

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to amend the Urban Land (Ceiling and Regulation) Act, 1976"

*The motion was adopted*

SHRI DEVINDER SINGH GAR-CHA): I introduce the Bill.

15.36 hrs

PENSIONS BILL—Contd.

(By Shri V. N. Gadgil)

MR. DEPUTY-SPEAKER: We now take up further consideration of the following motion moved by Shri V. N. Gadgil on 16th April, 1981, namely:—

"That the Bill to provide for the grant of pension, gratuity, dearness and other allowances and benefits, payable by the Central Government to its employees, or their dependents, on retirement voluntary or otherwise, or on the death of the Government servant and for other matters connected therewith, be taken into consideration."

Mr. V. N. Gadgil to continue.—

SHRI V. N. GADGIL (Pune): Mr. Deputy-Speaker, Sir, on the 16th I had dealt with the various aspects of my Bill. Today I do not want to take much of the time of the House. I would only recapitulate very briefly the salient features. I had pointed out last time that historically the term pension had different meanings, as compared to the sense in which it is used today. It was for the first time used by Lord High Treasurer Godolphin in 1687 who was among the first persons who used the term 'Pension'. Probably the first pensioner was Mr. Martin Horsham. He was given a pension on 10th of March 1684. As I had pointed out last time, ultimately this led to a lot of corruption; in the administrations in England. The other day I came across a very interesting example. What kind of things went

on and what kind of things are going on today? It appeared from a column in the magazine called 'Punch' of December 1980. This is what happened in Australia. I quote—

"The family of an illiterate man cut off his thumb after he died preserved it in formaldehyde and used the thumb for years to cash his pension cheques."

This kind of things was going on. And ultimately, as I had pointed out last time, pension became a matter of bargain and it started with the Postal Department in England where public servants were allowed to make private bargains for the annuities from their successor. Then came 1810 Act and 1859 Act and so on and so forth. Now, I would like to bring to the notice of the hon. Home Minister and to the House the points which I emphasised and to which I would like the Government to give serious consideration. I will only enumerate these points. One, the 1871 Act which makes pension a mercy, a bounty, a grace and not a right must be scrapped. Two, the disparity that prevails in the pension of various pensioners who have retired at different times of their careers must be removed. Three, there must be some cushion provided against inflation which eats away the pension of pensioners who retired 10 or 20 years back. Four, family pension should be uniform, because we come across cases where there is hardly any family pension provided for those who retired before 1964, and the family pension provided to those who retired after 1964 is inadequate. Five, There is a demand for restoration of commuted pension, and there is a case for it. I have already made a reference to it in my speech.

15-36 hrs

(Shri Chintamani Panigrahi in the Chair) . . . .

Six, they have no forum to raise their grievances. At one stage, they were told that they could do so in the Joint

Consultative Machinery, but when the matter was persuaded with them, they said that these people would have no place in J.C.M. Therefore, there must be some forum for them. Seven, as recommended by the Petitions Committee of the Sixth Lok Sabha in their report presented on the 11th April, 1979 there should be a permanent commission which will go into the question of pensioners of various types. These are some of the points on which I would like the Government to give serious consideration apart from the various other provisions in my Bill.

Lastly, I would make an appeal. When we went to elections, this was what was stated in the party manifesto of my party:

"Congress (I) will examine the question of welfare of pensioners with a view to make their life more secure and comfortable. Suitable concessions will be devised in this behalf."

As I said at the outset, pension is nothing but society's reaction to the problem of poverty in old age. Therefore, let us attack this problem in the proper spirit and in the light of the commitment we have made in the manifesto. That is all I wish to say.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the grant of pension, gratuity, dearness and other allowances and benefits payable by the Central Government to its employees or their dependents on retirement, voluntary or otherwise, or on the death of the Government servant and for other matters connected therewith, be taken into consideration."

SHRI MOOL CHAND DAGA (Pali): I beg to move:

"That the Bill to provide for the grant of pension, gratuity, dearness and other allowances and benefits, payable by the Central Government to its employees, or their dependents, on retirement voluntary

or otherwise, or on the death of the Government servant and for other matters connected therewith, be referred to a Select Committee consisting of 11 Members, namely:

- (1) Shri Chitta Basu
- (2) Prof. Madhu Dandavate
- (3) Shri K. P. Singh Deo
- (4) Shri V. N. Gadgil
- (5) Shri K. Lakkappa
- (6) Shri B. R. Nahata
- (7) Shri Uttamrao Patil
- (8) Shri Nawal Kishore Sharma
- (9) Shri Ramavatar Shastri
- (10) Shri R. Venkataraman, and
- (11) Shri Mool Chand Daga

with instruction to report by the last day of the first week of the next session."

श्री सूरज भान (अम्बाला) : सभापति महोदय, मैं गाडगिल साहब का दिल से शुक्रिया अदा करना चाहता हूँ कि उन्होंने ऐसे लोगों की प्राबलता को इस सदन में रखा, जिन को लोग भूल ही गये हैं। मैं तो यह समझता हूँ कि जैसे आर्डर फोर्स के एक आदमी को देख कर आज लोगों के मन में उन के प्रति इज्जत और श्रद्धा पैदा होती हैं। उसी तरह से जो पेशनर्स हैं, जिन्होंने अपनी जिन्दगी का एक बेहद हीन हिस्सा मुल्क की सेवा में गुजार दिया, उनके प्रति भी श्रद्धा और इज्जत पैदा हो। सब से पहली चीज तो मैं यह कहना चाहता हूँ कि कुछ ऐसी कमियाँ पैदा हो गई हैं जिनके बारे में गाडगिल साहब ने काफी हद तक जिक्र किया है, लेकिन फिर भी बहुत सी चीजें रह गई हैं, जिन का जिक्र वे नहीं कर पाए, मैं उन कुछ चीजों का जिक्र करना चाहता हूँ। मिसाल के तौर पर सबसे पहली चीज तो यह है कि आज रुपये की कीमत सिर्फ 24 पैसा रह गई है और यह सरकार का अपना कहना है। इससे

### [श्री सूरज भान]

आप अन्दाजा लगा सकते हैं कि उन पेंशनर्स की जो पेंशन पहले मुकदर हुई थी, आज उसकी कीमत कितनी रह गई है। यह बहुत कम रह गई है। इसलिए मेरा यह सुझाव है कि उन की पेंशन के लिए कोई इक्विटी-प्रिन्सिपल तय किया जाए, ताकि जो कुछ पेंशन उनको मिलती तय हो, उसके इरोजन्ट न हो और कम से कम वह तो उनको मिलती रहे और चार साल में उनकी पेंशन के बारे में रिव्यू किया जाए। इस के लिए मैं यह आवश्यक समझता हूँ कि एक पेंशनर्स एडवाइजरी कमेटी बनाई जाए, जिसमें कम से कम पांच आनरेबिल मेम्बर आप पार्लियामेंट हों पांच गवर्नमेंट के नुमाइन्दे हों और पांच पेंशनर्स के नुमाइन्दे हों जो इन तमाम पहलुओं पर गौर करें और गौर करके रिकमण्ड करें कि क्या होना चाहिए।

मैं यह भी कहना चाहता हूँ कि फेमिली पेंशन 1964 के बाद इन्स्टीट्यूट हुई। यह उस से पहले वाल पेंशनर्स पर भी लागू होनी चाहिए।

एक चीज मैं यह कहना चाहता हूँ कि कुछ गवर्नमेंट सर्वेंट्स जिन्हें कि अपनी लड़की या लड़के की शादी करनी होती है, या कोई मकान बगैरह बनवाना होता है तो वे अपनी पेंशन को कम्प्यूट करवा लते हैं और उन्हें उनकी कम्प्यूट की गयी पेंशन का लम्पसम मिल जाता है। सरकार उस कम्प्यूट पेंशन को आठ या दस साल में पेंशनर से रिकवर कर लती है लेकिन रिकवर करने के बाद भी उनकी पेंशन रेस्टोर नहीं करती।

मुझे पिछले दिनों एक चिट्ठी मिली थी जिसमें आनरेबल फाइनेंस मिनिस्टर साहब ने पेंशनर्स के बारे में यह जवाब दिया है :—

"If the pensioner dies earlier than the normal life expectancy, it is the Government who stands to lose.

If, on the other hand, the pensioner outlives that period, it is he who stands to lose. A scheme like commutation of pension can be viable only as a package; what is gained by the shortlived has to come out of the losses of the long-lived."

समापति महोदय, फर्ज कीजिए कि एक पेंशनर 15 हजार रुपये सरकार से लम्पसम के रूप में लेता है तो वह सरकार को दस साल में रिकवर हो जाता है, लेकिन उसके बाद भी उस पेंशनर की पेंशन रेस्टोर नहीं होती है। उसके बाद तो उसकी पेंशन रेस्टोर हो जानी चाहिए। लेकिन सरकार उस पेंशनर का घाटा, जिसने कि 15 हजार रुपये लम्पसम के रूप में लिये और वह दो साल के बाद मर गया, उस पेंशनर से पूरा करना चाहती है जो कि दस साल के बाद भी जिंदा रह रहा है और आगे भी जिंदा रहने वाला है। अगर सरकार ऐसा करेगी तो उस बूढ़े की फेमिली के लोग यह चाहेंगे कि बूढ़ा कब मरे। होना तो यह चाहिए कि ऐसे बूढ़े लोगों को इज्जत और श्रद्धा दी जाए।

हरियाणा गवर्नमेंट के नये पेंशन रूलस लागू होने वाले हैं। उनमें यह है कि पेंशनर को दस साल तक तो रिटायर्ड रेट पर पेंशन मिलती रहेगी, उसके दो साल बाद और इसी रेट पर मिलगी, लेकिन 12 साल के बाद उसकी पूरी पेंशन रेस्टोर हो जाएगी। इसलिए भारत सरकार को भी इस बारे में सोचना चाहिए बहुत से ऐसे हार्ड केसिज हैं, बहुतों ने इस सम्बन्ध में प्रिपोजेन्टेशंस भी दिये हैं कि उनकी पेंशन का दुगुना, तिगुना पेंशन में से काटने के बाद भी सरकार ने वह कटौती जारी रखी है। मैं समझता हूँ कि सरकार को इन बूढ़े पेंशनर्स से मुनाफा नहीं कमाना चाहिए, उनकी सरकार को रक्षित करनी चाहिए।

इसके अलावा, मैं यह समझता हूँ कि पेंशनर्स को मेडिकल फेसिलिटीज, बन्धों की एजुकेशन के लिए फेसिलिटीज, हाउस रेंट अलाउंस, सब कुछ मिलना चाहिए। अगर उनको ये नहीं दिये जाते हैं तो यह उनके साथ ज्यादती होगी।

एक सुझाव मेरा यह है कि जब कभी सेन्ट्रल गवर्नमेंट एम्प्लॉयज के पेबस्केल्स रिवाइज होते हैं तो आटोमोटिकली रूलन में यह भी जोड़ दिया जाए कि पेंशनर्स की पेंशन भी रिवाइज होगी और उन्हीं पेस्केल्स के आधार पर रिवाइज होगी कि नये पेस्केल्स सेन्ट्रल गवर्नमेंट सर्वेंट्स के लिए रिवाइज किये गये हैं। सरकार को यह भी व्यवस्था करनी चाहिए ताकि पेंशनर्स को हानि न हो।

सभापति महोदय, पार्लियामेंट में तो पांच साल के बाद पेंशन मिलती है, लेकिन कुछ ऐसे भी उदाहरण हैं कि कोई अन्तरगत एम० एल० ए० ने सिर्फ आध ली है और सिर्फ एक दिन एम० एल० ए० रहे हैं, उस एक दिन के बाद भी वे पेंशन के एन्टाइटल हो जाते हैं। जबकि 35-40 साल की पूरी जिन्दगी एक गवर्नमेंट सर्वेंट सरकारी नौकरी में लगा देता है तब जाकर उसकी पेंशन मिलती है और उसकी काटी हुई पेंशन पूरी रिकवर करने के बाद भी रेस्टोर नहीं की जाती है। यह रेस्टोर होनी चाहिए। गाडगिल साहब ने यह ठीक कहा है कि पेंशन एक्ट 1871 में बना था, इसको अब रिप्लेज होना चाहिए और गवर्नमेंट सर्वेंट की सर्विसिज का खास खयाल रखते हुए इसे पुनः बनाया जाना चाहिए और पेंशनर्स को पेंशन में जो इरोजन हुआ है, उसको रेस्टोर किया जाना चाहिए।

इन शब्दों के साथ मैं गाडगिल साहब के इस बिल का समर्थन करता हूँ और उम्मीद करता हूँ कि सरकार गवर्नमेंट

सर्वेंट्स की पेंशन में जो इरोजन हुआ है, उसको रेस्टोर करेगी।

श्री मल चन्द्र डागा (पाली) : सभापति जी, मैं सब से पहले गाडगिल साहब को इस बात के लिए धन्यवाद देता हूँ कि इन्होंने इस बिल को बनाने में कितना समय लगाया होगा। वास्को डिगामा ने हिन्दुस्तान का पता लगाने में जितना समय लगाया, उससे कम समय इन्होंने भी पेंशनर्स के केस को खोजबीन करने में नहीं लगाया होगा। सभापति जी, इतनी कड़ी मेहनत इन्होंने की है जितनी कि आप करते हैं। सभापति जी, कुछ लोग पेंशन के बारे में इतनी खोजबीन करते हैं। शुरू में पेंशन क्या थी और आज क्या है और क्या होनी चाहिए; लेकिन एक बात मेरी समझ में नहीं आई 109 वर्ष पुराना एक्ट अभी तक कैसे लागू है। कांस्टीट्यूशन लागू होने के बाद भी यह एक्ट लागू है। एक्ट शुड बी रिपोल। संविधान के खिलाफ यह एक्ट कैसे लागू है। इसके बारे में मैंने ला-मिनिस्टर से भी पूछा था कि यह कौन सा एक्ट है, इसको तो आपको रिपोल कर लेना चाहिए। 1871 का एक्ट है और उसमें डिबार् कर दिया है कि कोर्ट में नहीं जा सकते, चाहे तुम्हारी डिग्री भी हो जाए, लेकिन तामील नहीं हो सकती। अगर तुम जाते हो तो बलेक्टर की परमीशन से जाओ, नहीं तो कुछ नहीं हो सकता। यह अबनकशस ला है।

तो ये बातें हैं। इतने साल होने के बाद भी यह एक्ट कैसे रह गया। आपने जो यह दिया है, इसको मैं ठीक मान्यता हूँ, लेकिन मैंने जब इस एक्ट को पढ़ा, इससे पेंशनर्स को इच्छाएं पूरी होंगी या नहीं तो वहाँ पर हमारे आदरणीय गाडगिल साहब शांत रहे, ज्यादा नहीं बोले। उन्होंने कहा कि आई० लोव इट टू दि कमेटो— मैं इस पर निर्णय नहीं देता।

[श्री मूलचन्द डागा]

आज मैंने पेपर पढ़ा—उसमें मैंने देखा, उसमें लिखा है -

It is there in today's paper. The heading is 'Pensioners' plea to remove disparities. It says as follows:

"The Indian Institute of Pensioners today appealed to the Government to end the disparities between Central Government pension of those who retired before March 30, 1979 and those who retired later.

It expressed the hope that the Pensions Bill, 1980, now before the Lok Sabha, would be "suitably modified" to redetermine the rates of various pensionary benefits in view of the high cost of living.

Mr. R. D. Jain, Secretary and Director of the IIP, told reporters that while a Secretary to the Government of India who retired prior to March 30, 1980 and who was drawing a monthly salary of Rs. 3,500 received a maximum pension of Rs. 675 per month, a Class II official who retired after the date with a monthly salary of Rs. 1,200, drew a pension of Rs. 700 per month."

इतनी डिस्पैरिटी है, इसकी ओर यहाँ पर ध्यान आकर्षित किया गया है। पहले के जो सेक्रेटरी थे उनको 3500 रुपए वेतन मिलता था, उनको पेंशन मिल रही है 650 रुपए और आज के जो सेकण्ड क्लास आफिसर रिटायर होते हैं, उनको 1200 रुपए देते हैं। तो इस तरह की बातें हैं।

एक बात और इसमें बड़ी खूबसूरती से कही गई है जो मुझे ठीक नहीं लगी। इसमें सारा काम ब्यूरोक्रेटर पर छोड़ दिया गया है। मैं चाहता था कि सदन की एक कमेटी होनी चाहिए, जिसमें हमारे पुराने-पुराने रीडर शामिल हो, जो

पेंशन के बारे में ज्यादा जानते हों, वे लोग मिल कर बैठें और सोचें कि आखिर पेंशनर्स के लिए क्या किया जाना चाहिए। एक कमेटी में इस पर गहराई के साथ विचार होना चाहिये। हैज़र्ड वे में इसको तैयार किया गया है। सारा काम इसमें ब्यूरोक्रेट्स पर छोड़ दिया गया है। कनाज चार में आप कहते हैं :

"A Government servant who has rendered continuous service for not less than twenty years shall have the right to retire from service at any time thereafter and shall, on retirement, be entitled to receive gratuity and pension at such rates and in such manner as may be prescribed."

ये पावर्ज आप एग्जैक्टिव को कैसे दे रहे हैं। क्या उनको आप देना चाहते हैं? उनको आप गाइडलाइज देना चाहते हैं तो मैं मान सकता हूँ। प्रोसिजरल मैटर्ज देना चाहते हैं तो मैं मान सकता हूँ। कितनी पेंशन मिलनी चाहिये, क्या उनकी पेंशन हो, इसको उन पर नहीं छोड़ा जा सकता है।

"5. A Government servant who is made to retire compulsorily from service may, having regard to all the circumstances of the case, be granted such gratuity and/or pension and/or other benefits referred to in section 7 as the Government may think fit.

6. A Government servant shall on superannuation be entitled to such pension as may be prescribed."

एजये बी प्रेसक्राव्ड पर माननीय गाइडलाइज साहब का ज्यादा ध्यान है। उससे क्या होता है। अभी धिरोधी दल के एक माननीय सदस्य कह रहे थे कि यह चाहते हैं कि पेंशन ज्यादा हो। इस वक्त जो पेंशन आप दे रहे हैं उसका देख कर फिर

शुक्र जाता है। जिसने अपनी कीमती जिन्दगी के तीस साल तक देश की सेवा की है उसका हम को सम्मान करना चाहिये। ऐसा नहीं होना चाहिये कि जिन्दगी के आखिरी दिनों में उसको पश्चात्ताप करना पड़े और वह कहे कि मैंने जिन्दगी के अपने मूल्यवान समय में तो देश सेवा की है, दश सेवा में मैंने यह समय बिताया है और इस वृद्धावस्था में, इस आखिरी अवस्था में मुझ को दुख भोगना पड़ रहा है।

बनाम 11 में आप कहते हैं :

"11. The Government may, on an application made to it in writing by the pensioner, order any part of the pension payable but not exceeding one half thereof to be commuted for the remaining part of the pensioner's life, for a lump sum of money, on such terms as may be prescribed."

इतना तो आप इस बिल में लाते कि यह पेंशन मिलनी चाहिये। पार्लियामेंट कभी अपने राइट्स को एक्डिकेट नहीं करती है, अपनी पावरज को एक्डिकेट नहीं करती है। यह मंडेटरी है। ये पावरज हमेशा उसके पास रहते हैं। केवल उनको रूल बनाने की पावर दी जाती है, जो प्रोसोजरल मैटर्ज हैं वे ही दी जाती हैं। लेकिन आपने तो पार्लिसी मैटर्ज पर भी यह काम शुरू कर दिया है और सारी पावर उनको दे दी है। इसके लिए मैं तय नहीं हूँ। मेहरबानी करके इसको आप सिलेक्ट कमेटी के पास भेजें जहाँ इस पर चिन्तन हो सकता है और गहराई के साथ हो सकता है। पेंशन कमीशन को पेंशनर्ज का केस रेफर हुआ था। फर्स्ट पे कमीशन को रिपोर्ट का रिलेवेंट पोर्शन मैं आपकी सेवा में रख रहा हूँ :

"We received a large number of representations from individual pensioners and from their associations requesting us to look into their case. The Government also enquired of us if we could deal with the case of the pensioners even though it was not specifically covered by our terms of reference. We were of the view that we could not, unless our terms of reference were suitably amended and we informed the Government accordingly. Government examined the matter and decided not to amend our terms of reference. They, however, intimated to us that the question of grant of relief to pensioners would appropriately be considered by them in due course in the light of the recommendations of the matter of pensionary benefits to serving Government employees covered by our terms of reference."

तो उन्होंने पे कमीशन में स्पेसिफिकली कहा आप इसकी जांच करायेगे और सोचें। आखिर में थर्ड पे कमीशन की रिपोर्ट के कानक्लूजन में क्या कहा? जो रिक्मण्डेशन्स उन्होंने की हैं वह मैं बता रहा हूँ।

"Date of effect of our recommendations on pay and pension."

अब 1973 के अन्दर जो पे कमीशन की रिक्मण्डेशन्स करनी चाहिये थी :

"We accordingly recommend that our recommendations on pensionary benefits also be made applicable to those Government employees who retired on or after 1st March, 1973. In respect of those employees, the emoluments for computing pension should include in addition to pay and dearness pay (wherever applicable), the dearness allowance and interim reliefs drawn by them."

[श्री मूलचन्द डागा]

यह पे कमीशन की रिपोर्ट थी। लेकिन उन्होंने भी अधूरी बात छोड़ दी। उस पर वह पेटीशनर्स कमेटी में गये और उनमें भी यह निर्णय लिया कि वास्तव में जो डिस्पेंसिटी है उनको कम किया जाये और उन्होंने अपनी सिफारिश दी। और माननीय शिवराज वो० पाटिल ने जो जवाब दिया उन्होंने कहा हम धीरे-धीरे पेंशनर्स को वह बनिफिट देंगे जो गवर्नमेंट सर्वेन्ट्स को मिलते हैं। लेकिन आज पेंशनर्स की जो हालत है, और जो उत्तर दिया है : जो रेलोवैट है वह मैं पढ़ रहा हूँ। उन्होंने कहा था हम इनको राहत पहुंचायेगे। लेकिन उसको अनुपालना नहीं हो रही है। इसलिय मैं चाहता हूँ कि इस बिल को अगर सेलेक्ट कमेटी के सुपुर्द कर देते हैं और हमारे का बिल मिनिस्टर आफ स्टेट होम इसको स्वीकार कर लें तो अच्छा रहेगा। आपको याद होगा कि इनका एक रिजोल्यूशन 1969 का एंटी डिफ्रक्शन वाला वह रिजोल्यूशन 15 साल चला और आज भी चल रहा है। और गार्डियल साहब का बिल भी एक हिस्टारिकल है। तो इस पर सेलेक्ट कमेटी बैठ जाये। सभापति जो, आप इनको इंस्ट्रक्शनस देंगे तो उसका विजन होगा और शायद मेरा संशोधन मान लेंगे। बड़ा गम्भीरता से मंत्री जो ले रहे हैं, मैं यह देख रहा हूँ क्योंकि वह शुरू से बैठ हैं। लेकिन यह न कह दें कि सरकार ध्यान दे रही है इसलिय आप वापस ले लें। यह मुझ ठीक नहीं लगेगा। हमारी मेहनत बेकार न जाये। पेंशनर्स में जो डिस्पेंसिटी है वह खत्म होनी चाहिये।

माननीय शिवराज पाटिल ने इसी सदन में इसी महीने जो जवाब दिया है वह मैं पढ़ रहा हूँ।

“हमारी गवर्नमेंट सर्विस में भी पूरी तरह से इनईक्विटी है, यह कहने की

स्थिति में अभी हम नहीं हैं। अलग-अलग स्थानों में काम करने वाले लोग या जो बहुत पहले रिटायर हो चुके हैं, जिनकी जिम्मेदारी कम है और जो आज रिटायर हो रहे हैं उनकी जिम्मेदारी ज्यादा है, ये नैसर्गिक परिस्थितियाँ उसके अन्दर हैं। इन नैसर्गिक परिस्थितियों को भुलाया नहीं जा सकता। इसके बाद भी हमारा प्रयास है कि इस प्रांग की जो परिस्थिति है, उसमें जितनी कमी कर सकें, उतनी कमी करें। इस ओर हमारे प्रयास जारी हैं, लेकिन यहां पर इतना समय नहीं है कि सारी चीजें रखी जा सकें।”

16 hrs.

इसलिय मैं चाहता हूँ कि आप इस बिल को सेलेक्ट कमेटी में भेज दीजिये, एक अथोरिटी होनी चाहिये जो इन समस्याओं को डील कर सके, लेकिन वह किस जगह जाये, कोई अथोरिटी नहीं है कि जहां पर उसका सवाल हल हो सके, जल्दी मिल सके। अगर कोर्ट में जाता है तो कितना लम्बा समय लगेगा, इसलिये मैं चाहता हूँ कि एक अथोरिटी गवर्नमेंट की तरफ से होनी चाहिये।

\*SHRI R. K. MHALGI (Thane): Mr Chairman, Sir, I rise to support the objects of the Bill moved by Shri V. N. Gadgil. About a million pensioners of Government of India have been making the following ten demands for the last three decades: (i) That the Pensions Act, 1871, be repealed; (ii) that a new pensions act should be passed; (iii) a commission for pensions should be established on a permanent basis; (iv) that no discrimination be practised in the matter of fixation of pensions; (v) that the pensioners should be entitled to DA, HRA, educational and medical facilities; (vi) that those who retired before 1964, should also be entitled to

\*The original speech was delivered in Marathi.

family pension; (vii) that DA to pensioners should be linked to the price index; (viii) that the commuted portion of pension should be restored in all cases; (ix) that nominations should be permitted; and (x) there should be no delay in the payment of pensions.

The Pensions Act, 1871, was promulgated by the British to take care of political pensions as pension was considered a matter of grace or mercy. But in a welfare state this type of attitude cannot be permitted. Pension in a welfare State is a matter of social security and all should be entitled to it as a matter of course.

Government have not so far taken any action on the Pension Act and that is why a Private Member's Bill had to be moved. Along with the mover, Shri A. B. Vajpaye and I had introduced similar bills which shows the concern the members of the House have for the problem.

Some of the provisions of the Bill are very good. Section 3 entitles a retiring employee to claim pension and gratuity as a matter of right, whereas section 4 provides for pensions for those seeking voluntary retirement. Section 5 entitles them to DA, HRA and educational and medical facilities. Section 8 deal with the period during which pension must be paid; the stipulation is very essential because sometimes the finalisation of the pensions takes as long as three to four years. There have been instances where the papers were ready only when the Government servant had died. The Bill also provides for interim pension pending finalisation of the amount of the pension. Section 9 provides for payment of interest on the amount of the gratuity if it is not paid within the stipulated period. The Bill covers most of the demands made by the pensioners in the country, who are watching eagerly for the outcome of the debate on the measure.

I would be doing less than justice if I do not point out the lacunae of the Bill. I know that the Government may not agree to the measure as it is and that is why I seek to make some suggestions for their consideration. The proviso to section 3 should be omitted as it provides for the suspension of the pension if the pensioner takes up a job or profession after retirement. Prices being what they are, it would not be proper to deprive the pensioners of the pension if they try to supplement it by earning. The proviso does not agree with section 4 and that is one more reason why it should be omitted. Those retiring under Section 4 would be entitled to take up a job without losing the pension but it is a hardship on others who retire on superannuation, because they would lose their pension. This amounts to discrimination.

Section 5 should be completely omitted as it leads to utter discrimination. Compulsory retirement, we have seen during the emergency, might be due to extraneous reasons and such people would lose their pensions which would be a considerable hardship on them. Such retirement would be a double hardship; a person would lose his job, as also the pension. The person so retired would also lose the benefits and facilities of Section 7, which has made an exception for Section 5.

Section 5 is, in my opinion, liable to be challenged in the courts of law and the mover as well as the Government must consider this carefully, if they want such a Bill to become an Act.

The mover has provided for a period of two months for finalisation of the gratuity cases. It should be reduced to one month because the administration knows the day an employee joins as to when he would retire and what his entitlement would be.

The pensioners find it difficult to get the payment of the pension amount from the treasury; there is no



(Shri R. K. Mhalgi)

reason why the Government cannot provide for the crediting of the pension to the bank accounts of the pensioners. Where there are no banking facilities money orders should be sent to the payees.

I agree with the amendment given notice of by Shri M. C. Daga which concerns the payment of DA. There must be a statutory provision with regard to fixation of DA as the Government are likely to take advantage of the fact that there is no law regulating it.

The Government should consider the suggestions made by me and meet the demands of the pensioners who have been agitating for a long period. They could bring a Bill of their own taking into consideration the various suggestions made in this debate.

**श्री बद्धि चन्द्रजन (बाडमेर) :** सभापति महोदय, गाडगिल जी ने यहां पर जो विधेयक प्रस्तुत किया है उसके अन्दर जो क्लोज़ेज दिए गए हैं उनका मैंने अच्छी तरह से अध्ययन किया है और मैं इस नतीजे पर पहुंचा हूँ कि अगर सरकार इस विधेयक का स्वीकार कर ले तो हम गवर्नमेंट सर्वेन्ट्स की बहुत बड़ी सेवा कर सकते हैं। परन्तु इस बिल को लागू करने के लिए कराड़ों रूपों की व्यवस्था करनी होगी। उसकी व्यवस्था हम कर सकते हैं या नहीं—यह एक पेरिदा प्रश्न है। गवर्नमेंट सर्वेन्ट्स की पेंशन और सेक्योरिटी के लिए यह जो बिल हमारे सामने आया है इसमें और भी बहुत से प्रश्न हैं। ऐसे लेवर्स हैं, जिनकी हालत खराब है। जहाँ खेतों में खेतिहर मजदूर हैं, उनकी और भी दुर्दशा है। क्या हम उनके लिए कोई व्यवस्था कर सकेंगे? उन के लिए क्या सोसियल सिक्योरिटी है—यह भी एक प्रश्न है। हमें देश के अन्दर कुछ प्राथमिकतायें निश्चित करनी होंगी और प्राथमिकतायें निश्चित करके ही हमें कुछ निर्णय लेने

होंगे। वह प्रश्न केन्द्रीय सरकार के सामने भी बड़ा कठिन है, अगर प्राथमिकतायें निश्चित नहीं करेंगे तो कोई भी आर्गेनाइज़्ड लेबर होगा, जो आर्गेनाइज़्ड गवर्नमेंट सर्वेन्ट्स हैं, वे तो अधिक सुविधा प्राप्त कर सकेंगे। और जो अन-आर्गेनाइज़्ड लेबरर होंगे, वे प्राप्त नहीं कर सकेंगे। यह स्थिति देश में हो रही है कि जो अन-आर्गेनाइज़्ड सैक्टर है, वह बिल्कुल वंचित है और उनके जाने का प्रश्न बड़ा कठिन बन गया है। जो आर्गेनाइज़्ड सैक्शन है, वह तो अपनी डिमाण्ड बढ़ाते जाते हैं और अधिकारों के बारे में अधिक से अधिक अपने अधिकार प्रस्तुत करते जाते हैं। इसलिए हमें इस प्रश्न को इस परिप्रेक्ष्य में देखना होगा, जैसा कि क्लोज़ सात में कहा गया है :

A Government servant, who is entitled to pension and gratuity under sections 3, 4 and 6, shall be entitled to receive:—

- (a) dearness allowance;
- (b) house rent allowance;
- (c) educational facilities; and
- (d) medical benefits at such rates on such conditions as may be prescribed.

यह जो क्लोज़ हैं, अगर केन्द्रीय सरकार इस क्लोज़ के अनुसार सुविधायें दे तो जो और सैक्टर हैं, वे भी इस प्रकार की सुविधायें मांगेंगे और मेरा ह्याल है कि केन्द्रीय सरकार को एक प्रकार से सब सुविधायें देना बहुत बड़िन है। ठीक है मंहगाई को देखते हुए उनकी पेंशन में वृद्धि होनी चाहिए, उनका यह प्वाइंट माना जा सकता है, परन्तु एच० आर० ए० आजकल की परिस्थितियों को देखते हुए सेंट्रल गवर्नमेंट नहीं दे सकती है। इसक लिए कोई भी सरकार में पावर हो वह एच० आर० ए० की व्यवस्था नहीं कर सकती है। जहाँ तक एजुकेशन फौंसिलिटीज का सवाल है, मैं समझता हूँ कि एजुकेशन फौंसिलिटीज के बारे में भी प्रांवीजन करना

बहुत ही डिफिकल्ट है। मंडिकल बनिफिट्स के बारे में भी मैं समझता हूँ कि बहुत ही कठिन है। इसलिए मैं समझता हूँ कि यह जो प्रोवीजन्स रखे गये हैं, वे प्रोवीजन्स बहुत ही डिफिकल्ट हैं। फाइनेशियल आस-पैन्ट को देखते हुए यदि अन-आर्गनाइज्ड सैक्टर के लिए कोई व्यवस्था न करें और आर्गनाइज्ड सैक्टर के बारे में व्यवस्था करें, तो उस सूत्र में मैं उसको उचित नहीं समझता हूँ। आज कल के हालात को देखते हुए, यह उनका हक है, राइट है, लेकिन देश में इस प्रकार की स्थिति नहीं है। हमारी आर्थिक स्थिति इनती मजबूत नहीं है, जैसी इंग्लैंड और दूसरे मुल्कों की है। वे अपने यहां ऐसी व्यवस्था कर सकते हैं लेकिन हमारा देश नहीं कर सकता है। इस लिये गाडगिल साहब की इस बिल को पेश करने की जो मंशा है वह बहुत अच्छी है, लेकिन देश की वर्तमान परिस्थितियों को देखते हुए गवर्नमेंट इससे एग्री नहीं कर सकती और मैं भी अपनी महमति इसके लिये प्रदान नहीं कर सकता।

लेकिन इसमें एक प्रावीजन "इंटरिम पेन्शन" के बारे में है, मैं इसके पक्ष में हूँ। प्रश्न यह है कि रिटायर्ड कर्मचारी को पेन्शन मिलने में कभी-कभी दो-दो और तीन-तीन साल लग जाते हैं, जिससे उसकी हालत बहुत खराब हो जाती है। इसलिये उसको इंटरिम पेन्शन जरूर मिलनी चाहिये और जब बाद में पेन्शन तय हो जाये तो उसमें एडजस्ट कर दी जानी चाहिये।

इस में यह भी प्रावीजन किया गया है कि पेन्शन का जो क्लेमेन्ट होता है उसकी डेथ के बाद उसके वारिसों को सर्वेसेशन सर्टिफिकेट कोर्ट से लेना पड़ता है, जिसमें काफी टाइम लग जाता है। इसमें प्रावधान है कि पेन्शनर नामिनेशन कर सकता है। यह प्रावीजन भी मानने

के काबिल है। नामिनेशन पहले से हो जाने के बाद में डिस्प्यूट नहीं रहता। इसलिये इस प्रावीजन को भी माना जाना चाहिये।

मैं चाहता हूँ कि इसकानन को अच्छी तरह से एक्जामिन किया जाये। गाडगिल साहब ने इस को यहां पर पेश करने में काफी मेहनत की है। लेकिन हमारे देश के मुकाबले दूसरे बड़े देशों की वित्तीय स्थिति अच्छी है, उन्होंने उनसे ही इस को लेकर यहां पेश किया है, लेकिन देश की वर्तमान परिस्थिति को देखते हुए सभी क्लाइज को मानना मेरी राय में ठीक नहीं है।

**श्री गुलाम मोहम्मद खां (मुरादाबाद):** आनरेबल चेरमन साहब, मैं आपका बड़ा मणकूर हूँ, आपने इस पेन्शन बिल पर बोलने का मुझे मौका दिया है। श्री गाडगिल साहब ने इस बिल को पेश कर के जो सरकारी अफसर तीस साल तक नौकरी कर चुका है, उसकी कठिनाई को सामने रख कर, उनकी साइकोलाजिकल रीजिंग को लेकर, उनके बच्चों की बहवदी को समझ कर, बहुत अच्छा काम किया है। मैं इस बिल का समर्थन करता हूँ और इस बारे में दो तीन बातें अर्ज करना चाहता हूँ।

सबसे पहली बात तो यह है कि उन लोगों की भलाई तो इस में छिपी हुई है ही, लेकिन हुकूमत की भलाई भी इस में है, देश की भलाई भी इस में है। इस लिये कि जब एक आदमी आधी उम्र नौकरी कर चुका होता है तो उसे अपने बीबी-बच्चों का खयाल आता है कि इस उम्र में निगमनी की वजह से मैं किसी तरह से गुजारा कर रहा हूँ, अगर कुछ हो गया तो आगे चल कर मेरे बीबी-बच्चों का क्या होगा? नतीजा यह होता है कि वे बेइमान हो जाता है, रिश्तों लेना शुरु कर देता है। यह आम शिकायत

### [श्री गुलाम मुहम्मद खां]

हे कि फलां अफसर बुढ़ापेमें पहुचने के बावजूद बहुत बड़ी रिश्वत लेने लगा है। इस की वजह यह है कि रिटायर होने के बाद जो पेन्शन उसको मिलने वाली है वह काफी नहीं है। उसके सामने यह समस्या पैदा हो जाती है कि वह कैसे गुज़ारा करेगा, बच्चों को कैसे पढ़ाये-लिखायेगा या बच्चों की शादियां कैसे करेगा। मेरा यह तर्जुबा है कि बुढ़ापे में आम तौर पर आफिसरज या कर्मचारी सब चालू हो जाते हैं, खूब पैसा कमाते हैं, देश के साथ विद्रोह करते हैं। अगर उन के लिये माकूल पेन्शन की व्यवस्था कर दी जाये तो वे निर्भय होकर, साहसपूर्वक काम करेंगे, देश के कामों को अच्छी तरह से करेंगे और अपने बच्चों के मुस्तकबिल का अच्छी तरह से बना सकेंगे। गाडगिल साहब ने इस पर बड़ी मेहनत की और उसके बाद इस नतीजे पर पहुंचे हैं कि इन लोगों के लिए कुछ किया जाए। पहले जब अंग्रेज थे ये हिन्दुस्तान के राजा-महाराजा थे, जब वे किसी से खुश हो जाते थे, तो इनाम के तौर पर पेंशन दे देते थे। अंग्रेज ने इसलिए पेंशन दी थी कि उन को यहां के लोगों को अपना हमनवाज और साथी बनाये रखना है। दूसरे लोगों को उन्होंने जमींदारी दे दी, जिस से जमींदार अंग्रेजों के साथ रहते थे।

यह जो कर्मचारियों के लिए पेंशन बिल बना हुआ है, इसमें जो डिस्पेंसमेंटज हैं, उनके बारे में आप के माध्यम से हाऊस में निवेदन कर रहा हूँ।

यह जो बिल में चेंजेज की बात आई है, इसको आप मान लें, इसलिए कि देश में जो बेइमानी है या करप्शन है, वह कम हो सकती है क्योंकि एक सरकारी कर्मचारी के मरने के बाद, जो उसके बच्चे परेशान हाल है और गवर्नमेंट से बहुत सी सहायता मांगते हैं, अगर पेंशन बढ़ा दी जाती है, तो उसने भी गवर्नमेंट बच जाएगा।

तीसरी बात मैं यह कहना चाहता था कि उन आदमियों को भी पेंशन मिलनी जरूरी है, जो कर्मकर्म है लेकिन रिटायरमेंट होने के 10.20 साल पहले ही इस दुनियां से चले जाते हैं, उनके परिवार वालों को पेंशन मिलना इसलिए जरूरी हो जाता है कि उनके छोटे-छोटे बच्चे होते हैं और उस आदमी के मरने के बाद पीछे कोई कमाने वाला नहीं होता है उस की कृबीबी बच्चों के लालन पालन में लगी रहती है और पढ़ी लिखी वीवियां बहुत कम है। वे किस तरह से अपना गुजारा करे। इसलिए जो लोग रिटायरमेंट से पहले इस दुनियां से चले जाते हैं, उनके परिवार वालों को पेंशन देने की व्यवस्था की जाए। पेंशन देने का बहुत पुरानी परम्परा है, जो सन् 1871 में रायज हुई थी और यह शोभा नहीं देता है कि आजाद भारत में इतने पुराने कानून को यों ही जिदा रखा जाए और उस पर अमल किया जाए। इसलिए मेरा कहना यह है कि इस कानून को बदल कर, आज के हालात के मुताबिक पेंशन का मैयार मुकर्रर करना जरूरी हो गया है।

एक बात यह और कहना चाहता हूँ कि यह देखा गया है कि पेंशन मिलने के बाद, तीन साल, चार साल, पांच साल और कहीं कहीं तो दस दस साल तक पेंशन का क्लेम नहीं बन पाता है और

पेंशन तय नहीं हो पाती है। इस से उन को बड़ी परेशानी का सामना करना पड़ता है और अपना गुजारा करना मुश्किल हो जाता है। इसलिए मेरा कहना यह है कि जैसे ही एक आदमी रिटायर हो, उस के पेंशन के कागजात पहले से तैयार करवा लिये जाएं और रिटायर होते ही उस को पेंशन दी जाए, जिस से उसको परेशानी न हो। हम लोग यह महसूस करते हैं कि हमें अगर एक महीना तनख्वाह न मिले, तो बहुत परेशानी होती है क्योंकि गिरानी इतनी ऊंची उठी है कि एक एक महीना बिना तनख्वाह के निकालना मुश्किल है। आप यह सोचते हैं कि एम०पीज पर तो गिरानी का कोई असर ही नहीं है। 51 रुपये पहले उसे मिलता था और आज भी 51 रुपये मिलता है। सरकार के कागजों में गिरानी काफी है लेकिन एम०पीज के लिए कोई गिरानी नहीं है।

आखिरी बात मैं यह कहना चाहता हूँ कि जैसा कि इस बिल में प्रोविजन है, उनके बच्चों के पढ़ने के लिए, मकान आदि की और दूसरी सुविधाएं दी जाएं। अगर आप दिल्ली जैसी जगह में उनको मकान नहीं दे सकते, तो आप यह तो कर सकते हैं कि उन के बच्चों को स्कूलों में शिक्षा दी जाए। इस के लिए आप स्कूलों की तादाद बढ़ा सकते हैं। इस में इन का तो भला है ही लेकिन देश का भी भला है। हमारे देश का भला इस तरह से होगा कि जब उठे-लिखे लोग हो जाएंगे, तो देश तरक्की कर सकता है। उन लोगों के बच्चों को पढ़ाने की ज्यादा जरूरत है, जो रिटायरमेंट के पहले ही मर जाते हैं। उन की जिम्मेदारी सरकार को लेनी चाहिए।

यह कहते हुए मैं इस बिल का समर्थन करता हूँ।

श्री गिरधारी लाल व्यास (भीलवाड़ा) : सभापति महोदय, यह पेंशन का जो बिल गाडगिल साहब ने प्रस्तुत किया है, उसका मैं समर्थन करता हूँ।

एक बात तो सब से पहले पेंशन के सम्बन्ध में मैं यह निवेदन करना चाहता हूँ कि 31 मार्च, 1979 से पहले जो लोग रिटायर हुए थे उन को पेंशन कम मिलती है और जो मार्च, 1980 के बाद रिटायर हो रहे हैं, उनको पेंशन ज्यादा मिलती है। इस प्रकार फर्क निश्चित तरीके से पेंशनर्स के दिल और दिमाग में असंतोष पैदा करता है। इसलिए सबको पेंशन समान तरीके से मिलनी चाहिए। चाहे कोई 79 में रिटायर हुआ हो, चाहे 80 में रिटायर हुआ या 81 में रिटायर हुआ हो पेंशन के मामले में उन सब में भेदभाव नहीं होना चाहिए। मुझे मालूम हुआ है कि भारत सरकार का एक फर्स्ट ग्रेड का अधिकारी जिसको कि साढ़े तीन हजार तनख्वाह मिलती थी, अगर वह 1979 में रिटायर हुआ तो उसको 650 रुपये या 675 रुपये पेंशन मिली, अगर 1980 में रिटायर हुआ तो उसे 750 रुपये पेंशन मिली। मैं समझता हूँ कि निश्चित तरीके से यह भेदभाव मिटना चाहिए और सबको समान दरों पर पेंशन मिलनी चाहिए। इस प्रकार का प्रावधान इस बिल में होना चाहिए जो कि इसमें नहीं किया गया है।

दूसरे, इस बिल में एक प्रोविजो दिया गया है :—

"Provided that if the Government servant, after such retirement is engaged in any service, trade or pro-

fession, the Government may suspend the payment of the pension or any part thereof during the period of such service, trade or profession as the case may be."

इस प्रोविजो की इस बिल में कोई आवश्यकता नहीं है। अगर कोई गवर्नमेंट सर्वेंट इन्वैलिड हो कर रिटायर होता है, उस हालत में अगर उसको कोई काम करने से फायदा होता है तो उस पर कोई पाबंदी नहीं होनी चाहिए। क्योंकि अगर वह इन्वैलिड नहीं होता तो सारे समय काम करने से उसको तनदवाह मिलती रहती और वह अपने बाल-बच्चों का लालन-पालन अच्छी तरह से कर सकता था। लेकिन इन्वैलिड होने से उसको रिटायर होना पड़ा और उसकी आय कम हो गयी। इसलिए इस प्रोविजो की इसमें कोई आवश्यकता नहीं है क्योंकि ऐसे इन्वैलिड पेंशनर्स अगर कुछ काम करके अपने बाल-बच्चों का गुजर-बसर कर सकते हैं तो उन्हें इस बात की छूट होनी चाहिए।

कम्पलसरी रिटायरमेंट के सम्बन्ध में माननीय गाडगिल साहब ने इस बिल की सेक्शन 5-ए में जो बात कही है --

"A Government Servant who is made to retire compulsorily from service may, having regard to all the circumstances of the case, be granted such gratuity and/or pension and/or other benefits referred to in section 7 as the Government may think fit."

इसके सम्बन्ध में मेरा कहना यह है कि यह जो इस बिल में सेक्शन है, यह बिल्कुल बेकार है और इस सेक्शन का इस बिल में प्रोविजो नहीं होना चाहिए था। जिस आदमी का कम्पलसरी रिटायरमेंट

होता है उस आदमी के खिलाफ कोई-कोई कारण तो होंगे, उसने भ्रष्टाचार या किसी अन्य प्रकार के अपराध किये होंगे जिनकी वजह से उसका कम्पलसरी रिटायरमेंट किया गया। अगर ऐसे आदमी को सरकार पेंशन या अन्य कोई बेनिफिट्स देती है तो निश्चित तरीके से उसको एक प्रकार का प्रोत्साहन है जो कि उसे नहीं दिया जाना चाहिए। यह चीज बिल्कुल गलत है। अगर यह सेक्शन इस बिल में न होता तो अच्छा था।

एक मेरा निवेदन यह है कि रिटायर होने वाले गवर्नमेंट सर्वेंट को निश्चित तरीके से मेडिकल और एजुकेशनल फेसिलिटीज मिलनी चाहिए। ऐसे गवर्नमेंट सर्वेंट्स के लिये तो यह और भी जरूरी है जिनकी कि तनदवाह कम है। मेडिकल फेसिलिटीज और एजुकेशनल फेसिलिटीज के सम्बन्ध में इस बिल में जो प्रावधान है वह निश्चित तरीके से स्वागत योग्य है और ऐसी व्यवस्था आवश्यक है।

फेमिली पेंशन के बारे में इसमें जो प्रोविजो किया गया है, वह निश्चित तरीके से होना चाहिए। एक आदमी के मर जाने के बाद चाहे वह काम करते हुए मर जाता है, या रिटायरमेंट होने के बाद मर जाता है, तो उसकी विडो, बाल-बच्चों या माता-पिता को देखने वाला कोई नहीं होता। इसमें फेमिली पेंशन की जो व्यवस्था विडो, बाल-बच्चों के अलावा माता-पिता के लिए भी की गयी है, वह निश्चित तरीके से स्वागत योग्य है। इससे उन बुजुर्गों को किसी प्रकार की तकलीफ नहीं होगी।

एक मेरा निवेदन यह है कि पेंशन पाने वालों की पेंशन की किसी तरह से कुर्रों नहीं होगी जो इस प्रकार की

और अन्य व्यवस्थाएँ की गयी हैं वह भी निश्चित तरीके से हॉनो चाहिए जिससे कि पेंशनर्स का गुजर-बसर हो सके। यह जो गाडगिल साहब ने प्रोविजन किया है इसका मैं स्वागत करता हूँ।

इसी प्रकार से दूसरे जो प्रोविजन हैं उनका भी मैं स्वागत करता हूँ।

**SHRI M. M. LAWRENCE (Idukki):** This Act shall apply to all persons who having retired from Government service receive or are entitled to receive pension either from the Centre or from the State Government. Regarding gratuity I think gratuity shall not be less than 5 times the salary drawn or more depending on the years of service rendered by the employee before such retirement. I also feel that except for removal from service or dismissal, no pension, gratuity or other benefits shall be withheld or reduced. A Government servant who is entitled to pension and gratuity under section 3, 4 and 6 of the Act shall be entitled to receive all the benefits granted to an employee in service.

The Government may, with the consent of the pensioner, order part of the pension, not exceeding half of the pension, to be commuted for lump-sum payment based on average life expectancy, provided that in case the pensioner survives the life expectancy period, full pension shall be restored from that date.

All sections in this Act shall apply to all the pensioners, whatever be their date of retirement and they shall receive the same amount of pension as persons of the same service and same status in the revised pay scales will be getting on retirement on date.

The minimum basic pension, a pensioner or his family may draw, shall not be less than half the total emoluments, a last grade employee in service will be getting irrespective of the length of the pensioner.

Family pension shall not be less than half the amount of pension drawn by the pensioner. Regarding appeal in pension cases, an appeal shall lie to a Court against any adverse decision.

Regarding power to make rule, my submission is that it shall not abridge, curtail or exclude any liberalisation made in pension, gratuity or any other benefits granted by any order or any authority already by the Government and will apply to all pensioners.

Every rule made by the Central Government under this Act shall be without prejudice to the validity of anything previously done under that rule. Finalisation of pension is much delayed. Sometimes it takes 12 to 18 months for fixation and granting of pension causing hardships to the pensioners. Efforts should be made to speed up the disposal of pension applications.

Reimbursement of medical benefits be sanctioned to the pensioners and their dependent members of the family.

Dearness allowance be fully granted to the pensioners. Payment of pension or gratuity should also be made through banks.

The system of excess recovery of death-cum-retirement gratuity should be stopped as it causes tremendous hardship to the old pensioners.

**MR. CHAIRMAN:** The time allotted for this Bill is 2 hours. The Minister will be intervening...

**SHRI XAVIER ARAKAL (Ernakulam):** The time may be extended.

**SHRI CHITTA BASU (Barasat):** The time be extended.

**MR. CHAIRMAN:** How long shall we extend it? What is the sense of the House?

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS**

AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): It may be extended by one hour.

MR. CHAIRMAN: Yes, now Mr. Madhukar.

श्री कमला मिश्र मधुकर (मोतीहारी) : सभ पति महोदय, गाडगिल साहब ने इस बिल को लाकर बहुत बड़ा काम किया है। देश में ब्रिटिश राज्य के जमाने से जो घिसा-पिटा कानून चला आ रहा था और देश में बढ़ती हुई आवश्यकताओं और इस कानून में जो बेमेल स्थिति पैदा हो गई थी, उसको दूर करने का प्रयास इस बिल में किया गया है। इन्होंने इस बात को माना है कि पेंशन कोई कृपा या दान नहीं है, बल्कि श्रमिक-वर्ग का, मजदूर वर्ग का अधिकार है। इस बात के लिये वे धन्यवाद के पात्र हैं।

इस बिल में इन्होंने इस बात को कहने का प्रयत्न किया है कि पेंशन के भुगतान और निर्धारण में अनिवार्यता लाई जानी चाहिए, इसके लिए वे धन्यवाद के पात्र हैं। लेकिन मुझे संदेह है कि गाडगिल साहब का यह प्रयास सफल होगा या नहीं होगा, क्योंकि वर्तमान भारत सरकार की नीतियां मजदूर विरोधी हैं। यह मैं इसलिए कहत हूँ कि अभी हमने देखा कि एल० आई० सी० के लोगों ने बोनस की मांग की और आप लोग कोर्टों में दौड़ते रहे। सुप्रीम कोर्ट ने आपको करारा जवाब दिया, उसके बाद भी आप उसके निर्णय को मानने से हिचकिचा रहे हैं। अब भी आप इसको कहां तक मानेंगे, यह पता नहीं है।

इसी प्रकार से पब्लिक सेक्टर के एंप्लाएज ने हड़ताल की थी, तब आपने आश्वासन दिया था, लेकिन आपने आश्वासन पूरा नहीं किया। इसके बाद फिर से

तमाम देश के 6 मजदूर संगठनों ने हड़ताल की है और अनशन किया है।

आपकी नीति मजदूर विरोधी है और मजदूर विरोधी नीति होने के कारण मुझे नहीं लगता कि गाडगिल साहब का प्रयास सफल होगा। सदन में बहस होगी और कुछ मान्यताएं पैदा होंगी। निष्कर्ष क्या होगा, इसमें संदेह है। फिर भी इन्होंने जो बातें कही हैं, वे स्वागत योग्य हैं।

वैसे तो इन्होंने बहुत अच्छी चीजें रखी हैं, लेकिन कुछ खामियां भी इसमें हैं। मैं चाहता हूँ कि यह बिल कंफ्रिहेंसिव होना चाहिए। देश के पूरे श्रमिक वर्ग की समस्याओं का समाधान इससे नहीं होता अभी जैसे कि एक माननीय सदस्य ने कहा कि संगठित मजदूरों की समस्याएं तो दूर हो जाती हैं, लेकिन जो खेतीहर मजदूर हैं, प्राइवेट सेक्टर में काम करने वाले मजदूर हैं, उनकी समस्याएं हल नहीं होती हैं। इसलिए मेरा ख्याल था कि आप एक कंफ्रिहेंसिव बिल लाते, जिसमें सारे देश के मजदूरों की समस्याओं को ध्यान में रखते हुए पूंजी के खिलाफ जो लड़ाई चल रही है, उसके खिलाफ एक कदम होता।

एक चीज और ग्रेच्यूटी के बारे में कही गई है। इसमें कहा गया है कि श्रमिक को जो वेतन मिलता है, उसका पांच गुना ग्रेच्यूटी के रूप में दिया जाए। मेरी समझ में नहीं आता कि यह फार्मूला उन्होंने किस तरह से तय कर लिया है। रुपये की कीमत दिन-प्रति-दिन घटती जा रही है, महंगाई बढ़ती जा रही है तो 5 गुना देकर उसको क्या लाभ होगा। मेरा सुझाव है कि 10 गुना उसको ग्रेच्यूटी के रूप में देना चाहिए।

इसी प्रकार से पेंशन के बारे में कहा गया है कि दो माह के अन्दर पेंशन के कागज़ तैयार कर दिए जाने चाहिए। मेरी समझ में यह समय ज्यादा है और एक महीने का समय पर्याप्त है। पेंशन के भुगतान के संबंध में कहा गया है कि यदि पेंशन के भुगतान में विलम्ब होता है तो भुगतान करने वालों को 6 परसेंट सूद देना पड़ेगा। यह रेट जो 6 परसेंट रखा है यह मेरी समझ में नहीं आया यह फामूला किस आधार पर तैयार किया गया है, जबकि ग्राहण बैंकों से जो कर्ज मिलता है उस पर 14 प्रतिशत और मिनिमम 12 प्रतिशत ब्याज देना होता है इसलिए मेरा सुझाव है कि 12 परसेंट सूद देना चाहिए।

मैं ही आपने पेंशन क्लेम के विषय लिखा है —

"Any civil court shall have jurisdiction in respect of any dispute regarding any claim arising under this Act".

यह स्थिति है, लेकिन यह सारा काम सरकार के हाथ में न रहे, बल्कि जनता-निर्वाह के पेंशन-आफ़ता लोगों के प्रतिनिधि भी इसमें सम्मिलित हों और एक कमेटी होनी चाहिए, जिसके जरिए जो क्लेम हैं वे तय किए जाने चाहिए।

इसमें खामियां हैं, लेकिन फिर भी यह बिल स्तुत्य है और स्वागत योग्य है लेकिन आपकी सरकार इसे कबूल नहीं करेगी और आपकी मेहनत बेकार जाएगी, क्योंकि यह सरकार मजदूर विरोधी है, इसकी नीतियां मजदूर विरोधी हैं और यह पास होने वाला नहीं है।

यह होता कहां है? समाजवादी मुल्कों में होता है, दूसरों में नहीं। समाजवादी मुल्कों में जीवन भर उनके जीवन-यापन, दवा-दारू तथा दूसरी सुविधाओं की गारंटी रहती है। आपकी कल्पना अभी

तो पूरी होने वाली नहीं है। फिर भी इस बिल को लाकर माननीय सदस्य ने प्रशंसनीय काम किया है और इसका मैं जोरदार समर्थन करता हूँ।

SHRI XAVIER ARAKAL (Ernakulam): Sir, I share the philosophy and the spirit expressed by our hon. Member in this Bill. Social security is a substitute for fear. Formerly our society was a well-knit society and we had a family system called Joint Family system. But things have changed a lot. Now many of us are seeking Government service and after retirement from Government service many problems come up. Now the question is whether extension in service is a dole, favour or a right which they deserve or it is deferred payment. These are the main issues involved in this Bill. Is it a charity we give to them or is it a deferred payment for the work they had contributed while they were in service? According to me it has to be both. Considering the economic situation of the country and the social set-up and the problems in which we are living today, this has to be viewed both as a deferred payment as well as a favour.

Sir, one point I would like to say that many of the pensioners are forced to go to court. Some people have to wait for 23 years to get pensionary benefits. Some people have to go from one Department to another to finalise their claims. Why? Is there no set procedure by which their pensionary claims can be settled quickly? This Bill has highlighted this issue, namely, the deserving people may not be getting their benefit in time as a result of which they are forced to go to court. This as to be rectified

Sir, the second vital point is that the inflationary trends in our economy have really hit hard on the senior citizens of our country. Time and again, many of the pensioners have put in petitions to the Government as well as the concerned Department that their case should be



[Shri Xavier Arakal]

considered in a proper perspective. I am happy to mention in this context that the Finance Bill has earmarked a certain amount of money and shown leniency in the matter but I would like to say that this is not enough because many of the pensioners who retire from service are not looked after by their own people. The retired people are not a welcome site or a welcome person in their own home. This trend has to be stopped from the very beginning. The senior citizens are hit hard due to the inflationary trends, economic insecurity and lack of social security. That is why, Sir, I said that social security is a scheme for our country owing to the new developing trends in social aspects.

Sir, I am very happy that the hon. Member has brought this Bill which has highlighted the plight of the pensioners. Recently, a conference of Social Welfare Ministers was held. I would like to know from the hon. Minister as to what are the decisions arrived at in that conference. How are they going to cope with the problems of pensioners? Further, regarding employment of civil servants, it is the time that we look up and look into... Articles 306 to 313 of our Constitution. Many of the employees, I am sorry to say, aim on their own pensionary benefits. They have fixity of tenure and other things. But how far they are discharging their social obligations? That is the question now. In this context, I would like to refer to four points which relate to this particular philosophy. They are the following: One is the nature of man. And, the nature of man dictates that he should be treated with dignity and responsibility. If the employees of the Central Government seek that dignity and that respect, they should also have the responsibility to the society at large, they should have responsibility to the citizens at large. And my second point is the nature of human society. Our society is changing every day. Change bring in new innovations.

They give rise to new insecurity problems too. So, all these things have to be tackled in a proper way. And the third thing is the nature of the Government itself. We have a system wherein the Government has enunciated its policies and principles in the Constitution. We have envisaged a Social Welfare System in which a great responsibility and a great burden vests on the Government. This aspect also has got to be looked into in the context of the question of pension to the Government employees. The fourth aspect is our Economic system. Some of these problems can be solved, if a proper step is taken with regard to our economic system itself. These are the four points which I would like to mention. There is one more point and that is, many of the State Governments have adopted their own social security scheme, pensionary benefit scheme and so on. There should be a Board to coordinate various pensionary benefits given by various departments and Ministries. With these words I conclude.

SHRI CHITTA BASU (Barasat): I stand to support the principles of the Bill moved by my hon. friend Mr. Gadgil.

I confine myself to certain basic points only.

Sir, there is no doubt that the pension scheme should be based on the basic principle of social security. The cardinal principle of this Bill is the concept of social security; and it wants that this should be the foundation of any pension scheme. To that extent, it is really an innovation.

Without going into the details of it, I would like to mention that some improvements of the pension scheme current in the country should immediately be introduced. There should be the proper mechanism and procedure for determining the pension rates. Secondly, the amount of pension should be linked up with cost of living index, with rise in prices as has been done in the United Kingdom.

There should be a provision for periodic review of the pension system and revision of the same. Family pension should be so framed as to enable the family dependants to exist and live with dignity. There should be a built-in system to modernise, overhaul and renovate the entire gamut of pensionary benefits. We should have in mind the entire question of social security. Certain lacunae or certain anomalies have crept into the present system of pension of the Central Government employees and I wish to draw the attention of the Government to this aspect of the problem so that these things can be immediately corrected.

I would like to refer to a news report published in *Indian Express* on 12th March, 1981.

'In 1979, the pension laws were liberalised, but unfortunately the benefits all went only to those retiring on or after March 31, 1979. Thus, while the older pensioners have to continue with pitiable allowances, a much more generous formula has been prescribed for their juniors who retired after March 1979. Those who retired prior to 1973 are the worse off, as in 1973 as well, there was a liberalisation in the pension rules which only helped those retiring during or after that year.'

Sir, I have mentioned that there are a number of anomalies which have already crept into this system. Would the hon. Minister see that the anomalies are removed to the satisfaction of the pensioners? Sir, the Bill relates to the pensions to the Central Government employees. I support the principle behind it. But if you accept the principle of pension as a social security, I think the entire House should know to what extent we have been able to extend this benefit to other sections of our society. Article 41 of our Constitution states that the States shall, within the limits of its economic capacity make effective provision for public assistance in cases of old age and undeserved want.

Therefore, accordingly, several State Governments in the country have formulated the pension scheme for the aged. Sir, you will be glad to know that nearly 18 States and the Union Territories provide some form of pension even at the present moment.

The Finance Commission, in 1978, suggested a uniform monthly rate of Rs. 60 as pension. I am speaking of Central Government or the State Government employees. The Finance Commission suggested that a uniform monthly amount of Rs. 60 should be given to the aged of our country. But the amounts disbursed by the State Government to the retired employees now range from Rs 20 to Rs. 50 per month. The Finance Commission suggested that the minimum amount should be Rs. 60 per month. Some States have even put the age eligibility at 70. Why? The average life expectancy in our country is 52.6 years. Now, the eligibility of 70 years keeps away a large number of old men and women from getting the benefit of the pension. Whereas, as I mentioned, the life expectancy of our country is 52.6 years. Therefore, it is to be reviewed. Moreover in many States these pensions are given to those who have no means of source of income to sustain themselves. As a matter of fact, it has not been taken up as a social security measure; rather it is at best a destitute allowance. It is not in keeping with the dignity of our citizens. The Finance Commission reviewed the situation in 1978 and observed.

"The rates of monthly pension are too low in our opinion."

17.00 hrs.

The Commission also suggested that at least 1 per cent of the total population should be covered by the pension schemes. According to 1971 census, the number of destitutes over the age of 60 was 48 lakhs. This is .87 per cent of the total population. Therefore, it is quite clear that .1 per

[Shri Chitta Basu]

cent of the population has not been covered. Even if it is covered, this has not been a step forward. Therefore, what is the Government attitude towards the social welfare measures? The expenditure on this account in 1976-77 was only Rs. 18.39 crores. The Finance Commission considered that expenditure upto Rs. 264.8 crores should be permitted for five years beginning from 1979 to 1984, that is roughly Rs. 52.30 crores annually. The Plan Document for 1980—85 suggested an outlay of merely 22 crores for five years, that is Rs. 4 crores per year. I wanted to mention these figures only to show that adequate attention has not been given to this very important social problem.

The Government is committed under Article 41 to extend social welfare and security to the largest number of people of our country as far as possible within the economic constraints of the State. Therefore, while Mr. Gadgil's Bill is being debated, I would take the opportunity to impress that this is an important area, where the Government of India should pay adequate attention. As I have mentioned, the Plan allocation is very meagre. Several State Governments like West Bengal, and Kerala have introduced certain pension schemes particularly for agricultural workers and peasants who are old, beyond the age of sixty. These State Governments want some Central assistance to extend the area of coverage of this important social security measure. Unfortunately, the Central Government has not responded favourably and sympathetically to the request of the State Governments. I would only request them to understand the Directive Principles of the State Policy. The Directive Principle of State Policy is to extend the area and coverage of the social security. This task is being carried out by the State Governments. Therefore, under the provisions of the Constitution, it becomes an obligation on the part of

the Centre to extend financial assistance to the State Governments to fulfil this task and extend the social security measures actively. Having said this, I would request that the hon. Minister should kindly look into the figures I have given in order to show that the allocation or allotment for social security services is coming down, whereas it should go up, as our society moves forward.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): Mr. Chairman, Sir: For some time, I felt as though the Finance Bill was being discussed, and that I was playing the role of the Finance Minister.

This is Pension Bill—which my friend Mr. Gadgil has introduced; and several Members have made very useful suggestions, though they were beyond the scope of its discussion. Many things have been said about social security measures, and the role to be played by Central Government in implementing the Directive Principles. And valuable suggestions have been made. I think the Finance Minister will, in course of time, take note of the suggestions made by the hon. Members. Let me confine myself to the non-official Bill that has been moved by Mr. Gadgil.

Before coming to the suggestions made by the hon. Members in the course of this discussion, I would just like to mention certain salient points, and certain measures that have been taken by Government from time to time to streamline the scheme of providing pension—and other related matters. Certain problems of pensioners have come to the notice of the Government from time to time. I will give a sort of general picture, of the various steps Government has taken in this direction.

Before I start my speech, I would associate myself with the sentiments expressed by all the hon. Members in

appreciation of the study in depth made, and the information gathered by Mr. Gadgil in the Bill that he has prepared and presented to the House. Of course, many of the details related to the conditions that prevail in other countries like United Kingdom and United States of America, where conditions differ very basically from those in this country. Even then, this Bill can prove and can be a model, and also highlight the problems and the various steps that have to be taken from time to time by the Government.

In this connection, I would like to inform the House that the legitimate problems of the pensioners are always considered sympathetically by the Government. The Government molds the pensioners in high esteem for the simple fact that these persons have given their best to run the administration and implement the policies and programmes of the Government.

According to the present statistics, there are 9.5 lakh persons who are receiving pension directly, and another 2.75 lakh families of the deceased pensioners are receiving pension. In all, over 12 lakh people or families are receiving pension from the Government, involving an amount of Rs. 395 crores per annum. There has been a periodical review by the Government with regard to the working of the pension scheme; and as and when the Government found it necessary to make revisions in the pension structure by executive order, the Government has been doing so.

Associations on the all-India level and at the regional level for the pensioners, are keeping the Government aware of the problems of the pensioners, and suggestions that have been received from time to time from these associations receive the sympathetic scrutiny of the Government. Recently, the Federation of Pensioners' Associations of Madras met the Prime Minister, and submitted a memorandum listing out their problems for redressal by the Government. The

Prime Minister has taken a very sympathetic view of these problems of the pensioners; and she observed—and I quote:

“Government need not take a stand that nothing more is required to be done for the pensioners.”

She is of the view that this is a matter which should be reviewed from time to time and if finances improve, something could be done. She has indicated possible lines of future action and these suggestions have been forwarded to the Finance Ministry and I am sure that the Finance Ministry will go into them carefully. I am handling it. As it concerns with the pensioners, in a theoretical sense, it belongs to the Home Ministry. But when the financial implications are concerned, it is our Finance Minister he has to take a decision, and I cannot either way try to fetter him or put some restraint on his functioning as the Finance Minister within the financial constraints.

I have also seen a news item yesterday which has been published in a section of the Press today; it has given the views expressed by Shri Mishra, Retired Chief Justice of Patna High Court and Justice V.C. Krishna Iyer, Retired Justice of the Supreme Court. Shri Mishra has said that though the steps being taken in the proposed pension Bill—he is referring about Mr. Gadgil's Bill—is in the right direction it is not comprehensive. He has made several suggestions and these will receive the utmost consideration of the Government along with Shri Gadgil's Bill. Justice Krishna Iyer has pleaded that the entire pension scheme needs to be modernised, overhauled and renovated to secure equality in our society. That has been the constant endeavour of the Government. That is why the Government agrees with the views expressed by Shri Krishna Iyer. We are also feeling that pension is not a charity but a social right. Keeping this in view, Government

has taken various steps to improve the lot of pensioners. As recently as 1979,....

SHRI CHITTA BASU: Anomaly.

SHRI P. VENKATASUBBAIAH: I will come to anomaly later on. As recently as 1979, certain liberalisation in the pension scheme has been announced by the Finance Minister such as introduction of a slab rate of pension with a view to ensure that low-paid Government servants receive pension at the rate of 50 per cent of their last pay, increasing the ceiling of pension to Rs. 1,500/- etc. Even in the recent budget, certain rationalisation of the darkness relief paid to the pensioners has been announced by the Finance Minister.

Various measures have been taken during the past few years to give as much relief and assistance to a Government servant at the time of his retirement as has been found feasible. The procedure for payment of pension—it has been highlighted by several of the members that the pensioners after retirement, they have to undergo several difficulties and run from pillar to post—and other retirement benefits has been streamlined. For the benefit and information of my hon. friend, Shri Suraj Bhan and others I may tell you that retirement benefit have been streamlined. Even interest at the rate of 5 per cent per annum has been allowed if payment of Death-cum-Retirement Gratuity is delayed beyond three months after the date of retirement. Of course, some members had pleaded that the rate of interest must be more. Some members have also said that it has to be 13 per cent or 14 per cent and all that. Shri Gadgil has also said that it has to be 6 per cent. That I have mentioned in this. Now on retirement after a period of 33 years of service, a Government servant receives, apart from pension, the following lump sum amounts:—

(a) gratuity equal to 15 days pay for each year of service subject to a

maximum of 16 1/2 months' pay and further subject to a maximum of Rs. 30,000/-;

(b) cash in lieu of accumulated leave upto six months' pay;

(c) proceeds from Central Government Employees Insurance Scheme (Maximum of Rs. 5,000/- which is being raised to Rs. 10,000/- from 1-1-1982);

(d) commuted value—upto one-third of the pension (optional)—that is commuted optional one—without medical examination if asked for before next birthday after retirement.

These are substantial benefits and if the Government servant utilises these amounts prudently, his monthly income from investments plus pension would be more or less equal to the last pay drawn by him. It is our endeavour, to see that the maximum benefit is given to the pensioner.

About the delays, of which Mr. Gadgil has spoken and to which several Members have also referred during the course of their speeches here, and about the inconveniences being caused to pensioners on account of delay in the settlement of their pension cases, I may mention, that we have taken various steps to expedite both the sanctioning and disbursement process in respect of pension. In the first place, the various procedures leading up to the sanction of pension have been streamlined and advance action has been prescribed so that the pension payment order is issued even before the Government servant actually retires. Pension is now being made payable through the Nationalised Banks. Some Members have raised it whether it is being paid by money orders. This measure have given great relief and afforded a measure of convenience to the pensioners. For the benefit of pension sanctioning authorities, we have codified all the past rules in a new edition of the Pension Rules and Commutation Rules incorporating the

various amendments and executive instructions issued up to the beginning of this year and we trust that when these instructions in the codified form reach the hands of the pension sanctioning authorities, sanctioning of pension will be further simplified and there will be no delays. Unfortunately, some of these people they do not realise that after some time they will join the ranks of pensioners.

**SHRI R. K. MHALGI (Thane):** That is right.

**SHRI P. VENKATASUBBAIAH:** While in office they try to put all sorts of difficulties little realising that after sometime they have to join the ranks of these people. And I had a personal experience. A Collector of my district, he was notorious in dealing with these papers and after his retirement he received the same treatment. And so, he come to me and began to complain. I told him, that little did he realise when he was the Collector, if he had done acted in a manner that would help the pensioners, there would have been no room for complaint by him.

Shri Gadgil made a thorough study of the subject and I once again compliment him and he was very critical of Section 4 of the existing Act which bars suits relating to the pensions. This matter has been agitating the minds of the pensioners as well as their representative associations. The Law Commission also had recommended the amendment of this Section so as to confer a right on the pensioners to seek redressal of their grievances in a court of law.

**SHRI R. K. MHALGI:** What is the date of the recommendation of by the Law Commission?

**SHRI P. VENKATASUBBAIAH:** I do not have it now. It must be the latest. The recommendation has been considered by Government and our present thinking is that the question of redressal of grievances relat-

ing to interpretation of Pension Rules and clarifications thereof should be entrusted to the Administrative Tribunals which are proposed to be set up. Of course, that will meet the demand of Shri Gadgil and also several of our Members who have made a suggestion here. Article 323-A of the Constitution provides for the setting up of such Tribunals. I am glad to say that Mr. Gadgil also had something similar to this in his mind and I hope that we will be able to meet the demand in a substantive manner. When tribunals are appointed, the one advantage is whatever the legitimate claims of the pensioners they will be very expeditiously disposed of. That is the advantage of the Tribunals. So, Government have taken note of these things and we are coming forward with appropriate action to set up these administrative tribunals to give all the benefits to the pensioners.

Another point that has been made out is about the difficulties faced by the heirs of deceased pensioners in receiving the life-time arrears of the pension of the deceased. It has also been outlined by Shri Gadgil that it is in costly, cumber some and time-consuming process of having to go to a court of law and obtaining a succession certificate. I do not know how much time it will take to get a succession certificate. It is everybody's knowledge. We are aware of these difficulties and we have already decided to remove this legal hurdle and to permit nominations being made by pensioners so that the lifetime arrears of their pensions can be drawn by their nominees. The Government propose to introduce a Bill for amending section 12 of the existing Pensions Act, 1871 for achieving this purpose very soon.

Mr. Gadgil has suggested that the scale of pension, grant of relief to pensioners and the procedure for sanction of pensions should be regulated by statute. I want to clear some of these—I do not want to say

[Shri P. Venkatasubbaiah]

misapprehensions—opinions expressed by members about the validity and relevance of the Pensions Act, 1871. This Act does not regularise matters such as scales of pension, grant of relief to pensioners and the procedure for sanctioning pensions. These matters are regulated by the Central Civil Services (Pension) Rules, 1972 and the various executive instructions issued from time to time. These rules have been framed under the proviso to article 309 of the constitution and are statutory in nature. These Rules are enforceable. Thus, for example, Rule 35 which defines superannuation pension says that a superannuation pension shall be granted to a Government servant who is, retiring on attaining the age of compulsory retirement. So also for other categories of pensions. Besides, Rule 6 of the Central Civil Services (Pension) Rules, 1972 which empowered the Government to make a reduction in pension for unsatisfactory service, after following due procedure, has since been deleted. Thus, in accordance with the existing Rules also, the pension is not something which may or may not be paid. There has been some difference of opinion expressed in this House with regard to giving pension to persons who are compulsorily retired. I have made it clear that that clause has been deleted. Therefore, I beg to differ from the view of Shri Gadgil when he says that pension is a bounty, a grace and a mercy shown to the pensioner and not this right.

SHRI V. N. GADGIL: That is according to the decision of the courts.

SHRI P. VENKATASUBBAIAH: He is only quoting the court's interpretation. He and some other members also, Shri Suraj Bhan, particularly, have pointed out specifically the plight of pensioners who retired before 1964 whose families are not entitled to family pension and has suggested that this disparity needs to be removed. The Government had

considered this question several times in the past but has not found it feasible to accept this demand. There are administrative difficulties in locating and assessing the number of beneficiaries particularly because most of the pensioners would have died and there are practical difficulties in tracing the old records. This is our difficulty. It is not as if we do not have sympathy with the suggestion made.

SHRI R. K. MHALGI: It is only lip sympathy.

SHRI P. VENKATASUBBAIAH: It is full-throated sympathy from our heart. What you said may be lip sympathy. But whatever Government says it is sympathy born out of compassion.

Another point made by Shri Gadgil is that pensioners have been very badly affected by inflation and rise in prices and the Government should, therefore, do something to provide relief against erosion in the value of pension. He has also quoted depreciation in the value of the rupee in different years. Before the recommendation of the Third Pay Commission there was no regular system of compensating pensioners for the rise in the cost of living. I would like to bring to the notice of the hon. Members that the Third Pay Commission recommended the grant of relief to future pensioners at the rate of 5 per cent of pension subject to a minimum of Rs. 5/- and maximum of Rs. 25/- per month, for every 16 point rise in the 12-monthly average of all India working class consumer price index. The total number of pensioners and family pensioners is over 12 lakhs and each instalment of dearness relief to pensioners costs the Government Rs. 9.2 crores per annum. Considering this high cost and keeping in view the need to contain non-developmental expenditure, this is the utmost that the Government can do for the pensioners. If Mr. Chitta Basu says that it is not

a non-developmental expenditure, then it is a different matter.

Shri Gadgil has also provided in his Bill a provision for payment of house rent allowance, educational facilities and medical facilities to pensioners. Shri Virdhi Chand Jain has taken a very realistic view of the entire matter and he has answered on my behalf. I must also thank him for having come to my rescue. I do not want to dilate on this problem because this is a matter which involves large amount of finances. We have got every sympathy with the pensioners for the problems they are facing with regard to education problem which every citizen has to face in this country. As regards medical benefits to pensioners, pensioners who are living in areas covered by the Central Government Health Scheme, are entitled to medical benefits on payment of contribution according to a prescribed scale. Wherever CGHS is operating this benefit is given to them and I hope many of the pensioners are utilising it by contributing to the CGHS fund.

SHRI G. M. BANATWALLA  
(Ponnani): Not everywhere.

SHRI P. VENKATASUBBIAH:  
Wherever it is.

SHRI G. M. BANATWALLA: Mr. Chairman, are you satisfied with this reply?

MR. CHAIRMAN: I hope Mr. Gadgil is very much satisfied.

SHRI P. VENKATASUBBIAH:  
Mr. Suraj Bhan has raised the point of commuting pension. He has said that a person who lives longer, is at a loss under the present scheme. Restoration of part of the pension commuted after a specified time is one of the points which the Prime Minister has suggested. The Government is actively considering that aspect of the matter.

Another point that has been made by Mr. Gadgil is that in advanced countries a minimum pension is prescribed whereas here we have no such minimum. This is not correct. As per rule 49 (2) (b) of the Pension Rules as amended on 23-8-80, a minimum pension of Rs. 60/- per month has been notified. This applies to persons retiring on or after 23-8-80.

Shri Chitta Basu covered the entire gamut of the social security, the role of the Finance Commission and the recommendations made by it etc. In the spate of suggestions made, he has also said that the word "destitute" should not be used. This discussion pertains to the Pensions Bill. The policy of the Government is to have every possible liberalisation of pension prospectively. This has been referred to by the Prime Minister, and we are actively considering it.

Shri Girdhari Lal Vyas referred to pension to the dependents of the pensioners. Already, the children of the pensioners will get pension. But this facility is not available to the parents of the pensioner. To me this seems to be a very valid point. Government will give careful thought to this matter.

The points made by Shri Arakal have been fully covered by me. He has stated with all the emphasis at his command that there should be social security and what they are demanding is a social right and not any concession or charity. I entirely agree with him. They have served the country for 30 and more years in various capacities.

MR. CHAIRMAN: I think you have covered all the points.

SHRI P. VENKATASUBBIAH:  
Of course, Shri Mhalgi spoke in very chaste Marathi. I could not grasp the vigour, the spirit and the sentiment that has been imported into his speech, because I could follow only the English translation, which



[Shri P. Venkatasubbaiah]

could not be so good as the original. Even then I could appreciate the various suggestions which have been put forward by him in this matter.

The Petitions Committee of the Sixth Lok Sabha in their Ninth Report have stated:

"In the light of the foregoing observations, the Committee strongly recommends that a Pension Commission be appointed expeditiously by the Government to examine the problems and demands of the pensioners in depth."

The position obtaining in various countries, either a separate Commission or a body which will go into the problems of the pensioners from time to time, have been quoted by many hon. Members. In our country we have adopted a different system and policy, which I have explained to the hon. Members from time to time.

I have no doubt in my mind that the hon. Members will agree with me that we have been very considerate and sympathetic to the genuine problems of the pensioners. The appointment of a Pension Commission involves financial implications. I can only assure the hon. Members that I will convey to the appropriate quarters, namely, the Finance Ministry, the sentiments observations and suggestions made by the hon. Members. I am sure that the Finance Ministry in their own wisdom, in their own discretion, within the limitations imposed by the financial implications, will consider the suggestions that have been made by the House and take such appropriate measures as they deem fit, commensurate with the problems of the country.

Finally, I would say that the purpose of Shri Gadgil has been more than served. The problems have been highlighted in the highest forum of the land, namely, Parliament. He

has done his home work very well and he has highlighted the problems in a very effective manner. He has also been supported very vehemently and strongly by the other hon. Members, who have taken part in this discussion. My thanks to them also.

With these remarks, I would make a request to Mr. Gadgil to withdraw the Bill and allow the Government to take such appropriate measures as they deem necessary to safeguard and to meet the legitimate grievances of the pensioners.

**SHRI R. K. MHALGI:** He has given vague assurances. They are only in words, not in deeds.

**SHRI V. N. GADGIL:** I am thankful to the House and particularly to the ten Members who have participated and supported the Bill. I am conscious of the role and the scope of the Private Member's Bill. I am also aware of the conventions that govern these bills. Although I am not completely satisfied with the hon. Home Minister's reply, to be frank, I believe in what Lokamanya Tilak used to say; "Accept whatever you got and fight for the rest". Therefore, I accept whatever he has conceded, particularly in view of the observations of the Prime Minister which he has quoted.

In the light of those observations, I seek leave of the House to withdraw the Bill.

**MR. CHAIRMAN:** I shall now put the amendment moved by Mr. Mool Chand Daga.

*Amendment No. 2 was put and negatived.*

**MR. CHAIRMAN:** The question is:

"That leave be granted to withdraw the Bill to provide for the grant of pension, gratuity, dearness and other allowances and benefits payable by the Central Government to its employees, or their de-

pendents, on retirement, voluntary or otherwise, or on the death of the Government servant and for other matters connected therewith."

*The motion was adopted.*

SHRI V. N. GADGIL: Sir, I withdraw the Bill.

17.35 hrs.

PROVIDING OF EMPLOYMENT,  
PAYMENT OF UNEMPLOYMENT  
ALLOWANCE AND UNEMP-  
LOYMENT INSURANCE  
SCHEME BILL BY SHRI  
B. V. DESAI

SHRI B. V. DESAI (Raichur): Sir, I beg to move:

"That the Bill to provide employment to all citizens of not less than 25 years of age, payment of unemployment allowance and for unemployment insurance scheme, be taken into consideration."

Mr. Chairman, Sir, the Bill which I have introduced in this Session is a very important one and it pertains to the burning topic of our country as on today. It is providing employment, payment of unemployment allowance and unemployment Insurance Scheme Bill.

Sir, as every one of us is aware, the problem of unemployment is very acute and it has acquired a dangerous proportion in our country. As we know, not only unemployment is there among the educated, but the countryside uneducated farmers and labourers also are either unemployed or partially employed. Various schemes and suggestions were being made either in the Parliament or by the Government agencies. But the dilemma is much more and what we are thinking of is, due to increase in population, in 1980-81, the calculation of the Planning Commission regarding the number of unemployed by the end of the Plan, viz., 4.66 million, may go wrong. Therefore, even without taking into account the increase

in population, their calculation as on today is also bristling with inconsistencies. All these social tensions amongst the youngsters and the dissatisfaction which they are airing are because they do not get any avenue and scope for employment. In fact, Government have adopted the definition of 'Welfare State'. The founding fathers of our Constitution have incorporated in the Directive Principles 'the right to work'. I quote Article 41 of our Constitution:

"The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want."

In this connection, our State has taken the step with regard to old age pension and compulsory education. Although it is not very effective some beginning has been made in this regard. But, unfortunately, so far as unemployment allowance is concerned or the problem of unemployed is concerned, on numerous occasions the Members of this august House and voluntary agencies outside this august House have drawn the attention of the Government, but they have refused to take any step in this regard.

With this background I thought to focus the attention of this august House and the Government in particular. I have, therefore, introduced this Bill.

I need not explain the dimension of the problem because every one of us knows it. The indiscipline in the youngsters either in the college or outside is basically because of the fact that after education they do not get employment and therefore, they get frustrated. It is our duty to find a positive way to see that all the