the year 1975, the index number was 366. That means, these people have benefited to the extent of 124 per cent in their salaries.

Then it is clear that by raising all sorts of agitations, by putting all sorts of pressures and by the advocacy of their sectional interests which they consider as more important than the interest as of the community as a whole, they have been able to improve their conditions considerably.

Now, I come to the Bill proper. The bonus which is paid the Class II and IV people of the LIC is charged to revenue account. That means it is part of the cost of L.I.C. It is not connected with the productivity or profits of the L.I.C. Therefore, it does not come under the purview of the Bonus (Amendment) Bill which we passed some days ago. That is the reason why the Government has now come forward with this Bill. Otherwise, this Bill would not have been necessary at all. Because that does not apply to the LIC, the Government, had to come forward with the present Bill before Parliament. The second reason is that when the agreement of June 1974 was arrived at, we were passing through a serious inflation; prices were rising at the rate of 36% per annum. It was under the pressure of such serious inflation that this agreement was arrived at during the last two years, the price level had come down by 8 or 9%; that means, the bottom of the agreement has been knocked out. The agreement is no longer valid.

As Shri. Stepan said, the agreement is not valid at the moment and thousands of agreements have also been set aside as a result of the Bonus (Amendment) Bill. Therefore, it is necessary for the Government to come before Parliament which is a sovereign body in the country.

My friends may say that inflation is not there now. I say that inflationary pressure is still there. And we have to guard against it and to see that prices do not rise. During April, the index number rose by 2.6%. We have, therefore, to be careful to see that whatever inflationary pressures are there are removed. Therefore, this Government comes with this bill to remove one of the inflationary factors.

Finally, is it not proper and is it not in the interest of justice that whatever we do in the case of other sections or groups of workers should be applied in the case of L.I.C. people too? Take the case of General Insurance or even the bank and other public sector and private sector undertakings. Thousands of agreements as pointed out, have been set aside. Why should we treat LIC employees, as hon. Members from the Opposition insist, in a preferential way? Why should the L.I.C. be considered as the privileged section of the workers in this country? I do not think it is in the interest of the country to treat them as a privileged group. Government is concerned with the interests of all sections of the community. Government on whom the responsibility falls for the progress of the country as a whole has a duty to see that justice is done to all sections of the community. Whenever a new policy is framed, they should see that it applies to all groups of workers in a non-discriminatory manner.

Then, I would like to say one thing. The L.I.C. is a service institution. It has to function primarily in the interests of the policy holders. It is a big effort in this country to achieve ultimately social security for all the

people in this country. The ultimate objective is to serve the policy holders. The primary duty of the Government is to look after the people working in this institution or to treat them justly whereas the hon. Members on the other side are missing the wood for the trees. They are so much concerned with the interests of a particular section of the people that they forget to think the interests of the community as a whole. The L.I.C. is meant to provide insurance, that is, security for the policy holders. It must do so efficiently. So many complaints have gone to the head office about the inefficiency and delays involved in passing the claims of the policy holders. The service in the L.I.C. has been going down.

Sir, the hon. Members from the Opposition have talked a lot about sanctity of the agreement as if as a result of this Bill the sanctity of all the agreements is going to be destroyed.

Sir, our Government stands for a regulated and ordered economic system in which there will be justice for all sections and the economy would progress smoothly. We are concerned with the totality of the economy as a whole and not with sectional interests. It is the usual tactics with the Opposition to uphold sectional interests and not bother about the interests of the community as a whole. Sir, I would like to point out that when the Government succumbs to sectionalism, democracy perishes. With these words, I support this Bill.

डा० कलस (बम्बई दक्षिण) : मैं लाइफ इन्श्योरेंस कारपोरेशन माइक्रोफ़िनेल ग्राऊ सैटलमेंट बिल, 1976 का समर्थन करता हूँ। मैंने बड़े ध्यान पूर्वक अपने मित्र श्री सोमनाथ चटर्जी के भाषण को सुना। आज श्री इंद्रजीतगुप्त को भी मैंने सुना है। मैं सिर्फ़ उससे इस बात में सहमत हूँ कि क्या ही अच्छा होता अगर सरकार इस बिल को लाने के पहले एल० आई० सी० के

[डा० कैलाश]

कार्यकर्ताओं को विस्थापित करने और उन से संपर्क स्थापित करने को कोशिश करते। लेकिन जिस भाषा का प्रयोग श्री सोमनाथ चटर्जी ने किया और जिस प्रकार ठीक ठंग से सरकार को समझाने के दृष्टिकोण से श्री इन्द्रजीत गुप्त ने प्रायः भाषण किया उसे सुन कर मैं यही कह सकता हूँ कि वे दोनों एक ही दृष्टिकोण से बोल रहे थे। अगर इस देश में लेबर मूवमेंट को ठीक रास्ते पर चलाया है तो मैं मानता हूँ कि यह सरकारों का कर्तव्य हो जाता है कि जो भी पालिकों और मजदूरों के बीच समझौते होते हैं उनका स्वगत तो किया हो जाना चाहिये लेकिन साथ साथ उन को पूर्णतया माना भी जाना चाहिये। लेकिन मैं सदन के सायने कुछ आंकड़े रखना चाहता हूँ जिस से सर्वश्री सोमनाथ तथा इन्द्रजीत गुप्ता सोचें कि वे कहां तक ठीक हैं। क्लस 1, 2, 3, और 4 से कुछ मिलकर एल० आई० सी० में 54000 व्यक्ति काम कर रहे हैं। अगर हम क्लस 3 और 4 को बाँटें करें, जिन की चर्चा इस बिल में की गई है और जिन से ही यह समझौता हुआ था, तो उनकी संख्या घट कर 38000 के करीब रह जाती है। यदि इस संख्या की जन संख्या से तुलना करें, तो पता चलेगा कि यह जो एग्रीमेंट किया गया था, वह इतने से व्यक्तियों के लाभ का था। यही नहीं वह 1974 में किया गया था, उस समय जब कामें बंद रही थीं और कुछ ऐसा लग रहा था कि डंडा दिखा कर, हड़ताल का धमकी देकर, आराजक उड़ हो कर मीनेजमेंट को दबा रखा था तथा देश को खत्म किया जा रहा था। उस वक़्त यह समझौता सम्पन्न हुआ था। वह दोषपूर्ण था या नहीं। जैसे मनुष्य के जीवन में कोई एक वर्ष कैसा रहता है और अगला वर्ष कुछ और हो जाता है। ठीक इसी प्रकार से देश की परिस्थिति 1974 में क्या थी इस को हमें नजरअन्दा नहीं करना चाहिये। पर भाव देश की परिस्थिति क्या है यह

सोचना होता। सरकार इच्छा मजदूरों का भला चाहती है। क्या चाहने की इच्छा से ही उसने इस प्रकार के एग्रीमेंट को उस समय अपनी सदन में ही भी मजदूरों का भला चाहने में सरकार श्री सोमनाथ चटर्जी और श्री इन्द्रजीत गुप्त की पार्टी से किसी भी प्रकार कम नहीं है। सरकार एल० आई० सी० के कर्मचारियों की भलाई चाहती है, और चाहती है कि उनको प्रोत्साहन दिया जाए ताकि वे प्रागे बढ़ें।

लेकिन सरकार का, या माननीय सोमनाथ और इन्द्रजीत गुप्त का भी यह धर्म हो जाता है कि वह देश की अर्थव्यवस्था की स्थिति को आज की परिस्थिति में देखें। अगर उन्होंने थोड़ा सा भी सोचा होता कि देश में जब इनफ्लेशन (ऐक्टिविटी) काम कर रही थी तो देश में कैसा वातावरण था? और सबसे बड़ा वातावरण प्रोडक्शन का होने का था। यह भावस्थ है कि यानी सप्लाई ज्यादा हो जाने के कारण तथा ज्यादा वस्तुएँ खरीदने से यह सब कुछ हुआ। पंसार में हमेशा पहला एक देश है जिसने इनफ्लेशन पर काबू तो पाया ही, लेकिन उस को स्थिर करने की परिस्थिति में आज आ गया है। तो माननीय सोमनाथ और माननीय इन्द्रजीत गुप्ता का विरोध, विरोधी दल में होने के नाते, तो मैं समझ सकता हूँ। लेकिन देश को आगे ले जाने के लिए उनको यह अवश्य कहना चाहिये कि वे भी मेन स्ट्रीम में चले। एल० आई० सी० में कई लेबर यूनियन्स हैं। मैं मानता हूँ सी० पी० आई० के सभापति, उपासभापति और जनरल सेक्रेटरी जो सी० पी० आई० से सम्बन्धित हैं मेरे से बम्बई में मिले थे और मैंने उन से यही प्रश्न किया कि क्या आप यह ठीक समझते हैं कि आज इनफ्लेशन को किसी प्रकार सरकार ने जो दबाया है, उस को हटा लिया जाय? क्योंकि अगर इस वक़्त 15 परसेंट को हिसाब से सरकार ने इनको बीनस देना मान लिया

तो दूसरी शर्तोंवाइज लेबर है उस पर बुरा प्रभाव पड़ेगा और उन में अंतर्तीय होना स्वाभाविक होगा। क्या वे वह परिस्थिति साना चाहते हैं। दूसरे जब हम ने और दूसरे मजदूरों को बोनस देने पर बंधन डाला तो विरोधी दल के सदस्य सदन के बाहर तो इस बात को मानते थे कि यह ठीक कम्पन इनक्लेशन पर काबू पाया जा सकता है और यह अच्छा हुआ पर सदन में कुछ और कहते हैं कि हमने बन्धन डाल दिया। तो खाली यूनिन एक्टिविटी का बहाना ले कर, ऐग्रीमेंट का बहाना ले कर उस की सैक्टिटी का बहाना ले कर इस प्रकार की बात करना जो देश हित में न हो, यह एक पालिगमेंटरियन के लिये अच्छा नहीं है। मैं सोचता रहता हूँ कि सी० पी० आई० और सी० पी० एम० के निःस्वार्थ भावता से काम करने वाले व्यक्ति क्यों आज देश में अधिक सख्या में चुन कर विधान सभामें और पालिगमेंट में नहीं आ जाते? हम का एक ही कारण है कि देश की हालत को देख कर आम जनता की भलाई के लिए सरकार जो भी कदम उठाती है उस का यह लोग विरोध करते हैं। वे तो एक ही दृष्टिकोण आने सामने रखते हैं कि सी० पी० एम० की यूनिन एक्टिविटी की ताकत किस प्रकार बढ़े और दूसरी यूनिनमें कैसे कमजोर पड़ जायें। इसी दृष्टिकोण से यहां पर भी बोलना शुरू किया।

मैं मानता हूँ कि सी० पी० आई० ने सम्बन्धित यूनिन एल० आई० सी० में काफी मजबूत है, और दूसरी भी दो यूनिन्स हैं उन को दबाने के लिए और यह साबित करने के लिए कि पालियामेंट में एल० आई० सी० वर्कर्स के काज के लिए सी० पी० आई० सभासद सदन में लड़े, इसी दृष्टिकोण से यहां बातें कही गई हैं और यह धमकी दे कर गये हैं कि हम इस को अपोष करेंगे। अपोषजीशन के लीडर होने

के नाते उनको विरोध करने का हक है। लेकिन देश की परिस्थिति को बिना देखे हुए अगर हम इस प्रकार की बात करेंगे तो वह उन के लिये ठीक नहीं होगा।

मैं माननीय सुशीला जी से कहूंगा कि हम बिल जरूर पास कर रहे हैं, और जैसा माननीय इन्दजीत मुप्ता जी ने कहा कि यह प्रीसीडेंट न हो, वह कृपा कर के वहां की यूनिन के समापति को बुला कर के उन से बात करें। अगर आप इनक्लेशन से लड़ने के लिए रुपया उन के हाथ में नहीं देना चाहते तो ठीक है, लेकिन जो बोनस का रुपया है उस रुपये से उन्हें और कुछ सुविधायें दीजिये। इस नाते मैं माननीय सोमनाथ जी, माननीय दिनेन भट्टाचार्यजी से कहूंगा कि वह इस विधेयक का विरोध न करें। बल्कि इस को पास करें। इस से आपकी यूनिन एक्टिविटी बढ़ेगी। केवल दिखावे के लिये यहां काम न करें। मैं चाहता हूँ कि सी० पी० आई० और सी० पी० एम० देश में ऐसी पार्टी बने जो लोगों का भला करें। लेकिन यह तभी हो सकेगा अगर उन्होंने इस प्रकार काम किया। प्रधान मंत्री जी चाहती हैं कि विरोधी दल एक मजबूत पार्टी बने जो अल्टरनेटिव सरकार बना सके। लेकिन एक छोटी बुद्धि अर्थात् एक मजदूर का ही सिकं ध्यान में ले कर यहा प्रतिपादन करेंगे तथा देश का ध्यान नहीं रखा तो यह उन की पार्टी के हित में नहीं होगा इसीलिए उन की पार्टी छोटी होती चली जा रही है। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

SHRI DINEN EHATTACHARYYA (Serampore): Mr. Deputy-Speaker, Sir, I am sorry, I cannot oblige Dr. Kailas who has appealed to us to support this Bill. Of course, the question of money is there but we cannot do it on principle. I will say that this is an un-principled legislation. Whatever example Mr. Stephen might give, the fact is that a package deal was

[Shri Dinan Bhattacharyya]

arrived at between the management and the employees of the LIC. And it is very unfortunate on the part of the Government to take out one item out of the several items of that Package deal and come to Parliament saying that they cannot implement this item i.e., bonus item. Some Members from this side as well as from that side have already mentioned that it was not a profit sharing bonus. A package deal on the total amount to be disbursed to the employees was made. It was not settled at that time that this amount was a profit sharing bonus, and under the then Bonus Act, it was not so.

I want to make it clear to Dr. Kailas that we do not have any union in LIC. But as a political party, we may have supporters among the LIC employees. So, he must correct himself.

DR. KAILAS: I said about CPI backed Union.

SHRI DINEN BHATTACHARYYA: So far as CPI is concerned, I think, CPI also does not conduct any union in LIC, as a party. The employees may have sympathy with the CPI and CPM but it does not mean that these parties conduct unions directly. Whenever you accuse, you must base yourself on some facts which are true.

Shri Indrajit Gupta has very categorically and specifically mentioned that heavens would not have fallen down if the Finance Ministry or the LIC management would have sat with the employees and come to a decision about the question of bonus. Now, they are unnecessarily bringing in the Parliament. When the agreement was signed, it was never mentioned in the House. The same Lok Sabha is continuing. At that time, they neither brought it before the House nor placed it on the Table. Now, all of a sudden, they have brought it. And that is why, there is so much opposition to the Bill both from the Opposition as well as from the Congress benches.

Ultimately, by their whim, they have managed to see that the Congress Members support it, even though the Members could not support it from their heart of hearts. One Member, particularly, has voiced his opposition to this kind of a method adopted by the Government; and I congratulate him for his moral courage in this matter and for speaking the truth. Our objection to it has been amply elaborated here; and I would not reiterate it and only say that you cannot undo the settlement which was arrived at with the employees with a legal backing. This will bring an end to the system or the very basis of collective bargaining which has been achieved by the Indian working class after several years of continuous struggle; and this method has been adopted and agreed upon by management and employees as also by Government. It is not as if this method has been accepted and adopted due to the grace of any particular government or authority. You are now bent upon giving a final blow to this very basis. It is nothing but a blatant example of the authoritarian rule which you want to establish here for perpetual time. You snatched away the right to bonus of the workers. You have started annulling the provisions of the bipartite agreement, which had received your approval as well.

MR. DEPUTY SPEAKER: You are repeating yourself over and over again. You are not only repeating yourself but repeating the points.

SHRI DINEN BHATTACHARYYA: I am also saying that it is a matter of principle. We are not concerned with the question: how much money will the employees be losing.

MR. DEPUTY SPEAKER: I cannot beat you in lung power.

SHRI DINEN BHATTACHARYYA: The principle is being violated here deliberately by the Government. I do not know for what reasons. They had called us to a meeting. There it was stated clearly from our side, that

the Government should have a discussion with the employees and L.I.C. authority.

MR. DEPUTY SPEAKER: You have made your point very very clear. Don't repeat.

SHRI DINEN BHATTACHARYA: Let me finish with a few comments. We then told the Government, "Before bringing in the bill, you must have consultations; and you must ask the management to have a dialogue with the LIC employees and come to a conclusion; and you can then bring in the bill on that basis." But that was not heeded to; that is not being heeded to, even now. Mr. Subramaniam now says that after passing the bill, he will suggest that the authorities should discuss the matter with the management. I do not know what purpose will be served by it. I know that the only purpose is to see that the very basis for the bonus is removed by the managements of institutions in this manner. So I once again record our emphatic protest against this method. Even at this stage, I request the Government to start discussions with the employees concerned; and to come in with any other bill that they may like, at the end of such discussions.

श्री भूल चंद डागा (पाली) :
उपाध्यक्ष महोदय, हम ने काफी बातें सुन लीं, एक यह बात इन्होंने कह दी कि नैतिकता की दृष्टि से या ईमानदारी की दृष्टि से यह काम ठीक नहीं किया। लेकिन मैं यह कहना चाहता हूँ कि एल० आई० सी० के लोग भी इसी हिन्दुस्तान के रहने वाले हैं, सारे हिन्दुस्तान की हालत को सोच कर उन्हें खुद भागे भा जाना चाहिए था। और कह देना चाहिए था कि इस समय इतने करोड़ रुपये की जरूरत है। आप हमें नैतिकता का उपदेश देते हैं। यह अच्छा होता कि वे खुद ही भागे भा जाते। उन को यह मालूम होना चाहिए कि एल० आई० सी० का काम भी कितना अच्छा चल रहा है। मैंने पेकमी बोन की रिपोर्ट

में एक सैटेन्स पढ़ा था कि हमारा व्यय क्या होना चाहिए। उस में कहा है:

"A socialistic pattern of society demand the creation of a sense of partnership among all sections of the community and it is high time that the image of the Government servant as a privileged class, which we inherited from British days, should vanish. Therefore, the levels of salaries adopted for Government employees cannot be out of step with the prevailing economic condition of the masses."

अब सारे हिन्दुस्तान के 58 करोड़ लोग जो हैं उन को आर्थिक हालत को देख कर एल० आई० सी० के लोग भी समझ लेते कि तनख्वाह 700, 500 या 400 रुपये है और सब से ज्यादा ऐडमिनिस्ट्रेटिव एक्सपेंडीचर उन्हीं का है, तो वे भी भा जाते आगे। बार बार हमें यह बात कही जा रही है, बार बार हमारी नैतिकता को चुनौती दी जा रही है, मैं समझता हूँ कि वे खुद ही भाजाते इस बात पर। उन का ऐडमिनिस्ट्रेटिव एक्सपेंडीचर कितना है इस के बारे में कल श्री सी० सुब्रह्मण्यम् साहब ने यह बात कही थी :

"The accounts of the LIC for the financial year 1974-75 disclose that the renewal expenses ratio was 18.97 per cent. A careful control has to be, therefore, exercised over the LIC at present."

उनकी एक बात तो सोचिये। उन्होंने कहा कि एक आदमी को बोनस का कितना खया मिलता है ? बार बार यह क्यों कहते हैं कि आप ने गलती की ? उन लोगों को सारे हिन्दुस्तान की हालत को देखना चाहिए। लेकिन आप लोगों को तो केवल एक बात कहनी है। मैं एल० आई० सी० के भुताल्लिक एक बात बताना चाहता हूँ। एल० आई० सी० में यह पैसा कैसे बढ़ गया। उस के लिए बहुत कहा गया है तो वह

[श्री मूल बन्द डागा]

मैं थोड़ा बताना चाहता हूँ और मेरा क्याल है कि मंत्री महोदय भी इसको सुनेंगे। कितना नुकसान हुआ है हिन्दुस्तान के गरीब आदमियों का। तीन प्रीमियम न देने के बाद क्या नतीजा उसका होता है उस के लिए आप ने कानून बनाया:

"The result of the above change was that during the very first year after the change as many as 5,36,411 policies with a sum assured of Rs. 368.27 crores lapsed, without acquiring any paid-up value and the premiums paid under such policies by more than five lakh policyholders "belonged" to the LIC (Interruptions).

आगे कहते हैं :

policies increased during the following two years and it was 5,59,326 policies worth Rs. 414.83 crores in 1973-74 and 5,89,057 policies worth Rs. 478.21 crores in 1974-75."

जीवन बीमा निगम की इनएफसिएन्सी के कारण पालिसी होल्डर्स का करोड़ों रुपया बर्बाद हो गया। (व्यवधान) जीवन बीमा निगम के लोग जिस तरह से काम करते हैं वह मैं बतलाना चाहता हूँ। आप ने एक बात कह दी कि जीवन बीमा निगम के कर्मचारियों को पैसा मिलना चाहिए। एक पालिसी मैटर पर एक बार चर्चा हो गई। उन्होंने बार बार कहा और इस बात को मान लिया कि जो मिडान्त है वह ठीक है। श्री इन्द्रजित गुप्त ने तो उन्होंने भी कहा कि मैं सब कुछ मानता हूँ लेकिन जो तरीका है वह गलत है। तो मैं आपको बताना चाहता हूँ :

"But it is surprising that the LIC has increased the number of years from three to five with effect from "The number and amount of such January 1, 1976."

1 जनवरी, 1976 के बाद अगर कोई पांच प्रीमियम पे नहीं करेगा तो पालिसी लैप्स हो जायेगी। इस तरह से कितना क्षया लैप्स हो जायेगा, यह बात मैं कहना चाहता था।

दूसरी बात यह है कि इन्होंने भी मान लिया लेकिन एक बात कहा कि जो तरीका है वह यहाँ है कि उन लोगों को बुलाकर बात करें। मैं कहता हूँ कि अगर वे खुद आ जाये तो क्या हर्जा है? दरवाजा खुला हुआ है, दोनों मिलकर काम कर सकते हैं

SHRIMATI PARVATHI KRISHAN: (Coimbatore): Mr. Deputy-Speaker, Sir, I had no intention of speaking on this Bill as my leader, Mr. Indrajit Gupta and my colleague, Mr. S. M. Banerjee, have already represented our point of view. But certain uncharitable remarks from that side of the floor of the House have provoked me to speak.

15.00 hrs.

Firstly, it is most uncharitable to say that we are opposing this Bill because we want to generate more support for ourselves amongst the employees but in our hearts we do not oppose it. This is totally incorrect. As Mr. Indrajit Gupta said, we do appreciate the needs of national economy and certain measures that are necessary for checking inflation. At the same time, the reason why we oppose this Bill is that it is an immoral Bill which goes against the very basis of bilateral negotiations. That is why we have been appealing to you, why do you not meet the workers and talk to them? Here, as a part of the 20-point programme, you have the workers participation in management. You think that they are responsible enough to take on their shoulders a part of the management and you want to associate them with management. And yet you do not think that they are responsible enough to understand what your problems are in order to re-

view this package deal and see how you can solve the matter in keeping with the measures necessary to check inflation.

Mr. Stephen said that he is very happy that the Trade Unions have not been put in an embarrassing position. I may tell Mr. Stephen that in our country the Trade Union movement is mature enough, in our country the Trade Union leaders are sober enough, to approach this matter with the sobriety that is necessary today in a period of national crisis. This crisis, after all, is not a crisis of the making of the working class, it is a crisis that has arisen out of the inherent defects of the capitalist system itself. That is why, by just throwing over-board by one stroke, with your huge majority in Parliament, the principles of bilateral negotiation that have been fought for and developed over the last 28 years since Independence, you are betraying the confidence of the working class, you are betraying the interests of the working class. All the sentimental 'hah-hah' about the under-privileged does not help. What have you been doing about these people till now, may I ask? Certainly, the workers who are called upon to approach this matter in a responsible manner will do so. And to reduce disparities in incomes in this country, it does not mean that you should hit those who are there in the fixed income group and the middle income group; the disparities have to be decreased by seeing that those concessions which have been given to monopolists are withdrawn, and the lowest categories raised.

Therefore it is, that we say, 'please don't bring this measure before Parliament'. Even now the Minister can be graceful enough and do something very historic. I am not asking him to resign, I am only asking him to withdraw the Bill and not to press it because he can then have talks with the Union. I can assure him that this is a matter which the working class does understand and it will be in a position to see that the agreement is

reviewed within the principles of bilateral negotiation.

Therefore, I would once again say that it is not a question of—I forget what Mr. Priya Ranjan Das Munsi said, some 'voiceless millions' or something like that—let us not have such patronising phrases thrown across the floor of Parliament. What do you mean by 'voiceless millions'? Our people are mature enough, our people know when and how to strike and where to strike and therefore, it is that maturity that you are forgetting. The people are not voiceless; it is the Government which is 'earless' or 'hearingless' or deaf to the needs of the people today. You talk about the 20-point programme on the one hand but you still neglect those very sections which are under-privileged and which are becoming more and more under-privileged over the last 28 years. And when you talk about these under-privileged sections, remember that it is the LIC employees, the Central Government employees and the industrial workers who are today bearing the economic burden of your unemployed. Which Minister has an unemployed son in his house with his name for down in the list in the Employment Exchange, may I know? Which top officer in your Government has a son who is unemployed, waiting for years and years with his name on the Employment Exchange list? But, go to every house of the industrial workers or Central Government employees or Insurance employees and you will find that there is an unmarried sister whom one has to look after or an unemployed brother who has been there with his name on the register in the Employment Exchange for years on end. Who else is looking after unemployed? Have you ever thought of an unemployment insurance scheme? Have you even mentioned it here?

Therefore, I would request the Minister not to create further friction between Management and Labour. In the LIC, such friction was overcome and that is why, as a result of the

[Shrimati Parvathi Krishnan]

Management and the employees working all together, they have been able to produce this increased business during the last few years. And now you want to create friction, misunderstanding and demoralisation amongst those employees who, when they signed the agreement, certainly sacrificed something in return for something they got. That is the very underlying principle of collective bargaining and, today, that underlying principle is sought to be totally betrayed by this Bill. Therefore, it is on this principal issue that we are opposing the Bill and not because of the various accusations that have been very unfairly and wrongly and unchivalrously thrown from the other side of the House.

THE MINISTER OF FINANCE (SHRI C. SUBRAMANIAM): Mr. Deputy-Speaker, Sir, I think, on the whole, the debate has been very informative and, except for one unfortunate incident, it has been kept at a very high level also.

The unfortunate incident I am referring to is tearing up of the Bill by one of hon. Members on the other side. I thought we had turned to a new era in conducting the business of the House. Do you enforce an argument further by tearing up the Bill here, by making this demonstration? Was he emotionally upset or was he enacting a drama to an audience of his own clients present in the gallery or outside? What would this mean? We are all elected Members of this august House supposed to provide leadership for the nation, and that is why, whenever there is indiscipline or any sort of unseemly conduct in the House, it does not get confined to this House alone, but it gets reflected in the outside activities also. Therefore, tomorrow I would not be surprised if the students get up in the examination hall and tear up their question papers and walk out, because this is the example which our leaders have set. I would not be surprised if the employees get up and tear up the papers

and get out or damage even some of the machines there. What I am saying is that this is the example we are setting by this sort of an act. I thought that that was a past, we had suffered this, we had undergone all this experience and that we had turned a new leaf. I was surprised particularly because it was done by a Member belonging to a Party which supports the 20-point Programme, which professes to have discipline in every walk of life. Even in state of emotional upsurge—and I do not believe that there was any emotional upsurge—to indulge in this sort of thing, is rather unfortunate. I would say that it was unfortunate. I hope that this sort of demonstration would not be repeated. Particularly, elderly leaders like Prof. Hiren Mukherjee, I am sure, will ponder over it. All of us should have self-restraint. After all, the lady Member who spoke last, Shrimati Parvathi Krishnan, spoke as effectively and strongly as was necessary to express their point of view. Indulging in this sort of physical demonstration is not going to strengthen and argument.

As far as this Bill is concerned, I would like the House to consider, apart from every other aspect, where the duty of this Parliament lies, in which side they have got to exercise their discretion, because this is not an ordinary organization, this is unique organization, in 1956, I think, this was nationalised, there were many insurance companies functioning, perhaps, there was a certain amount of competition between the companies to give better service and cheaper premium, etc., there was competition, but we thought that, by Government taking it over, it should be possible for the Government to run it through a Corporation in a much more efficient way and provide services also in a cheaper way, so that the people would be benefited by this.

After all, what is this LIC organization? Is it an ordinary business organization where you can calculate the profits arising out of it and say,

"Because we have generated these profits, kindly hand them over to us"? This is not an organization of that sort. We are approaching the millions of people to participate in this movement, one of the national savings movements, and through the national savings movements we also want to give benefits to the people. Today we have 188 lakhs of policy-holders or a little more than that.

Out of 188 lakhs of policy holders, about 57.58 per cent are persons with policies for round-about Rs. 5,000 or below Rs. 5000. Lakhs and lakhs of small policy holders who have been called upon to subscribe to this insurance scheme were given an assurance through an Act of Parliament that this would be administered in such a way that it would bring benefit to the community. As a matter of fact, this is what is stated in Section 6 of the Life Insurance Corporation Act of 1956:

"Subject to the rules, if any, made by the Central Government in this behalf, it shall be the general duty of the Corporation to carry on life insurance business, whether in India or outside India, and the Corporation shall so exercise its powers under this Act as to secure that life insurance business is developed to the best advantage of the community."

This is not to the best advantage of the employees.

Now, what has happened since 1956 when we nationalised the insurance business. Have the insured people, the policy holders attained greater benefits than when they were in the private sector and there was a good deal of competition between the various companies. If you look into the figures, these are rather astounding. I am sorry, Shri Naik is not here, he began his speech by saying that he was getting confused, but I thought, he has made one of the most lucid speeches and he gave certain facts and figures to show how the expenses have increased, but he gave

only what is happening now. I would like to give comparative figures. The expenditure in 1956-57 when we had 28,000 employees was Rs. nine crores, i.e. an average of Rs. 3000 per employee. The expenditure went on to Rs. ninety crores on 58,000 employees in 1974-75, an average of Rs. 15,000 per employee. Who pays this? It is not the Government, Government is a nominal owner of the Corporation. It is the policy holders who are contributing to this huge expenditure and the increase in expenditure that is taking place. Therefore, here the conflict is not between the Government or any other private sector and the employees, but it is the conflict between the policy holders and the employees, and who are the beneficiaries of these policy holders? It is the poor widows, who will have to depend upon this, orphans, who will have to depend on this and if the policy holder survives, it would be some sort of security in his old age. Is the interest of these people more important or the interest of the 58,000 employees who are on all standards getting the highest levels of salaries important? And still it is said that their salary is not enough and we should give them more benefits.

Then I do not know whether as a body governing the country and particularly, safeguarding the interests of the poorer sections of the people, these orphans, widows and the old men and the smaller policy-holders who have got to depend upon it and who are millions, we have to see whether their interests should predominate or the interests of these few thousands of people who are educated enough and are perhaps organized enough for the purpose of carrying on an agitation, almost approaching every Member of Parliament from each constituency saying, 'You belong to my constituency and it is your duty to support us.' I tell you it is the duty of every Member of this House and as the House, it is the duty of the House, to see to it that the interests of these small policy holders are not

¶ [Shri C. Subramaniam]

affected but fully protected and The LIC, being a monopoly organization and there being to other organization to go to, are we to collect it and spend it in our own way and go on increasing the costs to that extent, decrease the benefits which the policy-holders will get? I would like to ask ... (Interruptions) the moral conscience of particularly those who claim to be the Marxists, who claim—to plead on behalf of the policy-holders—in this conflict of interests between the policy-holders, between the small policy-holder and the employees, who is the underdog, who is the weaker section? Mr. Chatterjee (Interruptions) If you want to put a question, you can put it later on. Please do not interrupt me. Mr. Chatterjee, no doubt, is a very eminent lawyer. I had also been a lawyer and I know how we plead for our brief. Therefore, that does not mean that simply because we are able to plead in a very effective way, the judgment should be given in favour of those who have argued effectively from their brief. Naturally, he was speaking from his own brief for his own clientele in the sense that it was not a paid clientele but a clientele of some other sort. Therefore, it is from this angle you will have to look into it.

I am sorry the CPI Members also joined the chorus and they seem to think that we are harsh with a vulnerable section. Nobody will claim that a worker even as airline pilot gets Rs. 7,000 per month—even if he gets Rs. 1000 per month is a member of the working class and that his interests should be protected as against everybody else in this country. Is this the way in which we are going to eradicate poverty and give social securities to the weaker sections of people? Fortunately, our people are not quite literate and perhaps economics they do not know. If only they know how we are spending this money after collecting it from them it would have been different. As far as they are concerned, for the last so many years,

the bonus rates have not increased at all for which we have given an assurance in the Bill that they will get the bonus increased every year by decreasing the costs. In spite of the large increase in business, we gave a bonus rate of Rs. 17.60 per thousand many years ago and after that it has not been possible to increase the bonus at all. We have not been able to bring down the premium rates mainly because Rs. 93 crores are being taken away by just 58,000 people. Therefore, if there had been an agreement on this basis, has not this House a moral duty to look into it and see if it is fair to the millions of policy-holders just because the management and the workers arrive at some settlement—the management, after all, do not want to give up their salaries and they will say, 'All right, let us sit together and discuss it. They have been giving us trouble. Let us purchase peace and give them few crores of rupees.', but whose money is it? It is the money of these poor policy holders. And if such a thing had happened and if it is brought to our notice in the present context that here is an agreement to the disadvantage of the policy-holders, poor policy-holders, who is going to be ultimately affected? Widows, poor orphans and old men and women—Then is it not our moral duty to intervene and say, 'No, this is not fair agreement. This should be annulled and the interests of the policy-holders should be in the forefront and therefore, let us look into that aspect? If any member votes here for this Bill, I tell you he clears his moral conscience. He performs his duty to the millions of the poor people who put a trust in our legislation, feeling that their interest will be protected and, perhaps, hereafter there might be a greater business. (Otherwise, it would mean it is as if between the Management and the employees they can have any agreement for any amount of money and then say, we are progressing and we are supporting the workers.

My plea, particularly, to the Opposition leaders who plead for the wea-

wer and vulnerable sections—here the vulnerable section is on the other side and not those for whom they are pleading to-day—is this. Now if you come and say that 'it is these 58,000 people who are more important to me', then certainly some people are likely to attribute motives. Why? Those who are pleading all along for the poorer sections and the vulnerable sections, when an opportunity arises in this context go and support a much more stronger and much better paid section.

Then naturally the question arises. it is not the ideology, it is not their often professed interest for the poor sections of the people but it is something else which comes in the way. That is why they are not able to annul this agreement which is loaded against the weaker sections and loaded in favour of the employees because I am sure everybody would agree, nowhere else this scale of pay exists. Still they are being paid.

Under what circumstances was this agreement brought into existence?

Hon. members are aware how almost anarchy was prevailing within the LIC organisation. The employees were gheraoing the Managers, threatening the wives in the houses of the Managers that this should be done, otherwise something would happen and in some cases getting upon the tables and dancing so that no business could be there. This was done under those chaotic circumstances which were prevailing before the emergency. Fortunately, now we all realise that this will not take us anywhere, it will not benefit even the workers the community and the nation as a whole. Fortunately, better sense has come to prevail within the nation to-day and, therefore, if I press for this Bill, I press it with the clean conscience that I am doing justice to the millions of the poor policy holders and that should be the attitude which they should also take.

Here is an anomaly which I think some of the Members should also

realise. They seem to think that once a certain level of salaries is introduced in an organisation, it is sacrosanct, it should not be touched and if anything, it should go on increasing. What is happening? The disparities are going on increasing. For 58,000 people they can organise and say that their interests should be protected. Whatever it is they say we should come round. I am not surprised that FICCI organisation itself passed a Resolution on what they considered as their interest which they feel should be protected. It may be at a higher degree. If to-day we are prepared to protect a small section—58,000—against the millions of policy holders, then how can we accuse the FICCI organisation and Chamber Organisation when they get up and say or put forward fantastic claims that their interest should be protected?

Nobody looks into the national interest, but to the sectoral interest. I would respectfully submit that here the Parliament should set an example, saying, no, it is not a question of our looking at it whether this section will have more privileges or the other section should have more privileges, but we will have to take a just attitude. Then we will be justified in all the attacks against the FICCI for the purpose of establishing their own rights and increasing their rights. After all, it is a question of degree. It is in the ladder. In the ladder perhaps FICCI is in the highest rung of the ladder and just below all these employees come. But below the ladder, without even going up to the first rung of the ladder, there are people just suffering and they are in millions. Therefore, it would be wrong strategy to go and protect the privileges simply because some agreement had been arrived at under circumstances where these fantastic privileges had been given, an amount of approximately Rs. 4,000 for an office superintendent, whereas the maximum anybody could get under the new formula we have evolved for

[Shri C. Subramaniam]

the payment of *ex gratia* will be only Rs. 900.

I am trying to elaborate another aspect. This is regarding disparity in salary for the same sort of work which is being done. We talk in terms of equal pay for equal work. If you analyse equal pay for equal work which I suppose they also subscribe to, you will find that in regard to class IV, if he belongs to local body, he has got a certain kind of pay. If he belongs to the State Government he has got a certain level of pay. If he belongs to the Central Government then another type. And then if he happens to be in a public sector corporation, another type, further higher. And if these are organisations like the LIC and banks, then, they are at the topmost level as if this Class IV person who is working in the local body is doing less work. Perhaps he does some work at least; here perhaps they do not do any work at all many times.

In the same way, take a stenographer. Taking into account his expertise, why should he get this disparity of scale simply because he works in one place and some other person works in some other place? Therefore, if we want to evolve a national policy, wage policy particularly, it has to be equal pay for equal work and this will have to be started somewhere. This is where I thought we should start first; job evaluation becomes much easier regarding Class III and Class IV. Why should there be so many scales of pay simply because they are serving some particular sectors?

I know it is very difficult to go and say that those who have already been employed should come down, whatever might be the justification. Can we not at least have a policy that in future whatever might be the

recruitment—whether it be the LIC or the banks or the Central Government or the State Government or the local bodies—these people will have some sort of uniform scale of pay? Of course, there are other factors which will have to be taken into consideration, some city allowance, some hill allowance, some hazardous jobs etc. These factors can be taken into consideration and perhaps higher emoluments can be fixed. But taken as a whole, that these people, wherever, they might be employed, would be assured of this much, is something which we cannot afford. Certainly we cannot afford to have the levels of LIC's Class III and Class IV levels.

It has to be something completely different. So, when we talk of a wage policy, we try to look into and already there are disparities existing. How can we go on interfering with it. Can we not make at least a new recruitment policy from next year onwards? At least let us sit down—sit together—and have some wage policy even with regard to class III and Class IV on the basis of the job evaluation and even above Class III and IV,—equivalent job should get equivalent pay. That is the only way to arrive at a national wage policy.

Lastly, I shall answer one more point. It was asked: why negotiations were not held? I wish it is possible to have a healthy discussion, particularly, to bring down the levels of advantages which have been obtained by these people because, at least there are five unions where each of which is attached to some political party. It is this multi-unions in these various organisations wanting to compete with each other—not for the purpose of improving the efficiency of a worker but for the purpose of getting more and more of concessions for less and less work—it is this that stands in the way of any healthy negotiation and not that I would not have talked to them. Unfortunately the

people want to come and see me. And unfortunately my state of health was such that perhaps I should not even make a speech here but still I thought it was important enough, because there was a principle involved, that I should place before this House our point of view.

This Bill is a Bill which recognises the justice for the policyholders, the rights of the policyholders, who are really the vulnerable sections. Certainly, there is no case to ponder over further demands from those who are already very well-placed. It is for those who plead for the poorer sections of the people to ponder over this whether they would ultimately hold on to their viewpoints which are expressed here or else feel there seems to be some substance in this, "though, we cannot afford to go and vote for the Bill, at least let us keep quiet, there seems to be some justice in the Bill." If they do so, I think that will satisfy their real conscience much better rather than voting against the Bill.

MR. DEPUTY-SPEAKER: I shall now put these amendments to the consideration motion moved by Shri Banerjee and Shri Bhattacharyya to the vote of the House (*Interruptions*).

SHRI DINEN BHATTACHARYYA: I have already moved my amendment.

MR. DEPUTY-SPEAKER: If you want your amendment to be put separately, I shall do that. But, there is the amendment by Shri Banerjee, before that.

SHRI DINEN BHATTACHARYYA: But, he is not here.

MR. DEPUTY-SPEAKER: Whether he is here or not, my duty is to put the amendment to the House.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th August, 1976".
(1)

(*Interruptions*)

SHRI C. SUBRAMANIAM: I think their leaders should give some guidance.

MR. DEPUTY-SPEAKER: Order, order. No cross-talks. I am here for this purpose. If I am not here for this purpose, there is no need for the Chair. He has moved the motion. I have put it to the House. I have declared what my opinion is. My opinion is being challenged. Whoever challenges it it does not matter. Therefore, the only course open for me is to order a division.

SOME HON. MEMBERS: Yes, Sir.

MR. DEPUTY-SPEAKER: Are you challenging this?

SOME HON. MEMBERS: We are challenging this.

MR. DEPUTY-SPEAKER: Let the lobby be cleared.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th August, 1976".
(1)

The Lok Sabha divided:

Division No. 91] [15.35 hrs.

AYES

Bhattacharyya, Shri Dinan
Bhattacharyya, Shri S. P.
Bhaura, Shri B. S.

Chandrappan, Shri C. K.
 Deb, Shri Dasaratha
 Deshpande, Shrimati Roza
 Dutta, Shri Biren
 Halder, Shri Madhuryya
 Hazra, Shri Manoranjan
 Joarder, Shri Dinesh
 Krishnan, Shrimati Parvathi
 Mavalankar, Shri P. G.
 Modak, Shri Bijoy
 Mohammad Ismail, Shri
 Mukerjee, Shri H. N.
 Panda, Shri D. K.
 Sambhali, Shri Ishaque
 Sen, Dr. Ranen
 Sequeira, Shri Erasmo de

NOES

Ambesh, Shri
 Appalanaidu, Shri
 Awadesh Chandra Singh, Shri
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Bhargava, Shri Basheshwar Nath
 Bhatia, Shri Raghunandan Lal
 Bist, Shri Narendra Singh
 Brahmanandji, Shri Swami
 Chandrakar, Shri Chandulal
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shrimati Premalabai
 Chhotey Lal, Shri
 Chhuttan Lal, Shri
 Daga, Shri M. C.
 Darbara Singh, Shri
 Das, Shri Dharnidhar
 Deo, Shri S. N. Singh
 Dhamankar, Shri
 Dhillon, Dr. G. S.
 Dhusia, Shri Anant Prasad
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dwivedi, Shri Nageshwar

Gill, Shri Mohinder Singh
 Gokhale, Shri H. R.
 Gotkhinde, Shri Annasaheb
 Hansda, Shri Subodh
 Hari Singh, Shri
 Jamilurrahman, Shri Md.
 Jitendra Prasad, Shri
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kader, Shri S. A.
 Kailas, Dr.
 Kamala Prasad, Shri
 Kaul, Shrimati Shiela
 Kinder Lal, Shri
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Majhi, Shri Gajadhar
 Mandal, Shri Jagdish Narain
 Manhar, Shri Bhagatram
 Mishra, Shri Bibhuti
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohsin, Shri F. H.
 Murmu, Shri Yogesh Chandra
 Naik, Shri B. V.
 Negi, Shri Pratap Singh
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri Tarkeshwar
 Paokaj Haokip, Shri
 Parashar, Prof. Narain Chand
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Raghu Ramaiah, Shri K.

Rai, Shri S. K.
 Rai Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram Dayal, Shri
 Ram Surat Prasad, Shri
 Rao, Shri Jagannath
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageshwara
 Rao, Shri P. Ankineedu Prasada
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Reddi, Shri P. Anthony
 Reddy, Shri M. Ram Gopal
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Saini, Shri Mulki Raj
 Samanta, Shri S. C.
 Sanglina, Shri
 Sarkar, Shri Sakti Kumar
 Satish Chandra, Shri
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Shambhu Nath, Shri
 Shankaranand, Shri B.
 Sharma, Shri Madhoram
 Shastri, Shri Sheopujan
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Sinha, Shri Nawal Kishore
 Sinha, Shri R. K.
 Sokhi, Sardar Swaran Singh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swamy, Shri Sidrameshwar
 Tiwari, Shri Chandra Bhal Mani
 Tiwary, Shri D. N.
 Tula Ram, Shri
 Ukey, Shri M. G.
 Unnikrishnan, Shri K. P.

Virbhadra Singh, Shri

MR. DEPUTY-SPEAKER: The result* of the division is:

Ayes: 19; Noes: 111.

The motion was negatived.

MR. DEPUTY-SPEAKER: Now, will put Mr. Dinen Bhattacharyya's amendments to the vote of the House.

SHRI DINEN BHATTACHARYYA: Before you put my amendments to the vote of the House, please give me only half a minute to speak.

MR. DEPUTY-SPEAKER: Order. Order. I am on my legs. We are in the process of putting the motion to the vote of the House. You have had enough of say earlier.

The question is:

"That the Bill to provide for the modification of the settlement arrived at between the Life Insurance Corporation of India and their workmen, be referred to a Select Committee consisting of 9 members, namely:—

- (1) Shri S. M. Banerjee
- (2) Shri Tridib Chaudhari
- (3) Shri Prasannabhai Mehta
- (4) Shri Samar Mukherjee
- (5) Shri Era Sezhiyan
- (6) Shri Ramavatar Shastri
- (7) Shri Digvijaya Narain Singh
- (8) Shri C. Subramaniam; and
- (9) Shri Dinen Bhattacharyya

with instructions to report by the last day of the first week of next session." (12)

The Lok Sabha divided:

*Shri M. Sudarshanam also recorded his vote for NOES.

Division No. 10]

[15.40 hrs.

AYES

Bhattacharyya, Shri Dinen
 Bhattacharyya, Shri S. P.
 Chandrappan, Shri C. K.
 Deshpande, Shrimati Roza
 Dutta, Shri Biren
 Haider, Shri Madhuryya
 Hazra, Shri Manoranjan
 Joarder, Shri Dinesh
 Krishnan, Shrimati Parvathi
 Modak, Shri Bijoy
 Mohammad Ismail, Shri
 Mukerjee, Shri H. N.
 Panda, Shri D. K.
 Sambhali, Shri Ishaque
 Sen, Dr. Ranen

NOES

Ambesh, Shri
 Appalanaidu, Shri
 Awadesh Chandra Singh, Shri
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Bhargava, Shri Basheshwar Nath
 Bhatia, Shri Raghunandan Lal
 Bist, Shri Narendra Singh
 Chandrakar, Shri Chandulal
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shrimati Premalabai
 Chhotey Lal, Shri
 Chhuttan Lal, Shri
 Daga, Shri M. C.
 Darbara Singh, Shri
 Das, Shri Dharnidhar
 Deo, Shri S. N. Singh
 Dhamankar, Shri
 Dhillon, Dr. G. S.
 Dhusia, Shri Anant Prasad
 Dixit, Shri G. C.

Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dwivedi, Shri Nageshwar
 Gill, Shri Mohinder Singh
 Gokhale, Shri H. R.
 Gotkhinde, Shri Annasaheb
 Hansda, Shri Subodh
 Hari Singh, Shri
 Jamilurrahman, Shri Md.
 Jitendra Prasad, Shri
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Keder, Shri S. A.
 Kailas, Dr.
 Kamala Prasad, Shri
 Kaul, Shrimati Shiela
 Kinder Lal, Shri
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Majhi, Shri Gajadhar
 Mandal, Shri Jagdish Narain
 Manhar, Shri Bhagatram
 Mishra, Shri Bibhuti
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mohammad Yusuf, Shri
 Mohsin, Shri F. H.
 Murmu, Shri Yogesh Chandra
 Naik, Shri B. V.
 Negi, Shri Pratap Singh
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri Tarkeshwar
 Paokaj Haokip, Shri
 Parashar, Prof. Narain Chand

Patnaik, Shri J. B.
 Peje, Shri S. L.
 Raghu Ramaiah, Shri K.
 Rai, Shri S. K.
 Rai Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram Dayal, Shri
 Ram Surat Prasad, Shri
 Rao, Shri Jagannath
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageshwara
 Rao, Shri P. Ankineedu Prasada
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Reddi, Shri P. Anthony
 Reddy, Shri M. Ram Gopal
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Saini, Shri Mulki Raj
 Samanta, Shri S. C.
 Sanghana, Shri
 Sarker, Shri Sakti Kumar
 Satish Chandra, Shri
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Shambhu Nath, Shri
 Shankaranand, Shri B.
 Sharma, Shri Madhoram
 Shastri, Shri Sheopujan
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Sinha, Shri Nawal Kishore
 Sinha, Shri R. K.
 Sokhi, Sardar Swaran Singh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.

Swamy, Shri Sidrameshwar
 Tiwari, Shri Chandra Bhal Mani
 Tiwary, Shri D. N.
 Tula Ram, Shri
 Uikay, Shri M. G.
 Unnikrishnan, Shri K. P.
 Virbhadra Singh, Shri

MR. DEPUTY-SPEAKER: The result* of the division is:

Ayes: 15; Noes: 111

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for the modification of the settlement arrived at between the Life Insurance Corporation of India and their workmen, be taken into consideration."

The Motion was adopted.

MR. DEPUTY-SPEAKER: Now we will take up Clause by Clause consideration of the Bill.

Clause 2 (Definitions)

* Amendment made:

Page 2,—

for lines 1 to 4, substitute—

'(c) "settlements" means,—

(1) the settlement which was arrived at between the Corporation and their workmen on the 24th day of January, 1974, under section 18, read with clause (p) of section 2, of the Industrial Disputes Act, 1947;

14 of 1947

and

*The following Members also recorded their votes for AYES:—

Sarvaswari Erasmo de Sequeira, Dasaratha Deb and B. S. Bhaura.

[Mr. Deputy-Speaker]

(ii) the settlement which was arrived at between the Corporation and their workmen on the 6th day of February, 1974, under section 18, read with clause (p) of section 2, of the said Act and in respect of the terms of which there was no approval as provided for in sub-clause (2) of clause 12 thereof.' (4)

(Shri C. Subramaniam)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 2, as amended, stand part of the Bill".

The Motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 (Modification of settlement)

SHRI C. SUBRAMANIAM: I beg to move:

Page 2, line 6,—

for "the settlements" substitute—
"each of the settlements" (5)

Page 2,—

in the marginal heading to clause 3,

for "settlement" substitute—

"settlements" (6)

SHRI B. V. WAIK (Kanara): I am not moving my amendment No. 7.

SHRI DINEN BHATTACHARYA: I beg to move:

Page 2,—

for Clause 3, substitute—

"3. Notwithstanding anything contained in the Industrial Dis-

putes Act, 1947, the provisions of the settlement, in so far as they relate to the payment of an annual cash bonus to every Class III and Class IV employee of the Corporation at the rate of fifteen per cent of his annual salary, shall not have any force or effect on and from the first day of April, 1976; if any notification to that effect is issued by the Central Government and published in the Official Gazette;

Provided that no such notification shall be issued without prior negotiations and discussions between the Central Government, the Corporation and the workmen represented by their Association and without fixing the rate of any payment in substitution of such annual cash bonus and terms and conditions of payment thereof to the workmen, to be arrived at by such negotiations and discussions." (14)

Page 2, line 10,—

for "1975" substitute "1977" (15)

Page 2, line 10,—

add at the end—

"if any fresh settlement is entered into in modification of substitution thereof between the Corporation and their workmen." (17)

Mr Deputy-Speaker, Sir, you did not give me a chance earlier when I wanted to speak when my previous amendment was put to vote. It is because I wanted to draw the attention of the Hon'ble Finance Minister who spoke for a long time. In his speech he gave wrong figures. Here in this Bill, there is no mention about the benefits that will be given, after it is passed, to the policyholders. If you have any intention of giving more benefit to the policyholders, you should have added here one clause. In the Statement of Objects and Reasons, you have not mentioned about it.

The total number of employees who will be affected, if you arrive at this settlement, would be 37,826 and not 53,000 or 54,000. The Minister should have given the correct figure, in his reply to the House. So, I move my amendment No. 14 which proposes that before bringing in any notification to annul the particular section which deals with the payment of bonus as one of the items of the package deal or settlement with the employees and the management, a negotiation with their Associations be had and after that any notification may be brought and the amount to be given may also be decided after discussion with the employees concerned. This is my amendment.

SHRI C. SUBRAMANIAM: I am unable to accept the amendments.

MR. DEPUTY-SPEAKER: I will first put the amendments moved by Shri Subramaniam. The question is:

Page 2, line 6,—

for "the settlement" substitute—
"each of the settlements" (5)

Page 2,—

in the marginal heading to clause 3,

for "settlement" substitute—
"settlements" (6)

The motion was adopted

MR. DEPUTY-SPEAKER: I will now put Mr. Bhattacharyya's amendments Nos. 14, 15 and 17.

Amendments Nos. 14, 15 and 17 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3 as amended, was added to the Bill

MR. DEPUTY-SPEAKER: Mr. Raja Kulkarni, are you moving amendment No 18?

SHRI RAJA KULKARNI: No, Sir.

Clause 1 (Short Title)

Amendment made:

Page 1, line 4,—

for "Settlement" substitute

"Settlements" (3)

(Shri C. Subramaniam)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula was added to the Bill.

Long Title

Amendment made:

Page 1, in the long Title for "settlement" substitute—

"settlements" (2)

(Shri C. Subramaniam)

MR. DEPUTY-SPEAKER: The question is

"That the Title, as amended, stand part of the Bill."

The motion was adopted.

The Title, as amended, was added to the Bill

SHRI C. SUBRAMANIAM: I beg to move:

[Shri C. Subramaniam]

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: Motion moved;

"That the Bill as amended, be passed."

SHRI H. N. MUKERJEE (Calcutta—North-East): Sir, I had no intention of intervening in this discussion, but I had the mortification of being in the House when the Finance Minister spoke and I am sorry to have to say that I am provoked to make a few observations in regard to the Bill before us. Mr. Subramaniam treated us to certain points which I thought had no relevance, vital or otherwise, to the Bill before us. Mr. Subramaniam took advantage of an incident which I learn happened sometime earlier, to which I personally have not been witness, but I have been rather astonished, not particularly to note Mr. Subramaniam's exploitation of that incident but even an observation from you, Sir, about drama in this House.

MR. DEPUTY-SPEAKER: I was referring to Mr. Bhattacharyya.

SHRI H. N. MUKERJEE: I am rather allergic to extra-histrionic activity but when drama goes out of Parliament, it is a very sad day for the country. It may very well be that certain legislative proposals do provoke and excite feelings of a sort which require expression not in the sedate manner to which we are trying to accustom ourselves but in a manner which comes more naturally to people of our kind whether on this side or that side.

That apart, Sir, I have not been a witness to whatever drama took place and I am not in a position to comment on that. But I was astonished to hear Mr. Subramaniam giving us a lecture about equalisation of wages or something of that sort being the prospective national policy of this country. I should be very more happy if

Mr. Subramaniam puts aside some of the more pre-occupying jobs which he has taken on hand and evolve an acceptable national wage policy and gets it accepted through Parliament. We shall give him all the assistance necessary in order to evolve a national wage policy. But at the moment, we are dealing with a Bill whose purpose is to negate an agreement entered into by Government and a certain section of our organised working people, good or bad or indifferent. That case rests on an agreement entered into elsewhere and Parliament is now brought into the picture and the result would be to the detriment of the interest of the working people involved.

I was happy to hear Mr. Subramaniam saying words of sympathy in regard to Class IV people and pointing out here how in his Government here or in the State Governments or in the local bodies, differential payments are made which he regrets. I am very happy to hear all these things. But Class III and Class IV employees of LIC are involved in this matter where a certain decision has been taken and certain agreements have been entered into. And now Government suddenly comes into the picture and goads Parliament into rejecting this agreement altogether. I could understand if Government was really and truly going into the entire matter of wage differential in this country. But Government has discovered socially conscious capitalists like Mr. Tata and the Government is now giving encouragement and facilities of various sorts to the leaders of monopoly in this country. I do not know where and how Mr. Subramaniam has collected the idea for his eloquent espousal of the new wage policy in this House. Suddenly he comes and surprises us with this sort of thing. Let Government go ahead with the national wage policy and let them do something about it.

I was astonished also to hear something which Mr. Subramaniam said. He quoted some figures. He said that

in 1956-57, Rs. 6 crores were spent on account of the wage bill on these miserable Class III and Class IV LIC employees and then in 1974-75, it was Rs. 15 crores. Are we to be treated to figures in this fashion? Are we to be treated to a comparative statement leading to the conclusion that Class III and Class IV employees of the LIC are very much in the wrong and we are not in a position to understand how these comparative figures are to be examined and scrutinised properly. How have these figures been arrived at? What has been the change from year to year in the wage rate? What have been the successive recommendations of Pay Commission after Pay Commission? Is it because of something wrong on the part of the employees that they had got better wages? Are the better organised employees or working people in this country to be penalised for the strength of their organisation? Is Government turning round to say today that their employees should not be treated with the human consideration which Government itself was proclaiming from the housetops that they were trying to show to their own employees? How is it that a Minister like Mr. Pai comes to compliment himself in the House as having run this particular public sector organisation very successfully? During his time also, there had to be wage increases to which he was a party. Are Government today saying that they wash their hands off the entire lustiness of wage increases which they have so far given and the grant of such increases has been wrong and they should not have been given? This is a very basic matter which cannot come apropos of a discussion of this sort of a Bill and this Bill merely wishes to do one thing, namely, to negate an agreement entered into and to reduce the bonus which was expected by a large number of people in the LIC.

I do not know, at this rate where we are coming to. If Government had a genuine idea about the real national reconstruction, we could under-

stand it. I personally had a notion that if Government was at all serious about appealing to the patriotic instincts of our working people, particularly of those in the LIC, government could have come forward and made an appeal to them. Why not? I happened to hear some of my friends like Mr. Bhattacharyya and Mrs. Parvathi Krishnan. They referred to the fact of the 20-point programme of the Prime Minister, and to the idea of the participation of the working people in the formulation of the policies of the institutions where they work. Here, the LIC people have entered into an agreement. That agreement has been negated behind their backs and over their heads. They are being deprived of any sense of the remotest participation, consciously or unconsciously, in the working of the LIC. What is the idea? Why does the Government fight shy? Does the Government happen to have made up its mind to treat the working class most shabbily and then to tell them to accept what is offered to them, or to go to hell? Is it the idea which the Government has got? Is it in conformity with the 20-point programme, the programme which is being repeated by all of us in different parts of the country? We go around and tell people to see to the implementation of the programme. But here is one of the items of that programme which has been thrown to the winds altogether by Government, entirely disregarding these people in the LIC.

If I could advise the Government, I could have told them: "Why don't you even come before the Parliament and say that you are approaching the LIC and its employees; and that you are making an overall appeal to all the working people in a comparatively favoured position?"—as Mr. Subramaniam portrayed the LIC workers to be in such a favoured position. Can't you appeal to their patriotic instincts and tell them: "You can perhaps tighten your belt a little harder because the conditions are hard." But Government has not the moral

[Shri H. N. Mukerjee]

courage to do so, because Government is not calling to order the big bugs who are lording it over our industry and our economy, the monopoly interests who, in alliance with foreign monopolists are to-day endangering our economy—a danger to which the Prime Minister occasionally gives expression in her statements but I see nowhere any practical implementation of the notions which are thrown up by the Prime Minister herself. If Government had any intention of bringing about a genuinely national consensus and a new economic order in the country, it would shed its partiality for the big bugs in the industry and in the economic world. And Government would have felt that they can go ahead only with the support of the people, whether they are working in a comparatively privileged position in the LIC or in the banks or are working in some miserable factory or on the land in the country-side. If Government had that idea of getting them all together in mind, then Mr. Subramaniam would have made an appeal to the patriotic instincts of the people who are working in the banking institutions, LIC or elsewhere; and they would have responded. The change in the agreement could have been brought about by discussion across the table, and not behind their back and over their heads in the parliamentary forum. This is a matter of principle, which is why right from the introduction stage my party has opposed this particular legislation. I am not trying to counter the footling little accusation that came against my party trying to become popular with a small segment of the working class movement. That is an accusation which is too contemptible for me to have to answer. I say that we take our stand on a point of principle, which is that this sort of thing should not besmirch our statute book. But here is Government coming forward with a bill, in order to go back upon an agreement, and making Parliament a party to something, on the basis of evidence which is inadequate and which cannot be the founda-

tion for any conclusion. The figures which Mr. Subramaniam has given, have to be examined with great care; and they can perhaps conceivably be rebutted by those who know a great deal more about it than I do. But as a matter of principle, this is a bill which we must oppose; and that is why even at this stage, and without having the least intention of intervening in the discussion, I have had to ask your generosity to give me this opportunity.

16.00 hrs.

SHRI S. M. BANERJEE (Kanpur): Mr. Deputy-Speaker, Sir, I thought that the Minister was likely to reply at 4.00 P.M. I did not know that he had replied before that time. That is why, I have come at this time.

MR. DEPUTY-SPEAKER: Never take anything for granted when I am in the Chair.

SHRI S. M. BANERJEE: I am told that the hon. Minister in his wisdom has accused me of doing something, which according to him, was a drama. Tearing of a book or a legislation, which is pernicious immoral and malafide, to me, is not unparliamentary. So, I did it, and if the hon. Minister would think it a drama, I was also keenly watching the circus feats in order to convince this House about the conditions of the millions who are rotting, about the conditions of the millions who are starving in the country.

Today, the LIC employees have been compared with those employees in the State Governments, in the Corporations and in the Municipalities. This is exactly what has happened with the Central Government employees. When the Central Government employees ask for something, the Government tells them, "Why don't you look to the State Government employees? They are getting less." When the State Government employees want something, they say, "Look towards the employees of the Corporation. They are

getting less." And when the Corporation employees want something, they say, "Look at those employees who are out of job." This comparison is well-known.

But, may I ask the hon. Minister and the Members who really wanted the leaders of the LIC to forget about more, who is responsible for this disparity in the country? If the 60 per cent or the 70 per cent or the 80 per cent population is getting below the starvation level, who is responsible—this side or that side? Who were ruling this country since 1947—that side or this side? Who is to decide, when the income of Shri Birla is Rs. 2 lakhs a day and some people are getting 50 paise? Where has the sense of socialism gone? Mr. Birla still thrives. Mr. Tata still thrives. Demonetisation has not been done because the 100-rupee notes collected for election purposes were converted into 20-rupee notes or 10-rupee notes. There is not going to be demonetisation. This sermon in the Lok Sabha is very bad. I do not blame the hon. Minister. I would not have blamed him had he said, "Look here, the LIC employees should not get it."

Mr. Chavan was the Finance Minister at that time. Mr. Raghunatha Reddy was the Labour Minister at that time. Those agreements were not made at the threat of the pistol. This was done by the 4-5 organisations including the INTUC of which my friend, Mr. N. K. Bhutt, a Member of the other House was the President. The hon. Minister said, "How can we possibly negotiate? There are so many organisations. Competition is going on. Rivalry is going on."

They are prepared to negotiate with the Naga hostiles and the Mizoram hostiles, but not with the employees. That is the conception of the trade union, and that is how, the lesson of patriotism is given to us.

I do not mind if he has attacked me. I am prepared for an attack. I know what that attack means. I have

been, throughout my life, right from the age of 14 years, struggling just for existence in this country. I do not survive at the mercy of anyone. That is why, when he said, "It is a drama", I did not feel sorry for it.

(Interruptions)

Was it meant for the Press? Anything will come out in the Press, only after censoring it. People used to know things when there was something in the Press. I have not done it for the press.

About this Agreement, I want to ask the Minister. I want to know whether any moral or legal sanctity remains after the bilateral Agreement is scrapped. If Pakistan violates the Simla Agreement, why blame them? If the Agreements are meant for violation, why blame Pakistan for it, why blame any country for it, why blame any person for it.

It is a matter of principle. The Agreement was entered into by the two parties with full consent, having the blessings from Ministers, from the Government. We decided that it should be 15 per cent. If the Government was unwilling to give 15 per cent, in all fairness, they should have approached the employees, Mr. Pradhan should have approached the employees unions, "Look here, we want to change the Agreement; we do not want to pay 15 per cent because others are not getting it." I was prepared to negotiate with employees. They should have had talks with the LIC employees.

Much has been said about the Class IV employees, sweepers and others. Even today, in Delhi, when palatial buildings are being built like this white elephant called the Parliament House Annex—I have not entered into that building—which has been built at a cost of Rs. 5-6 crores, only one-room tenements are being built for Class IV employees. Even about these Class IV quarters which were built during British days, only names

[Shri S. M. Banerjee]

have been changed—Sewa Nagar to Kasturba Nagar. In Kasturba Nagar, there are only one-room tenements. Husband, wife, children, father and mother all sleep together in one room. There is no social life; there is no privacy. These were constructed during the British days. Was it necessary to construct such tenements today? Does Mr. Subramaniam support that? Let him say. I know, he is a simple man. I do not think he will support that.

Will the cutting of bonus from 15 per cent to 10 per cent or may be even 5 per cent make the country rich and check inflation? Kindly consider that. You only cut the bonus. But you do not cut the Birlas; you do not attack the Tatas. Let them live long. Because they will help you in the elections.

I appealed to Mrs Indira Gandhi when I went there with a delegation. I told her, "We are prepared to do anything; have a negotiated settlement; don't give a feeling to the employees that Parliament is being used to curtail their rights." I begged her; I begged them, the Finance Minister, the Deputy Minister in the Ministry of Finance, the Labour Minister, Mr. Pai and I went to all the Cabinet Ministers. I asked them, "You are sacrificing principle for what. You want to use the machine gun to kill a rat or a fly or what." Is that necessary? That is not necessary.

I am one of those who addressed the Central Government employees' meeting at the Boat Club, after having fought for the payment of five instalments of dearness allowance, and said, let some amount, the arrears, be deposited in the provident fund in order to help the Government to check inflation. I incurred the displeasure of the employees outside and some showing black flags. I did not bother because I was convinced that that was the correct decision.

I appealed and begged them to have talks with the employees. I could have spent days and nights to have negotiations with the employees. I would have done it to arrive at a negotiated settlement. Why should it be done in the form of this Bill? Is this the way to treat the employees who stood like a rock on the side of the Government at the time of crisis and Emergency in the country? It is being said that I was doing a drama by tearing of the Bill and other papers. May be, I have done something wrong. For that, I feel sorry. But I was emotional. I knocked at every door that was open to me. They said, "All right; you will be consulted." But that did not materialise.

Even when the Bill was being introduced, the hon. Minister, Mr. Pranab Kumar Mukherjee said, "Yes; they will be consulted; the Members will be consulted." Mr. Stephen was there; Mr. Raja Kulkarni was there; Mr. Dinan Bhattacharyya was there; Mr. Bhatt was there. All of them were there. I appealed to them to give me a chance to consult the employees; don't give them 15 per cent if Heaven falls but don't annul the Agreement. That will be a wrong thing to do. The future generation will laugh at us when they will find that we have annulled the Agreement in this manner by bringing in this sort of a Bill.

With these words, I oppose this Bill. I oppose it in principle. This is something very wrong. You have created a wrong precedent, a bad precedent. I only hope, when you realise that, kindly remember that there was a man in this House who out of emotions tore the Bill, not to have just a drama.

MR. DEPUTY SPEAKER: Mr. Stephen, please be brief. There is no time for the Minister to reply now.

SHRI DINAN BHATTACHARYYA: If he is given a chance, I must be given chance. He has already spoken and I must have my chance after him.

MR. DEPUTY SPEAKER: Order please.

SHRI DINEN BHATTACHARYYA: In our case, you bore us with the bell and you don't allow us to speak but in their case, you allow them...

MR. DEPUTY SPEAKER: Kindly sit down; don't get excited. What is all this? Mr. Banerjee has already spoken...

SHRI DINEN BHATTACHARYYA: But he was accused of being unparliamentary and this and that; so he has got a right to reply.

MR. DEPUTY SPEAKER: If you are keen on speaking at the third reading...

SHRI DINEN BHATTACHARYYA: I am not keen at all. But if you continue this practice, it will be unfair.

MR. DEPUTY SPEAKER: I am not doing anything wrong or irregular; I can tell you that. If you are keen on speaking at the third reading, I will give you a chance, but I am not doing anything irregular; I am only asking Mr. Stephen to be brief.

SHRI C. M. STEPHEN: I felt compelled to rise at this third reading stage of the Bill because of certain observations made by Mr. Banerjee. Now, the limited point that we are made conscious of is that, so far as this Bill is concerned, everybody who has spoken from that side has said that 'if only we were called for negotiations, we would have come to a settlement and we would have surrendered this on a negotiatory basis. Therefore, their point is very clear. What is involved, according to the Opposition, is not the money but that, if only they had been called and appealed to, then the gist of the Bill would have been accepted. Mr. Banerjee said 'I would have agreed to it, if you had talked to us. Sir, I also represent an organisation which was also a party to the agreement and I may tell you clearly and plainly that, had

we been called and requested to sign an agreement whereunder we are called upon to surrender what we had got under the previous agreement, perhaps Mr. S. M. Banerjee would have agreed, but we would not have agreed. Why should we agree? Because, the whole gist of the argument is that the total amount given under the agreement is what we are entitled to and, if that is what we are entitled to, if we are asked to surrender it, we are not prepared to surrender what we are entitled to under law and in equity.

Now, the second question is that hundreds and thousands of agreements have been annulled under Section 34 of the Bonus Act, agreements to which I was a party, composite agreements involving dearness allowance, wage, fringe benefits, along with bonus, etc. These agreements which I had entered into with the public sector have been annulled. If, for annulling those agreements, my signature is not necessary why, in regard to this particular concern, should my signature be got? That is the question. Therefore, the principle is the other way. If all agreements in this country can be annulled and if, by the Amendment, Section 34.(3) can be cancelled where under the freedom given to me to enter into an agreement under different formulae is taken away as a result of which any such agreement becomes null and void why, in India, should the Life Insurance Corporation alone have an agreement and not surrender it, unlike the other statutory enactments? Therefore, on principle I oppose it. If this is the amount that the LIC employees got and it is something which should be surrendered, according to them, this process must be by the initiation of the Management. But if the Management is legally incapable of doing it, the only remaining course is intervention by Parliament and striking off the agreement and bringing in some other alternative measure; and the Minister has followed it. Therefore, if it is in principle that Mr. Banerjee opposes this Bill, I support the Bill in principle, and I oppose the

[Shri C. M. Stephen]

Opposition in principle, completely in principle.

SHRI DINEN BHATTACHARYYA:

Sir, I had no intention of speaking again, but they have provoked. Mr. Stephen has now stated something new. We did not expect this sort of an argument from a person who is connected with the trade union movement. On the first day when it was introduced, may I ask him why he opposed the introduction, why he did not, on that day, agree to the introduction?

SHRI C. M. STEPHEN: I have explained it in my speech.

SHRI DINEN BHATTACHARYYA:

You might have done that, but today you are bringing in a new argument by saying that, in principle, you are supporting it and that, in principle, we are opposing it. It is not a Bonus Agreement; it is package deal, in which a part is bonus, a total amount was agreed upon and only a part of that amount is bonus. So, it is not a question of only annulling the bonus agreement. It was not a bonus agreement; it was an agreement between the LIC employees and the LIC management, and at every stage the Labour Minister and the then Finance Minister intervened and helped the management and the employees to come to a settlement. So, you are undoing that settlement. What is this? Has this sort of thing ever happened before? I ask Mr. Stephen or any Member here. This is the first time that this is happening; this is unprecedented in history. You are now treading on a very dangerous path. It will lead you to authoritarian rule and dictatorship, and nothing more of democracy will be left. Again at this stage also, I appeal to the hon. Minister that, considering everything, he may go back with this Bill and come forward again after discussing the matter with the employees of the LIC.

I also agree with Prof. Mukerjee in what he has said about the figures:

the figures that the Minister has given here regarding the total number of workers and the total amount spent are not correct at all. We have to verify them and only after that, we can come to a conclusion. If he had supplied us this material in the Statement of Objects and Reasons or in any other document, if he had supplied this information, that he has now given, before, it would have helped us to come to a conclusion in a better way.

I would, therefore, once again appeal to the House not to pass this Bill, which is a black Bill and, if passed, this 20th day of May will go down in history as the day on which Parliament betrayed the cause of the working class of India. It is for this reason that we appeal to the Members on that side also not to support it.

SHRI C. SUBRAMANIAM: I have nothing much to add. I am glad that the debate became a little more lively. I do not think anybody can now say that this House has become a rubber stamp or some such thing. On the other hand, we do debate issues quite objectively, and naturally, if they think that that is a matter of principle and we on this side also think that that is a matter of principle, the matter has to be settled by the system of majority vote. And they cannot accuse us for having a majority in this House.

As far as the numbers are concerned, I am giving them from the official statistics: I think, Mr. Nalk read out from an official publication. That is, in 1956-57—not Class III and Class IV alone which I thought Prof. Hiren Mukerjee was mentioning—the total number was 28,000 and the total pay bill was Rs. 9 crores, coming to Rs. 3,000/- per employee per annum.

Now, the number has increased to 58,000 employees and the total pay bill has increased to Rs. 90 crores, an average of Rs. 15000 per employee per annum. That is all I quoted and I stand by the figures that I have given. If they have any other argument, that

is a different question. This is the money of the poor policy holders, which we generously distribute. That is the point I made.

In spite of all the vehement opposition which the hon. Members from the Opposition have put forward, I am afraid, that this is a justifiable Bill and we would be justified in passing this Bill.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

The Lok Sabha divided:

Division No 11] [16.25 hrs.

AYES

Aga, Shri Syed Ahmed
Ambesh, Shri
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Awdhesh Chandra Singh, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Basumatari, Shri D.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhuvvarhan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Chandrakar, Shri Chandulal
Chaturvedi, Shri Rohan Lal
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chhotey Lal, Shri
Chhutten Lal, Shri
Choudhary, Shri B. E.
Daga, Shri M. C.
Das, Shri Dharmidhar
Desai, Shri D. D.
Dhamankar, Shri
Dhusia, Shri Anant Prasad
Dixit, Shri G. C.

Doda, Shri Hiralal
Dwivedi, Shri Nageshwar
Gautam, Shri C. D.
Gill, Shri Mohinder Singh
Gokhale, Shri H. R.
Gotkhinde, Shri Annasabeh
Hansda, Shri Subodh
Hari Singh, Shri
Jamilurrahman, Shri Md.
Jitendra Prasad, Shri
Joshi, Shrimati Subhadra
Kadam, Shri J. G.
Kader, Shri S. A.
Kailas, Dr.
Kamala Prasad, Shri
Kaul, Shrimati Sheila
Kinder Lal, Shri
Kisku, Shri A. K.
Kureel, Shri B. N.
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Luttial Haque, Shri
Mahajan, Shri Vikram
Majhi, Shri Gajadhar
Mandal, Shri Jagdish Narain
Manhar, Shri Bhagatram
Mishra, Shri Bibhuti
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohsin, Shri F. H.
Murmu, Shri Yogesh Chandra
Naik, Shri B. V.
Negi, Shri Pratap Singh
Oraon, Shri Kartik
Oraon, Shri Tuna
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri Tarkeshwar
Paokai Haokip, Shri
Paswan, Shri Ram Bhagat
Patil, Shri Krishnarao
Peje, Shri S. L.

Raghu Ramalaiah, Shri K.
 Rai, Shri S. K.
 Raj, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram Dayal, Shri .
 Ram Prakash, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddi, Shri P. Antony
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Saini, Shri Mulki Raj
 Samanta, Shri S. C.
 Sangliana, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Savitri Shyam, Shrimati
 Shambhu Nath, Shri
 Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri Madhoram
 Shastri, Shri Sheopujan
 Shivnath Singh, Shri
 Sinha, Shri Nawal Kishore
 Sinha, Shri R. K.
 Sokhi, Sardar Swaran Singh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Surendra Pal Singh, Shri

Suryanarayana, Shri K.
 Swamy, Shri Sidrameshwar
 Tayyab Hussain, Shri
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Ulkey, Shri M. G.
 Unnikrishnan, Shri K. P.
 Virbhadra Singh, Shri
 Yadav, Shri Karan Singh

NOES

Banerjee, Shri S. M.
 Bhattacharyya, Shri Dinen
 Bhattacharyya, Shri S. P.
 Chandrappan, Shri C. K.
 Deb, Shri Dasaratha
 Deshpande, Shrimati Roza
 Dutta, Shri Biren
 Hazra, Shri Manoranjan
 Joarder, Shri Dmesh
 Krishnan, Shrimati Parvathi
 Mavalankar, Shri P. G.
 Mayavan, Shri V.
 Modak, Shri Bijoy
 Mukerjee, Shri H. N.
 Panda, Shri D. K.
 Parmar, Shri Bhaljibhai
 Reddy, Shri B. N.
 Saha, Shri Ajit Kumar
 Sen, Dr Ranen

MR. DEPUTY SPEAKER: The result* of the division is:

Ayes: 122; Noes: 19.

The motion was adopted.

SHRI DINEN BHATTACHARYYA:
 This is a black Bill; we would not be a party to it.

Shri Dinen Bhattacharyya, Shri H. N. Mukerjee and some other hon. Members then left the House.

*The following Members also recorded their votes:—

AYES: Sarvaswari J. B. Patnalk and B. R. Shukla.

NOES: Shri Mohammad Ismail.

10.20 hrs.

DISTURBED AREAS (SPECIAL COURTS) BILL,

MR. DEPUTY SPEAKER: We now take up the Disturbed Areas (Special Courts) Bill.

Mr, Mohsin,

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI P. H. MOHSIN): I beg to move.

"That the Bill to provide for the speedy trial of certain offences in certain areas and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

The Disturbed Areas (Special Courts) Bill was introduced in pursuance of a recommendation made by the National Integration Council in 1968. There are considerable delays in the disposal of criminal cases arising out of communal and other disturbances. Therefore, the State Governments were consulted in the matter and the Central Government decided to bring forward this legislation.

One of the main features of this legislation is that it provides for speedier disposal of cases arising out of specified types of disturbances.

While moving this Bill, it is my pleasant duty and privilege to say a word about the deliberations of the Joint Committee of the two Houses. The Joint Committee, while considering the original Bill, has made valuable suggestions and contributions. I take this opportunity of paying my humble tributes to the Chairman and all the members of the Joint Committee for their valuable contribution. I would also like to thank the officers who assisted in the work of the Joint Committee.

Before recommending the Bill in its present form, the Joint Committee has taken into account the relevant pro-

visions of the Code of Criminal Procedure, 1973.

The Government hope that this legislation will enable an expeditious trial and disposal of cases which fall within its purview.

I, therefore, take this opportunity of commending this Bill to the House.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide for the speedy trial of certain offences in certain areas and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

SHRI DINESH JOARDER (Malda): I rise to oppose this Bill on certain points that I would like to express here. It is true that our hon. Deputy Minister, Mr. Mohsin, has stated that the Bill is the outcome of certain recommendations of the National Integration Council.

16.20 hrs.

[SHRI ISHAQUE SAMBHALI in the Chair]

That was there and the recommendation was to curb the communal disturbances and also for a speedy disposal of the cases concerning offences in connection with such communal disturbances, certain measures should be taken and especially, special courts established for disposal of such criminal cases. That is one such measure. Actually, what was the recommendation of the National Integration Council? It was only regarding the communal disturbances. But, here, in the Bill, the Government has included such other matters which will have certain greater implications and serious consequences in our national life, political life as well as social and cultural life. Here, I have a copy of the recommendation of the National Integration Council where it is stated that for taking certain punitive

[Shri Dinesh Joarder]

measures, the offences should be investigated and the offenders prosecuted promptly.

There is no dispute in this recommendation. A prosecution once launched should not be withdrawn. Special courts with summary trial powers to deal with the offences connected with the communal incidents should be constituted.

Here the matters connected with the communal incidents, offences and activities have been defined. Section 153A of the Indian Penal Code should be amended to provide for the punishment for communal activities which term should be defined to mean—

‘Any activity which promotes or attempts to promote on the grounds of religion, race, caste or community or any other ground whatsoever, feelings of enmity or hatred between different ...’

Here it is more or less specific in regard to the dispute between two groups of different religions, races, castes and communities. But in the Bill here the Government has taken the opportunity of this recommendation of the National Integration Council for fulfilling their calculated political purposes and to curb certain other popular demands of the people having national aspirations of a different region.

They have now brought a Bill incorporating such other matters which will have serious consequences. That is what I want to say. Here, in this Bill, in Clause 3 they have stated:

“Where a State Government is satisfied that—

- (i) there was, or
- (ii) there is,

in any area within a State extensive disturbance of the public peace

and tranquility, by reason of differences or disputes between members of different religious, racial, language or regional groups or castes or communities, it may, by notification in the Official Gazette declare that such area shall be deemed to be a disturbed area for the purposes of this Act.”

Here, two new terms have been included i.e. language and regional groups. That means difference in any section of people in regard to their linguistic aspirations, will also be treated as a communal disturbance. In this Bill we are going to adopt regional demands as regional disturbances.

In the National Council's recommendations they have stated that such other disputes and disturbances in regard to the linguistic matters or regional matters should be treated in a different way, in a different manner and they have suggested certain precautionary and preventive steps which can be taken for tackling those disputes.

Linguistic border issues—We know even to-day in India there are certain disputes in regard to the languages. Very recently, we have seen the happenings in Assam, in Cachar and other places also. Our neighbourly brothers are also aspiring for inclusion of Nepalese language in the Schedule of the Constitution. They also demand that their language should be treated at par with our other languages. These linguistic demands and aspirations of culture, particularly of the Scheduled Castes and Scheduled Tribes, are still existing in our country. Those have not been fulfilled. Our States, our regions, our social structure have not so arranged that their cultural aspirations would be achieved in the present set up. That has not been done yet.

So there is every likelihood that the people may sometimes demand that their linguistic disputes should be removed and appropriate opportunities should be given for their cultural activities. There are disputes, inter-State river water disputes and so on. Certain disputes have been settled. Some other disputes still remain. These have to be treated in a different manner.

Subjects like regional and economic imbalances and employment opportunities to the local population have been dealt with by the National Integration Council.

There might be certain regional disturbances or disputes regarding regional and economic imbalances. There are some senas like the Shiv-sena. There are some brigades like the Nehru Brigade and Indira Brigade. Shiv-sena and other Senas are working in different parts of the country. Matters like Centre-State relations, autonomy of regions, etc. arise from time to time. These matters are there. Unless you tackle these matters in a different way, on a different footing, with different tolerance, caution and care, these problems cannot be settled, and cannot be rooted out. If you treat the communal disputes on the same footing as these disputes, then this view or this attitude of the Government may create serious consequences in our political, social and national life in future.

For these reasons I want to oppose the Bill. The Bill, as introduced, will equate communal disturbances with disturbances for linguistic demands, regional demands, for removal of regional imbalances, and for other popular demands. These have been tagged together and treated on an equal footing with communal disturbances.

There had also been another apprehension in the past and this is there at the present time also. Movement for land reforms creates certain

disputes. This may be turned into disputes between castes and communities. Sometimes this flares up as a communal dispute. I have some personal experience in my own district or my own constituency. After partition, some people from East Bengal, erstwhile East Pakistan, came with exchange of properties of some Muslim inhabitants in India, those who have already migrated to East Pakistan. Previously those lands were the lands where the tribal people, the Santhals and Adivasis were living. Subsequently, by forged documents or otherwise, these lands had been grabbed and taken away from them. The tribal people were deprived of these lands. Subsequently the refugees came and most of them were Namdharis and other people and now the Santhal people tried to exert their position over the land. So there was a commotion. The santhals everywhere and the tribal people in that region assembled together and for days together they propagated for their right for the possession of these lands. On the other hand, these Namdharis and scheduled caste people assembled on the other side. This incident took a serious turn. Certain houses were burnt. Certain people were killed. And this took a turn of communal riot between two communities, two groups. It took a turn like that.

How will you take this sort of a dispute? Are you going to look upon it as communal disturbance or dispute over land reforms or demand for legitimate lands on the part of the tribal people? The question is: How will you deal with this sort of communal disturbance or dispute?

So, in this way, we still find in different parts of the country for the land possession and for the land cultivation and for land reforms, the tribal people, the scheduled castes people and the scheduled tribes are being treated like anything by the caste Hindus or even by other communities,

[Shri Dinesh Joarder]

by other religious people. Over the land dispute. Their houses are burnt and the people are also burnt alive. These things are going on. How will you declare these disputes as communal disturbances? I find in this Bill that language and regional disputes who have been treated equally with communal disputes to which I have my objection. Also what sort of power has been given to the State Governments? It says:

'the State Government, by notification, may declare any area as a disturbed area giving retrospective effect even three months before and it may continue for three months'.

By three months—three or four consecutive periods—they can continue to declare them as disturbed areas. Even the political opponents in some areas where the ruling party cannot go, can take advantage of this provision at the level of the district authority. What is going on? Under the emergency, the powers are being misutilised by vested interests in connivance with the district authority. Similar things may happen here also. You have given the power to the police officers. What does clause (b) say:—

"(b) in any other case upon a police report of the facts together with a certificate from the public prosecutor to the effect that the offence is triable exclusively by the Special Court".

So, with a certificate from a public prosecutor this can be tried by a special court because he is very much in the good books of the administration and also of the Police Administration. So, with the certificate from the Public Prosecutor and with a report from the police officer, the offence of that area can be triable by the special court. Again there is a conflicting provision in the Bill. I would

draw your attention to Clause 5(2). What does it say? It says:—

"(2) When trying any scheduled offence, a Special Court may also try any offence other than the scheduled offence with which the accused may, under, the Code, be charged at the same trial if the offence is connected with the scheduled offence".

But, in the subsequent clause, clause 7, it says:—

"Where, after taking cognizance of any offence, a Special Court is of opinion that the offence is not a scheduled offence, it shall, notwithstanding that it has no jurisdiction to try the case, transfer the case for trial to any court having jurisdiction under the Code and the court to which the case is transferred may proceed with the case as if it had taken cognizance of the offence"

So, there are certain anomalies; excessive power is being given to the State Governments. I am opposed to the words 'communal disputes and communal riots, linguistic, regional and other class disputes' that have been incorporated in this Bill.

SHRI B. R. SHUKLA (Bahraich):
Mr. Chairman, Sir, I entirely support the provisions in the Bill. There is not an iota of material to justify the fear and the apprehension voiced by my friend, Shri Joarder who is labouring under a delusion that peaceful agitation is sought to be curbed in the guise of this provision in this Bill.

There is nothing like that. The riots on account of communal differences, on account of religious differences, caste and community differences, linguistic differences, cultural differences have marred the peace and tranquillity in this vast land.

There have been suggestions emanating from different sections of the people—irrespective of party affiliations—that such riots should be adequately, swiftly and effectively punished. The regular courts of the country are not adequate enough to cope with such abnormal situations.

Under the provisions of this Bill it has been provided that when the State Government is satisfied that there is disturbance of peace and tranquility on an extensive scale it may by notification declare the area concerned to be a disturbed area and the notification has also to provide from whence it will be applicable—the earlier date is three months prior to the date of notification and the posterior date is three months, which of course can be extended from time to time. Within this specified period if any offence which is included in the Schedule attached to this Bill is committed within this disturbed area then certain procedure is to be followed for the trial of the offenders. Therefore, if an offence which is not an offence within the meaning of the Schedule the provisions of this Bill will not be applicable. So, the area should be disturbed, the time should be specified and then the person concerned must be accused of having committed certain offences. Those offences form different categories of Indian Penal Code, namely, offence of murder, offence of looting property, offence of committing theft, intimidation or causing hurt. If these offences are related or arise out of or any disturbance based on caste, creed, religion or language, then they fall within the meaning of this Schedule. Because these offences are tried regularly there is a time consuming process and by the time the accused is punished ultimately by the highest court in the country the impact of the decision or of the punishment is lost. Therefore, a speedier method has been adopted, that is, there would be special courts. The special court will be presided by a judge who would be

qualified to be the judge of the High Court or who would be a person of the rank of Additional Sessions Judge with the experience of not less than one year.

Then I come to the point regarding mode of cognizance. Special court will be competent to take cognizance of an offence which is included in the Schedule only when the case is committed to his court and not otherwise. Then if the offence is not exclusively tried by a court of Sessions but it is of a minor nature then the cognizance of the offence can be taken by the special court only on a police report and that also with the consent of the Public Prosecutor.

Sir, this is more in the interests and benefit of the citizen because during riots so many unscrupulous people may file complaints. Therefore, if frivolous complaints are filed by the individuals and the cases come before the special courts then it will result in harassment. Therefore, it has been provided that cognizance of those cases which are not exclusively triable by a court of Sessions, can be taken only on a police report with the consent of the Public Prosecutor. If during the course of trial or after the cognizance has been taken the special court comes to the conclusion that the offence is not a schedule one and that it has nothing to do with the disturbances as contemplated under this Act, the court will transfer the case for trial to another court which is competent to try the case.

Therefore, my submission is that this Bill is wholly non-partisan in character. It is wholly innocuous and I would rather say that the Government has slept over the matter in not getting it passed earlier. It was necessary that it should have been passed within a few months after it was presented by the Select Committee to the House. But better late than never. I congratulate the Government for having introduced this Bill and for having brought it for consideration. In a vast country like ours, peace and tranquility have been

[Shri B. R. Shukla]

disturbed many a time against the will of the people, and they have marred our public life and they have spoiled the fair name and reputation of our country. These are very ugly riots and they should be curbed and controlled under an effective Act and the impact of the punishment must be felt by the people. This Bill was overdue and it was necessary that it should have been passed long ago.

श्री मून चन्द शर्मा : (पाली) :
सभाति महोदय, राष्ट्रीय एकता समिति ने 1968 में जो निर्णय लिया था, उसके बारे में सरकार आठ साल के बाद यह बिल ल कर आई है। आठ साल के बाद भी यह बिल आ गया है, इस लिए मैं मंत्री महोदय को मुबारकबाद देता हू।

गृह मंत्रालय में डा मंत्री (श्री एक० एच० मोहसिन) : बिल 1972 में आ गया था।

श्री मून चन्द शर्मा : आज आठ साल के बाद हम उस बिल पर विचार कर रहे हैं।

हमारे देश में भिड़की और कई अन्य स्थानों पर रायदूत हुए हैं। यह देखा जाता है कि उन मुकदमात का निर्णय सालों तक नहीं होता है। इस लिए यह प्रावधान किया गया है कि कुछ स्पेशल कोर्ट्स बनाई जायें, ताकि वे केसिज जल्दी तय हो जायें और जो शक्तियां रायदूतविकता तथा संगर्ण भावनाओं को उभार कर देश में डिस्टर्बेन्सिज पैदा करना चाहती हैं, उनको एग्जेंसलरी पनिशमेंट दी जा सके।

इस बिल को भावना बहुत अच्छी है और मैं इस को ताइद करता हू। मैं चाहता हूँ कि इस पर जल्दी से जल्दी चर्चा किया जाए। माननीय सदस्य, श्री बाबनकर, के क्षेत्र में भिड़की में एक

बड़ा रायदूत हुआ था। लेकिन उन कोर्टों की जगहों हो जाती हैं और उनके मुकदमे कई बरसों तक चलते रहते हैं। जब स्पेशल कोर्ट्स मुकदमों हो जायेंगी, तो वे बड़े बड़े ट्रायल होंगे। और इसलिए उन मुकदमों का फैसला जल्दी हो जाएगा।

मैं दो तीन बातों की तरफ मंत्री महोदय का ध्यान दिलाना चाहता हूँ। इसमें कहा गया है :

"Provided that in the case of any conviction in a summary trial under this Section, it shall be lawful for a special court to pass a sentence of imprisonment for a term not exceeding two years"

अगर ट्रायल के दौरान स्पेशल कोर्ट यह समझे कि यह सीरियस केस है, यह ज्यादा सजा का मुकदमा है, तो वह केस सेन्चुरल कोर्ट में ट्रांसफर हो जाएगा। मेरा कहना है कि इस बारे में पूरी पावर्न दी जाए। किमिनल प्रोसिजर कोड में कुछ एमेंडमेंट्स हो गए हैं।

हमने कहा गया है

"Notwithstanding anything contained in Sub-section(1) of Section 5, where after taking cognisance of any scheduled offence, a special court is of opinion that the offence is one which does not form part or arise out of, or that it is unconnected with any such disturbances as is referred to in Section 3, it may transfer the case for trial to any court having jurisdiction under the court."

पुलिस कामीजेंग लेनी है और सजाव करती है। सीक्शन 190 में था तो इन्वेस्टिगेशन के बाद रिपोर्ट आयेगी, और रिपोर्ट जाने के बाद अगले मजिस्ट्रेट बिज अल्साइ डिज माइंड। तो 156 के अंडर जिसने रिपोर्ट साज की, उसके बाद इन्वेस्टिगेशन कम्प्लिट हो गया तो या तो

जो पुलिस ऑफिसर है बिचने वाला न खा है उसने बलती की है, आप ने यह लिखा है।

"unconnected with any such disturbance, it may transfer the case for trial to another court having jurisdiction under the code".

जब एक दफा मुलायम का बालान हो गया, वह प्रवालत में आ गया, उसके बाद कोर्ट यह सोचती है कि इस मुकदमें का जो बालान हुआ यह यहाँ ठीक नहीं हुआ, इसको दूसरी कोर्ट में भेज दिया जाये, यह पावर कोर्ट को नहीं होनी चाहिए। या तो ऐक्टिवल हो जाय या कंविक्शन हो जाये.

एक माननीय सदस्य : प्राइमफ्रेसी एक्टिवल मिलेगा तो सेशन ट्रायल क्यों नहीं होगा ?

जी मूल बन्द बापा : वह तो बिल्कुल ठीक आप कह रहे हैं। अगर इसमें यह नहीं कहा है। इसमें कहा है कि जब बालान हो गया और बालान के बाद कोर्ट इस नतीजे पर पहुँचती है कि इसका प्रॉसेस इसमें नहीं आता है इसलिए इस को दूसरी जगह भेज दिया जाये यह ठीक नहीं है। मैं कहता हूँ इसमें यह होता है कि कुछ पुलिस एजेंसी पक्षपात करेंगी और पक्षपात के बाद उनको और समय मिल जाएगा। जो गुन्डा तत्व हैं, ब्रह्मायुजिक तत्व हैं, उनको उसी समय पकड़ कर बालान कर दिया जाये, इसका परपज तो यह था। बाकी यह बिच जल्दी लागू करना चाहिए।

तीसरी बात आपने कही है टाइम के मुवाकिल कि इस का कितना सीरियस होगा। एक साल या कितने समय तक यह लागू रहेगा डिस्टर्ब एरिया में। एक

स्टेट में आप ने लागू कर दिया, फिर आपने कहा --

"exceed three months but may by a like notification be extended from time to time by any period not exceeding three months at one time, if in the opinion of the State Government, there continues to be in such area such disturbance...."

तो यह कितने समय तक रहेगा ? हाउ लॉन्ग विल इट कान्टीन्यू ? ये मेरे सुझाव हैं। बाकी मैं इन बिल का समर्थन करता हूँ।

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Sir, I welcome this Bill because we have seen many unfortunate incidents in various parts of the country over the past few years. The people who had been victims of racial, religious, caste or other prejudices had always felt that nothing sufficient is being done to deal with these anti-national forces... I remember the disturbances that were there in Bombay during the time when the Shiv Sena was on the rampage. Again, in my State we found the anti-Malayalee and anti-Telugu feeling being roused, shops being burnt, women and children being attacked and so on. All these things have been happening.

Under this Bill you are going to set up special courts to deal summarily with such offences, but this will apply only when the government declares it to be a disturbed area. I feel something more specific is necessary and I hope the government will give serious thought to it. This is part of the process of national integration. Merely setting up courts and the State Government, declaring places as disturbed areas over a period of time is not going to solve the problem. Only recently in the area you come from, Sir, there were certain unfortunate incidents. These seem to be repeating themselves in one area after another. In a village in Thanjavur District in

[Shrimati Parvathi Krishnan]

Tamil Nadu, a whole family of Harijans, men, women and children, were burnt because of the wrath of the landlord. That is not considered a disturbed area. Why not? Why should not such offences be tried in a summary manner by these special courts? Different types of incidents take place—in one case it is Hindu-Muslim, in another place it is against those who are not sons of the soil, in a third place it is the wrath of the caste Hindu landlords against agricultural labour, who are mainly Harijans and so on.

17.00 hrs.

Therefore, I hope, that the machinery which is being set up under this Bill, to deal with cases in disturbed areas, will also cover such cases as I mentioned just now.

At this moment, I would also like to take the opportunity of requesting the Minister that such communal organisations which create anti-national feeling and which are of communal and caste nature like Shiv Sena should be banned, because so long as such organised forces continue to exist legally in our country, there is every possibility of their disturbing peace in our country, and the possibility of achieving greater and greater national integration will definitely be delayed.

SHRI DHAMANKAR (Bhiwandi): I very vehemently support this Bill and congratulate the Minister for bringing forward this Bill before the House, though late. It should have come three years before. I come from an area which had communal riots on a very monstrous scale in 1970. I experienced those nightmares continuously for three years. Speeches were made at public places inciting the public to burn down police posts and all that, but nothing was done by Government to control that situation. Whenever I approached the district authorities, I had been told that reports had been made, CID had noted

down the speeches and that in due course, action would be taken. For three years, preparations for Bhiwandi riots went on un-hindered. If the Government could have taken stern action against those elements who were creating these riots and inciting the people to do that, we would not have witnessed that gruesome riot in Bhiwandi after three years.

On 7th May, a procession started and passed through some Muslim mohallas. Suddenly, some miscreants and goondas started pelting stones on the procession and immediately the entire town of Bhiwandi was on fire. The human beings had become monsters. I had seen with my own eyes a person throwing petrol on another person and a third person igniting it. The person was burning and he was crying loud but nobody came forward to save him. For three days, the whole town remained burning.

When I came to this House in 1971, this Bill was brought forward and a motion was put forward to refer the same to a Joint Committee. At that time, I requested that I might be included on this Committee so that I could narrate my experiences but unfortunately, I was not taken on that. I am happy that after six years, this Bill has come before this House. I hope, it will be of great help in curbing the riots. At least, the goonda elements will be tried and given deterrent punishment expeditiously. But it is not the goondas that create riots, it is the intelligentsia—communal minded intelligentsia both Muslims and Hindus—which foments these riots and incite the people.

What happens? After the riots, these people, who incite riots, enjoy life, sitting in the arm-chairs in their homes. Who are arrested? The riff-raffs are arrested; and the poor people who have to earn their livelihood, are arrested. When they go out on the roads, on the way to their factories, during curfew, they are arrested and put into prisons. Trials in regard to

the Bhiwandi riot cases are still continuing. The last case was disposed of only 3 months back. They are diluted. There is no fear in the minds of the people that if they kill or loot during the riots, they will be dealt with sternly. After 3 or 4 years, all the cases are diluted. People feel that they can go on having communal propaganda, or communal-riot mindedness. This bill will go a long way in curbing these tendencies. It has come late; but better late than never. I congratulate the Deputy Home Minister for having brought in this bill.

I would request that some specified period must be stipulated, within which the special courts should decide cases. If the cases linger on, there may be some cases where the evidence may not be available. Some cases may be transferred. The evidence of the witnesses might be tampered with. The law-abiding citizens would feel that nothing was being done against those who had started these riots and burnt down the places.

It is not only the communal riots with which we should be concerned. We should also look into the Shiv Sena disturbances, disturbances against the Harijans and poor scheduled tribes and such other things. Organized sections of wealthy people set out to unish the poor Harijans and adivasis and to burn down their hutments. In such cases, the trials go on for months together and ultimately these big people are acquitted. If the area is declared as a disturbed one, it will create a fear in the minds of such people, especially when special courts are set up.

With these words, I would say that the bill will be very helpful in checking the riots. I very heartily congratulate the Minister concerned and support this bill.

SHRI B. V. NAIK (Kanara): I welcome this bill; and I thank the hon. Minister for thanking the Select Committee which had drafted this bill,

because I was also associated with that Committee.

The only thing which I feel like adding to the points which our friends have already made—which do not need any repetition—is whether, in bringing in this bill during this period of emergency when there is no more disturbance in the country, we are not acting like the man who was locking the stable after the horse had bolted. The purpose for which this bill had been thought of, principally, was to meet the communal disturbances. Our friend Mr. Dinesh Joarder had said that the legitimate representations of the people may be curbed. I entertain no fears on that account. Though it was meant for the purpose of curbing communal disturbances—which obviously is one of the ugliest facets of our public life—I do feel, as was substantiated by our friend Mr. Dhamankar, that disturbances took place even on issues concerning languages in various parts of the country. And they were caused by fanatical organizations like the Shiv Sena and their counterparts, even in Bangalore, like the Chaluvalligars led by Mr. Vathal Nagaraj—though in Bangalore it was not on the same scale as in Bombay, where there is a large section of minorities from various parts of the country.

They were no less negative in their impact on it. Some of the blood-curdling stories which we heard made us feel that the most deterrent punishment must be meted out to these outright goondas, hooligans and professional murderers in our society, who, at the right moment, took over in the garb of some political agitation. Therefore, if you want to deal with these instigators of violence, communal, linguistic or other racial nature or class nature and regional nature, such a sort of Bill was long overdue. But, unfortunately, this Bill is coming at a time when there are no disturbances, which is no guarantee that after the revocation of the emergency, there

[Shri B. V. Naik]

will not be a contingency where this Bill may be used.

• Will the hon. Minister, therefore, kindly tell me, besides putting MISA as a permanent statute on the statute book of this country, what other deeds, he wants to take? After all, I would be surprised, if there have been bullets used for maintaining peace and tranquillity in this country, after the emergency, except a few cases, which are too well-known to be recounted.

As far as the post-emergency period is concerned, I want to know whether this Bill alone will be sufficient to maintain peace and order in the disturbed area or you contemplate anything further. As I have already said, I have been associated with the rest of the details and the Minister is quite aware of them. We welcome it.

In view of the land reforms, I see no reason how to put it. In view of the land reform legislation and the upsurge of the masses who are until now landless or tenants, who are only the nominal owners or who have got only the nominal rights, there are certain areas, particularly in the thickly populated coastal paddy and such other tracks, of grievances of the people and the tough ones are using all sorts of methods which the local law and order machinery is not able to handle. At this point of view, I would only like to draw the attention of the hon. Minister, who also comes from the same State, to a telegram which I received yesterday. We are very proud about it, 154 cultivators were arrested while cultivating the land and they were released on bail in my presence. On the 17th of this month, another six people were arrested. They are our party people and they refused to go on bail. This is in order to implement the order of the Supreme Court of India presided over by the Chief Justice and assisted by Mr. Beg and Jaswant

Singh. This is because of the wooden-headedness of the local administration, law and order machinery, Magistracy and the police. They are trying to interpret the order correctly.

These are some of the things. All your good laws will be dashed to the wall in case you are not able to train a cadre of officials who are able to understand the changed situation in this country. Kindly, therefore, as a Home Minister, I hope, Mr. Mohsin will be able to apply his mind to this. It is known where it has happened. It has happened in the taluka of Kumta Gonka paddy area. The full details are known. Even the officials might have been known to him. I would request him to kindly look into it.

Strangely enough, the local feudal system is not affected by this law.

I would like to give a suggestion for action, through appropriate State Governments, that the entire Gokarna police station area should be declared as a disturbed area, not because of any regional or communal tension but because of plain goondalism. A poor local sub-inspector is unable to control the local goondas and thugs. Until and unless in the rural interior areas where the long arm of the law does not reach, these elements are dealt with firmly not only under this measure but also under Emergency, it will be very difficult for us to control the anti-social elements in the years to come. With these words, I support the Bill.

श्री हरी सिंह (खुर्जा) : माननीय सभापति जी, डिस्टर्ब्ड एरियाज (स्पेशल कोर्ट्स) बिल 1972 पर चर्चा चल रही है। इस बिल, का उद्देश्य और मकसद है कि कम्युनल रायट्स से पैदा होने वाले जो अपराध हैं जो कि सभाज में अशांति का एक बहुत बड़ा कारण बन जाते हैं, उनके मामले में जल्दी से न्याय करना। जैसा कि हमारे माननीय सदस्यों ने कहा कि इस मकसद को पूरा करने के लिए

यह बिल बहुत पहले आ जाना चाहिए था। सन 1968 में नेशनल इंटिग्रेशन काउंसिल का ध्यान इस ओर गया था और उसने इन कोर्ट्स का सुझाव दिया था। लेकिन खेद है कि सरकार ने इस बिल को लाने में बहुत देरी कर दी। यह खुशी की बात है कि इस बिल को इस अवसर पर लाया गया है जबकि सारे देश में शांति है।

सभापति महोदय, आप जानते हैं कि हिन्दुस्तान का इतिहास रहा है कि यहाँ पर धर्म के नाम पर, छोटे बड़े के नाम पर, मजदूर और जमींदार के नाम पर, अक्सर ओर अन्याय, जुल्म और फिसाद होते रहे हैं। इतिहास इस बात का साक्षी है। आप यह भी जानते हैं कि कम्यूनल टेंशन साम्प्रदायिक भावनाएँ जब बढ, जाती हैं, तो इनसे उत्पन्न होने वाले अपराधों की संख्या एक ही क्षेत् में इतनी तेजी से बढ़ती है कि इन अपराधों को सामान्य रूप से समाप्त नहीं किया जा सकता। साधारण तौर पर जो अपराध हुआ करते हैं उनका इफेक्ट सीमित हुआ करता है, इनका इमीडियेट असर कम होता है। लेकिन कम्यूनल टेंशन, छुआछूत, मजदूर राइट से जो स्थिति पैदा होती है, उसका इमीडियेट इफेक्ट होता है। सोसाइटी में ऐसे अपराधों से निवटने के लिए ऐसी व्यवस्था होनी चाहिए जिससे अपराधियों को जल्दी से जल्दी सजा दी जा सके। अगर इन अपराधियों को सजा देने में देर लगती है तो इसके अजाम खराब हो सकते हैं। हमारे देश की सोसायटी एक कम्यूनल सोसाइटी है? हमारे देश में अनेक भाषाओं के बोलने वाले लोग हैं, हमारे बड़ा अनेक रीजस हैं, अनेक धर्मों के मानने वाले लोग हैं। किन्तु हमारे यहाँ कोर्ट्स ऐसे अपराधियों को जो कम्यूनल टेंशन या इसी प्रकार के अन्य झगड़ों के होते हैं, उन्हें जल्दी सजाएँ देकर

मायले जल्दी नहीं खत्म कर सकती है। इसका असर सोसायटी पर अच्छा नहीं पड़ता इन स्पेशल कोर्ट्स के बन जाने से, मैं महसूस करता हूँ कि हिन्दु-मुस्लिम फिसाद आदि ऐसी झगड़ों के जो अपराधी होंगे उन्हें कानून जल्दी सजा दे सकेगा। इस बिल का मकसद यही है कि ऐसे केसों को जल्दी से जल्दी निबटाया जाय। मेरी समझ में नहीं आता कि इसमें किसी को क्या एतराज है, क्या शिकायत है।

सभापति महोदय आप जानते हैं हमारे देश का बहुत बड़ा बोर्डर एरिया है जहाँ पर हमारी सीमाएँ कई दूसरे देशों से लगती हैं। हमारी यह खुशकिस्मती है कि आजकल हमारे अपने पड़ोसी देशों से अच्छे संबंध हैं। लेकिन ऐसा भी समय रहा जब दूसरे देश हमारे प्रतिक्रियावादी लोगों से, रिएक्शनरी लोगों से, पूँजीवादी लोगों से साठ गाँठ करके हमारे देश के अन्दर घुसपेठ करते रहे हैं। आप जानते हैं कि ऐसे लोगों के अपराधों से निबटने के लिए ये कोर्ट्स कितना महत्वपूर्ण काम करेगी। इसका अन्दाजा अभी नहीं लगाया जा सकता।

यह बिल बड़ा सामयिक है और बड़ा समयानुकूल है। यह आज हिन्दुस्तान की माँग है। आप तो जानते ही हैं कि हाई कोर्ट्स में आज कितनी भारी तादाद में मुकदमे पैडिंग हैं। दस दस साल से वे पैडिंग हैं। आपने अखबारों में पढ़ा होगा कि उत्तर प्रदेश की हाई कोर्ट में एक बीस साल पुराना केस अब खत्म हुआ है। हिन्दू मुसलमानों के फसादात, हरिजनों पर अत्याचारों के मुकदमे, इनको निपटाने में बहुत ज्यादा देर लग जाती थी। अगर इस तरह से देर लगती रही तो नेशनल इंटिग्रेशन की भावना नहीं आ सकती है, एकता की भावना पैदा नहीं हो सकती है, आतपात का भेद नहीं मिल सकता है। यह कानून अपराधियों को सजा देने वाला तो है ही लेकिन साथ साथ देश में एकता की भावना पैदा करने वाला भी है, एक

[श्री हरी सिंह]

असल का काम करने वाला भी है। इस लिए मैं इन कानून का समर्थन करता हूँ और प्रार्थना करता हूँ कि इसको पास कर दिया जाए।

श्री मुहम्मद अबीलुर्रहमान (किशनगंज) मोहतरम बेयरमैन साहब, मैं आपका शुक्र गुजार हूँ कि आपने मुझ मौका दिया है। मैं मोहसिन साहब का भी शुक्र गुजार हूँ कि उन्होंने एक नाजूक मौके पर ऐसा बिल यहां रखा है। इस तरह के बिल के लिए 1968 में नेशनल इंटिग्रेशन काउंसिल ने सिफारिश की थी। आज इसको लाया गया है देर आयद दुस्त आयद।

हिन्दुस्तान में मुब्तलिफ जातों और मजहबों के लोग रहते हैं। जब से मुल्क का बंटवारा हुआ है उसके बाद से जितने भी फ़िरकाबाराना फ़सादात हुए हैं उनमें जितना माली और जानी नुक़सान हुआ है, उसका अदाज़ा आम लगाना चाहें तो बहुत मुशक़ल से ही आप लगा सकेंगे। हर कोने में फ़िरकाबाराना फ़सादात हुए हैं। बड़े जोर शोर के साथ ये हुए हैं। इनके पीछे कैसे लोगों का हाथ था यह भी किसी से छुपा हुआ नहीं है। मैं समझता हूँ कि यह बिल बहुत मुनासिब वक़्त पर लाया गया है।

इस बिल के एम्ब एंड प्रावजेक्ट्स में आपने कहा है :

"There are considerable delays in the disposal of criminal cases arising out of communal disturbances."

यह बिल्कुल ठीक बात है। इससे कम्युनल रायट के केरिज का डिसपोज़ल जल्दी हो जाया करेगा। मुझे याद है कि एक केस जो कम्युनल राइट्स का था और जो 1959 में दायर हुआ है उसका डिसपोज़ल होते होते 1962 हो गया और तब तक गवाहों में से

चार पांच मर भी चुके थे। यह जो देरी होती थी यह अब इस बिल के पास होने से नहीं हो सकेगी। पहले पुलिस इनवेस्टीगेशन, फ़िर चार्ज शीट, फ़िर लोअर कोर्ट और लोअर कोर्ट के बाद सेशन कोर्ट के सुपुर्व मामला करते थे। इस सब में बहुत ज्यादा देरी लग जाया करती थी, यह बहुत लांग—प्रासेस था। लोगों को इसाफ़ नहीं मिल पाता था। इसके मानी होते थे इन्साफ़ का खन। इस तरह के बिल की देश को सब ज़रूरत थी। इस वास्ते जो बिल लाया गया है इसकी मैं तारीफ़ करता हूँ।

सैक्शन 3 में लिखा हुआ है।

"Where a State Government is satisfied that—

(i) there was, or

(ii) there is,

in any area within a State Extensive disturbance of the public peace and tranquility, be reason of differences or disputes between members of different religious, racial, language or regional groups or castes or communities, it may, by notification in the Official Gazette, declare that such area shall be deemed to be a disturbed area for the purposes of this Act."

आप देखें कि ईस्टर्न जोन कितना डिमटर्ब्ड एरिया रहा है और इसमें किस कदर मुल्क की सालमियत को खतरा पैदा किया था ? असम में लैंग्वेज के नाम पर कितना जानी और माली नुक़सान हुआ है। यह बात भी किसी से छुपी छिपी नहीं है। और आगे आप आए। बंगाल में पिछले चन्द सालों में कितने ही कम्युनल रायट्स हुए हैं। आगे बिहार में आए। वहां भी बहुत हुए हैं। मध्य प्रदेश में भी बहुत हुए गर्ज पूरे भारत में एक आग सी लगती हुई चली गई थी। इनको रोकने का कोई प्रोरी इलाज नहीं किया जा सका। इस बिल की मैं समझता हूँ कि सब ज़रूरत

थी। इससे इतनी सखी कारवाई का खालसा हो जाएगा और लोगों को इसका मिल पाएगा।

कम्यूनल रायट्स उत्र होने हैं तो उनका नतीजा क्या होना है? जब किसी एक क्रिकेट के लोग मारे जाते हैं तो उनकी सोमाइटी ही खत्म हो जाती है, उनकी इकोनोमी ही खत्म हो जाती है? डागा साहब बोल रहे थे: भिखंडो में जो क्रिकेतावाराना फिदादात हुए तो ऐसी सरकीब लगाई गई कि अकलियत कलों की इकोनोमी ही खत्म हो जाए।

आप देखें कुरुकेला में यही पोजीशन थी, बंगाल में भी यही हुआ, बिहार राजा में भी यही पोजीशन हुई। बहरहाल, देर आयद-दुरुस्त आयद। मैं वाकई मोहसिन साहब को मुबारकवाद देता हूँ कि ऐसे वक्त में बिल लाये हैं जब कि इस की सखत जरूरत थी और इस बिल के पास होने के बाद जल्दी कोरेज का डिमपोजल हो सकेगा और लोगों को इन्साफ मिल सके ऐसी बात इस बिल में है।

अखिर में मुझे यह कहना है कि पुलिस पर खास निगाह होनी चाहिये कि यह जो चार्जशीट देने में देर करते हैं इस पर कोई खास रोक थाम इस बिल में होनी चाहिये कि अगर कोई आकरेंस हो गई हो तो 15 दिन में, 20 दिन में या 30 दिन में चार्जशीट सबमिट कर देनी होगी, ऐसा कोई बात इस बिल में नहीं है। आप ऐसा कर दीजिए कि 15, 20 दिन या एक महीने के अन्दर अन्दर कोर्ट में चार्जशीट दे दी जायत कि मौके का गवाही जायल नहीं हो और कोर्ट दो महीने के अन्दर या 90 दिन के अन्दर केस का फैसला कर दे।

इन अलफाज के साथ मैं इस बिल का ताईद करता हूँ।

[श्री محمد जमेल الرحمن]

(केशू, गंज) : महترم चहरोमन صاحب में आप का शکر گزار ہوں کہ آپ نے

مجھے موقعہ دیا ہے - میں صاحب کا بھی شکر گزار ہوں کہ انہوں نے ایک نازک موقعہ پر ایسا بل رکھا ہے - اس طرح کے بل کے لئے 1948 میں نیشنل انٹیگریشن کونسل نے سفارش کی تھی - آج اس کو لایا گیا ہے - دیر آید درست آید -

ہندوستانی میں مختلف ذاتوں اور مزیعوں کے لوگ رہتے ہیں - جب سے ملک کا بتلوا ہوا ہے اس کے بعد سے چلتے بھی فرقہ دارانہ فسادات ہوئے ہیں ان میں جتنا مالی اور جاتی نقصان ہوا ہے اس کا اندازہ آپ لگانا چاہوں تو بہت مشکل ہے ہی آپ لگا پائیں گے - ہر کرنے میں فرقہ دارانہ فسادات ہوئے ہیں - بڑے زور شور کے ساتھ یہ ہوئے ہیں - ان کے پچھلے کوسے لوگوں کا ہاتھ تھا یہ بھی کسی سے چھپا ہوا نہیں ہے - میں سمجھتا ہوں کہ یہ بل بہت مناسب وقت پر لایا گیا ہے - اس بل کے ایمنز ایلنٹ اوبجیکٹس میں آپ نے کہا ہے -

"There are considerable delays in the disposal of criminal cases arising out of communal disturbances."

یہ بالکل ٹھیک بات ہے - اس سے کمپنل رائٹس کے کوسز کا قبہوزل جلدی ہو جایا کریگا - مجھے یاد ہے کہ ایک کس جو کہ کمپنل رائٹس کا تھا - اوو جو 1959 میں دائر ہوا

[شری محمد جمال الرحمانی]

تھا۔ اس کا قسٹریٹڈ ہونے ہوتے ۱۹۶۶
ہو گیا۔ تب تک گواہوں میں سے
چار پانچ مر بھی چکے تھے۔ یہ جو
دیہی ہوتی ہے وہ اب اس بل کے
پاس ہونے سے نہیں ہو سکتی۔ پہلے
پولیس انویسٹگیشن۔ پھر چارج
شہت۔ پھر لورر کورٹ اور لورر کورٹ
کے بعد سیشن کورٹ کے سپرد معاملہ
کرتے تھے ان سب میں بہت زیادہ
دیر لگ جایا کرتی تھی۔ یہ بہت
لانگ پراسس تھا۔ لوگوں کو انصاف
نہیں مل پاتا تھا۔ اس کے معنی ہوتے
تھے انصاف کا خون۔ اس طرح کے بل
کو پھس کولے کی سخت ضرورت تھی۔
اس واسطے جو بل لیا گیا ہے اس کی
میں تالیف کرتا ہوں۔ شیکشن ۳ میں
لکھا ہوا ہے۔

"Where a State Government is
satisfied that—

(1) there was, or

(11) there is, in any area within a
State extensive disturbance of the
public peace and tranquility, by
reason of differences or disputes
between members of different religi-
ous, racial language or regional
groups or castes or community, it
may, by notification in the Official
Gazette, declare that such area shall
be deemed to be a disturbed area for
the purposes of this Act"

آپ دیکھیں کہ ایسٹرن زون کتنا
قسٹریٹڈ ایریا رہا ہے۔ اور اس میں کس
قدر ملک کی سالمیت کو خطرہ پیدا

کیا تھا۔ آسام میں لہنگریج کے نام
پر کتلا جاتی اور مالی نقصان ہوا ہے۔
یہ بات بھی کسی سے چھپی نہیں ہے۔
اور آگے آپ انہی بلنگال میں پچھلے چند
سالوں میں کتنے ہی کمیونل رائیٹس
ہوئے ہیں۔ بعد آگے میں انہی۔
وہاں بھی بہت ہوئے ہیں۔ مدھوہ
پر دیہی میں بھی بہت ہوئے ہیں۔
غرض پورے بھارت میں ایک آگ سی
لگتی ہوئی چلی گئی تھی۔ ان کو
روککے کا کوئی فوری علاج نہیں تھا۔
اس بل کی میں سمجھتا ہوں کہ
سخت ضرورت تھی۔ اس سے اتنی
لمبی کارروائی کا حاتمہ ہو جائیگا۔ اور
لوگوں کو انصاف مل پائے گا۔

کمیونل رائیٹس جب ہوتے ہیں تو
اس کا نتیجہ کیا ہوتا ہے۔ جب کسی
ٹھک فرقہ کے لوگ مارے جائے ہوں
تو اس کی سوسائٹی ہی ختم ہو
جاتی ہے۔ اس کی ایکائی ہی ختم
ہو جاتی ہے۔ ڈاگا صاحب بول رہے تھے۔
بھونتی میں جو فسادات ہوئے تو ایسی
توکھپ لٹائی گئی کہ اقلیت کے لوگوں
کی ایکائی ہی ختم ہو جائے۔ آپ
دیکھیں روڑکیا میں یہ بھی پوزیشن تھی۔
بلنگال میں بھی یہی ہوا۔ بہار راجھی
میں بھی یہی ہوا۔ بہتر حال دیر
آہد دوست آہد۔ میں واقعی محسن
صاحب کو مبارکباد دیتا ہوں کہ
اسے وقت میں بل لگے ہیں۔ جبکہ

اس کی سخت ضرورت تھی - اور اس بل کے پاس ہونے کے بعد چاندی کیسز کا دسپوزل ہو سکیگا اور لوگوں کو انصاف مل سکے گا - ایسی بات اس بل میں ہے -

آخر میں مجھے یہ کہنا ہے - کہ پولیس پر خاص نگاہ ہونی چاہیئے کہ یہ جو چارج شیٹ دینے میں دیر کرتے ہیں اس پر کوئی خاص روک تھام اس بل میں ہونی چاہئے کہ اگر کوئی اوکریٹس ہو گئی ہو تو ۱۵ دن میں ۲۰ دن میں یا ۳۰ دن میں چارج شیٹ سمیت کرنی ہوگی - ایسی کوئی بات اس بل میں نہیں ہے - آپ کو دیکھئے کہ ۲۰-۱۵ دن یا ایک مہینے کے اندر اندر کورٹ میں چارج شیٹ دے دی جائے تاکہ شہادت ضائع نہ ہو جائے - تاکہ کورٹ دو مہینوں کے اندر یا ۹۰ دنوں کے اندر کہس کا فیصلہ کرے -

ان الفاظ کے ساتھ میں اس بل کی تائید کرتا ہوں -]

شری جگنناथ شیخ (مधुबनी) : سभा-पति महोदय, जिस विषय पर हम चर्चा कर रहे हैं वह बड़ा गम्भीर है। इस देश की आबादी 60 करोड़ से भी ज्यादा है। इस देश को चलाना विश्व को चलाना है, इस का प्रशासन विश्व के प्रशासन के समान है। इस मुल्क में अनेक कठिनाइयां हैं और वह आज से नहीं हैं बल्कि अंग्रेजों के जमाने से थीं और उन्होंने हमारे ऊपर यह अनावश्यक बोझ लाद दिया

और साम्प्रदायिक दंगों के नाम पर एक ऐसी चीज जिस का सामना अभी तक नहीं कर पा रहे हैं। इसलिये प्रशासन के लिये आवश्यक है कि इस तरह के साम्प्रदायिक दंगे और अन्य प्रकार की गड़बड़ियां न होने दें और इसके लिये कोर्ट में शरण लेनी होगी। लेकिन कोर्ट में बहुत समय लगता है जिस की वजह से गरीब लोग लड़ नहीं सकते हैं और इस तरह की परेशानियां गरीबों के साथ ही की जाती हैं और वही बेचारे मारे जाते हैं। इसलिये उन के साथ इन्साफ हो और जल्दी हो वरना जस्टिस डिलेड जस्टिस डिनाइड। इस पृष्ठभूमि में यह बिल अगर लाया गया है तो उप-मंत्री महोदय बधाई के पात्र हैं।

साम्प्रदायिकता क्यों होती है, इस के दी, तीन कारण मैं बताऊंगा। समाज में कुछ ऐसे तत्व हैं जिन को शान्ति का वातावरण पसन्द नहीं है। वे किसी न किसी बहाने से गड़बड़ी पैदा कर देंगे और देश में अशान्ति फैला देंगे। कुछ राजनीतिक दल ऐसे हैं जिन्होंने ठेकेदारी ले रखी है कि हम देश के प्रशासन में बाधा उपस्थित करें। तो ऐसे दलों को दूध की मक्खो की तरह निकाल कर बाहर फेंक देना चाहिये। हमारे देश में भिन्न-भिन्न जाति के लोग हैं, भिन्न-भिन्न भाषा, वर्ग के लोग हैं, भिन्न भिन्न जमीन है, मिट्टी है और उपज है। इसीलिये यह देश विश्व के बराबर है और इतने बड़े विशाल देश का शासन इन्दिरा जी के नेतृत्व में चल रहा है। तो बाहर के लोगों को यह बात पसन्द नहीं है कि आज यह देश इतना स्वस्थ हो गया और प्रगति के पथ पर आगे बढ़ रहा है। तो विदेशी एजेन्ट हमारे देश में घुस आये हैं और वह भी साम्प्रदायिकता की चालें चलते हैं और लोगों को पैसा दे कर उभारते हैं और देश में अमन चैन को बिगाड़ते हैं। इस बात को शासन को मजबूती से रोकना चाहिये और ऐसे लोगों को दूढ़ हूँद कर एक एक करके देश से बाहर निकाल देना चाहिये।

यह विधेयक इस उद्देश्य से लाया गया है कि जहां गरीब, हरिजन आदिवासी या

[श्री जगन्नाथ मिश्र]

सुसलमान हैं, कोई एक दूसरे को दबाव नहीं, कोई किसी को सताये नहीं। हम तो समाज-वाद की बात करते हैं जिस में रात को एक समान जीवन व्यतीत करने की आवश्यकता है और इस प्रकार देश को प्राये बढ़ाते चले यह हमारा लक्ष्य है। और इस विषयक से हमारे उस लक्ष्य की पूर्ति होती है। इसलिये मैं इस का तद्द्विज से समर्थन करता हूँ और मंत्री महोदय को धन्यवाद देता हूँ।

श्री मूलचन्द शर्मा : इस बिल में सब बातें हैं, लेकिन मैं यह जानना चाहता हूँ कि गुरुद्वारों मंदिरों और मस्जिदों में जो धर्मगुरु धर्म का प्रचार करके झगड़ा कराते हैं, उन धर्मगुरुओं के लिये इस बिल में कोई सजा है या नहीं ?

SHRI F. H. MOHSIN: That is in the IPC.

Mr. Chairman, Sir, I am very much thankful to the hon. Members, who have participated in the debate, especially to those who have supported the Bill. The lone Member, who opposed the Bill is Shri Joarder, but his opposition is also very limited. He had no objection for the communal disturbances to be brought within the scope of this Bill, but he did not want other differences, namely racial, linguistic, regional differences and difference based on castes or communities to be brought within the scope of this Bill.

SHRI DINESH JOARDER. I simply said that differences based on language and region should not be included.

SHRI F. H. MOHSIN: That was the limited opposition to the Bill as put forward by Shri Joarder. He also quoted the decisions of the National Integration Council. It is true that the National Integration Council in its deliberations in 1968 emphasised on the need to curb communal disturbances and recommended a Bill of this nature. They had opined the differen-

ces based on religion, race or any other ground as communal and on that basis they recommended for the amendment of Sec. 153 IPC. Perhaps they had also in their mind the linguistic differences. We cannot say that the breach of peace or the extensive disturbance of the public peace could be only on the ground of communal disturbances. We cannot underestimate the disturbances arising out of differences, like language differences, racial differences or regional differences. We had occasions, when we witnessed disturbances of these types.

In Assam, in the district of Cachar, we witnessed very violent disturbances on the basis of linguistic differences between the Bengali speaking population and the Assamese speaking population. We cannot underestimate the damages that are likely to be caused to the peace and tranquility of the country on this ground. We cannot say that these are less harmful than the communal disturbances. Then, we had occasions to witness disturbances on the basis of regional differences. For example because of differences between Andhra and Telengana regions, violent demonstrations went on for a long time and so much damage to the life and property was caused. Can we underestimate such kinds of disturbances on the ground of regionalism?

Again, we have got instances of Anti Hindi agitation in the South. There were violent disturbances on the basis of language. Can we underestimate such differences? I suppose, Shrimati Parvathi Krishnan spoke on the disturbances that took place between Tamilians and Malayalam-speaking people. There are so many instances of this sort. There are instances, when Shiv Sena workers were engaged in communal disturbances. There are so many instances of differences on the basis of regionalism or language.

So, we cannot underestimate the danger that is possible because of differences. Mr. Joarder was saying that disputes between landlords and tenants

will not be covered by this. I might say that merely because there are disputes or differences, those things would not come within the scope of this Bill nor special courts established. Only when there are extensive disturbances to public peace and tranquillity, the provisions of this Bill will be attracted. There may be differences, genuine differences on language. There may be some demands by the linguistic minorities or people living in a particular region or of a particular race. But merely because there are some differences, special courts will not be established automatically. Only if there are extensive disturbances—that is what we have said in the Bill itself.

“Where a State Government is satisfied that—

(i) there was, or

(ii) there is,

in any area within a State extensive disturbance of the public peace and tranquillity, by reason of differences or disputes...”

This is what we have said. Merely because there is a difference or dispute, special courts will not be there nor will there be a declaration of a “disturbed area”. There must be extensive disturbance to public peace and tranquillity.

SHRI DINESH JOARDER: But who is to determine it?

SHRI F. H. MOHSIN: Of course, it is the State Government.

SHRI DINESH JOARDER: It is on the report and recommendation of the District administration.

SHRI F. H. MOHSIN: The State Government must be satisfied. Then he pointed out that under clause 5, when trying any scheduled offence, the special court may also try any offence other than the scheduled offence. But he omitted the last clause—“if the offence is connected with the scheduled offence”. If the offence is connected with the scheduled offence, then only the court will be jurisdiction, but not any offence which is not connected with the scheduled offence.

Mr. Daga said, the transfer of cases may cause further delay. ...

SHRI DINESH JOARDER: I might draw your attention that in clause 7 there is no exception. There it is said:

“Where, after taking cognizance of any offence, a Special Court is of opinion that the offence is not a scheduled offence, it shall, notwithstanding that it has no jurisdiction to try the case, transfer the case....”

If it is not a scheduled offence, whether connected or not, there is no exception here.

SHRI F. H. MOHSIN: Clause 5 covers also all offences other than the scheduled offence but connected with the scheduled offence. But clause 7 deals with a case which is not a scheduled offence and when read with clause 5, it is very clear that the offence should not be a scheduled offence and should not also be connected with the scheduled offence. Then only the courts will have the power to transfer that case to the regular courts. The suggestion of Mr. Daga, if accepted, will create difficulties.

Shrimati Parvathi Krishnan said about the activities of the Shiva Sena. We know, the CPI members are agitating for banning the Shiva Sena. It is true that before the Emergency, the Shiva Sena workers were found to have been engaging in such kinds of offences which would disturb public tranquillity on the basis of region and regionalism and linguistic differences... (Interruptions). ‘Sons of the soil movement’—if it does not harm the interests of other communities, we have no objection to that, but only to that limited extent....

SHRI M. C. DAGA: Friends like Shrimati Parvathi Krishnan are fighting for the rights of women and they create certain disturbances and disturb the tranquillity of this House. Will such activities come under the scope of the present Bill?

SHRI F. H. MOHSIN: After the emergency, it has not come to the notice of the Government that Shiv Sena is engaged in such activities. I can assure you, as already assured by the Prime Minister and the Home Minister, that we are having a close watch not only on the Shiv Sena but similar other organisations.

SHRIMATI PARVATHI KRISHNAN: But the point is what are the basic objectives of that organisation?

SHRI F. H. MOHSIN: I have already stated that after the emergency we have not noticed such activities, I say, not only of Shiv Sena but other organisations also. As I have already said, such organisations are under close watch.

Shri Dhamankar stated about the disturbances in Bhavandi. Those incidents justify the bringing in of this legislation.

He said that there must be a specified period for the disposal of the cases. I do not think that we can provide for a particular period during which the case should be disposed of. (Interruptions) It is for the courts to dispose of cases and the time taken depends upon the type of case that is being tried—the number and type of witnesses to be examined etc. All factors have to be taken into account.

It will not be feasible nor practicable nor advisable to specify a certain period within which the courts may be required to dispose of the cases. The very purpose of the Act is to have expeditious trial and speedy disposal of the cases. That is the reason why we want 'special courts'. After having declared that certain area is a disturbed area, special courts will be trying only the offences relating to that area. They will not try any other ordinary cases. So, naturally, there will be expeditious trial and speedy disposal and decision. It is expected that after the Act is passed, it will meet the demands made by Mr. Daga and others.

Shri Naik said that the Bill has been brought at a time when there are no disturbances. I will be very happy if such an atmosphere continues. I would be more happy if no disturbance takes place and no occasion arises for the use of this Bill. But we cannot take things for granted. This law will be used on such occasions when disturbances of this nature arise.

All the Members have evinced great interest in this Bill. I hope that this will act as a deterrent. Delays in disposal of the cases often entail the acquittance of the offenders. Because of delay the evidence is tempered with, the effect is lost and nobody takes interest in the case. If the cases are expeditiously disposed of, that will act as a deterrent.

SHRI DHAMANKAR: You have given summary trials provision.

SHRI F. H. MOHSIN: This will act as a deterrent and this will help in maintaining peace and tranquility in the whole country.

So, I commend this Bill for the acceptance of the House.

जो मुद्दामें जमीनूरहमान : मैं ने सिर्फ़ कैसेज के डिस्पोजल के बारे में कभी नहीं कहा । मैं तो देख रहा हूँ कि सारी डिस्पोजल है । मगर असल सवाल तो यह है कि इन्वेस्टिगेशन की कोई लिमिट होनी चाहिये या नहीं ? अगर कोई आकरेंस हो जाता है तो इतनी डिले हो जाती है इन्वेस्टिगेशन में कि उस का परपज खत्म हो जाता है । तो इन्वेस्टिगेशन के परिणाम को कम किया जाना चाहिए ।

SHRI F. H. MOHSIN: The investigations and other matters will be covered by the Cr. P.C.

MR. CHAIRMAN: The question is:

"That the Bill to provide for the speedy trial of certain offences in certain areas and for matters con-

nected therewith, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: We now go to clause-by-clause discussion.

Clause 2 (Definitions)

Amendment made:

Page 1, line 12,—

for "distributed" substitute—
"disturbed" (3)

(Shri F. H. Mohsin)

MR. CHAIRMAN: The question is:

"That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

"Clause 2 as amended, was added to the Bill.

"Clause 3 (Declaration of an area as disturbed area)

Amendments made:

Page 2, line 23,—

for "the public peace" substitute—
"public peace and tranquillity"
(4)

Page 2, line 40,—

for "the public peace" substitute—
"public peace and tranquillity"
(5)

(Shri F. H. Mohsin)

MR. CHAIRMAN: The question is:

"That Clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 to 10 were added to the Bill

The Schedule

Amendment made:

Page 5, line 14,—

for "2(c)" substitute "2(d)" (6)

(Shri F. H. Mohsin)

MR. CHAIRMAN: The question is:

"That the Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Schedule, as amended, was added to the Bill.

Clause 1 (Short title, extent and commencement)

Amendment made:

Page 1, line 4,—

for "1974" substitute "1976" (2).

(Shri F. H. Mohsin)

MR. CHAIRMAN: The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted

Clause 1 as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1,—

for "Twenty-fifth" substitute—
"Twenty-seventh" (1)

(Shri F. H. Mohsin)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended was added to the Bill.

The Title was added to the Bill

SHRI F. H. MOHSIN: Sir, I beg to move;

"That the Bill, as amended, be passed."

MR. CHAIRMAN: Motion moved:

"That the Bill, as amended, be passed."

Now, Shri Dinesh Joarder.

SHRI DINESH JOARDER: Sir I again would like to draw the attention of the hon. friend, Shri Mohsin, the Minister to one thing.

I would request him at this stage even if he could omit this language 'the regional groups and other classes'. A valid question has been raised by my friend Shri Jamilur Rahman. That is regarding some specific instruction as to by what time investigation should be completed. I hope you were also in the Committee on the Cr. P. C. Bill. We fought a long battle to fix-up the minimum time limit within which the investigating officer should report and submit his charge-sheet or final investigation report to the court. That time was fixed with certain exceptions; or with the permission of the trying magistrate, the time can be extended.

Here on page 3, Clause 4, what is stated is this:

"The State Government may, for the purpose of providing speedy trial of scheduled offences committed in disturbed areas, by notification in the Official Gazette constitute as many Special Courts as may be necessary in or in relation to such disturbed area or areas as may be specified in the notification."

The speedy trial is the only thing that is there in the whole of the Bill. There is no other provision about the time by which the investigating officer would complete and submit his report

to the special court. It is not mentioned at all. This is a lacuna and the police will get the upper hand and will get enormous powers. That power is also there under clause 6. So, I apprehend that this Bill may ultimately go against the innocent people. I would therefore, request the Minister to reconsider at this stage even whether a certain improvement can be made in this Bill.

SHRI F. H. MOHSIN: I have already replied to all these points. There is no new point raised by him.

SHRI MD. JAMILURRAHAMAN: I think a valid point was raised by Shri Joarder.

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

17.53 hrs.

MARRIAGE LAWS (AMENDMENT) BILL

MR. CHAIRMAN: Now, we take up the Marriage Laws (Amendment) Bill. Shri Gokhale.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Sir, I beg to move:*

"That the Bill further to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954, as passed by Rajya Sabha, be taken into consideration."

The history of development of Hindu Law shows that it was never static and it had changed from time to time so as to meet the challenge of the changing requirements of different ages. The Hindu Marriage Act, 1955 (25 of 1955) which is one part of the codification of personal laws, became law on the 18th May 1955. It applies to all persons who are Hindus as defined in that Act.

Since the passing of the Hindu Marriage Act, various suggestions for amending the same as well as the Special Marriage Act, 1954 were received from some Members of Parliament and from the general public and even Bills moved by certain Members for the purpose. The Special Marriage Act, 1954, being a civil law, applicable to all, has necessarily to keep pace with any reform in the field of matrimonial laws. The Bill is primarily intended to bring about liberalisation of provisions relating to divorce and enable speedy disposal of matrimonial cases.

Since the Government felt that the reform of personal laws is a matter of great importance which deserves to be examined by the Law Commission of India, a reference was made to it and the Commission which was asked to examine various matters pertaining to the matrimonial law applicable to Hindus and the provisions of the Special Marriage Act, presented the fifty-ninth Report suggesting amendments to the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954. While the Government was actively considering the Report and finalising a Bill to implement the recommendation of the Law Commission, another important Report, namely, the Report of the Committee on Status of Women in India was received which *inter alia* dealt with reform of matrimonial laws as well. They have, while generally supporting the recommendation of the Law Commission, made certain additional suggestions, such as, the making of provision for divorce by mutual consent for all spouses and divorce on repudiation of marriage before attaining the age of eighteen years for a girl who was subjected to child marriage.

We have considered the recommendations and the present Bill is intended to give effect to the recommendation with suitable modifications. I shall now proceed to explain briefly the legislative proposals.

Section 5 of the Act deals with conditions of Hindu Marriage. One of the conditions is that neither party

shall be a lunatic. The term 'lunatic' is not defined in the Act and having regard to the meanings assigned to the term, there is no scope to take into account the different degrees of lunacy and its effect on matrimonial relationship.

So the section is being amended to make clear the circumstances in which unsoundness of mind, mental disorder, insanity or epilepsy shall invalidate a marriage. Section 9 of the Hindu Marriage Act provides for restitution of conjugal rights where either the husband or the wife withdraws from the society of the other without reasonable excuse. There are conflicting decisions regarding the burden of proof of reasonable excuse. It is proposed to make it clear that the burden of proof of reasonable excuse shall be on the party who withdraws from the society of the other spouse.

(b) Another recommendation of Commission is that the grounds for judicial separation and the grounds for divorce under the Hindu Marriage Act may be brought on par as is the case under the Special Marriage Act. Section 10 is being amended for the purpose. Section 12 is also being amended to provide that "fraud as to the nature of the ceremony of marriage or as to any material fact or the circumstances concerning the respondent" shall constitute a ground for avoiding marriage.

(c) Another important recommendation of the Commission relates to liberalisation of the grounds for divorce (this incidentally shall apply for judicial separation also) on the following matters, namely:—

(i) At present a party to the marriage can seek divorce on ground of adultery only where the other party is "living in adultery". This ground was difficult to substantiate before courts and it is proposed to make it clear that a single act of voluntary sexual intercourse with any person, other than his or her spouse, shall constitute a ground for divorce.

[Shri H. R. Gokhale]

(ii) Cruelty and desertion which are already grounds for judicial separation are being included among the grounds for divorce.

(iii) A period of three years must elapse now before a petition can be filed for divorce on the ground that the other party has been incurably of unsound mind or has been suffering from a virulent and incurable form of leprosy or venereal disease in a communicable form. This period of three years is proposed to be dispensed with. Further, the ground relating to incurable unsoundness of mind does not seem to cover cases where the mental disorder (including schizophrenia) is of such a kind and to such an extent that the petitioner cannot be reasonably expected to live with the respondent. In the case of mental disorder, it is very difficult to predicate with certainty that it is incurable. This ground is, therefore, being modified suitably.

(iv) The period of two years that must elapse after a decree for judicial separation or for restitution of conjugal rights was passed is proposed to be reduced to one year.

(v) Law Commission has also recommended that a wife should be allowed to seek divorce if a period of one year has elapsed after the passing of order or decree awarding maintenance to her under the Hindu Adoption and Maintenance Act, 1956 or under section 125 of the Code of Criminal Procedure, 1973 unless there has been a reconciliation during that period.

(vi) The Committee on Status of Women in India has in their report recommended that a right of repudiation before attaining the age of eighteen years should be conferred on girls who are subject to child marriages, irrespective of whether a marriage was consummated or not. It is proposed, therefore, to include it as one of the grounds on which divorce or judicial separation should be sought.

(d) The Committee on Status of Women in India have in their Report suggested the incorporation of a suitable provision for divorce by mutual consent in the Hindu Marriage Act more or less on the lines of a provision in that behalf in the Special Marriage Act. The period of waiting after filing of the petition is being reduced from one year to six months in both the Acts. New section 13B is proposed to achieve this purpose.

(e) Law Commission has recommended that the courts may be empowered to pass a decree for judicial separation even where a petition is for a decree of divorce if under the circumstances the court considers it appropriate. New section 13A is proposed for achieving this purpose. This is basically intended to provide an intermediate remedy in cases where the court finds that remedy by way of divorce cannot be given straightaway.

(f) Section 14 of the Hindu Marriage Act provides that no court shall entertain a petition for dissolution of marriage by a decree of divorce unless a period of three years has elapsed from the date of marriage except where there are special circumstances.

18.00 hrs.

The Law Commission has recommended that we may dispense with this period altogether. It is, however, felt that parties to a marriage should not be allowed to rush to court without giving it a fair trial. It is, therefore, proposed that we may adopt a *via media* of reducing the period of three years to one year.

(g) Proviso to section 15 of the Hindu Marriage Act precludes parties to a marriage from marrying again within a period of one year from the date of decree for divorce. We are accepting the recommendation of the Law Commission that this waiting period of one year is not necessary.

(h) Under section 19 of the Hindu Marriage Act a petition shall be presented to the District Court within

the limits of whose jurisdiction the marriage was solemnised or husband and wife reside or last resided together. This has given rise to practical difficulties especially to the wife. The scope of this section is being enlarged so that a petition could be filed in any court within whose ordinary original court jurisdiction—(a) the marriage was solemnised (b) the respondent resides at the time of the presentation of the petition (c) the parties to the marriage last resided together (d) the petitioner resides, in a case where the respondent has not been heard of or resides outside the territories to which the Act extends.

(i) On procedural matters it is proposed that where proceedings seeking relief of judicial separation or divorce are filed in different courts, the court wherein the petition was earlier presented shall try and dispose of all the matters. Expeditionous disposal of proceedings, compulsory attempt of reconciliation, facilitating of the admissibility of documents and the making of counter-claims and conduct of all proceedings under the Act *in camera* are among the other salutary reforms proposed.

The Bill contains amendments to some of the provisions of the Special Marriage Act which are similar to those contained in the Hindu Marriage Act. The reasons for amending the provisions of the Hindu Marriage Act will equally apply to provisions similar thereto in the Special Marriage Act as well. Law Commission has

recommended an additional provision pertaining to sections 19, 20 and 21 of the Special Marriage Act. Under section 19 when Hindu, Buddhist, Sikh or Jain marries under that Act, it automatically affects his severance from his family. Section 20 provides that every person whose marriage is solemnised under the Act shall have the same rights and be subject to the same disabilities in regard to right of succession to any property of the person to whom the Caste Disabilities Removal Act, 1850 applies. Section 21 provides that succession to property of persons marrying under the Act will be regulated by the provisions of the Indian Succession Act. A new provision is being made providing that sections 19, 21 and such part of section 20 as creates a disability shall not apply to cases where both parties to the marriage are Hindus as defined in the Act. Clause 22 of the Bill seeks to insert new section 21A of the Act to achieve the purpose.

There are other amendments which are of elucidatory or consequential in nature.

Sir, I have given the broad features of the Bill. Now, I am moving it before the House for consideration.

18.03 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, May 21, 1976/Vaisakha 31, 1898 (Saka).