

the estimated loss or profit for 1983-84 ?

MR. SPEAKER : Is that relevant to this question ? He might not be having the figures.

SHRI KRISHNA CHANDRA HALDER : Then what is the need of production if he does not have the statistics of loss or profit. He is going to reply, Sir.

MR. SPEAKER : He will need another question to get the statistics. It is the question of statistics. You put another question, he will give you the statistics.

SHRI VISHWANATH PRATAP SINGH : Sir, the loss in 1980-81 was Rs. 20.53 crores which went up to Rs. 69.51 crores in 1981-82 and is estimated to be Rs. 96.34 crores in 1982-83. So far as 1982-83 is concerned, the loss in March has come down. As against the provisional loss of Rs. 812 lakhs in January 1983 and Rs. 820 lakhs in February, 1983, the tentative results for March, 1983 put the loss at Rs. 762 lakhs for nationalised mills. The reduction in losses during March, 1983, compared to February, 1983, work out less by Rs. 58 lakhs. So, we hope that the losses will be reduced in 1983-84.

SHRI K. RAMAMURTHY : Sir, I would like to know whether the Minister is aware that large sums of money going to the workers in their provident fund accounts is yet to be paid by the nationalised NTC mills since the time of the erstwhile employers. It is forming part of the huge arrears on account of provident fund. So, I would like to know whether the Minister is aware as to how they are going to contribute this provident fund to the respective accounts of the workmen ? If they have not taken any steps...(Interruption). It is their hard earned money...(Interruption).

MR. SPEAKER : You are a very wise man, you can put another question if you like to have the answer. There is no hinderance to that.

SHRI K. RAMAMURTHY : I can put but Sir this is a very alarming question. Everybody knows that their Provident Fund Accounts have not been settled so far.

MR. SPEAKER : Then why don't you put another question ?

SHRI E. BALANANDAN : The Minister was referring in his answer that more workers are coming in the Bombay mills. While he has taken charge of this portfolio, we heard that he has taken certain steps to resolve the Bombay strike. We are yet to hear what is the result of his attempts to settle the Bombay strike.

MR. SPEAKER : That does not pertain to this question.

SHRI E. BALANANDAN : He made a reference, that is why I have put this question.

MR. SPEAKER : But you can put another question.

SHRI A.T. PATIL : Sir, may I know that the production in 1982-83 had been affected by factors other than the strike, which are pertinent to the managerial deficiency as well as the mechanical difficulties, and if so, what action did the Government take to improve the functioning of the textile mills ? I am talking of the production...(Interruption).

MR. SPEAKER : Just for the sake of supplementary you should not try to poke up something.

#### Payment of Commuted Pension to Ex-Servicemen

\*816. PROF. NARAIN CHAND PARASHAR : Will the Minister of FINANCE be pleased to state ;

(a) whether the Supreme Court has upheld its earlier judgement delivered on 17 December, 1982 regarding the payment of commuted pension to ex-servicemen including the increase granted in 1979 irrespective of the date of retirement, thus striking down the existing disparity in the rates of pension ; and

(b) if so, the action taken by Government in the light of the Supreme Court decision and the likely date by which it would be implemented ?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI PATTABHI RAM RAO) : (a) The main issue before the Supreme Court was whether the grant of liberalised pensionary benefits

to those who retired on or after 31.3.1979 involved any illegal discrimination against those who had retired before that date, and did not relate to payment of commuted value of pensions to ex-Servicemen. The Supreme Court, it is reported, has upheld its earlier judgement that the benefit in question should be given to old pensioners also. The copy of judgement in respect of the Review Petition has, however, not been received so far from the Supreme Court of India.

(b) Further action will be taken on receipt of a copy of the judgement from the Supreme Court of India.

SHRI ATAL BIHARI VAJPAYEE : Sir, I am on a point of order. The Minister has tried to mislead the House. The Supreme Court rejected the review petition. It did not deliver any judgment. (*Interruption*). What copy is he waiting for ?

MR. SPEAKER : No point of order during Question Hour.

SHRI ATAL BIHARI VAJPAYEE : Will you allow him to mislead the House ?

PROF. MADHU DANDAVATE : This is the fundamental right guaranteed by the Constitution.

MR. SPEAKER : I think he will put the same question.

PROF. NARAIN CHAND PARASHAR ; Sir, the sanction of liberalised pensionary benefits was ordered during the days of the Janata Party Government. The basic mistake was put in then that it should have been granted irrespective of the date of retirement, but the date of retirement was fixed during those days as 31st March 1979. So the whole thing has been distorted because of this earlier order. So, may I know from the hon. Minister for Finance, through you, Sir, that since our congress (I) Government is wedded to relieve the lot of pensioners including ex-Army personnel, how long it will take or what is the likely period by which the Government would take a decision in this matter after getting the copy of the Judgment ?

DR. SUBRAMANIAM SWAMY :

When we come back to power, we will rectify.

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE) : I would like to make one point clear. (*Interruption*). It is not a question of change of Government. As I mentioned on an earlier occasion also when I got the Judgment in December, we are interested in the matter of pensioners and we are prepared to extend the facilities to the pensioners. The Review Petition which was filed was relating to certain aspects on which we thought that a fresh look is necessary by the Supreme Court. The Supreme Court in its Judgment has rejected that review petition. So far as the main judgment is concerned, when it was made available to us in December itself, the hon. Members will recall that we reacted to it saying that we are going to respond to it.

In regard to the actual time schedule by which we will be in a position to disburse, it will take some time, but the hon. Member would appreciate that even in this year's Budget, when the review petition was pending, I made some allocation under the head of the pension keeping in view the additional commitment of Rs. 252 crores as per the present calculation—I do not know actually what would be the calculation because the hon. Members would appreciate that the number of pensioners covered from 1972 onwards would be about 11 lakhs. Therefore, to prepare the records of these 11 lakhs of persons and to extend the benefits to them is a time-consuming process, but the intention of the Government is quite clear when I made the provision in the Budget itself taking into account the approximate requirement to the tune of Rs. 254 crores as arrears and Rs. 50 crores would be recurring expenditure on this Head alone from the current year.

SHRI SUNIL MAITRA : Did you anticipate rejection by the Supreme Court ?

SHRI PRANAB MUKHERJEE : No, I did not anticipate the rejection, I would like to make it quite clear.

I did not contest the main part as to whether it would be given to the employees or not. On certain issues I do feel, because

the issues are very simple, we cannot have any fiscal policy. Today it is Rs. 254 crores. If suddenly it comes that we will have to meet a commitment of Rs. 50,000 crores, it is possible? Is it possible for any Government to meet the first liability? It is a question of principle. It may be Rs. 24 crores or Rs. 25 crores or Rs. 250 crores. But if as a result of the judgment any Government is placed in a situation that they are to meet a liability of Rs. 50,000 crores, is it possible?

**SHRI ATAL BIHARI VAJPAYEE :** It is not Rs. 50,000 crores.

**SHRI PRANAB MUKHERJEE :** No, that is the question of principle.

That is the question of principle—in fiscal policies can you give a judgment which will have retrospective effect? From where will you get money?

**PROF. NARAIN CHAND PARASHAR :** I am glad to know that the provision has already been made in the budget in this regard. Whereas, the Supreme Court judgment relates to the entire gamut of the pensioners—Army and Civil. The resentment is particularly in the minds of ex-servicemen. So, the question of reducing disparity has already been engaging the attention of the Government. The hon. Defence Minister has also been stating in the Ministry of Defence debate that steps are being taken to reduce disparity as and when possible. In view of this may I know from the hon. Minister, would the gradual removal of disparity in the case of ex-Servicemen be hastened because of this judgment?

**SHRI PRANAB MUKHERJEE :** Apart from this judgment, the hon. Member should appreciate that almost in every Budget from 1980-81 onwards, we have given some facilities to the pensioners. It may not be up to the expectation of the pensioners. But from the Budgets of 1981-82, 1982-83, including current year's budget, it will be found that there is increase. The increase may be nominal. But Government's attitude is quite clear from the treatment. We are making provision in the Budget proposals. It is relating to civil and military personnel.

**SHRI ATAL BIHARI VAJPAYEE :** The Supreme Court gave its judgment on 17th December, 1982. It was in favour of those who had retired on or before 31st March, 1979 or some such date. Instead of implementing that decision, the judgment of the Supreme Court is the law of the land—Government decided to file review petition. It was heard in the Chamber, the petition was circulated to the judges. It was dismissed. It was one line decision. No new judgment was delivered. But the Minister says that the Government is waiting for the new judgment. The old judgment stands.

**PROF. N.G. RANGA :** That is why review petition has been filed.

**SHRI PATTABHI RAMA RAO :** We must have got the copy.

**SHRI ATAL BIHARI VAJPAYEE :** Judgment was delivered four months back. You have come with the plea now. Have you instructed your advocate to apply for a copy of the new judgment? It has not been done so far. I am in daily contact with the Registrar. I know there are difficulties. You have to find out money. But do not mislead the House. I would like to know from the Finance Minister why did you file the Review Petition? Now that the Review Petition has been rejected, are you in a position to indicate the time limit? (*interruptions*)

**SHRI K. LAKKAPPA :** Should we not work for a review wherever we find reasonable? All judgments are not final.

**SHRI ATAL BIHARI VAJPAYEE :** I am prepared to recommend to the Prime Minister that Shri Lakkappa should be made Minister or atleast a Deputy Minister. I do not know whether my recommendation will become a qualification...(*interruptions*)

You know, more than one million pensioners are effected. Some of them are dying every day. Their number is being reduced. I would like to know from the Finance Minister, is he in a position to indicate some time limit by which the Government will make up its mind and the Liberalised Pension Rules will be applied irrespective of whether they retired in 1979 or before that?