

poration owned or controlled by the Government and for matters connected therewith or incidental thereto."

*The motion was adopted*

SHRI K. P. SINGH DEO : I introduce the Bill.

GENERAL INSURANCE BUSINESS  
(NATIONALISATION) AMEND-  
MENT BILL

[*English*]

MR. DEPUTY SPEAKER : The House will now take up items No. 15 and 16 together.

Shri Chandupatla Janga Reddy .....  
He is not there.

Shri Janardhana Poojary.

THE MINISTER OF STATE IN THE  
MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : On behalf of Shri Vishwanath Pratap Singh, I beg to move :

"That the Bill further to amend the General Insurance Business (Nationalisation) Act, 1972 as passed by Rajya Sabha, be taken into consideration."

The Bill further to amend the General Insurance Business (Nationalisation) Act, 1972, has been passed by Rajya Sabha on the 23rd January, 1985 and it is now for consideration before the House.

I would briefly like to explain the circumstances in which it became necessary for Government to assume powers to frame schemes unconnected with amalgamation of insurance companies or merger consequent on nationalisation of General Insurance Business to regulate the terms and conditions of service of the employees.

The employees of the General Insurance Industry submitted in 1977 Charter of

Demands for wage revision. After taking into account the recommendations of the management of the General Insurance Corporation and their report about the discussions with the employees' unions, Government notified an amendment scheme in September, 1980. Under this scheme, the scales of pay of the employees were revised upwards. Other considerable benefits were also given. All these were estimated to cost the insurance companies an additional burden of Rs. 3 crores per annum. However, the union of employees challenged this amendment in the Supreme Court,

The Supreme Court quashed the Scheme as being beyond the scope of the authority of Central Government. The Supreme Court, however, gave liberty to the Central Government to frame any appropriate legislation or to make any appropriate amendment giving power to frame any scheme as it considers fit and proper. Therefore, Government have not in any manner circumvented the judgment of the Supreme Court.

Sir, I would like to inform the hon. members that the principal scheme of 1974 was causing grave *inter se* wage distortions. On 1st July, 1984, the emoluments (basic pay plus DA) of a Superintendent at the maximum of his grade rose to Rs. 4082 as against those of a General Manager at the minimum and the maximum of his grade amounting to Rs. 3950 and Rs. 4550, respectively. Such cases were many at common pay ranges between Class III staff and officers of II General Insurance Corporation. If allowed unchecked, these wage distortions would seriously affect the smooth functioning of the industry and generate grave repercussions on the wage structure in other public sector undertakings. Government could not remain a silent spectator to this serious situations. Hence the Ordinance was promulgated

Sir, as you may have seen from the Bill it confers independent powers to frame schemes to prescribe the scales of pay and other terms and conditions of service of the employees. This provision is neces-

sary in order to allow further wage revisions in the industry. Also, provision has been made to frame the schemes retrospectively. This is an enabling provision and in the interest of the employees as wage revisions have quite often to be given retrospective effect.

The principal schemes made in 1974-75 and 1976 were amended on 23 occasions whereby considerable benefits were conferred on the employees and the officers. In order not to set the clock back and not to deny the employees of these benefits, a provision has been made in the Bill to revalidate all amendments, except the one made in September, 1980 which has been struck down by the Supreme Court.

Sir, I would like to dispel a doubt which the hon. members may have. It is not Government's intention to do away with the system of consultation with the employees on wage revision. As you know, Sir, Government acquired in 1981 similar powers in the case of Life Insurance Corporation of India. Despite this currently, discussions are in progress between management and the LIC employees on wage revision. Employees of the General Insurance Industry will have similar opportunity.

I would now request the hon. members for their support to the Bill so that harmonious functioning of the industry can be brought about and the administrative cost contained in the overall interest of the policy holders.

Sir, I move.

MR. DEPUTY-SPEAKER : Motion moved :

“That the Bill further to amend the General Insurance Business (Nationalisation) Act, 1972 as passed by Rajya Sabha be taken into consideration.”

[Translation]

DR. DATTA SAMANT (Bombay South-Central) : Mr. Deputy Speaker, Sir, the principle of collective bargaining

between the workers and the management, which has been honoured since the time of the British rule, is sought to be given a go by with the introduction of this Bill. This is my direct charge against the Government which I make in this House. Moreover, the number of industries has definitely gone up during the last 37 years due to the Industrial Disputes Act which was enacted during British time but so far no legislation has been brought forward to specify the rights of the workers. According to the Government schemes, setting up of industries in backward areas has been encouraged by extending loans worth 2-3 thousand crores of rupees. For whom these industries are being set up? Do they serve the interests of workers or those of employers? Government has not paid any attention towards the quantum of wages being given to the workers.

In regard to this amendment, I would like to state that by bringing it, the Government is trying to do away with the basic principle of collective bargaining and industrial disputes. With the increased business of L. I. C., the profit of Government has also increased considerably. As a consequence of negotiation in regard to workers' demands, Government had conceded collective insurance and nationalisation. Later on, a decision of the Government was challenged in the Supreme Court whose judgement has also come. In order to undo this judgement of the Supreme Court and to deny the benefit to the workers, Government has brought this Bill, for which I express deep resentment and regret. It has been stated in the aims Statement of objects and reasons of the Bill, that in case the present set up continues the emoluments of class III staff can exceed Rs. 4000 but the officers would get only upto Rs. 3900. The Government should not have any objection to paying money because profit has been increasing. Class III staff is getting more and if Government wants to bring some minor changes, this should have been clarified in this House. But this has not been done. Are the savings on account of paying less to officers meant for making fresh recruitment or for paying more to those who were drawing less? It is not clear as to

whether some such rationalisation is under consideration ?

[English]

The lowest salary is only Rs. 700/-

[Translation]

There are lakhs of L. I. C. employees in the country, but no principle has been enunciated for them in the objects and reasons of the Bill. Only one thing has been mentioned.....(Interruptions).

(English)

MR. DEPUTY SPEAKER : Try to be brief.

DR. DATTA SAMANT : This is very important. A few lakh workers are affected. I think there should not be any time restriction. In 5 or 10 minutes I can finish.

SHRI SHARADCHANDRA GOVIND-  
RAO PAWAR (Baramati) : He is a representative of the working class. He should get the opportunity to speak.

[Translation]

DR. DATTA SAMANT : The salary of lower class staff would be Rs. 4500 in the last stage. Keeping only one point in view, the Government want to appropriate all the rights. According to various clauses in the Bill, Government is entitled not to take a decision on any agreement or decision of the tribunal or any industrial court. Any scheme which is framed, will be binding on the workers. Thus, Government is appropriating all the rights to itself. The working class would always oppose such measures and the L.I.C. is already opposed to it. Today 30 to 40 per cent of the total population comprise workers and all are dissatisfied. Above all, Government is trying to bring a supreme power which would dispense with courts' decisions, tribunals and collective bargaining. Therefore, on behalf of the

working class totally oppose this measure.

Mr. Deputy Speaker, Sir, there are 2 to 3 more clauses in the Bill. The matter will not end there. The Government want to compulsorily implement one point C D. A. in respect of workers of all Central Government Undertaking, e.g., Mazagoan Docks, Bharat Petroleum etc. It is creating widespread resentment among all the workers of these undertakings. A committee was also appointed some time back in this regard but even then nothing has happened. In the Bharat Petroleum, the D. A. slab of a worker who has put in even ten years' service and who is permanent, will automatically come down according to Government's directive. I feel that despite our various slogans and assurances to workers, the Government policy has always been anti-working class. The basic principles adopted by the Government and such legislations are all going against the interests of the workers.

Mr. Deputy Speaker, Sir, in all the public undertakings like the Mazagaon Docks, Richardson, Bharat Petroleum etc, atrocities would continue against the workers if such a legislation is passed. The Government is contemplating other representative step also. I want that Government should specify the service conditions and a rationalisation scheme, for the workers. In regard to the rationalisation schemes, Government should take adequate care that by bringing such a legislation, they do not assume summary powers. Today, if the salary of some workers in the L.I.C. is more, some internal adjustment should be made and an announcement to this effect should be made in the House and in the aims and objects of the Bill. Moreover, the future policy of Government in this regard should also be stated in clear terms in the House. But it appears that the Government does not want to do such things and on the other hand wants to bring fresh legislation by disregarding all the past awards and laws. Regarding retrospective effect, it has been stated that if the Government so desire it could be done. In view of all this, Sir, if this Bill is passed, I would have to stage a walk out in protest.

[English]

SHRI AJOY BISWAS (Tripura West) : I rise to oppose the Bill because there is an attempt on the part of the government to curb all sorts of rights of the working class. The Minister has misled the House. He has said that most of the employees are getting more than Rs. 4,000 ; that is not correct. Only the Superintendents are getting more than Rs. 4,000. But how many Superintendents are working there ? Previously, the number was 200 ; now, it has come down to 50. The Corporation has already announced that it is a dying cadre. When they have announced that it is a dying cadre, you have taken the plea that mostly the employees are getting more than Rs. 4,000. So, the Bill has been brought forward to curb the rights of the 28,000 employees in that Corporation. It is not proper ; it is not good for the government.

I apprehend that they will introduce the same measure in other institutions also, like the RBI, in other banks and in other sectors also. If they introduce the Bill, the reaction will be, I can categorically say, that the employees will not allow this Bill to be introduced. If the government wants to curb the rights and existing facilities, definitely the entire working class will rise in protest and will definitely launch a bigger movement in future.

Sir, the General Insurance Corporation was nationalised in 1971 and in 1974 a scheme was taken up and it covered the terms and conditions of service of the employees. At that time there were lot of negotiations with the management and there was a consensus between the management and the employees' organisations.

In 1977 the associations put forward some demands, they placed a charter of demands for upward revision of the emoluments and improvement of the service conditions of the employee. But due to the adamant attitude of the Government the negotiations failed. At that stage, the Chief Labour Commissioner of the Central Government wanted to intervene

into the affairs because the Chief Labour Commissioner thought that it was a clear case of industrial dispute and then the Chief Labour Commissioner issued negotiation notices to both the management and the employees organisations. In the notice it was clearly mentioned that the Industrial Disputes Act would apply in the case of the General Insurance Corporation. The Chief Labour Commissioner also drew the attention of the management to section 33 of the Industrial Disputes Act and that the management should not change any terms and conditions which may cause prejudice, during the pendency of the conciliation proceedings. The representatives of the employees attended the meeting but the management did not turn up. The Chairman of the General Insurance Corporation informed the Chief Labour Commissioner by a telex message that as the General Insurance Corporation would not fall under the purview of the Industrial Disputes Act, they would not attend the conciliation meeting. It is a funny thing that the Chief Labour Commissioner felt so. So, the Minister for Labour has to explain what the actual position is. In my opinion, definitely the Corporation is under the Industrial Dispute Act.

Thereafter, the management of the General Insurance Corporation did not take any initiative to negotiate the issues with the employees' organisations. Then the Finance Department came into the picture. They issued a notification and under the notification it was clearly mentioned that the existing facilities—whatever the employees were enjoying—were curtailed. There was a ceiling on the wages, retirement age, gratuity, increments and all the benefits were taken away. The All India Insurance Employees Association filed a writ petition in the Supreme Court which gave the judgement in favour of the employees. In this case the Minister has misled the House. The verdict of the Supreme Court was that the impugned scheme of 1980 must be held to be bad as beyond the scope of the authority of the Central Government under the General Insurance Business (Notification) Act, 1972. The impugned scheme is, therefore, quashed and will not be given

effect to. The parties will be at liberty to adjust their rights as if the scheme had not been framed. So, there was a clear direction of the Supreme Court to negotiate the issue with the employee association. Have you done that? Without doing that, you have promulgated the ordinance and now, you have come before the House with this Bill. First of all, you should try that. If there is a negotiated settlement, that will be better for the management and the country. I can say that confrontation will not help you.

Regarding the decision of the ILO, different central organisations made complaints to the ILO against the Central Government in respect of LIC which tried to change the agreed bonus terms by a Parliamentary enactment and the general insurance sector where a gazette notification changed the condition of service of the employees. After this complaint the Government gave a reply to the ILO. After the reply, the conclusions of the ILO are :

“The Committee notes the Government’s reply to the allegation that it arbitrarily modified collective agreements in the public sector, in particular the fact that the Supreme Court has upheld such amendments when made in the legislative context. In this connection, the Committee has stated in the past that a legal provision which could be applied so as to call into question the provisions laid down in collective agreements or to prevent the workers from negotiating such conditions as they wish in future collective agreements would, if so applied infringe the right of the workers concerned to bargain collectively through their trade unions. The Committee would accordingly draw this principle to the Government’s attention in the hope that it will find it possible not to resort to such action in the future.”

The ILO reacted when the Government issued a notification in the case of General

Insurance Corporation. Now the Government is going to enact a law. I do not know what will be the reaction of the ILO this time. That means this Government has actually decided that whatever the ILO or the Supreme Court says, it will not bother and it will proceed in its own way. Why Government is doing all these things is because there is a systematic attempt on the part of the Government to curb the trade union and other rights of the working class. The National Security Act has been passed which means the Government can arrest anybody and put him in jail without trial. Again, the Government has passed the Essential Services Maintenance Bill. By passing this Bill, the Government has virtually banned all strikes in the essential services. Even when a worker wants to go to a processing, there will be a punishment of one year’s imprisonment and Rs. 1,000 as fine. Even that is not enough. Now the Government is putting a ceiling on the wages. For a class IV employee in GIC, the ceiling is Rs. 1,600. If the emoluments of a Class IV employee are Rs. 1,600 and there is an increase in D.A., that employee will not get this increased D.A. Even if the increment is due, he will not get it if his emoluments are already Rs. 1,600. That means, there is going to be a total moratorium on wages. This can be done only in case of financial emergency. So, my question is whether unofficially you are putting a financial moratorium. You must make it clear because you are definitely going to implement such types of measures in other cases also. I conclude my speech by saying that by these measures, Government will not be able to develop healthy industrial relations. Cooperation of the workers is the basic need to develop good industrial relations in all sectors. So, I shall request the Government to ponder over it and withdraw the Bill so that a good industrial climate can be developed in the country.

SHRI THAMPAN THOMAS (Mavelikara) : Sir, I oppose this Bill mainly on the ground that this is intended to circumvent the decision of the Supreme Court given in favour of the working class of this country. It is true in the light of the decision of the Supreme

Court, this Bill has now come before this House. But the intention of the Government behind bringing this Bill seems to be that by introducing this Bill the benefits which are given to a worker can be taken away. Secondly, I would say that this Bill is against the fundamental jurisprudence of the labour laws. The status of wage that a worker has attained cannot be taken away by any action. Now, this Act purports to take away such benefits which the working class gained by sustained struggle and actions. In the note it is given that a superintendent may get Rs. 4,800 and the Managing Director may get less. May I say that a Member of Parliament gets only Rs. 750 per month as salary but a peon may be getting more than that? It is a criterion to distinguish between persons? I have seen in America a scavenger getting more money than what a Director of the municipality gets because every hour he can earn ten dollars. In China also I have seen the skilled worker getting more than the Managing Director. The approach of the Government, therefore, seems to be bureaucratic. Probably they feel that the managing director is at the top and the workers are slaves.

Therefore, the very basic approach in this Bill to reduce the salary of the workers goes against the basic jurisprudence of the labour laws and is negative approach.

Thirdly this will give an arbitrary power to the Government. General Insurance Company is a corporation. It is an autonomous body. The very structure of it is that it can take its own decisions. But this Bill will be giving arbitrary powers to the Government to take decisions against its workers. This Bill is intended to take away the insurance workers from the very ambit of the definition of the worker which has been given by the Supreme Court in its judgment on Bangalore Water Supply and Sewage case. On this the Supreme Court said that all persons other than the employees under the sovereign unalienable power of the country are workers and that has to be extended to every person.

The very basis of this Bill goes to show that the people who are working in the General Insurance Company are taken away from the ambit of this definition of the worker. Therefore, it cuts at the very root of collective bargaining.

I also oppose this Bill because this will be concentrating power in the hands of a few bureaucrats. These are my main points.

I reiterate my points again. One is that this Bill circumvents the decision of the Supreme Court. Secondly it gives arbitrary powers to the bureaucrats. Thirdly this is against the labour jurisprudence. Fourthly the very approach of the Bill is very bad. Keeping these in view I submit that this Bill may not be pressed. Therefore, I oppose this Bill.

SHRI NARAYAN CHOUBEY (Midnapore) : Sir, I join my hon friend on opposing this Bill in all its aspects. I would like that Shri Janardhana Poojary hears the counsels that we give through you.

In the very recent elections the Congress Party has done well in many industrial and working class areas. So, we can say that the working class people generally voted the Congress to power this time. But they are watching the performance of the present Government. And here you are giving this *Tohfa* to those very workers who have brought you to power. It is the most draconian Bill. I fail to understand why the Government is insisting on such a Bill and not amending it as the situation demands.

One of the reasons for your bringing forward this Bill is that a Class III employee, a Superintendent, can get Rs. 4,080 as against the emoluments—basic pay plus DA—of the General Manager at the minimum and maximum of the grade amount to Rs. 3,950 and Rs. 4,550 respectively. Sir, we should call a spade a spade. We should not hide our intentions by giving such

examples. There are 25,000 Class III and Class IV employees in the General Insurance. This Superintendent Cadre is a closed cadre. Only fifty employees are still remaining as Superintendents and after their retirement nobody will be in the cadre of Superintendent. So, when you make this as an issue, it looks really very shocking. My friend has given the example of a socialist country and even of the USA where you will find more you work, more you get. Efficient workers in the Soviet Union draw much more salary than a General Manager. So, why do you grudge that? Because you are a capitalist country, I do not want you to adopt the Socialist norms. You see only 50 people are still remaining and they will be leaving soon and such a thing will not happen any further. Even then the employees' union wanted that, you regulate these things, if you so want. You can regulate it. But why are you taking cudgels against everybody like *dashanan* Ravana fighting everybody under the sky? You are fighting against the union. I am told, even in the year 1980, when our present Labour Minister was the Labour Minister then, at that time the General Insurance walked out of the conciliatory meeting held to bring these things on proper rail. It was your General Insurance which walked out of the conciliatory meeting and then the employees were forced to go to court. And then, you say that you are not going to abide by the decision of the court. You have said you are going to do anything and everything you like. It is said in clause 5(2) :

“Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority or in any other law, agreement, award or other instrument for the time being in force,—”

You have covered everything under the sky. You have put everything in the Bill, whatever may be there or may not be there, you have written everything in the Bill. This is most unfortunate. I hope

you will consider these things and would not press for these things.

Another peculiar thing is you are withdrawing some privileges which they were enjoying. Can you do it? They have earned certain rights, working classes have earned certain rights by their struggle—not by the gift of this government or that government. They had been to jail; they had been killed. Then, their unions were recognised. Certain agreements were made and certain compromises were made and they advanced to some extent. Now, regarding provident fund, what are you doing? For everybody, provident fund is on basic wage plus D A. Now you are going to amend this for the General Insurance people only, i.e. 10% of the basic pay. Why under the sun, the General Insurance people have to suffer? I do not understand. Same thing is extended to sick leave. What the other people enjoy, you do not allow them to enjoy. I fail to understand it.

You are speaking for so many things. Had there been some undertaking regarding the national wage policy which we were thinking we could have compromised and we could have thought that this was the consensus of the country. You call a meeting of all the Central trade-unions. You call them and decide the policy. But you never think of these things. You do not control the black money in the hands of the rich people. You do not control Tatas, Birlas and Dalmias.

In front of you about 8000 workers are out of job in Bombay despite the fact that you have nationalised some mills. So, you never think in those terms. Naturally, more days are passing. You have come to power recently. More days are passing and more it is clear to the toiling people and working people that what class interest you are going to serve. Hence I oppose this Bill.

Another thing is, all the employees can work up to 58 years of age. For the General Insurance company, you have got

the arbitrary powers to retire them at 55. Why ?

Naturally, I beg to submit that these things should be considered ; please don't press for it. I hope that even at this last moment, you will call the meeting of the trade unions, Government and the G.I.C. and bring certain conciliation. Otherwise, they will be again going to court, this thing and that thing. For you even the Supreme Court is nothing. You are saying that you want to keep the judiciary above everything. You want to keep an independent judiciary. Such is your concern for keeping an independent judiciary ! You are bringing the Bill under which you say, you do not agree with the judgement of the Supreme Court even. It is a funny thing.

I, on my behalf and on behalf of my Party, and on behalf of this side, oppose this Bill tooth and nail. And if you try to press it, we have to walk out. This is the only thing we can do.

[*Translation*]

SHRI C. JANGA REDDY (Hanamkonda) : Mr. Deputy Speaker, Sir, it appears that Government wants to usurp all powers by putting an end to the practice of negotiations as per the objectives of the General Insurance Bill. The existing arrangements are such that a new General Manager would get a total salary of Rs. 2,840 but a Superintendent, though he might be third divisioner, would get Rs. 4,082 on reaching higher stage by way of promotions. This means that the officers would get less than the Superintendents and other subordinate employees. Previously in such circumstances, the management and the employees used to sit around the negotiating table to find a solution but now all such powers are sought to be appropriated by the Corporation and this is against the fundamental principles. Under the new provision, no agreement can be reached.

The practice prevalent in other Corporations like the Food Corporation of

India and other public corporations, should be adopted in this corporation also. There also in such difficulties, agreements are reached by negotiations between management and workers. But now this practice is being discarded. Therefore, I and my Party oppose this Bill and I request the Minister to withdraw this Bill keeping in view the need of the hour.

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : Mr. Deputy-Speaker, Sir, it has been stated that this Bill is a draconian Bill and an anti-labour measure. The hon. Members while expressing their views also have stated that we are against labour and working class and that this is a gift we are giving to the class after getting a massive mandate.

I thank my hon. friends from the Opposition as well as from this side for giving valuable suggestions. Before coming to the question whether there was a distortion in the salary and emoluments of the employees, whether we have to remove that distortion or anomaly, if there is any such thing, in the salary and emoluments, I may be permitted to draw your attention to the position obtaining in regard to the emoluments. A Class III employee whose basic pay is Rs. 525 will be getting Rs. 1906 as dearness allowance and other allowances. The total emoluments that he will be getting Rs. 2431. At the same time, an officer of the Corporation, at the same level, whose basic pay is Rs. 530 will be getting only Rs. 1384 as dearness allowance and other allowances. The total amount he would be getting is Rs. 1,914/- whereas a Class III employee, a clerk would be getting Rs. 2,431/- at that stage.

If the basic pay of the Officer is Rs. 610, his total pay would be Rs. 2,154 whereas if the basic pay of a Class III employee is Rs. 615/-, his total emoluments would be Rs. 2,755/.

[Shri Janardhana Poojary]

If the basic pay of the Officer is Rs. 1,000/-, his total emoluments would be Rs. 2,840/- whereas if the basic pay of a Class III employee is Rs. 985/-, his total emoluments would be Rs. 4,082/-. The Superintendent is a Class III employee.

(Interruptions)

My submission would be that we have to consider whether this is in the interests of the Corporation, of the harmonious functioning of the Corporation, of the policy-holders and of the administration. If the Corporation is allowed to grow up in this manner, what would happen to the Corporation? What would be the feelings of the Officers? Let us consider what is the responsibility of the clerical staff and of the officers. Who are having more responsibility? The Officers are accountable. They have got more responsibility.

Hon. Members from the Opposition side have cited the example of China. This is not China. It is India. We have to live here in India. We have to see the climate outside. What would be the feeling of the officers,

(Interruptions)

SHRI NARAYAN CHOUBEY : We know that it is India. He is an Indian. You are an Indian. We are all in India.

MR. DEPUTY SPEAKER : I request the Members to sit down.

AN HON. MEMBER : The Minister is talking like this every day.

SHRI JANARDHANA POOJARY : Some of the hon. Members have been here and they are responsible Members.

(Interruptions)

MR. DEPUTY SPEAKER : Let him finish.

SHRI JANARDHANA POOJARY : Now coming to the provisions of the Act, the amalgamation or the merger of these companies had taken place in the year 1972. Those 106 insurance companies were merged, amalgamated and they were nationalised. After the nationalisation, the schemes were introduced in the interest of the employees in 1974, 1975, 1976 and 1977. Later, an amended scheme was introduced in 1980. So far as the scheme of 1980 is concerned, the employees, even though broad negotiations had taken place, had gone to the Supreme Court and challenged the scheme. When it was challenged, the Supreme Court held that ... (Interruptions). We are all talking about democracy. They are not allowing me to speak even. Let them first hear me. As I stated, there were the schemes of 1974, 1975, 1976 and 1977. They had not gone against those schemes. These are in the interest of the employees of the Corporation. But what has the Supreme Court held? The Supreme Court has held that the Government has no authority, that Government cannot go beyond the authority given under the Act. What is the Act? The scheme should be related to ... (Interruptions).

13.00 hrs.

MR. DEPUTY-SPEAKER : Please do not interrupt. Let him finish.

SHRI JANARDHANA POOJARY : I heard them with rapt attention; I did not interfere. They should extend the courtesy of hearing me also.

These schemes were introduced, as I stated, after the nationalisation of the industry. Now what has happened? They have challenged only the scheme of 1980. They did not challenge the earlier schemes. What has the Supreme Court held? The Supreme Court has held that Government has no power to introduce any schemes which are not related to, or connected with, amalgamation (Interruptions).

SHRI AJOY BISWAS (Tripura West) : I am on a point of order. The Minister has said that in the previous case in respect of the 1974 scheme, the Employees' Association had not gone to the Supreme Court. I want to point out that that was a negotiated settlement. He is misleading the House.

(Interruptions).

MR. DEPUTY-SPEAKER : There is no point of order. The Minister will continue.

SHRI JANARDHANA POOJARY : The Supreme Court has observed that the schemes introduced related to, and connected with, amalgamation. It did not stand the test. So, it is beyond the authority of the Central Government to frame any rule. Further, it is stated that Government is at liberty to frame any appropriate legislation and also an appropriate amendment. This is the wording of the Supreme Court. This, however, will not prevent the Government, if it is so advised, to frame any appropriate legislation giving Power to the Central Government to frame any scheme as it considers fit and proper. (Interruptions) The hon. Members should have some patience. What would happen? What is the impact of this? What is the result of this if we introduce it? All the employees also have accepted it as it is in the interests of the administration and as it is in the interests of the employees,—the 1974 scheme, 1975 scheme, 1976 scheme and also the 1977 scheme. By virtue of the Judgment, it could be said tomorrow that if anybody goes against the scheme, it will be held by the Supreme Court that the Central Government does not have the power to legislate as it is beyond the scope. In order to remove the shortcoming and in order to overcome the deficiency, we have come up with this legislation.

Another point which has been urged here is that we have taken the employees out of the purview of the Industrial Disputes Act. Now we are taking, but this provision has already existed in the earlier

Act of 1972. I may be permitted to read the relevant portion. Sec. 16 reads as follows :—

“The provisions of this section and of any scheme framed under it shall have effect notwithstanding anything to the contrary contained in any other law or any agreement, award or other instrument for the time being in force.”

So it is not that we are doing it only now. The hon. Members from this side have clearly stated that during the recent elections people voted for us. Particularly, the workers

SHRI NARAYAN CHOUBEY : Very soon they will leave you.

SHRI JANARDHANA POOJARY : Here I want to make it very clear. The workers were with us. The workers were with the Congress Party. Even identical provisions and similar wordings were there in the LIC Act. They went to the Supreme Court and the Supreme Court held that it is constitutional and the Central Government has got the power and now even the electorate have given a vote to the present Government. This ordinance was promulgated before the recent elections. Not only that, the earlier LIC amendment is also there. The Supreme Court held that it is constitutional and that it is not unconstitutional. They have stated that. So you cannot say that it was not within the knowledge of the workers. The workers supported it as it is in the interests of the administration, as it is in the interests of the cost element and workers supported it.

Coming to another point, they have stated what is the number. There are 145 Superintendents in the Corporation.

SHRI NARAYAN CHOUBEY : What is the number of employees ?

SHRI JANARDHANA POOJARY : Now it is for the consideration of this House whether we have to allow this ano-

[Shri Janardhana Poojary]

maly to continue, whether we have to allow this distortion to continue. At a certain point we have to put a stop.

Now I am just bringing to your notice We are talking about the weaker sections, Hon. Members of the Opposition are also talking about the weaker sections. They say about 31 crores of people are living below the poverty line whose income does not exceed Rs. 65.....

*(Interruptions)*

MR. DEPUTY SPEAKER : Tatas, Birlas — all those points you have made. Please let him finish

SHRI JANARDHANA POOJARY : It is my duty also to reply to them. I am just bringing it to your notice. It is the duty of the Central Government. It is the duty of the Congress Government. It is a commitment they have given to the nation that the weaker sections shall be protected.

Nobody should be under the impression that the Banking service is not for weaker people. The Banking service should work for the benefit of the poor people and the weaker sections of our people.

With these words I conclude my reply to the points which have been raised in the course of the Debate.

*(Interruptions)*

MR. DEPUTY SPEAKER : He has already explained. There is no point in going over the same point once again. You have already opposed and spoken everything. All of you should not shout. Please take your seats. So many of you are standing. You have already expressed your views. You have already given your suggestions. Now everything is over.

SHRI THAMPAN THOMAS : We should not be asked to pass the Bill in such a hurry. It is not correct.

MR. DEPUTY SPEAKER : The question is :

“That the Bill further to amend the General Insurance Business (Nationalisation) Act, 1972 as passed by Rajya Sabha be taken into consideration,”

*The motion was adopted,*

[*Dr. Saradish Roy, Shri Narain Choubey And Some Other Hon-Members Then Left the House*]

MR. DEPUTY SPEAKER : Now we take up Clause-by-clause.

The question is :

“That Clauses 2 to 6 stand part of the Bill ”

*The motion was adopted*

*Clause 2 to 6 were added to the Bill*

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI JANARDHANA POOJARY : I beg to move :

“That the Bill be passed.”

MR. DEPUTY SPEAKER ; The question is :

“That the Bill be passed.”

*The motion was adopted.*

13.14 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL OF NATIONAL CAPITAL REGION PLANNING BOARD ORDINANCE AND NATIONAL CAPITAL REGION PLANNING BOARD BILL

[*English*]

MR. DEPUTY SPEAKER : We now take up items 17 and 18 together for discussion.