

[Shri Vasant Sathe]

because the lawyers are involved. It is the duty of the lawyers not to brake the law....(Interruptions). All are equal before the law....(Interruptions).

12.06 hrs.

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

THE DEPUTY MINISTER IN THE
MINISTRY OF FINANCE (SHRIMATI
SUSHILA ROHATGI): Sir, I beg to
move....

SHRI S. M. BANERJEE (Kanpur):
Sir, I rise on a point of order. Yesterday when Shrimati Rohatgi rose to introduce the Bill you, in your wisdom, on my request, gave me a chance to oppose it at the introduction stage. Then Shri Raghu Ramaiah, the Minister of Parliamentary Affairs, assured the House that the Finance Minister will have a talk with the hon. Members and that he will try to evolve some method of procedure by which things would become easier. This morning we met the hon. Minister, Shri Pranab Kumar Mukherjee, Shrimati Rohatgi and, last but not the least, Shri Raghu Ramaiah. I say with all honesty that Shri Pranab Kumar Mukherjee heard us with rapt attention. Again what happened I do not know but ultimately they decided they will introduce the Bill, but not discuss it immediately. Sir, you will remember that when we raised objection, on which point it was postponed, you asked if there is a bilateral agreement, then how is it being annulled unilaterally. To this, I speak subject to correction, there was no answer from any one of them. They said they will simply introduce it, "though it may be painful, please do not mind it; we shall not discuss it."

What I want to know is why this Bill is being introduced. Since this is a bilateral agreement between the two parties, which is registered under the Industrial Disputes Act, let there be discussion between them. How do we

come into the picture? Nobody has explained this point. How does Parliament come in when they are not covered under the Bonus Act? When the Bonus Act was discussed, this agreement was not discussed. I pointedly asked the Labour Minister, whether the LIC was covered. He said; no, by no stretch of imagination would this come within the ambit of the Ordinance or the Act. So, my submission is that nothing is going to be lost if we delay this. After all, we are sitting upto 22nd of May. Let the negotiations start between the Federation and the Chairman. If there is no fruitful result, with the massive majority which is increasing every day, they can possibly bring up legislation and pass it in one day, by ignoring all the rules and regulations. So, I feel it is only a question of prestige that because it was scheduled to be introduced yesterday, so it has to be introduced. They want this sword to be hanging above the head of the employees and ask them or coerce them to come to terms. With the Emergency on one side and this Bill on the other, they want to bring the employees to their knees. That is why, Sir, I appeal to your sense of justice and impartiality and request you to come to the rescue of the employees, not because they are employees but because the principle of annulling a bilateral agreement is involved.

SHRI SOMNATH CHATTERJEE
(Burdwan): Sir, may I submit...

MR. SPEAKER: I think we should stick to the procedure. So far as introduction of Bills is concerned, when it is opposed, only one Member speaks, and this right has been exercised by Shri S. M. Banerjee. So I will not allow any debate on this. There should not be any debate at this stage.

Yesterday when I found that there was a misunderstanding between the Minister and all sections of the House, not only one section, about the object and propriety of the Bill, and not enough light was thrown on it, I made

a friendly suggestion—I did not give any ruling actually. It is not for the Chair to prevent the introduction of any Bill, it is for the House to decide—that in order to clarify matters, there should be a meeting between the Minister and all the Members who were exercised about it. You will remember that I suggested that it should not be postponed, that it could be taken up later in the afternoon, but the Minister was not free and said the meeting should be this morning. It was precisely to discuss and clarify all the points that the Members were trying to raise here. Therefore, now at this stage I cannot under the procedure allow a debate over this matter. If there is any clarification you need you can ask.

SHRI H. N. MUKERJEE (Calcutta—North-East): Yesterday I had raised a point of order.

MR. SPEAKER: There is no point of order in this.

SHRI H. N. MUKERJEE: The point of order which I had raised related to your observation that a legal point being involved, it was necessary that an answer was given before the matter could be taken up. Now, there might be a valid answer from the Government to the legal objection which was taken yesterday in regard to the abrogation of a bilateral agreement by an Act of Parliament. If so, why don't they come out with it?

SHRI SOMNATH CHATTERJEE (Burdwan): On a point of order. This Bill purports to annul a provision of an agreement which has the sanction of another law of Parliament. Therefore, the provision of an agreement which is sanctioned by another valid legislation cannot be tinkered with or altered in the manner sought to be done. That provision itself is a part of a bigger agreement containing various terms and conditions, each one of which was a consideration for the other. After prolonged negotiations between the union and the LIC authorities it was arrived at. It

was sanctioned by the Central Government and the LIC Board and has been implemented. It is too late for another year. Now, one of the clauses is being taken away. A truncated, mutilated agreement will be enforced on the employees, and the mutilation will be done by Parliament irrespective of the provision of another law of Parliament which gives it authority and sanction. This has become a mockery of Parliamentary procedure. You cannot take away the rights of the people in this manner. Parliament has become a laughing stock.

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE): The limited question is whether this piece of legislation can be brought in Parliament and whether Parliament should be involved in annulling or nullifying an agreement entered into between the employer and the employee.

When the Bonus Act was amended, LIC did not come within the purview of that Act. It was decided that LIC and other organisations would be brought within the purview of the *ex-gratia* scheme.

SHRI SOMNATH CHATTERJEE: Who decided it?

SHRI PRANAB KUMAR MUKHERJEE: Parliament decided.

SHRI SOMNATH CHATTERJEE: No.

SHRI PRANAB KUMAR MUKHERJEE: As the administrative Ministry of LIC, we have to see that the LIC is brought within the scheme of *ex-gratia*.

It was found out when the matter was discussed and the legal question was taken up which Professor Mukherjee has very rightly raised. We consulted the Law Ministry also on what is the legal position, whether this could be done merely by the administrative instructions issued by the

(Shri Pranab Kumar Mukherjee)

Administrative Department or any other course of action, we shall have to take. It was the advice of the Law Ministry that when an agreement is entered into under the Industrial Dispute Act, if you want to nullify it, it should be backed by legislative measures. That is precisely the reason for which we have brought forward this piece of legislation for the consideration of Parliament. (Interruptions).

SHRI DINEN BHATTACHARYYA (Serampore): Not the whole agreement.

SHRI PRANAB KUMAR MUKHERJEE: Regarding the other aspect which has been discussed in today's meeting in the room of the Minister of Parliamentary Affairs, I would like to submit what was decided. It was not decided that we were not going to introduce or we are not going to discuss this matter. What I suggested to the hon. Members present there was that if the hon. Members had certain points, if they required certain questions to be considered before a final view was being taken, I suggested to them or rather I assured them that all those views would be looked into, and the questions which the hon. Members have raised in this connection shall be taken into account before arriving at a final decision. Therefore, it would be my submission to you and through you to the House.... (Interruptions).

SHRI DINEN BHATTACHARYYA: We only insisted, why did you not.. (Interruptions).

MR. SPEAKER: Let the House decide. (Interruptions).

SHRI S. M. BANERJEE: Only one point. He has not answered one point. Only one line. (Interruptions).

Let him introduce the Bill. But what happens with the employer and the employees? Will there be a negotiation between the employer and the employees, let him say? (Interruptions).

SHRI DINEN BHATTACHARYYA: It was taken for granted. (Interruptions).

MR. SPEAKER: We will come to that.

SHRI DINEN BHATTACHARYYA: We strongly object to the introduction itself. (Interruptions).

SHRI S. M. BANERJEE: The agreement was between the Corporation and the employees. What happens to the Corporation? (Interruptions)

MR. SPEAKER: He has said, he has assured... (Interruptions).

SHRI SOMNATH CHATTERJEE: Any discussion between the employer and the employees.... (Interruptions)

MR. SPEAKER: Even for that reason, you know it is for the House to decide. Let the House decide also. (Interruptions).

The question is:

"That leave be granted to introduce a Bill to provide for the modification of the settlement arrived at between the Life Insurance Corporation of India and their workmen."

The Lok Sabha divided.

AYES

Division No. 3]

[12.22 hrs.

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ankineedu, Shri Maganti
Appalanaidu, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Bajpai, Shri Vidya Dhar
Balakrishnaiah, Shri T.
Banamali Babu, Shri
Banerji, Shrimati Mukul
Berman, Shri R. N.

Barua, Shri Bedabrata
 Bhagat, Shri H. K. L.
 Bhargava, Shri Bhasheshwar Nath
 Bheeshmadev, Shri M.
 Brahmanandji, Shri Swami
 Chakleshwar Singh, Shri
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chellachami, Shri A. M.
 Chhotel Lal, Shri
 Chhutten Lal Shri
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Das, Shri Dharnidhar
 Daschowdhury, Shri B. K.
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dinesh Singh, Shri
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Gangadeb, Shri P.
 Godara, Shri Mani Ram
 Gohain, Shri C. C.
 Gomango, Shri Giridhar
 Goswami, Shri Dinesh Chandra
 Gowda, Shri Pampan
 Hansda, Shri Subodh
 Hari Kishore Singh, Shri
 Hari Singh, Shri
 Hashim, Shri M. M.
 Jadeja, Shri D. P.
 Jamliurrahman, Shri Md.
 Jha, Shri Chhtranjib
 Jitendra Prasad, Shri
 Joshi, Shri Popatlal M.

Kakodkar, Shri Purushottam
 Kamakhshiah, Shri D.
 Karan Singh, Shri.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Khadilkar, Shri R. K.
 Khan, Shri I. H.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Maharaj Singh, Shri
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallikarjun, Shri
 Manhar, Shri Bhagatram
 Mishra, Shri Jagannath
 Modi, Shri Shriktshan
 Mohapatra, Shri Shyam Sunder
 Naik, Shri B. V.
 Negi, Shri Pratap Singh
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 *Pandey, Shri Sarjoo
 Pandey, Shri Sudhakar
 Panigrahi, Shri Chintaman
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patil, Shri C. A.
 Patil, Shri S. B.
 Patil, Shri T. A.

Pradhani, Shri K.
 Purty, Shri M. S.
 Raghu Ramalah, Shri K.
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Rac, Shrimati B. Radhabal A.
 Rac, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri Nageswara
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ray, Shrimati Maya
 Reddy, Shri P. Ganga
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Saini, Shri Mulki Raj
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sathe, Shri Vasant
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shambhu Nath, Shri
 Shankaranand, Shri B.
 Sharma, Dr. H. P.
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Biswanarayana
 Shenoy, Shri P. R.
 Shetty, Shri K. K.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Nawal Kishore

Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Stephen, Shri C. M.
 Surendra Pal Singh, Shri
 Suryanarayana Shri K.
 Tombi Singh, Shri N.
 Tulsiram, Shri V.
 Vekaria, Shri
 Verma, Shri Sukhdeo Prasad
 Yadav, Shri Chandrajit
 Yadav, Shri Karan Singh
 Zulfiquar Ali Khan, Shri

NOES

Badal, Shri Gurdas Singh
 Banerjee, Shri S. M.
 Bhattacharyya, Shri Dinen
 Brahman, Shri Rattan Lal
 Chandra Shekhar Singh, Shri
 Chatterjee, Shri Somnath
 Chavda, Shri K. S.
 Deshpande, Shrimati Roza
 Dutta, Shri Biren
 Gowder, Shri J. Matha
 Haldar, Shri Madhuryya
 Halder, Shri Krishna Chandra
 Horo, Shri N. E.
 Joarder, Shri Dinesh
 Krishnan, Shrimati Parvathi
 Manjhi, Shri Bhola
 Marak, Shri K.
 Mavalankar, Shri P. G.
 Mohammad, Ismail, Shri
 Mohanty, Shri Surendra
 Mukherjee, Shri Samar
 Mukherjee, Shri Saroj
 Muruganantham, Shri S. A.
 Patel, Shri H. M.
 Patel, Kumari Maniben
 Reddy, Shri B. N.

Boy, Dr. Saradish
Saha, Shri Ajit Kumar
Sen, Dr. Ranen

MR. SPEAKER: The result* of the division is: Ayes...147; Noes...29.

The motion was adopted.

SHRIMATI SUSHILA ROHATGI: I introduce the Bill.

(Interruptions)

Some Hon. Members then left the House

conomic instability by declaring emergency in the country. Hence, it is no use accusing the Government, as my hon. friend from the CPI (M) did in the House yesterday, of curtailing the fundamental rights of the citizens of this country. If he will but think for a moment as an Indian, he can find out what their activities were and the way in which they were behaving. In fact, it is they who had compelled the Government to declare emergency in the country to save the country from their activities. Therefore, the Report very rightly stated—and I quote—at page 1:

"It is only when such activities had crossed all permissible limits that the Government was constrained to declare Emergency on June 25, 1975, as no Government worth the name could allow the country's security, stability and economy to be imperilled. The nation's Interests demanded firm and decisive action."

12.24 hrs.

DEMANDS FOR GRANTS, 1976-77—
Contd.

MINISTRY OF HOME AFFAIRS—Contd.

MR. SPEAKER: We now take up further discussion and voting on the Demands for Grants under the control of the Ministry of Home Affairs. Shri Arjun Sethi to continue his speech.

The Report of the Home Ministry clearly stated that it is the duty of the Government to save the country from the internal disorder and chaos and the Government has rightly done it to save the country.

SHRI ARJUN SETHI (Bhadrak): Mr. Speaker, Sir, yesterday I was referring to the good work done by the Ministry of Home Affairs to contain the internal disorder and chaos in the country at the right time keeping in view the interest of the nation in tact.

After the declaration of emergency, the country has witnessed all-round development—and the Hon. Member opposite who spoke will himself realise, if he will but think for a moment impersonally, that it is the country's interest that is important.

The House and the whole country have witnessed before June 25, 1975, how the groups and elements of widely differing views joined together to Paralyse the country's economic and political life. In fact, these groups and elements clutched at every opportunity to create confusion in the minds of the people and foment chaos and disorder. Their activities seriously threatened internal security and integrity of the whole nation. It is only when such activities had crossed all permissible limits that the Government, under the dynamic leadership of our Prime Minister, saved the country from internal subversion and eco-

The Report of the Home Ministry says that the Government's firm action and effective measures and the 20-point programme launched on July 1, 1975 had a dramatic effect on the health of the nation, that diffidence and apathy have given place to confidence that we can face our problems successfully if we are disciplined and united and do not allow our energies to be frittered away.

*The following Members also recorded their votes:

AYES: Shri E. H. Mohsin and Dr. Govind Das Richhariya.

NOES: Shri Sarjoo Pandey.