more every day mean sitting from 5 to 6 or from 6 to 7?

Mr. Speaker: From 6 to 7; we are already sitting till 6.

Shri H. C. Mathur (Pali): I have to point out one thing in this Business Advisory Committee Report, that nothing has been said about Private Members' Resolutions and Motions. I have tabled two motions—two No-Day-Yet-Mentioned Motions. I want to know whether any consideration was given to these.

Another thing to which I desire to draw attention is this. The hon. Minister of Parliamentary Affairs just now mentioned that certain measures will be considered. He also mentioned the Copyright Bill, while the Business Advisory Committee allots no time for it. May I know how this will be clarified?

Shri Satya Narayan Sinha: If there is time left over that will be taken up; otherwise, not. Sometimes business collapses earlier than the time allotted. So, we always make such a provision.

Shri H. C. Mathur: We are now approving, as a matter of fact, two things which are contradictory. The Business Advisory Committee makes no provision for the Copyright Bill and I would like to say that we should not be rushed through business like this. As a matter of fact, there is a great demand that the General Budget should be discussed for a longer time. We have been allowed no time in the discussion on the President's Address and most of the Members are anxious to have their say in the matter of the General Budget. Some of these Bills can be held over.

Mr. Speaker: There is no inconsistency between the two. The Government can always say: We can try to have as much work done as possible. When once they indicate that a Bill should also be taken into consideration here, it goes before the Business Advisory Committee to say what time is to be allotted for it.

Shri H. C. Mathur: The Business Advisory Committee has already taken into consideration everything and they could not find time even for the business which has been mentioned in the agenda.

Mr. Speaker: I am surprised at this. What is the difficulty? Time permitting, many things also can be done. Is even such a statement improper? No, no.

The question is:

> "That this House agrees with the First Report of the Business Advisory Committee presented to the House on the 23rd May, 1957."

The motion was adopted.

LIFE INSURANCE CORPORATION (AMENDMENT) BILL

The Minister of Finance (Shri T. T. Krishnamachari): Mr. Speaker, I beg to move that the Bill to amend the Life Insurance Corporation Act, 1956, be taken into consideration.

Shri Bharucha (East Khandesh): Sir, I rise on a point of order. He is moving consideration of the Bill and before it is considered I raise this point or order. Notice of a resolution disapproving the Ordinance has been given by me and admitted by you on 7th May. The question is this: whether, in view of the pending resolution under articles 123 of the Constitution inviting this House to disapprove the Ordinance which is sought to be replaced by this Bill, can this Bill be proceeded with, thereby depriving this House of its constitutional right to give a clear verdict disapproving the Ordinance.

[Shri Bharucha]

If we turn to article 123, it says:

> "An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance
>
> (a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions....."

In view of that pending resolution under this article inviting the House to disapprove this Ordinance, can this Bill be proceeded with, thereby depriving the House of its constitutional right to give a clear verdict disapproving the Ordinance?

The second point arising out of that would be this. Can a resolution, notice of which is given under article 123 be subjected to the operation of rule 28 of the Rules of Procedure for determining the relative precedence of private Members' resolutions? Under that rule, the resolutions of the private members are subjected to a ballot for determination of the precedence. Can the constitutional right of this House to disapprove the Ordinance be restricted or bye-passed or rendered nugatory by the resolution of disapproval being subjected to the vicissitudes of a ballot?

Mr. Speaker: The resolution, the hon. Member says, has been admitted. Therefore, this point raised by the hon. Member is purely academic.

Shri Bharucha: But it comes so late that there is no chance of its being taken up. That is the point.

Perhaps the hon. Finance Minister may contend that, if the House rejects this Bill, it is tantamount to disapproval of the Ordinance. I submit that it is not the logical conclusion that can be drawn because the Bill may be rejected for more reasons than mere disapproval of the Ordinance. Secondly, there may be cases in which the Government may not come to this House at all for getting the Ordinance passed into an Act because its purpose might be served by the particular Ordinance within its lifetime. Then, this House will never have an opportunity of discussing it. It may be that the Government may choose not to come to this House for reasons of its own. So, the constitutional right of the House cannot be made dependent on the whims and vagaries of what the Government will do or will not do.

It may also be argued by the hon. Finance Minister that the Rules of Procedure are there and if my resolution disapproving the Ordinance comes automatically within the mischief of that rule, then I must abide by the consequences. I submit that it is not the case. If the Chair holds that my resolution can be subjected to rule 28, my submission would be that this hon. House is not legislatively competent to enact such a rule. In support of that, I may cite a case law where the Supreme Court considered a similar question. The issue was, could the petitioners for a high prerogative writ go to the Supreme Court directly under the constitutional right given to them by the Constitution, or could the Supreme Court make rules requiring the petitioners first to go to the State High Court and thereafter come to it. There the Supreme Court held that by virtue of its rule making powers it could not subject an unfettered constitutional right to certain fetters and make it subject to some sort of cumbersome procedure whereby the petitioners' right is either reduced, mitigated or detracted from.

Taking that analogy, I submit that whenever a private Member gives notice of a resolution under article 123 that particular resolution has to be treated as a statutory resolution, and not be lumped up with ordinary resolutions, because a constitutional

right is given under article 123 to an hon. Member to move that resolution. There is no constitutional right given to every Member to move resolutions on every other subject. That right is given to him by virtue of the rule. Therefore, a distinction has to be made between resolutions which are given notice of by Members by virtue of a particular constitutional right, and those resolutions which come ordinarily before the House.

I submit, Sir, that in case the Chair feels that perhaps the programme of business might be upset, conditionally the Bill be proceeded with the First Reading and Second Reading stages, and before a vote is taken finally at the Third Reading stage, this particular resolution of which I have given notice must be taken up by the House and the House must be given an opportunity to pronounce unequivocally upon the Ordinance whether it approves or disapproves of the Ordinance.

Shri T. T. Krishnamachari: The position, Sir, as my hon. friend opposite understands it, is completely wrong. So far as this article is concerned, the right of a Member to move a resolution is a contingent right. The facts have been stated by my hon. friend himself. It is quite likely that the Government might pass an ordinance and the ordinance might serve a temporary purpose. Then, the purpose having been served, the ordinance having lapsed, they might not come before the House, when the House will be entitled to pronounce an opinion on the ordinance, which is being now sought on the Bill.

As he himself envisaged, if the House rejects this Bill, well, it has expressed itself in clear terms that it does not approve of the Ordinance. It is quite possible for the House even in this particular Bill where there are one or two provisions not relating to the Ordinance, to pass those provisions and reject the major provisions which relate to the Ordinance. The purpose served by a resolution would then have been served, namely, the House would have expressed its disapproval in unequivocal terms on the passing of the Ordinance.

But, so far as this particular right is concerned, it is merely intended to safeguard the rights of Members, a right by which they have to disapprove all actions of Government using the ordinance-making powers. If it happens that an ordinance has served a temporary purpose, the lapsing of that ordinance does not make it obligatory on the Government to bring it before the House.

I submit, with all the emphasis that I can command, that the purpose of this particular provision in the Constitution is only intended for this and no other purpose. My friend cannot claim a right to disapprove in a particular manner all the actions of the Government. Well, that right is there inherent; he can move a vote of no-confidence in the Government. But, so far as a particular measure is concerned, the disapproval is equal in its force whether it is done by means of rejection of a Bill or rejection of that portion of the Bill which pertains to the Ordinance, or by means of a resolution.

So far as this matter is concerned, the initiative is for the Government to introduce a Bill sufficiently early. Then we are giving the House an opportunity to explain its position. If, on the other hand—as I have said before, my hon. friend has also pointed out that—we fail to exercise the initiative, because it suits us not to exercise the initiative, then it is open to my hon. friend to ask for a resolution.

So far as this question, whether a private Member's resolution is of greater importance, is concerned, I have no opinion to offer. It may be, so. I will even concede that, if the Government does not do its duty of bringing forward a measure and getting the approval of the House, the hon. Member opposite or any private Member would be entitled to ask for

[Shri T. T. Krishnamachari]

priority for his resolution, so that they can express their disapproval of the action of the Government. I am perfectly certain that I should, on my part, concede that right. All that my hon. friend can possibly do will be done by discussing this Bill. Therefore, there is no point in my hon. friend importing a meaning different from what was given to this particular article under the Constitution and claiming a right which in point of fact has absolutely no validity, if he can exercise that right in a manner, the ordinary manner, obtaining under the usage, law and custom of Parliaments all over the world. I, therefore, beg to submit that the point of order has absolutely no force and must therefore be rejected.

Pandit Thakur Das Bhargava (Hissar): The point which has been raised by my friend Shri Bharucha, to my mind, has got no force at all. First of all, he must point out a rule that when a resolution is placed before the House, then, no legislation is possible on the subject-matter of that resolution. In the present case, an ordinance was issued and the Government has come as soon as possible before the House to get that ordinance passed by this House.

Now, if there is a rule that as soon as a resolution was placed before the House, then, the Government's hands should be tied and the Government should not be allowed to proceed with the subject-matter of the resolution, then, I can understand. There would have been some force in the point of order. Otherwise, I know of no rule in which, if a resolution is brought on a particular subject, then, legislation on that subject is tabooed. There is no rule like that.

Secondly, so far as the question of the resolution is concerned, I am yet to see that there is any difference between one resolution and another, between a resolution on which it is statutorily provided that such a resolution can be moved, and another resolution. To my mind there is no difference between a resolution and a resolution. The resolutions have to take their turn and whenever it comes before the House for discussion, it will be discussed in the House. There is no such rule providing that a resolution on a matter which is the subject-matter of some statute, etc., must be given precedence over other resolutions unless from the nature of resolution it should be allowed to be moved within the time allowed by any law or rules on the subject.

On the contrary, I can understand that if there is legislation on a particular subject pending, is being proceeded with the resolution concerning it may or may not be allowed to be moved. But if there is a resolution, then, I cannot understand that no legislation should be proceeded with on that subject. On this assumption, I should think that if a person gives a notice of a resolution and the resolution does not come forward in the House in one session or the next, it does not mean that no legislation on the subject-matter of that resolution is possible. I think such a rule will be preposterous. So far as I know there is no such rule in our rules of procedure. I therefore submit that this point has no force.

Several Hon. Members *rose*—

Mr. Speaker: Is it necessary to have a lengthy argument over this matter? I am not going to allow a huge debate on this point of order. It is enough if the hon. Members make their points, 1, 2, 3, etc. Of course, such a point has come up for the first time here, and so I have allowed Shri Bharucha to make his point.

Shri Pattabhiraman (Kumbakonam): I just want to explain one point. My hon. friend will not be helped by the ruling that he quoted the ruling of the Supreme Court. It is under article 32 of the Constitution. My friend said that it is a decision of the Supreme Court referring to its rule-making powers.

What actually happened was this. The then Chief Justice, Justice Patanjali Shastry, said in Romesh Thapar V the State of Madras—that was the case—that the right to move the Supreme Court itself was under Part III of the Constitution dealing with fundamental rights, that are guaranteed under the Constitution. That is what he said. So, there is the right to go to the Supreme Court itself one of the fundamental rights guaranteed under the Constitution. It was, therefore, a case of fundamental rights contained in Part III of the Constitution.

Mr. Speaker: What he merely says is that when a constitutional right is provided for any rule which imposed a restriction on the constitutional right, that rule will be contrary to the rights guaranteed, and it will be *ultra vires*. For that purpose, he says that under article 123 of the Constitution, a right is given to a Member to table a resolution and then get it passed in this House, displacing the ordinance. Now, to *hem* it with restrictions and asking it to be brought under the ballot and so on, he says, may be *ultra vires* of the Constitution. He further says that the right ought to be unhampered and ought not to be taken away indirectly by the passing of a Bill or the introduction of a Bill. I think I have heard enough about this point.

Shri Sadhan Gupta (Calcutta-East): I would submit that Pandit Thakur Das Bhargava, who supported the Minister, was wrong. Pandit Thakur Das said that there is nothing in any law to suggest that a resolution contemplated by article 123 should have precedence. I would submit that article 123 itself is warrant for this proposition that it must have precedence, because the resolution under article 123 must be passed in the session of Parliament coming after the promulgation of the ordinance. Otherwise, it ceases to have any meaning at all. If the resolution is passed in the next session, as soon as that resolution is passed, that ordinance loses its force. Otherwise it continues in operation till 6 weeks after the session of Parliament begins. So, that resolution is intended to scotch the operation of the ordinance before the life-time allowed for it under the Constitution. Therefore, when a resolution under article 123 is tabled, it must be given precedence and the House must be allowed an opportunity to have the ordinance annulled as soon as possible at the earliest opportunity.

If on the other hand this resolution has the weight of the ballot, then the resolution may not come up during this session, because it may not come in the ballot at all, and the whole purpose of article 123 will be defeated. Regarding the Minister's statement that the disapproval of the Bill is tantamount to passing of such a resolution, that is also not a fact. If the Bill is not passed and is thrown out, yet the ordinance will last its life of six weeks after the reassembly of the Parliament. On the other hand, if a resolution disapproving the ordinance is passed, it will go out of existence; it will be annulled the very moment the resolution is passed by Parliament.

Therefore, the two things are different. The resolution should have precedence and should be discussed in this House. The resolution should have precedence over a Bill on the subject.

Shri T. T. Krishnamachari: The point that my hon. friend elaborately made is one which might look legally acceptable. But, according to constitutional conventions, article 123 (2) (b) says "may be withdrawn at any time by the President" and so, if it happens that the Bill is thrown out, it is obligatory under the conventions of the Constitution for the President to withdraw the Bill. So, there is no question of there being any lacuna, so far as the fate of the Bill is concerned and I think it is only a verbal distinction that my friend seeks to make; I think my contention still holds good.

Shri Sadhan Gupta: This point of the hon. Minister is wrong. . . .

Mr. Speaker: I am here to decide. Can we go on and have an endless discussion on this point? There is no meaning in it. The hon. Member practises in the Supreme Court and he is not given so many opportunities to get up, as soon as the reply is given.

Shri Sadhan Gupta: It is a new point.

Mr. Speaker: The question is, is there really any force in this point of order? Firstly, it is true that when once an ordinance is promulgated, it has to be placed on the Table of both Houses of Parliament soon after Parliament assembles and it expires at the end of six weeks or even earlier if a resolution disapproving of it is passed. Is the Government, which gets the ordinance promulgated, if it is known that the ordinance should continue for a longer time, to keep quiet without bringing a Bill, or wait until the period of 6 weeks or until the last day or one or two days before the expiry of 6 weeks, so that a Resolution may be tabled with the expectation that the House may be induced to pass a Resolution disapproving it at an earlier date? It has to wait until the expiry of 6 weeks and then bring forward a Bill.

Is there any prohibition in the Constitution against bringing a Bill? The bringing of a Bill before the House is one of the rights conferred under the Constitution. Is that barred? Therefore, a Bill can be introduced in the House as soon as the Ordinance is placed on the Table of the House, after the Houses reassemble.

The further question is whether a Bill which can be introduced—and there is no prohibition in the Constitution—ought not to be taken up until the Resolution is disposed of. We will assume that the Resolution is disposed of some time. Of course, unless it is disposed of within six weeks, it will have really no effect. After 6 weeks, if it is disposed of, by lapse of time, the Ordinance lapses; there is no purpose in it. What is there in the Rules or in the Constitution which says that once the Bill is introduced in the Parliament, the Resolution must be taken up first and not the Bill? Nothing. This has to be disposed of on general grounds only. On the Bill, one has got a greater opportunity to discuss this matter than even on a Resolution. Hon. Members may say whatever they have to say from all points of view, whether the Ordinance should be passed at all or in what respect it should be improved and so on. After all, the Bill is only an extension of the Ordinance. Whatever can be said on a Resolution, to throw out or disapprove the Ordinance, possibly all the arguments can be made out here. Nevertheless, there is nothing to prevent the House from exercising its right which has been conferred under the Constitution. In these circumstances I do not think that this House is not competent to proceed with the Bill as it is.

So far as the ballot is concerned, I will reserve my ruling, as to whether it ought to be taken into the ballot. As at present advised, to ask that when a Constitutional right is given, it need not get into the ballot is a proposition for which I feel a justification. If this is pressed, I will see after this matter is disposed of one way or other. If this Bill is thrown out, then only it will arise. There will not be any need for the Resolution if the Bill is passed. The Resolution will be barred, and therefore, that question will not arise in this Session, anyhow. If once again it comes, I will give a ruling so far as that matter is concerned, *viz.* whether the resolution can be tabled under article 123 and whether it should also come along with the other Resolutions for ballot. I rule out this point of order. The Bill can go on. The hon. Minister may proceed with his speech.

Shri T. T. Krishnamachari: Mr. Speaker, as hon. Members are aware, the Life Insurance Corporation came into existence on the 1st September, 1956. It merged in itself about 240 former insurance companies and provident societies. The integration of these various units into the Corporation has presented a number of problems; some of them very intricate and difficult. One of the first problems that faced the Corportion was the integration of the various groups of employess of the different insurers into one common set up under the Corporation. When one talks of a common set up, one naturally thinks of all members of the set up being governed by uniform rules, made uniformly applicable to them. The Corporation, therefore, announced a set of pay scales and other conditions of service applicable to all the staff. At the same time, however, the Corporation was anxious to avoid any hardship to the employees, who have been taken within the fold of the Corporation from the various Companies. It was made categorically clear that the emoluments of the employees of former insurers, who came into the Corporation on the 1st September, 1956, would be safeguarded and that the scales prescribed by the Corporation would in effect apply only to new entrants. By and large the scales proposed by the Corporation were not unreasonable, and had the approval of the Government. The matter was, however, taken to the High Court at Bombay by one of the employees' associations, and the Court ruled that the powers of the Central Government under section 11(2) of the Act were confined to altering the terms and conditions of service only in respect of remuneration and that in terms of the Act, as it stood, the Government were not empowered to alter the terms and conditions of service other than those relating to remuneration. This created an awkward situation for the Corporation in so far as compliance with the Court's decision would create a situation of utter confusion, with each single employee having the right to have in entirely his previous terms and conditions of service in operation. It was not as if these rights were of a fundamental character because as I have said earlier the actual pay which each employee received and was entitled to receive till the date of his retirement along with gratuity and retirement benefits was guaranteed by the Corporation; in fact those employees whose scales of pay with their former employees were less favourable than the Corporation scales were entitled to opt for the latter. In this manner one-fifth of the total number of employees stood to benefits while the rest lost nothing by way of pay or gratuity or provident fund, etc. But it was the other terms and conditions of service which were the cause of the difficult situation in which the Corporation found itself after the judgment of the Bombay High Court. With the best will in the world it was not possible for the Corporation to allow these varying terms to all its employees as I shall just explain, and carry on as a business organisation.

It has been admitted on all hands that in a transition of this type, from two hundred and forty odd private insurers, each with its own set of conditions of service for its employees, to a single corporation with a common establishment, it was necessary for the Corporation to evlove conditions of service for its employees, which would be uniformly applicable. Apart from major matters like pay scales, provident fund and other retirement benefits and leave benefits, even in such matters as hours of work, retirement age and amenities, there were considerbale variations. For example, one insurer observed the working hours of 9 A.M. to 5 P.M., another observed the hours of work from 10 A.M. to 5 P.M. and a third observed the hours of work from 10 A.M. to 6 P.M. In the matter of retirement some companies retired their men at 55, some at 60 and some at 65, A few companies had not prescribed any retirement age at all. Some companies provided free lunch some free tea to their employees, while many others did not.

[Shri T. T. Krishnamachari]

On occasions of festivals, like Diwali or Puja, it was the practice of some insurers to make presents in kind or cash to their staff. In the matter of medical benefits, medical attention was provided in a few companies, while some others permitted even cash conversion of medical benefits.

I have recounted only some of the items. It will be well nigh impossible to make out an exhaustive list since even practices sanctioned by convention can also be covered by the term 'conditions of service'. It would obviously have been administratively impracticable to continue such a variety of terms and conditions after the Corporation came into existence. While variations in actual scales of pay etc. create no serious difficulties, there has to be a measure of uniformity in other conditions of work for staff working side by side, and for a common employer; there could be no justification for differentiating between one set of staff from another in these matters. In fact, it would be impossible to do so. And after integration, most, if not all, offices contain staff at different levels drawn from more than one insurance company.

It thus became necessary to amend section 11(2) of the Act to empower Government specifically to alter, if necessary, all the terms and conditions of service of the employees of the Corporation. The High Court, while holding that section 11(2) did not confer upon Government the powers to make such alterations also ruled that the Corporation should desist from enforcing the rationalised pay scales and conditions of service. The logical step following the High Court's decision would have been for the Corporation to apply to each one of its employees the terms and conditions of service which had been assured to him by his former empolyer, a task, which would have been well nigh impossible, unless we proceed to disintegrate them separate organisations according to the terms and conditions enjoyed by them. This, as I said earlier, would have created an impossible situation and nothing but confusion would have ensued which would have profited none but have brought about a set-back in the business side of the Corporation, and thus eventually caused a loss to many, including the employees. It thus became necessary to promulgate the Life Insurance Corporation (Amendment) Ordinance, only because there could not be permitted a period of uncertainty and, therefore, of confusion regarding the situation arising out of the judgment of the Bombay High Court. Clause 2 of the Bill seeks to continue the provisions of the Ordinance.

Hon. Members are by now, no doubt, aware that there have been negotiations between the authorities of the Corporation and the empolyees' associations and satisfactory scales, etc, have been evolved for the Corporation employees, resulting in an approximate extra, annual expenditure to the Corporation of nearly Rs. 50 lakhs. That the previous proposals did not satisfy the employees is a fact which is now admitted. I believe all sections of the employees have enthusiastically welcomed the details as well as the spirit underlying those new proposals.

I may give the House some of the important features of these new proposals. They are: one, all clerical employees will be on one grade starting at Rs. 75 and going up to Rs. 325 in 25 years. This scale is applicalbe to the employees at all its offices. That is to say, we have distinction that obtained in certain companies between employees in cities and employees in other towns with lesser population. For new entrants, the Corporation gives a lower maximum of Rs. 270 to be reached in 23 years. In the previous scheme there were two scales, one from Rs. 55 to Rs. 220 and the other from Rs. 90 to Rs. 300 with additional compensatory allowance for certain cities.

The maximum of the scale for the lower grade staff has been improved from Rs. 60 to Rs. 95. The dearness allowance scale has been improved by increasing the dearness allowance from Rs. 40 to Rs. 45 for salaries up to Rs. 50. Wherever the dearness allowance scale was lower than the Corporation scale, then the dearness allowance would be increased to the appropriate figure without affecting the basic pay, if such increase is less than Rs. 25. In other cases the basic pay will be reduced only to the extent of one-half of the excess of this increase over Rs. 25. In the clerical grades alone there will be about, 4,000 persons who will benefit by this arrangement.

The above scales of pay and dearness allowance will completely replace all the varying scales in force in the erstwhile insurance companies. Employees whose scales were better may, however, elect to remain on their old scales. This option will be particularly valuable to employees who are already above the maximum of the Corporation grade or somewhere near maximum and the existing grade would carry them to a higher maximum.

All employees who are fitted in the new grades will get an increase of Rs. 10 in the case of clerical staff and Rs. 5 in the case of inferior staff before being fitted in. Employees with long service will be fitted in on the basis of the minimum of the grade plus one increment for every two years of them. I would like hon. Members to mark this particular change. The original arrangement was to give one increment for every three years. That is the period that we had come to at the meeting that took place between the Corporation authorities and the employees, the one which I joined towards the close of the negotiations. But even the present formula will not satisfactorily deal with such cases. I felt that in the case of many companies where the salaries were low, it would operate against the interests of the employees, and therefore the change was made primarily for that reason—though I claim no credit for it.

In some of these matters I have gone further than what had been accepted as satisfactory by the employees' representatives. For instance, in the case of persons with a low dearness allowance, I was keen that the full dearness allowance on the new scale should be allowed without any reduction in the basic salary. But I was told then by the employees themselves that this would create an anomalous situation, as in many cases an employee's fixed salary had a compensatory element in that salary which compensated for the refusal of dearness allowance. So the final formula was an improvement on what had been agreed upon between the Corporation and the employees. Again, in the matter of grades for the subordinate staff, I had myself suggested a maximum which is considerably higher than what prevailed in any of the erstwhile major insurance companies excepting one.

I may say here this settlement with regard to the pay scales means in effect an increase of about Rs. 50 lakhs per year to the present total wage bill of Rs. 432 lakhs, and as the years go by, the annual increase in the wage bill will be higher than what it was before because of these higher rates of pay.

These negotiations could have taken place earlier. I believe that I did mention in the last-but-one session of Parliament when my hon. friend opposite, Shri Sadhan Gupta, raised this question, that I would personally negotiate this matter and see if I cannot arrive at a settlement. I had indicated my willingness at that time to have the matter reviewed. But a section of the employees chose to go to court and I had, therefore, reluctantly to intimate to them that negotiations should wait until the court had pronounced its opinion. Hon. Members will, there-

[Shri T. T. Krishnamachari]

fore, appreciate that it has never been the intention of the Corporation or of Government to act unreasonably or arbitrarily. But negotiations apart, and even if there is general agreement, it would still be necessary for the Government and the Corporation to take the powers sought now in clause 2 for rationalising the pay scales of the employees of the Corporation with a view to securing uniformity in the conditions of service applicable throughout India to the staff of the Corporation. Section 7 protects the action already taken by the Government.

Clause 3 seeks to make the Corporation responsible for the issue of licences to its agents for procuring business on its behalf. The normal procedure under the Insurance Act of 1938 was for the prospective agents to apply to and obtain from the Controller of Insurance the licences necessary for procuring insurance business on behalf of an insurer. Hon. Members will surely appreciate that as the Corporation is now a government-owned Corporation, there will no longer be any need for this procedural formality to be continued. The amendment is intended to secure more expeditious working of the Corporation.

Clause 45 of the Corporation Act, as it stands at present, enjoins on the Administrator appointed to manage the affairs of a composite insurer to take steps in the prescribed manner, as soon as may be practicable after commencement of the Act—

(a) to transfer the assets and liabilities pertaining to the controlled business of the insurer to the Corporation, and

(b) to vest the management of the affairs of the insurer in respect of another kind of business in the persons entitled thereto.

There are two composite insurance companies now for the management of whose affairs an Administrator has been appointed. These two companies are in the midst of prolonged litigation as a result of alleged misappropriations which came to light and matters regarding which are *sub-judice*. Section 45 was intended to cover these two companies as the provisions in the Act applicable to other insurers could not with convenience be applied to these, and since it was considered not feasible to vest the controlled business of these companies in the Corporation on the appointed day. The manner of transfer, prescribed by the rule which was made under this section, was that every transfer by the Administrator under clause (a) of section 45 of the Act should be made in pursuance of an agreement between the Administrator and the Corporation. The question was recently examined by the Solicitors of the Companies and the Ministry of Law, and it was found that the transfer of the controlled business to the Corporation by means of an agreement would create serious problems, especially in connection with the agreements between the companies and third parties. The opinion was also expressed that the benefits of sections 11, 12, 15, 16, etc. would not be available in such cases on transfer of the controlled business of these two insurers to the Corporation. An amendment is, therefore, being proposed to the Act for insertion of a new section in place of section 45 of the Act. Under the proposed section, the Central Government may notify a date on and from which the controlled business of the composite insurers for whom an Administrator has been appointed will vest in the Corporation and when the notification is issued, all the provisions of the Corporation Act, namely, section 7, 8, etc., will apply to these companies as they apply to other insurers so that the transfer will be exactly in the same way as in the case of insurance companies which were taken over by the Corporation on the appointed day.

Clause 6 of the Bill seeks to introduce a minor amendment in order to enable the Corporation to make rules and regulations also for the employees who were taken over by it from the former insurers on the appointed day.

I would, in conclusion, like to say a few words in regard to the Corporation's affairs generally. The recent settlement effected with the employees is a measure, if I may venture to submit, of my own personal anxiety to end the unfortunate stalemate over the salaries of the employees. I have recalled earlier the financial effect of the settlement. Despite the warning about the effect of such additional burden on the Corporation, I took upon myself the responsibility for the decision and the settlement was effected. I did this as I was anxious to see that a fair deal is given to the employees of the Corporation. I hope that they, in their turn, realise the importance of the task they are performing, that in harnessing the savings of the nation, they realise they are indirectly participating in the proud though formidable task of national reconstruction. I hope that by providing prompt and satisfactory service to the Corporation's policy-holders, they will build up the Corporation and also themselves.

To the hon. Members of this House, I would say this, that I am devoting personal attention to some of the problems of organisation facing the Life Insurance Corporation, I have, of late, given much thought to the details of this thorny and vexed problem. My analysis leads me to the conclusion that it may become necessary to make some alterations, perhaps even some of a radical character to improve the Corporation's efficiency. I consider, for instance, that there are certain superfluous tiers in the organisation which require to be eliminated. There should be direct contact between the Branch officers, who are the real producers of business and the Central office which is responsible for the formulation of policy and other intermediary offices should be only of a supervisory character. There is nothing new in this. Prior to nationalisation, there was a growing tendency amongst insurers to decentralise many of their functions. In a few cases, branch offices were accepting proposals, issuing policies and granting loans, and settling agents' commissions, etc. The Head offices functioned merely to collect data for compiling their statistics and accounts and dealing with the funds of the company If decentralisation was found advantageous to insurance companies in the past, it must be equally beneficial in the case of a nation-wide institution such as the Corporation is today. I want that in course of time, if not immediately, the Branch offices of the Corporation should handle everything in relation to the policy-holders and agents and the Central office should be made a policy making, accounting and actuarial centre. There should, in my opinion, be very few intermediary authorities and even those that are should be either for supervision or co-ordination only.

I would like further to state that the investment of the funds of the Corporation, as it is now managed, does not seem to be eminently satisfactory. I am, therefore, of opinion that it should be entrusted to a separate body statutorily devised with necessary expertise, leaving the Corporation full time to devote its energies to its main business of expanding life insurance. In this connection, I shall, perhaps, be coming to this House with my proposals in July next. I have a number of other ideas on the subject which, in due course, I propose to put into the working of the Corporation to increase its utility and efficiency. I therefore beg to request the co-operation of this House, and that is the reason why I have taken a little more time than I should ordinarily more moving a Bill of this nature, in order to convince the hon. Members that I am fully seized of the problems of the Corporation, that I am determined,

[Shri T. T. Krishnamachari]

subject to my own handicaps, to solve them to the best of my ability.

13 hrs.

I commend the Bill to the House.

Mr. Speaker: Motion moved:

"That the Bill to amend the Life Insurance Corporation Act, 1956, be taken into consideration."

Shri Hem Barua (Gauhati): I beg to move:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 23rd November, 1957.

Mr. Speaker: Is he moving his other amendment for Select Committee?

Shri Hem Barua: No.

Mr. Speaker: Shri M. K. Kumaran. Absent. Shri Easwara Iyer.

Shri **Easwara Iyer** (Trivandrum): Not moving.

Mr. Speaker: Now, both the Bill and this amendment No. 20 are before the House.

In addition to what I said on the point of order, I want to add only one thing more.

Under article 123 of the Constitution, the ordinance is passed by the President at the instance of the Government. Power is given in principle to get that ordinance dissolved or revoked and even make it lapse itself before the period of six weeks. That is the right of the persons other than the Government. Government seeks the aid of the President to get an ordinance. Others can go to the President to have it withdrawn or allow it to lapse. Therefore, this provision was made for those people who are opposed to that ordinance.

Now, a Bill is allowed to be introduced under the Act to continue the ordinance. Article 123 does not prevent a Bill from being introduced continuing the ordinance after six weeks, or superseding that ordinance. As a matter of fact, there is a clause to repeal the ordinance at the end. If the Act is passed, the ordinance is repealed. Thus both are the counterparts of one another. The non-official Member can move a resolution to disapprove of the ordinance. The Government can bring a Bill continuing the ordinance. If the Government wants that the ordinance should be continued, there is no similar provision for a resolution to continue the ordinance here. Hon. Members will see that if resolutions can be brought approving or disapproving an ordinance, there will not be any need for a Bill, or a Bill will be barred. A resolution can be brought disapproving it in which case will lapse but if it is to be continued, no similar provision is made for bringing a resolution. Therefore, the Bill is the only remedy. Otherwise, there cannot be a remedy when once an ordinance lapses, Government has to keep quiet, and therefore in palce of a resolution enabling the Government to continue the ordinance, a Bill under the ordinary law is permitted under the Constitution. That will be another ground where if the one is passed, the other will be barred, but even there I have got a doubt whether even if there is disapproval of the ordinance by this House, a Bill cannot be subsequently brought. That will be a matter for consideration later on whether once and for all it is barred in that session or the next session, whether a Bill cannot be introduced. That is a point for consideration.

I only wanted to say whether specific power is given to a non-official Member to bring a resolution to disapprove the ordinance. If it is to be continued, it is not said it will be by a resolution. If it is so stated I would certainly have agreed with the hon. Member that this Bill ought not to be brought here. It is not so. No such enabling provision is made. Therefore, in the absence of a provision, the Constitution does not mean that once an

ordinance is passed it must lapse automatically at the end of six weeks. That is not the intention of the Constitution, and we have not been proceeding that way.

This is another ground supporting my ruling on the point of order.

Shri Bharucha: I have heard with careful attention the speech by the hon. Finance Minister and I am afraid I am not at all convinced by the arguments which he has brought forward justifying the passage or the promulgation of an ordinance circumventing a judgement given by a court of law.

In the first place, his main ground has been this, that when the Corporation was created there were several constituent insurance companies which became part of that Corporation automatically. These various constituent companies had varying terms and conditions of service for their employees, and therefore it became necessary to streamline or rationalise or bring into uniformity the varying terms and conditions of service of the various insurance companies.

[MR. DEPUTY-SPEAKER *in the Chair.*]

The point that he has made is this, that the terms of service varied in many cases. In some cases the employees had free lunch, in other cases the employees were given free tea, in many cases the age of retirement was different, in some cases Diwali perquisites were given whereas in other cases they were not given. He says he cannot exhaust the list of the variety of terms and conditions of service. He also said that when this hon. House passed the Bill the original intention was to invest the Government with powers not only for making changes in the remuneration but also in the terms and conditions of the services of the employees. He says because of bad drafting the intention of the House was not properly conveyed and therefore when the High Court pronounced judgment; as it was bound to do, by mere interpretation of the language of the law, it created a situation unfortunately for the Government where the Government felt that the working of the Corporation would become impossible.

In the first place I dispute that very thesis. He says: "What can the Government do if part of the Corporation's employees start coming at 9 O'Clock, a part at 10 O'Clock, a part leaving at 5 O'Clock, a part leaving at 6 O'Clock? There may have to be transfers of employees and it makes the situation still more difficult. The various employees with varying terms of service would conflict with each other." Now, let us consider whether really an ordinance was a justification for that. Why could not the Government immediately after the High Court pronounced the judgment come to this House, or in the alternative, have direct negotiations with the employees to streamline or bring into uniformity these terms and conditions of service? Let me assure the House that it is wrong to presume that the employees are so very perverse that they would not come to any settlement on the point. All that the employees wanted was that by reason of the Government's intention to bring into uniformity the terms and conditions of service their emoluments should not be affected, they should not be prejudiced in respect of their remuneration or other conditions. That was all that the employees wanted, and I think they are entitled to have that much.

In the State of Bombay since the reorganisation there are five different types of sales tax systems prevailing under the law and yet there is no promulgation of an ordinance to bring them into uniformity or to streamline them or rationalise them. May I ask this Government which of the two things is going to cause greater disturbance and dislocation of work—having five different types of sales tax systems prevailing within the same State or having a few terms and conditions of service which vary prevailing within the same Insurance Corporation? If the Government can still carry on without integration of the sales tax laws of the reorganised constituent States and permitting several

[Shri Bharucha]

systems of sales tax to function within the same State, I am sure the heavens were not going to fall if for a few days more one employee came at 10 and another at 9 A.M. But, circumventing the provisions of the judgment by a competent court, before even the employees, the winners of the litigation, could get a copy of the judgment, before the ink was dry on the judgment, Government have taken powers oy issuing an ordinance, saying that notwithstanding any judgment, and notwithstanding any decree, this Government has got the right. What does it matter if a court of law says, 'No, it has not got the right? We shall get the right'. What is the effect of this?

Sir, I am not against promulgation of ordinances in case of emergency, where you find that civil administration is likely to come to a stop. Nothing is going to happen, and nothing could have happened, if varying terms and conditions had prevailed for fifteen days or even a month, because by negotiations, these terms and conditions could have been brought into uniformity. That was the correct thing, which Government did not do. And why did they not do it? They did not do it because if they started negotiating, the employees would tell them, 'Here are our rights which we have won by resorting to industrial tribunals or industrial courts. Now, how can Government go back on what the industrial court has considered to be the just dues of the employees?'. The employees would have been right in raising that question. And Government could have had no answer for it. So, they first promulgated an ordinance, and told the employees, 'Under the law of the land you have now got no rights. Now, come and negotiate'. That was their intention. The employees were placed at a disadvantage; they know that already the ordinance has been promulgated. Legally, they have got no rights, and what rights they had acquired by resorting to the industrial tribunal or the industrial court have been taken away.

I ask this Government 'Is this the fair way of treating the employees?' Which employees and which workers will have faith in your industrial tribunals and your industrial courts, if they find that the judgments of industrial tribunals or the High Court or the Supreme Court are to be set aside by promulgation of ordinances? Is this Government desirous of regulating industrial relations between employees and employers by resorting to ordinances or by round table conferences with those employees? Especially, when the employees have been awarded those rights, what right, what normal right, has this Government to take away those rights?

It is no use coming now and telling us, 'This is what we have done; this is an improvement on their rights'. If you are so very generous as to give them an improvement on their terms and conditions of service, why do you not call them and tell them, 'Look here, gentlemen, we give you an improvement. What more could you want?'. That was the way of negotiations. Instead of that, Government took the big stick of the ordinance and browbeat the employees into submission and said, 'All right; now, come and talk.'. That is the thing which we dislike. We say that this is not the correct way of doing things.

I do not, for a moment, believe that different terms and conditions have upset the working of the corporation to such an extent that Government had to rush in with this ordinance.

My second point, is this. I really do not allow whether it is the intention of Government to reduce the remunerations of the existing employees or to adversely change their terms and conditions of employment, because, after the ordinance was promulgated, and when there was agitation outside, one of the bosses of the corporation wrote a letter to the newspapers saying that Government has no

intention of reducing the remuneration or varying the terms and conditions to the prejudice of the employees. If that was the case, then, where was the need for the promulgation of the ordinance? Do you not immediately vary the terms and conditions to the prejudice of an employee, when you say that he cannot get free lunch, that he cannot get free tea, that the retirement age is earlier, that Diwali perquisites are to be abolished, and so on? Obviously, the promulgation of the ordinance did make a substantial difference in the terms and conditions of the employees.

I could have understood if Government had brought forward this Bill and restricted its operation to the future entrants. It had a right to do it. When the employee takes up the service with an eye open, he knows that these are the terms and conditions, and it is open to him not to go in for them. But when people have grown grey in the service of the insurance business, at the last moment, to say that 'Now, out you go, because we have reduced the age of retirement, or something like that is totally unfair.

This Bill seeks to effect changes retrospectively. If you see clause 6 of the Bill, you will find that it says:

> "....notwithstanding anything contained in any judgment, decree or order of any court, be deemed to have been made under that sub-section as amended by this Act as if this Act were in force on the date on and from which the order was intended to take effect, and the order shall continue in force and have effect accordingly, unless and until superseded by anything done or action taken under the principle Act".

So, retrospective effect is given there.

I say that whenever any legislation is undertaken with the object of prejudicially affecting the terms and conditions of the remuneration of any employee, the existing employees should have been protected; to the future entrants, of course, you can dictate your own terms. It is open to the future entrant to say 'I shall not join your service, because these terms are onerous'. But having induced them to join on a particular set of terms and conditions, it is unfair to vary those terms and conditions unilaterally. It is no answer to come to this House and say 'We have given better terms.'. No, that does not count at all, because we do not know whether in spite of those better terms, there will not be several hundreds of employees who will still be adversely affected.

On this ground, I oppose the very principle of this Bill. As I said, the significance is much greater. It really means that the workers do not know whether they should have faith in the duration or substantiality of the awards given by industrial tribunals. People lose faith, and workers lose faith in your industrial machinery which is set up for resolution of industrial disputes, if these things are repeated.

Therefore, even if this Bill is passed now, I think, on this side of the House, we must raise a voice of protest so that, in future, on similar occasions, the action of Government may be more restrained.

Shri Sadhan Gupta: Mr. Deputy-Speaker, it is unfortunate that this Bill should have been brought at a moment when the clouds were clearing in the relation between the corporation and its employees, and some complications should have been created. Before I come to that, I must deprecate the attempt to blame the decision of the High Court to justify the necessity of bringing forward the ordinance and this Bill.

The High Court decision was on two provisions of section 11, which were enacted with open eyes. Section 11(1) was the sub-section which authorised the corporation to make changes in the conditions of service. Sub-section (2) of that section had this specific

[Shri Sadhan Gupta]

object of enabling the Central Government to make changes in remuneration for the specific purpose of bringing in rationalisation of pay scales. That was the object with which these two sub-sections had been enacted, and the High Court did nothing except to say that those two sub-sections had those two objects.

Therefore, it is no use blaming the High Court for the necessity of bringing forward this Bill and saying that Government were taken by surprise by the High Court decision.

Having said so much about this aspect, I revert to the question of the merits of the Bill itself. It is most unfortunate, as I said, that this Bill should have been brought at a time when the clouds were clearing up as a result of the satisfactory conclusion of an agreement with the office employees.

A Bill of this kind, enabling Government to impose, unilaterally their decisions, is an affront to the self-respect of the office employees and all other employees concerned.

Now, we must understand the spirit of the times today. Today the employees are organised, the employees are supremely conscious of the self-respect which they possess and they are also supremely conscious of the fact that they are not merely servants to whom you can say, 'Well, whatever I do for you is the best and you are bound to abide by it', but the employees today feel that they are co-participants in the venture and they should be recognised as such by the authorities, at any rate, of a public corporation. If you seek to deny it, if you even seek to suggest an idea of denying it, then inevitably you create complications, inevitably you injure the self-respect of the employees, inevitably you give them an affront which they do resent.

Now, what is the necessity of a Bill of this kind? The Finance Minister has stated that there is an anarchy of different terms and conditions coming over from different companies. But may I not ask him whether it is not possible to resolve the anarchy by negotiations with the employees, with the persons concerned? Let us not forget that the staff affected by this legislation, namely, the clerical or the so-called subordinate staff, or, may be the field staff, are all reasonable persons. They are not only reasonable persons, but they are very ardent champions of nationalisation. It is they who have been wanting nationalisation; it is they who were the first to welcome nationalisation, and they are eager to see this nationalised Corporation a success. Although they had been able to compel the private insurers to give them relatively high wages, yet they never wanted to stick to private insurance companies; they never wanted to make private insurance go on because they realised that the private insurers were committing a tremendous waste of resources which would otherwise have been of the utmost national importance, which would have been greatly beneficial to national reconstruction.

The Finance Minister has expressed the hope that the employees will continue their service and realise that they are doing a work of the greatest national importance. I can assure the Finance Minister that that realisation had come to them even before the Government thought of nationalisation. For years before nationalisation was thought of, that was the persistent demand of the employees, and it was not for their interests, but it was for the interest of the nation that they were demanding it. With such employees, is a great argument that there is an anarchy of terms and conditions, that if this anarchy continues, the business of the Corporation will suffer a setback; therefore, we must take blanket powers in order to effect uniformity? If there is anarchy in terms and conditions which will lead to a setback in the business of the Corporation, the employees will be the first to remove this anarchy; the em-

ployees will be the first to agree with the Government that uniform terms and conditions of service should be adopted. As a matter of fact, it is they who have been wanting standardisation even before the Corporation was established. They made suggestions; they had asked for negotiations and it is apparent that as a result of negotiations a happy conclusion has been reached in regard to pay scales at least. I have no doubt that if negotiations had been carried on in regard to other terms and conditions, a happy conclusion will be reached, if Government are prepared to treat the employees with self-respect and are prepared to believe in their *bona fides*.

This is the context in which we have to approach the whole matter. If we approach the matter in the context of the self-respect of the employees, in the context of the employees' consciousness that they are co-participants in the venture and they have a right to be consulted and fairly treated, in the context of the fact that the employees are reasonable people, are ardent well-wishers of the Corporation and are ardent champions of nationalisation, it is patently clear that this blanket power for imposing terms and conditions for the sake of uniformity is not at all necessary. By negotiation all that can be achieved. If it is achieved by negotiation, it is always beneficial for the Corporation because then the employees feel happy that they have got a fair treatment and as a result, they work better and the Corporation's business prospers. On the other hand, if you impose a unilateral decision over the head of the employees, that inevitably generates reaction and as a result, however much uniformity you may establish, however much you may try to coerce the employees into accepting this uniformity, the Corporation's business will not improve. A disgruntled set of employees will not lead to the improvement of the operation of the Corporation.

To enact a legislation of this kind would inevitably create a suspicion that it is perhaps intended to impose unilateral decisions regarding the terms and conditions of service of employees. This suspicion is not an idle fear. I can tell you from my experience of the insurance employees' movement that by the imposition of unilateral decisions, at least 60,000 people connected with all vital sectors of insurance, on whom the progress of life insurance must vitally depend, have been alienated.

You have seen how the office employees' case has been settled happily as a result of negotiation. But previous to that, although they were ardent champions of nationalisation, even they had been driven to strike because of a unilateral decision. I take it the office employees would number about 15,000. Then the field staff would number about 12,000 to 13,000; these people are today discontented because a system of categorisation has been adopted without consultation with their representatives. This is bound to have repercussion on the operation of the Corporation. Then the Corporation decides to chuck out medical doctors. At least 20,000 medical doctors—insurance medical examiners—are put on jitters about their own future. A large number of them have been struck off the list. There was the Indian Medical Association. It might have been consulted on that point. But that was not done. So that section of employees have also been disgruntled and discontented.

Regarding agents, I think there are about 10,000 to 12,000 under the Corporation. Suddenly a decision was adopted imposing a quota of a minimum of Rs. 40,000 for agents in big cities and Rs. 20,000 for those in the mofussil. That drove out a number of very good agents out of the public sector and seek their fortune in the private sector, inevitably injuring the prospects of the Corporation. Now, this kind of thing might have been very easily settled by negotiations with the doctors, with the field staff, and with the agents and a satisfactory

[Shri Sadhan Gupta]

arrangement might have been arrived at. This was not done.

Similarly, in the case of staff regulations. Regulations have been made forbidding the staff of insurance companies from participating in politics, from standing in elections and all that. It is the right of every citizen to undertake political activities. There is no conflict between employment in an insurance concern and participation in politics. For instance, it cannot be said that if clerks of insurance companies belong to political parties policies will continue to be issued either to Congressmen or Communists or Praja-Socialists. It cannot be said also that loans will be given either to Congressmen, Communists or Praja-Socialists. It may be necessary in the case of a few officials connected with the administration to insulate them from political institutions so that the administration should not become partisan. What is the necessity in the case of insurance employees? I cannot understand it. There also unilaterally some staff regulations were promulgated. This sort of thing creates a suspicion that this kind of blanket power to impose unilateral decisions will not be a dead letter but will continue to be used to the detriment of the employees. That is why, I think, this Bill should not be proceeded with and I would earnestly appeal to the House to throw out this Bill and to give the procedure of negotiations a better chance. The procedure of negotiations has already paid valuable dividends in the case of office employees and I am sure that if the same procedure is followed regarding the field staff, if the same procedure is followed regarding agents, if the same procedure is followed regarding insurance medical examiners or even regarding some of the smaller officers to whom injustice is said to have been done, I think, a happy settlement could be reached in all cases and the Corporation would do much better than what it could do by imposing its fiat on unwilling employees.

Therefore, I once again plead that a different approach to the whole thing must be made. The approach must be in conformity with the spirit of the times and the ideals of the times. Unilateral impositions must be totally forgotten and negotiations must replace unilateral dispensations. After all, we are dealing with human beings, intelligent human beings, human beings who are not inimically disposed to you, human beings who want the Corporation to prosper. Therefore, the best way to deal with them is by negotiation. I would ask the Finance Minister to try this path of negotiations and give up this Bill for the present; and, if he fails, then, he can come back and ask the House to give him powers by enacting a legislation of the kind he proposes. But, before that is done, I would ask the Finance Minister—I would request him—to see if these uniformities cannot be achieved by negotiations, because, in that way, there will be a much happier result. On the other hand, if he starts with an Act in his hand, with the Bill passed by the House, he will inevitably come up against a barrier of suspicion which he would understand is not quite unjustified in view of what the Corporation has done or what the Government has done before in the way of imposing unilateral decisions.

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, जिस वक्त यह बिल शुरू में पास किया गया था, उस वक्त उस की दफा ११ की रू से हर उस इन्श्योरेंस कम्पनी के एम्पलाइज को, जिसको कि गवर्नमेंट ने लिया, यह गारन्टी दी थी कि उन की टर्म्ज एंड कन्डीशन्ज आफ एम्प्लायमेंट, उन की तनख्वाहें और उन के हकूक बिल्कुल पहले की तरह बरकरार रहेंगे और उन में कोई तबदीली नहीं की जायेगी, जब तक कि

गवर्नमेंट उन की सर्विसेज को टर्मिनेट न कर दे, या किसी मुनासिब तरीके से उन को तबदील न कर दे । इस प्रावीजन की सारी मुराद यह थी कि उन लोगों के सब हकूक सैक्रोसेंट होंगे और उन में कोई तबदीली नहीं की जायेगी । हम देखते हैं कि जब भी कोई बिजिनेस किसी दूसरे को ट्रांसफर होता है, या गवर्नमेंट उस को लेती है, तो मुताल्लिका कानून में इस किस्म की शरायत रखी जाती है । जब इम्पीरियल बैंक को स्टेट बैंक बनाया गया था, तो मुताल्लिका एक्ट में इसी किस्म की प्राविजन्ज रखी गयी थीं । इस का सीधा मतलब यह है कि एम्पलाइज के सब हकूक, उन के टर्म्ज एंड कन्डीशन्ज आफ एम्प्लायमेंट वगैरह सब महफूज रहेंगे और अगर उन में कोई आल्टरेशन होगी, तो वह उन की मन्शा के मुताबिक होगी या किसी मुनासिब मुत्तिफिका उसूल की बिना पर होगी । आज हम देखते हैं कि अगर आज कोई कम्पनी या गवर्नमेंट किसी शख्स को नौकर रखें, तो उसकी नौकरी की हालत में, और उस शख्स की नौकरी की हालत में, जो कि पहले से कम्पनी का नौकर चला आता हो, दिन रात का फर्क है । जैसा कि अभी श्री भरूचा ने फरमाया है, लोगों ने कम्पनियों से झगड़ कर अपने मामलों को ट्राइब्यूनल या दूसरी कोर्ट्स के सामने ले जा कर और लगातार जद्दोजहद कर के अपने हकूक हासिल किए थे । वे ट्राइब्यूनल गवर्नमेंट के मुकर्ररकर्दा थे। अब उन सब फैसलों और उन हकूक को एक दम खैरबाद कहना बिल्कुल ना-मुनासिब है। सच तो यह है कि यह एक मुसलमा उसुल बन गया है कि हर एक शख्स को अपनी नौकरी के सिलसिले में कुछ हकूक हासिल हो गए हैं तो कानून की रू से ओवर-राइडिंग नेसेसिटी होने की सूरत को छोड़ कर उस के वे सब हकूक तस्लीम किए जाते हैं यानी हालात की लिमिटेशन्ज में रह कर कान्टीन्युइटी का उसूल एक मुसलमा उसूल बन गया है। इसी बिना पर दफा ११ रखी गई थी हालांकि उस वक्त गवर्नमेंट को यह मालूम था कि कई तरह की कम्पनीज हैं और उन में मुख्तलिफ टर्म्ज ऐंड कन्डीशन्ज और मुख्तलिफ तनख्वाहें हैं । जितनी बड़ी कम्पनियां थीं, उन में तनख्वाहें ज्यादा थीं, और एम्प्लाईज को सब तरह की रियायतें हासिल थीं जब कि कुछ दूसरी कम्पनियों में ऐसा नहीं था । चन्द एक सूरतें जरूर ऐसी थीं जिन में कुछ लोगों ने जरूरत से ज्यादा तनख्वाहें दी हुई थीं और ऐसे हकूक दिये हुए थे जो कि नहीं दिये जाने चाहियें थे । लेकिन इस के बावजूद इस मुसलमा उसूल को पेशे-नजर रख कर दफा ११ रखी गई थी । पुराने जमाने से यह उसूल चला आ रहा था कि एम्प्लायर की मर्जी थी कि एम्प्लाई को रखे या निकाल दे । यह तो थोड़ा ही अर्सा हुआ कि एम्प्लाईज को नये नये हकूक दिये गये । हाल ही में यहां पर इंडस्ट्रियल डिस्प्यूट्स एक्ट में एक अमेंडमेंट की गई थी जिस की रू से अगर किसी कम्पनी का सारे का सारा माल तबाह हो जाये उस पर बिजली पड़ जाये वह नैचुरल काजिज से खत्म हो जाये तो उस सूरत में भी एम्प्लाईज को ले-आफ या रिट्रेंचमेंट होने पर मुआवजा देना पड़ता है । इस सब का मतलब यह है कि आज वर्कमैन क्लर्क या कोई भी शख्स अपने एम्प्लायर की मरजी के ऊपर नहीं है, बल्कि कानून ने उस को कुछ हकूक दिये हुए हैं । इस बिना पर कि यह कानून कुछ हैसयत रखता है हम ने इस में दफा ११ को रखा है । दफा ११ को अगर आप देखेंगे तो आप को पता चलेगा कि इस के अन्दर दो चीजें थीं एक तो टर्म्ज और कंटडीशन्ज के बारे में थी जो इस प्रकार है :

> Unless they were duly altered by the Corporation, they could not be tampered with.

और दुसरी दफा ११(२) थी जिस में कि केवल रिम्यूनरेशन का जिक्र था । रिम्यूनरेशन जो है वह दो सूरतों में ही कम हो सकता है । बाकी इस में टर्म्स ऐंड कंडीशन्ज का कोई जिक्र नहीं है । इस के अन्दर रामनलाइजेशन

(पंडित ठाकुर दास भार्गव)

जिक्र है और कहा गया है कि राशनलाइजेशन करने के सिलसिले में अगर रिम्युनरेशन को कम करना हुआ तो गवर्नमेंट कम कर सकेगी। ये दो बातें लिखी गई हैं। बींडग इस तरह से है :

"Notwithstanding anything contained in sub-section (1) or in any contract of service, the Central Government may for the purpose of rationalising the pay scales of employees of insurers, whose controlled business has been transferred to and vested in it or for the purpose of reducing the remuneration payable to employees in cases where in the interest of the Corporation and its policyholders a reduction is called for, alter the terms of service of the employees as to their remuneration....."

इस में सिर्फ रिम्युनरेशन के वास्ते लिखा गया है, टर्म्स एंड कंडीशन्ज आफ सर्विस का ११(२) में जिक्र नहीं किया गया है। यह जो किया गया था यह दुरुस्त किया गया था और गवर्नमेंट टर्म्स एंड कंडीशन्ज आफ सर्विस को हाथ नहीं लगा सकती थी। इन को किसी तरह से भी तबदील नहीं किया जा सकता था। इसी चीज को देखते हुए मैं समझता हूं कि गवर्नमेंट को आर्डिनेंस जारी करने की तथा इस अमेंडिंग बिल को लगाने की जरूरत महसूस हुई है। अगर आप देखें तो आप को पता चलेगा कि इस में सिर्फ दो शर्तें ही रखी गई हैं एक तो राशनलाईजेशन की बात कही गई है और दूसरी रिम्युनरेशन को कम करने की बात कही गई है :

चुनाचे अब गवर्नमेंट ने अमेंडिंग बिल में यह लिखा है कि : –

"Where the Central Government is satisfied that for the purpose of securing uniformity in the scales of remuneration and other terms and conditions of service applicable to the employees of insurers whose controlled business has been transferred to and vested in the Corporation, it is necessary so to do, or that, in the interests of the Corporation and its policyholders, a reduction in the remuneration payable, or a revision of the other terms and conditions of service applicable to employees or any class of them is called for, the Central Government may from time to time....."

आप देखेंगे कि एक नई चीज बढ़ा दी गई है :—

"notwithstanding anything contained in sub-section (1), or in the Industrial Disputes Act, 1947, or in any other law for the time being in force....."

ये तीन चार चीजें गवर्नमेंट ने इस नये बिल में बढ़ा दी हैं। कुदरती तौर पर यह सवाल पैदा होता है कि क्या गवर्नमेंट को इतने सख्त अख्त्यारात अपने हाथ में लेने चाहियें और उन सारे एम्प्लाईज की जिन की तादाद अभी मेरे दोस्त साधन गुप्त ने बतलाई है किस्मत का फैसला करने का हक ले लेना चाहिये और बिना उन से पूछे ऐसा करना चाहिये। इस में गवर्नमेंट ने ऐसा करने के लिये जो वजह बयान की है या जो उसूल अपने सामने रखा है वह है यूनिफार्मिटी का। अब जो यह यूनिफार्मिटी है यह तो दो तरीकों से ही हो सकती है। एक तो यह है कि जिन की पे कम से कम है उन की पे को ज्यादा से ज्यादा पे पाने वालों के बराबर कर दिया जाय और दूसरा तरीका यह हो सकता है कि जिन की पे ज्यादा है उन की पे को कम से कम पे पाने वालों के बराबर कर दिया जाय। एक और भी यूनिफार्मिटी लाने का तरीका हो सकता है और वह यह है कि किसी को न तो ज्यादा फायदा हो और किसी को न ज्यादा नुकसान ही हो और इसको पंचायत बुला

कर लिया जा सकता है और रजामन्दी से किया जा सकता है और ऐसा कर के एम्प्लाईज के साथ जस्ट तरीके से पेश आया जा सकता है। इसका तो गवर्नमेंट को खुद फैसला करना है और किसी को फैसला नहीं करना है। एम्प्लाईज को नहीं पूछना है, तीसरे आदमी का फैसला नहीं लेना है और गवर्नमेंट को खुद को ही अख्त्यार दे दिया गया है। दुसरा उसूल जो रखा गया है वह इस से ज्यादा अजीब है। वह यह है कि अगर कारपोरेशन के इंटिरेस्ट में या पालिसीहोल्डर के इंटिरेस्ट में इन चीजों को तबदील करना जरूरी हो या रिम्युनरेशन को पढ़ाना जरूरी हो तो भी यही उसूल रखा गया है? मैं यह पूछना चाहता हूं कि पालिसीहोल्डर्स का तथा कारपोरेशन का क्या इस में फायदा नहीं है कि तनख्वाहों को कम कर दिया जाये, टर्म्स को लोयर कर दिया जाये? मैं इस बात को नहीं मानता हूं कि गवर्नमेंट कोई ऐसी बेजा बात करेगी जिस से कि एम्प्लाईज को नुकसान होता हो। मैं यह भी मानता हूं कि गवर्नमेंट कोई ऐसा तरीका रिम्युनरेशन को कम करने का इस्तेमाल में नहीं लायेगी। लेकिन जो कि अनकौनशनेबल हो। लेकिन इस के साथ ही साथ मैं यह कहना चाहता हूं कि जब झगड़े की बात है, जब दो फरीक उस झगड़े में शामिल हैं, जब हजारों की तादाद में एम्प्लाईज अपनी तनख्वाहों को कायम रखना चाहते हैं तो कौन सा तरीका अपनाया जाना चाहिये। इस का एक तरीका तो यह हो सकता है कि कोई ऐसा फैसला किया जाये जो जस्ट हो तब उस पर किसी को कोई ऐतराज नहीं हो सकता है। अभी मेरे दोस्त साधन गुप्त ने एक तरीका बतलाया है और वह यह कि नैगोशियेशन के जरिये से यह तमाम मसला हल किया जाये। अगर ऐसा हो सके तो मुझे इस में बड़ी खुशी होगी। लेकिन ऐसे केस में जहां पर कि किसी को कुछ तनख्वाह मिलती और किसी को कुछ, किसी की टर्म्स कुछ हैं और किसी की कुछ, जिन का कि जिक्र फाइनेन्स मिनिस्टर साहब ने किया है अगर कोई फैसला न हो सके तो मैं पूछना चाहता हूं कि क्या किया जाना चाहिये, मैं इस बात को मानता हूं कि जब जब कि गवर्नमेंट इस कारपोरेशन की मालिक है तो जो यूनिफार्टी का उसूल है उस को मान लिया जाना चाहिये। पहले कम्पनीज के अन्दर कोई यूनिफार्मिटी नहीं थी। किसी को कुछ तनख्वाह मिलती थी और दूसरे को कुछ, एक की टर्म्स एंड कंडिशंस आफ सर्विस कुछ थी तो दूसरे की कुछ और ही थीं। कई लोगों की तनख्वाहें बेजा तौर पर बढ़ा दी गई थीं। तो ये जो चीजें हैं और यह जो उसूल है, इन से मुझे कोई एतराज नहीं है। मैं चाहता हूं कि इन का फैसला करने के लिये कोई निर्पक्ष तीसरा शख्स हो। अगर गवनमेंट खुद ही यूनिलेटरली फैसला करती है तथा वह दूसरी पार्टी को तसल्लीबख्श महसूस होता है, तो इस से और कौन सी अच्छी बात हो सकती है। अगर ऐसा नहीं हो सकता है तो आप ने इस के अन्दर दफा १७ के नीचे एक ट्रिब्यूनल को बनाने की बात कही है और वह ट्रिब्यूनल ऐसा है जिस के फैसले पर कि किसी को कोई ऐतराज नहीं हो सकता है और हर कोई कनवीनस हो सकता है। कहा गया है :

"The Central Government may for the purpose of this Act constitute one or more tribunals and each of these tribunals shall consist of three members appointed by the Central Government one of whom shall be a person who is, or has been, a Judge of a High Court or has been a Judge of the Supreme Court, and he shall be the Chairman thereof".

इस ट्रिब्यूनल को जो इस एक्ट के नीचे झगड़े होंगे उन को तय करने का अख्त्यार होगा। कम्पेन्सेशन के झगड़े जो होंगे वे इसी ट्रिब्यूनल के पास जायेंगे और वही इन का फैसला करेगा। इसी तरह से चीफ एजेंट्स वगैरह के जो झगड़े होंगे वे भी इसी के पास जायेंगे और उन को जो कम्पेन्सेशन दिया जाना है यह ट्रिब्यूनल उन का भी फैसला करेगा। इस वास्ते मैं अर्ज करना चाहता हूं कि इस

[पंडित ठाकुर दास भार्गव]

बिल के अन्दर ऐसे मामलात का फैसला करने के लिये जिस में कि बहुत से आदमियों के मुख्तलिफ इंटिरेस्टस हैं, कोई न कोई ऐसा प्रावीजन होना चाहिये था। अगर यह काम नैगोसियेशन से हो सके तो इस से अच्छी कोई चीज नहीं हो सकती है। अगर यह काम आर्बिट्रेशन से हो सके तो भी मुझे इस में कोई एतराज नहीं है। यह भी एक बहुत अच्छा तारीका है। कोई ऐसा जज एप्वाइंट किया जा सकता है जिस पर कि दोनों पार्टीज का कानफिडेंस हो। जब इंडस्ट्रियल डिस्प्यूटस बिल सन १९५६ में आया था उस वक्त भी इसके अन्दर आर्बिट्रेशन की क्लाज थी। कहा गया था कि ऐसा टिब्यूनल हो जिस के अन्दर हाई कोर्ट का जज होगा और दो जज और होंगे और झगड़े का आर्बिट्रेशन करके फैसला हो सकेगा। तो अगर यहां पर भी कोई ऐसा आदमी मुकर्रर किया जाए जिस पर कि दोनों का भरोसा हो तो यह बैस्ट तरीका है। अगर ऐसा नहीं होता है और इसमें आप फेल हो जाते हैं तो जिस तरह से आपने इसमें कम्पैंसेशन वगैरह के लिए तथा उसका फैसला करने के लिए ट्रिब्यूनल की स्थापना का जिक्र किया है जिस को कि ये मामलात भेजे जायेंगे और वही इनका फैसला करेगा तो इन मामलात के बारे में भी यदि ऐसा कुछ हो तो वह फैसला दोनों पर लागू समझा जाएगा ऐसा कुछ होना चाहिए। गवर्नमेंट ने खुद ट्रिब्यूनल मुकर्रर किया है और कोई वजह नहीं है कि गवर्नमेंट्स इस ट्रिब्यूनल पर पूरा भरोसा न करे। इंडस्ट्रियल डिस्प्यूटस ऐक्ट के अन्दर हम जानते हैं कि कितने तरीके से कोर्टस मौजूद हैं और उन कोर्टस् पर आम तौर पर लेबरर्स को गवर्नमेंट को और सब पार्टीज को ऐतबार होता है। अब गवर्नमेंट बतौर एम्प्लायर के अगर यह कहे कि हम एम्प्लायर हैं और हम इस का फैसला करेंगे और अपना पाउंड आफ फ्लैश मांगें तो उन को अख्तयार है। लेकिन उन को यह सोचना चाहिये कि यह ओरिजनल एम्प्लायमेंट का सवाल नहीं है, यह तो कंटिन्यूड एम्प्लायमेंट का सवाल है। इसलिये जो पहले से नौकर हैं और जिन के कि बारे में कोर्टस् ने फैसला कर दिया है, उन को बिल्कुल खैरबाद कह कर चला जाय, मेरी समझ में ऐसा नहीं होना चाहिये क्योंकि हमें यह याद रखना चाहिये कि हम क्लीन स्लेट पर नहीं लिख रहे हैं। हम कोई नये सिरे से उन को नौकर नहीं रख रहे हैं और वे पहले से नौकर हैं और इस के अलावा कोर्टस् ने उन की नौकरी आदि के बारे में फैसला भी दे दिया है। हम ऐसे लोगों के साथ डील कर रहे हैं जो पहले से सर्विसेज में चले आ रहे हैं और जिन की कि तमाम उम्र इन नौकरियों में कट गई है और जिन के कि बाल सफेद हो चुके हैं उन की किस्मत का फैसला एक हुक्म दे कर कर देना उन में कौ नफिडेंस पैदा नहीं करेगा और उन का फैसला आर्बिट्रेशन और ट्रिब्यूनल के जरिये करना चाहिये।

मैं चाहता हूं कि कोई यूनिफार्मिटी उस में लाई जाये और जहां पर कोई अनरीजनेबुल टर्म्स मौजूद होंगी तो वहां पर उन की लम्बी तनख्वाहों में रिडक्शन भी पौसिबल हो जायेगा। इस में कंट्रैक्ट्स के बारे में यह प्राविजन है कि अगर कोई कंट्रैक्ट भी लैक आफ प्रुडेंस का हो गया है तो ट्रिब्यूनल उसको भी देख कर ठीक कर सकता है। इसलिये मैं अदब से अर्ज करूंगा कि अगर इंसाफ की बिना पर और उन के हकूक की बुनियाद पर अगर कोई फैसला होगा तो वह फैसला ऐसा होगा कि जिस के अन्दर हर एक शख्स को भरोसा होगा और उन लोगों का ऐतमाद गवर्नमेंट में और गवर्नमेंट के कानूनों में कायम रहेगा।

इस बिल को सपोर्ट करते हुए मैं चाहता हूं कि गवर्नमेंट इस बात पर युनिलैट्रल फैसला न करे बल्कि आर्बिट्रेशन या ट्रिब्यूनल के जरिये इस पर फैसला कराये।

चौ० रणबीर सिंह (रोहतक) : उपाध्यक्ष महोदय, मैं इस विधेयक का समर्थन करने के लिये खड़ा हुआ हूं । यह विधेयक तनख्वाह और दूसरी बातों को यकसा करने के लिये लाया गया है । अभी मेरे एक दोस्त ने कहा कि हालात कहीं पर मुक्तलिफ हों तो उस के लिये कानून की जरूरत नहीं है । मैं मानता हूं और तमाम सदन के सदस्य मानेंगे कि आज यह हमारा देश कंट्रोल्ड एकोनोमी और प्लांड एकोनोमी के जमाने से गुजर रहा है । एक ध्येय को सामने रख कर हम चल रहे हैं । हम लोग इस देश में सोशलिस्टिक पैट्रन आफ सोसाइटी कायम करना चाहते हैं और जब हमारा यह आशय और ध्येय हो तो मैं समझता हूं कि इस प्रकार के विधेयक की बहुत जरूरत है । अगर हमारे न्यायालय उस कानून में निहित कानूनी पहलुओं और कानून की भाषा से सहमत न हों और न्यायालय की आपत्ति को देखते हुए अगर यह सदन दुबारा इस बात की कोशिश करे कि कानून की जो खामियां रह गई हैं उन को दूर किया जाय तो मैं नहीं समझता कि उस में किसी सदस्य को आपत्ति करने की गुंजाइश हो सकती है ।

मेरे लायक दोस्त श्री साधन चन्द्र गुप्त ने कहा कि नैगोशियेशंस का रास्ता ग्रहण करना चाहिय था और मैं उन की यह बात मानता हूं लेकिन मैं यह भी जानता हूं कि इस देश के अन्दर वह रास्ता जो महात्मा गांधी ने हमें बताया था उस रास्ते के ऊपर चला गया है और इस देश के अन्दर दो बड़े तजुर्बे उस रास्ते पर चलतें हुए किये गये हैं । एक रास्ता तो वह था जिस पर चलकर कि हिन्दुस्तान आजाद हुआ । हिन्दुस्तान आजाद हो जाने के बाद कामनवैल्थ बना और हिन्दुस्तान उस का मैम्बर बना । दूसरा रास्ता यह जो हिन्दुस्तान के अन्दर देसी रियासतें और उन के रजवाड़े और राजा महाराजे थे उन को अधिकार था कि वे इंसान को खत्म कर दें और उस की जायदाद तो क्या जो कुछ चाहें वे सब कुछ खत्म कर सकते थे वे अलग अलग अपनी खिचड़ी पकाते थे और आपस में कोई संगठन नहीं था, स्वर्गीय सरदार वल्लभ भाई पटेल ने देश को सुदृढ़ और संगठित बनाने के लिये उन तमाम देशी राजाओं से बातचीत की और उन से एक समझौता किया और यह दूसरा रास्ता था जो कि स्वर्गीय सरदार पटेल ने बर्ता और यह दोनों समझौते हुए वे हिन्दुस्तान के इतिहास में बड़े अहम हैं । मैं नहीं समझता कि मेरे उन दोस्तों को क्यों ऐतराज है और मैं नहीं समझता कि वे कौन से रास्ते पर हमें चलना सिखाना चाहते हैं ।

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

मेरे दोस्त ने कहा कि इंडस्ट्रियल ट्रिब्यूनल के जरिये जिन बातों का फैसला हो चुका है उन को अब क्यों तबदील करने की कोशिश की जाय । इस के लिये मेरा कहना है कि जिस वक्त इंडस्ट्रियल ट्रिब्यूनल ने फैसला किया था उस वक्त उस के सामने तीन इंटरेस्ट्स थे । इंश्योरेंस कम्पनीज का इंटरेस्ट था एम्पलाईज का इंटरेस्ट था और पालिसी होल्डर्स का इंटरेस्ट था । अलग अलग कम्पनियों में अलग अलग कंडीशन्स थीं । कई कम्पनियों में काफी फायदा हो सकता था और कई कम्पनियां नुकसान में जा सकती थीं और फायदे और नुकसान का नुक्तेनिगाह रखते हुए भी कोई एक फैसला इंडस्ट्रियल ट्रिब्यूनल दें सकता था और अपनी राय का इजहार कर सकता था । आज हालात बदले हुए हैं और इस देश की जो जनता है उस के फायदे के लिये इस बीमा व्यवसाय को चलाना होगा । आप जानते ही हैं कि हमारे देश में २४० कम्पनियों बीमा व्यवसाय करती थीं और, उन के अन्दर बड़े ओहदों पर जिस तरह से लोग रक्खे जाते थे और जिस तरह से उन की तनख्वाहें मुकर्रर की जाती थीं वह कोई छिपी हुई बात नहीं है । आप जानते हैं कि इस देश के अन्दर निगोटिज्म की बहुत बीमारी फैली हुई है और कई सूरतों में इन्फ्लेटेड पे दिखाई जा सकती थी और दिखाई हुई होगी । इन

[चौ० रणबीर सिंह]

सारे हालात को देखते हुए और जनता के हित को दृष्टि में रखते हुए हमारी सरकार को इस व्यवसाय को चलाना है ताकि देश की जनता सुखी और खुशहाल बनें और यह देश तरक्की करे। इन हालात में मैं समझता हूं कि इस विधेयक के बगैर काम नहीं चल सकता था और इस तरह का विधेयक ला कर मंत्री महोदय देश को सही और उन्नति के मार्ग पर ले जा रहे हैं।

मैं समझता हूं कि शुरू में ही मंत्री महोदय ने जो छोटे छोटे बीमा व्यवसाय में लगे हुए कर्मचारियों के सम्बन्ध में कहा वह बिल्कुल ठीक कहा। उन्हों ने बताया कि क्या हमारी नीति है और हम किस तरह से उन को तरक्की देना चाहते हैं।

मेरे एक अन्य मित्र ने इंडस्ट्रियल ट्रिब्यूनल का जिक्र करते हुए इस बात को दिखलाने की कोशिश की छोटे मुलाजिम घाटे में रहेंगे लेकिन इस को साबित करने के लिये कोई मिसाल इस सदन के सामने नहीं रक्खी कि किस तरह छोटी तनख्वाह पाने वाले बीमा कर्मचारी घाटे में रहेंगे। इन हालात में मैं समझता हूं कि इस विधेयक का सब को समर्थन करना चाहिये और इस को पास करना चाहिये।

Shri Prabhat Kar (Hoogly): Mr. Chairman, Sir, while I was going through the amendments contained in the Bill brought forward by the hon. Finance Minister, I had an apprehension that the Finance Minister had not gone through the wording of the Bill that he has now placed before the House. When I was listening to the statement that he made to the House, I felt that my apprehension had come true.

In the Statement of Objects and Reasons of this Bill it has been stated:

> "....section 11(2) was confined to altering the remuneration only and order which dealt not only with the remuneration but also with other terms and conditions of service was, therefore, bad in law. To prevent confusion in the working of the Corporation an Ordinance had to be promulgated immediately amending section 11(2) and validating the order made by Government."

14 hrs.

While making this statement in introducing the Bill, he also pointed out that in between this time, the Corporation has been negotiating with the employees and there is every possibility that this negotiation will be successful and in order to validate that agreement, it was necssary to come out with this Bill.

If we look into sub-section (2) of section 11, we will find that it is completely different from the original. Not only have the service conditions which had been excluded from the scope of sub-section (2) been included but something more has been put in there. As a result of the wordings of sub-section (2) of section 11, the insurance employees who were governed by the Industrial Disputes Act will be taken out of the orbit of the Industrial Disputes Act as a whole. From the wordings of this section, it is clear that if the insurance employees do not agree to the imposition of any service condition by the Corporation their services will be terminated and three months' emoluments will be given to them. The clause says:

> "....the Corporation may terminate his employment by giving him compensation equivalent to three months' remuneration".

Now, under the Industrial Disputes Act, the employees have got the right to raise an industrial dispute. An industrial dispute will mean and arise out of a difference in regard to the terms and conditions that the employer might impose. If there is a difference, if the employees do not

agree to the terms and conditions imposed by the Corporation, the Corporation may terminate their service. That means the old law of master and servant which is obsolete today with the new concept of social justice has been brought forward by this section.

Previously, in section 11 (2), there was no scope for the Corporation to amend or alter the service conditions from time to time. Now, here is the power granted to the Corporation and the Central Government to alter from time to time,

> "notwithstanding anything contained in sub-section (1), or in the Industrial Disputes Act, 1947, or in any other law for the time being in force, or in any award, settlement or agreement for the time being in force, alter.... the remuneration and the other terms and conditions of service..."

So, not only we are thinking of the time when the Corporation is taking over the employees, but also of future. Here, power has been given to the Corporation and the Government to alter the service conditions of the employees to the detriment of the employees in future, and the employees will have no right. The Corporation has been given the power to terminate the employee's service with three months' salary as compensation. That means, the protection under the Industrial Disputes Act by which the employees were governed up till now has been taken away.

What is an industrial dispute? An industrial dispute is one where the right of the workers to agitate against any imposition by the employer exists. Any difference between the employer and the employee on the imposition of any service condition is an industrial dispute and according to the law as is prevailing today, the employee can go to the conciliation officer and then to arbitration and can ask the Government to appoint a tribunal to adjudicate on the issue. Here is an absolute power given to the Corporation to alter the service conditions and to terminate the employment by giving compensation equivalent to three months' remuneration "unless the contract of service with such employee provides for a shorter notice of termination".

Now, the Finance Minister was telling us that he has come to an agreement with the employees and he was appealing to the House to co-operate with him, help him, so that the working of this industry may prosper. We know what this unilateral imposition results. The other day, the Finance Minister, in reply to a question, said that during this one year, there has been fall of life insurance business by Rs. 68 crores. The industry has to suffer this loss, and why? Because, during this one year, the Corporation and the Government could not settle the dispute either of the employees or of the field staff. The field staff, who were instrumental in procuring business for the industry, who have made this industry prosperous for all these years, were dismissed, retrenched, and their service conditions were changed to their detriment. Not only that. Certain conditions have been imposed which are impractical today. I submit that because of this unrealistic approach, because of its adamant attitude, the Corporation could not function as it should have during this period of 1956.

Now, the Corporation and the Government want further power not only for today but for the future also. In future also, they will have power to alter the service conditions, if necessary, to the prejudice of the employees, and the employees will have no right to take recourse to any industrial law that is binding on the employees or the Government today. That means, by a single sentence of a few words, the Finance Minister wants to take the insurance employees out of the orbit of the Industrial Disputes Act which, under no circumstances, we can agree to.

[Shri Prabhat Kar]

If we look into section 11, what do we see? This section, as I understand it, was necessary just during the period when the Corporation will take over from the various insurers. That means, it is a period when the employees who were governed by different service conditions under the various insurers will become the employees of the Corporation. At that time, as per section 11(1) they will be deemed to continue in the service of the Corporation in the same terms and conditions of the insurers.

Sub-section (2) says that the Corporation will have the right to alter the terms and conditions of service, for the purpose of rationalisation or for securing uniformity, of the employees of insurers whose controlled business has been transferred to the Corporation. If we go further, we see the original Bill, there, sub-section (3) says:

> "If any question arises as to whether any person was a whole-time employee of an insurer or as to whether any employee was employed wholly or mainly in connection with the controlled business of an insurer immediately before the appointed day the question shall be referred to the Central Government whose decision shall be final".

Sub-section (4) says:

> "Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any employee of an insurer to the Corporation shall not entitle any such employee to any compensation..."

That means, during that period and at that relevant time, the employees will be considered as employees of the Corporation; under the Industrial Disputes Act, compensations have to be granted to them if there was transfer and if there was a change in the service conditions; as the Corporation was taking over all the employees, the Corporation was particular about it and the sub-section was put that no compensation be given. All these relate to the transitory period when the employees would be taken over by the Corporation.

Now, today, we find it is not only a question of the transitory period, but that henceforward the insurance employees shall not have the privilege of being governed by the Industrial Disputes Act and enjoy the rights and privileges to which they were entitled to all these years. At least from the statement that was made by the Finance Minister, it was my feeling and I am quite sure—by now—that the Finance Minister has not properly gone through this particular drafting or he has not realised the repercussions of these particular lines. I am quite sure, when he was appealing to the House that an atmosphere should be created so that the insurance industry will prosper, it is not conducive to the prosperity of the industry that he should take such powers for the Government which will make the life insurance employees feel all the time insecured because if they raise any demand or if they agitate about the imposition of any service condition, their service will be terminated. We know what is the result of the unilateral imposition. We know the chaotic condition that has been prevailing in the insurance industry. Even day before yesterday, we saw a letter in the papers to the effect that even after the policyholders have paid the money, lapse notices are being sent to them. What is it due to? After nationalisation, it was expected that the insurance employees and the field workers would be given the impetus to work. On the other hand, if the rights and privileges they have been enjoying are taken away, then naturally they will react. As a result of their reaction, we find today in the year 1957 there has been a fall in the

business to the tune of Rs. 68 crores during the year 1956. It means that such a big amount has not come to the Corporation, although for the last ten years, there has been a progressive improvement in the life insurance business.

The Finance Minister has set an example by sitting across the table and deciding the terms and agreements with the employees. I quite agree that the example that the Finance Minister has set should be followed in all the other industries. I would appeal to the Labour Minister at least to see that in other industries like banks, where it is detrimental to the interests of the industry itself to have strikes etc., such steps are taken to decide the major issues across the table.

I hope the Finance Minister will now agree that this sort of amendment, which he has brought forward, will not help the industry. So, I would request him to withdraw this amendment of clause (2) so that the life insurance employees may take recourse to the normal law for redressing their grievances. The General Council of the All-India Insurance Employees' Association is meeting to finalise the terms of the agreement and I am quite sure there will be an agreement within a short time. At this time, this type of Bill which has now been introduced will scare the employees away and that will be to the detriment of the industry as a whole.

We are as anxious as the hon. Finance Minister himself is to see that the industry flourishes, but that can only be possible if the workers are taken into confidence. If the field workers are given proper facilities, with their help the industry can flourish. So, I would request him to reconsider this aspect and change this Bill so as to provide powers to the insurance employees to agitate on those issues which they do not consider helpful to them, in the same manner as the employees in other industries like banks do. With these words, I oppose this Bill. I would again apeal to the Finance Minister to reconsider this matter and present this Bill in a different form, so that there may not be any scope for future differences of opinion about the settlement of the disputes in the insurance industry.

श्री स० म० बनर्जी (कानपुर) : सभापति महोदय, आज हमारे सदन के सामने लाइफ इंश्योरेंश कारपोरेशन अमेंडमेंट बिल, १९५७ को अभी हमारे फाइनेन्स मिनिस्टर साहब ने पेश किया है । मैं भी सन् १९५६ तक एक सरकारी मुलाजिम था और मैंने ट्रेड यूनियन आन्दोलन को काफी देखा है । मुझे मालूम है कि बीमा के कर्मचारियों ने बीमा व्यवसाय के राष्ट्रीयकरण को बहुत अच्छी नजरों से देखा है और उसका स्वागत किया था। मैंने बड़े बड़े शहरों की सड़कों और गलियों में देखा कि उन्होंने एक राय होकर इस राष्ट्रीयकरण का स्वागत किया। वह चाहते थे कि न सिर्फ जीवन बीमा का बल्कि जनरल बीमा, रिस्क बीमा का और तमाम चीजों का राष्ट्रीयकरण किया जाय, लेकिन वह हुआ नहीं । मैंने यह भी देखा कि एक तरफ तो उन्होंने इसका राष्ट्रीयकरण करने का स्वागत किया और दूसरी तरफ चन्द दिनों के बाद ही उनके ऊपर अटैक्स होने लगे । तब उन्होंने सोचा कि यह राष्ट्रीयकरण कैसा है ? ऐसा होने पर जो श्रद्धा राष्ट्रीयकरण के प्रति एक सरकारी मुलाजिम को या एक नागरिक को होनी चाहिये वह घटती गई और यह चीज हमारे देश के लिये घातक है । अभी बार बार हमारे मुअज्जिज मेम्बरान ने इस सदन के सामने कहा है कि देश समाजवाद की तरफ बढ़ रहा है । चूंकि देश समाजवाद की तरफ बढ़ रहा है, इसलिये तमाम चीजों को उसी दृष्टिकोण से देखा जाना चाहिए और समानता लाने के लिये जरूरत इस बात की है कि समाजवादी ढंग के अनुसार लोगों की तनख्वाहों को भी

[श्री स० म० बनर्जी]

कम किया जाये। अगर आप समझते हैं कि यही समाजवाद है और बाकई इसमें देश की भलाई है तो इस समाजवाद को हमें अच्छे तरीके से समझना चाहिए। अगर आप आर्डिनेंसों के द्वारा समाजवाद लायेंगे तो यह नहीं कहा जा सकता कि वह स्थायी होगा अथवा नहीं। यह सवाल आपके सामने है, यह सवाल हमारे माननीय सदस्यों के सामने है चाहे वे इधर बैठे हों या उस तरफ बैठे हों। मैं यह अर्ज करना चाहता हूं कि आज देश की जनता के सामने यह सवाल है। बीमा के कर्मचारियों ने हमेशा यह मांग की और कारपोरेशन के सामने जाकर कहा कि हम इस मसले को हल करने को तैयार हैं। मैं जानता हूं कि पिछले आंदोलन में उन्होंने कभी हड़ताल की धमकी नहीं दी। सिर्फ एक दिन की हड़ताल की थी और वह भी मजबूर होकर।

आज हम चाहते हैं कि कर्मचारी और कारपोरेशन, या मालिक और कर्मचारी, या सरकार और कर्मचारी एक साथ मिल कर अपने देश को बनाने में मदद करें? मैं तो खुद एक ट्रेडयूनियनिस्ट हूं और उस नाते समझता हूं कि इस देश में अगर मजदूर और मालिक का रिश्ता, कर्मचारी और मालिक का रिश्ता हम ठीक से समझ लें तो काम ठीक तरह से चल सकता है। हमको यह समझना चाहिए कि मालिक और कर्मचारी एक हारमोनियम के दो तरह के रीड्स के समान हैं, काले रीड और सफेद रीड। काले रीड्स में आप कुछ स्वर सजा सकते हैं और सफेद रीड्स में भी आप कुछ स्वर बजा सकते हैं।

लेकिन अगर आप चाहते हैं कि एक अच्छा सुर निकाला जाय, जिस को सुन कर सब खुश हों, तो हम को काले और सफेद दोनों रीड्ज बजाने होंगे। अगर कारपोरेशन के आफ़िसर्ज और सरकार काले रीड हैं, तो कर्मचारी सफ़ेद रीड हैं। मैं नहीं जानता कि वे दोनों क्यों न एक साथ, एक दूसरे की पूर्ति करते हुये, बेंज और एक ऐसी ध्वनि पैदा करें, जिस को सुन कर सब को प्रसन्नता हो—क्यों न दोनों मिल कर, एक दूसरे से सहयोग कर के, मजदूर मालिक के रिश्ते को खूबसूरत बनायें।

मैं निवेदन करना चाहता हूं कि लोगों ने दस, पंद्रह, बीस साल तक जिन परिस्थितियों में काम किया है, अपनी सारी जवानी खत्म है, उन सब को आप इस अमेंडमेंट से खत्म करना चाहते हैं और साथ ही यह भी चाहते हैं कि उन को अपील करने की भी ताकत न हो और वे हाई कोर्ट में दौडते फिरें। क्यों न उन लोगों को इस सम्बन्ध में अपने पक्ष को सामने रखने का अवसर दिया जाय कि उनकी सर्विस कन्डीशन्ज को क्यों अचानक बदला गया है। जिस तरह दूसरे उद्योगों के मजदूरों को ट्राइब्यूनल के सामने जाने का फ़ायदा हासिल है, बीमा कर्मचारियों को भी यह फ़ायदा क्यों न दिया जाये। आप को इस प्रकार का प्राविजन इस बिल में रखना चाहिए। मैं तमाम इन्शोरश कर्मचारियों की तरफ से कहना चाहता हूं कि अगर आप अपनी बातें उन पर इम्पोज कर के उन से ज्यादा काम लेना चाहते हैं और उनके सामने समाजवाद वगैरह के बड़े बड़े स्लोगन्ज रख कर अपना मतलब पूरा करना चाहते हैं, तो वे लोग कभी भी इस को मानने के लिये तैयार नहीं होंगे। आज आपके सामने सवाल यह है कि कर्मचारियों और मालिकों के रिश्ते अच्छे होने चाहिये। इस सम्बन्ध में हमारे फाइनेंस मिनिस्टर के जो भी विचार हों, लेकिन मैं दावे के साथ कह सकता हूं कि अगर वह और कार्पोरेशन के अधिकारी वर्ग कर्मचारियों पर विश्वास करते, तो आज ये दिक्कतें पैदा न होतीं, जिन के बारे में आपका ख्याल है कि वे सुलझ नहीं सकतीं।

मैं आप का ध्यान इस बात की तरफ़ भी दिलाना चाहता हूं कि जब हाई कोर्ट का फैसला होता है, तो सरकार समझती है कि हमें

परेशानी का सामना करना पड़ेगा, कहीं हमारे कर्मचारी कुछ महीनों की ज्यादा तन्ख्वाह न ले जायें और हमारी तिजौरियों में फर्क न पड़ जाय। इस लिये उस फैसले को रद्द करने के लिये फौरन आर्डिनेंस निकाल देती है। इस के मुकाबले में सुप्रीम कोर्ट ने क्लोजर के मुताल्लिक जब अपना फैसला नवम्बर में दिया, जिससे कर्मचारियों का फायदा होता था, तो उस का आर्डिनेंस सरकार अप्रैल में लाई। इन दो स्थितियों में सरकार की ओर से जिस प्रकार कार्यवाही की गई, उससे कर्मचारियों के प्रति उस के दृष्टिकोण पर ही प्रकाश पड़ता है। मैं निहायत अदब से अर्ज करना चाहता हूं कि आज बीमा कर्मचारियों की जिन्दगी का सवाल है। यह मैं जानता हूं कि आप के पास ताकत है इस बिल को पास करवाने की, फिर चाहे मेरे मित्र श्री प्रभात कार और हम लोग इस के विरुद्ध जो भी कहें। यह जम्हूरियत का जमाना है और बहुमत के बल पर आप इस को पास कर लेंगे। लेकिन मैं यह कहना चाहता हूं कि आप यह सोचिए कि क्या इस अमेंडमेंट को लाए बगैर कोई समझौता हो सकता है और अगर हो सकता है, तो मैं दावे के साथ कह सकता हूं कि वह समझौता अच्छा होगा। आपने एक आर्डिनेंस निकाल कर हाई कोर्ट के फैसले को रद्द किया। कुछ कर्मचारी सोचते होंगे कि कौन सी ऐसी दांव की बात निकाली जाय, जिस को लेकर हम अपनी आवाज उठाएं। इस तरह आपस में कशमकश और खींचातानी होगी, जो कि इंशोरेंस के बिजिनेस के लिये, कार्पोरेशन के अधिकारीवर्ग के लिए और कर्मचारियों के लिए हानिकारक होगी। इस लिये मैं अर्ज करना चाहता हूं कि कम से कम इस के बारे में हमारे फ़ाइनेंस मिनिस्टर साहब दोबारा ग़ौर करें। उनके मन में यह भावना नहीं होनी चाहिये कि चूंकि हम ने यह बिल पेश कया है, इस लिए आज ही इसे पास हो जाना जाहिए। इस को इज्जत का प्रश्न नहीं बनाया जाना चाहिए। मैंने स्वयं सुरक्षा विभाग में चौदह पन्द्रह साल तक काम किया है और मैंने देखा है कि कोई मामूली सी भी बात हो, सरकार उस को मैटर आफ़ प्रैस्टीज–इज्जत का सवाल–बना लेती है। उस तरह से यहां भी यह नहीं सोचना चाहिए कि हम ने एक आर्डिनेंस निकाला है, अब हमें उस को लीगल रूप देना है—यह तो हमारी इज्जत का सवाल है, चाहे अपनी इज्जत के लिये दूसरे की इज्जत ही क्यों न लेनी पड़े। मैं कहना चाहता हूं कि यह समाजवाद नहीं होगा। अगर हमारा उद्देश्य यह है कि हमारा देश आगे बढ़े और हमारे इंशोरेंस के कर्मचारी, मध्यम वर्ग, मजदूर उस में अपना हाथ बटायें, तो हमें उनका सहयोग लेने का प्रयत्न करना होगा, बजाय इस के कि इस अमेंडमेंट के जरिये उनको बन्दिश में डाल दिया जाय और एक तरह से उनको कहा जाय कि अगर तुम इस फैसले को नहीं मानते हो, तो तुम्हारी रोटी छीन ली जायगी। यह जायज नहीं है।

अक्सर जब बीमा कर्मचारी, या दूसरे कर्मचारी, आवाज उठाते हैं, तो हमारी सरकार कहती है कि देखो, भाई, आपस में ऐसी बात नहीं करनी चाहिए, हड़ताल नहीं होनी चाहिए। मैं भी उन व्यक्तियों में हूं जो यह विश्वास करते हैं कि हड़ताल नहीं होनी चाहिए, लेकिन सवाल यह है कि जब आप उन के राइट्स को क्रश करते हैं, उन की सर्विस कन्डीशन्ज को चेंज करना चाहते हैं, उनकी आवाज को बन्द करना चाहते हैं, उन के गले को दबाना चाहते हैं और परेशान होकर वह हड़ताल करना चाहते हैं, तो क्या इस सदन के मेम्बरान उनको कसूरवार ठहरायेंगे?

जब मैं चुनाव जीत कर यहां आने लगा, तो मेरे यहां बीमा कर्मचारियों और बैंक कर्मचारियों और दूसरे लोगों ने मुझ से कहा कि क्या आप हमारे लिये लड़ेंगे। मैंने कहा कि पालियामैंट में हमारे भाई हैं–दूसरी तरफ जो बैठते हैं, वे भी भाई हैं, वहां तो भाई भाई की लड़ाई होगी। मैं ने हंस कर कहा कि हम

[श्री स० म० बनर्जी]

पांडव हैं और वे कौरव और हम उन से पांच गांव मांगेंगे और वे पांच गांव हैं, रोजी, रोटी, कपड़ा, मकान, अस्पताल और बच्चों के लिए स्कूल । अगर ये पांच गांव हम को नहीं मिलेंगे, तो महाभारत की लड़ाई कुरुक्षेत्र में नहीं बल्कि इस सदन के अन्दर होगी । मैं यह अर्ज करना चाहता हूं कि आज बीमा कर्मचारियों में बहुत ज्यादा असन्तोष है । फाइनेंस मिनिस्टर साहब यह न समझें कि चूंकि कोई डिमांस्ट्रेशन वगैरह नहीं हो रहा है, इस लिए सब ठीक है । जो तन्ख्वाह आप ने मुकर्रर की है, उन की लिस्ट मेरे पास है । मैं जानता हूं कि कर्मचारियों को क्या लाभ हुआ है और क्या हानि । हो सकता है कि मामला थोड़ी देर के लिए दब जाय, लेकिन इस असन्तोष का परिणाम किसी के लिए भी अच्छा न होगा । उत्तर प्रदेश में जब इलैक्ट्रिक सप्लाई कम्पनी को नैशनलाइज किया गया था, तो एम्पलाईज के ग्रेड वही रहने दिए गए, जो कि पहले थे।

अन्त में मैं कहना चाहता हूं कि कर्मचारियों की आर्गनाइजेशन्ज को रेकागनीशन दीजिए, उन को बुलाइये और बात-चीत कीजिए, भाई भाई के नाते आपस में समझौता कीजिए । अगर सिर्फ कानून के जोर से आप कर्मचारियों की जिन्दगी का फैसला कर देना चाहते हैं तो मैं यह कहूंगा कि कर्मचारी आप के सामने भले ही कुछ न कहें, लेकिन बाहर वे अपना असन्तोष व्यक्त करेंगे और कहेंगे कि हमारा देश समाजवाद की तरफ नहीं जा रहे हैं । अगर उनको समाजवाद की स्थापना के बारे में विश्वास दिलाना है, तो यह आवश्यक है कि बीमा कर्मचारी और कार्पोरेशन के अधिकारी रेल के दो पहियों की मानिंद चलें---मजदूर मालिक, कर्मचारी अफसर, अक्सरियत अकलियत, सब साथ साथ आगे चलें । सरकार इस रेलगाड़ी को आगे ले जाय, जिस में करोड़ों यात्री बैठे हुये हैं, और अपनी मन्जिल---यानी समाजवाद---की तरफ आगे बढ़े ।

श्री राघ. रमण (चांदनी चौक) : सभापति महोदय, यह संशोधन विधेयक, जो वित्त मंत्री ने सदन के सामने रखा है, हाई कोर्ट के फैसले का नतीजा है । जो लोग पहली पार्लियामेंट में मौजूद थे, उनको स्मरण होगा कि जब यह लाइफ इशोरेंस कार्पोरेशन का विधेयक वित्त मंत्री ने यहां पर रखा था, तो सारे हिन्दुस्तान में यह मांग थी---और यह मांग बिल्कुल वाजिब थी---कि जितने भी सरकारी कर्मचारी हैं, वे सब के सब एक ही तर्ज और तरीके पर रखे जायें और उन के वेतन और अख्तियारात आदि भी करीब करीब समान होने चाहिए । यह भावना थी कि जिस भावना को लेकर यह बात भी सोची गई थी और यह सोच कर ही धारा ११ (ए) तथा ११(बी) रखी गई थी । इस धारा में जो यह रिम्यूनरेशन शब्द रखा गया है उस शब्द के आधार पर ऐसा ख्याल था कि न केवल वेतन ही उसमें शामिल हो सकते हैं बल्कि उसके साथ और भी जो अख्त्यारात हैं उनको भी उसके अन्दर मिलाया जा सकता है । मगर हाई कोर्ट ने जो फैसला दिया वह दूसरा ही निकला और सरकार को इस बात की जरूरत महसूस हुई कि उसको एक संशोधन विधेयक यहां लाना चाहिए । मैं यह समझता हूं कि वित्त मंत्री जी का यह संशोधन विधेयक यहां पर लाना एक मुनासिब और ठीक बात है और यह उस भावना के जो भावना उस वक्त यहां व्यक्त की गई थी, उसके मुताबिक है ।

तो जहां मैं इस बात को मानता हूं वहां मैं कुछ बातें वित्त मंत्री की खिदमत में अर्ज करना चाहता हूं । मैं यह देख रहा हूं कि जीवन बीमा व्यवसाय का जो यह कार्पोरेशन बना है और जिस मकसद के लिए हमने इसे बनाया था और इससे जो एक नया जोश हम लोगों में इस व्यवसाय के प्रति उत्पन्न हुआ था और जो परिणाम हम सेसे निकालना चाहते थे, जो नए ख्यालात हम लोगों के अन्दर पैदा करना चाहते थे, उसमें हम अभी तक

सफल नहीं हुए हैं । अभी माननीय वित्त मंत्री जी ने कहा कि पहले साल में जो बीमा चुका है उसमें ६८ करोड़ का घाटा रहा है । इसकी कुछ वजूहात भी बतलाई गई हैं और हो सकता है कि वे सही भी हों । लेकिन इसमें भी कोई शक नहीं है कि उस कमी का एक बड़ा भारी कारण यह भी है कि जिन कर्मचारियों से हम यह आशा करते थे कि राष्ट्रीयकरण के बाद वे अपना सारा वक्त और अपना सारा ध्यान इस तरफ लगा देंगे वे बजाय उस ध्यान और उस वक्त को इधर लगाने के आहिस्ता आहिस्ता कुछ सरकार से और इस जीवन बीमा व्यवसाय के कार्य से असन्तुष्ट होते जाते हैं । मैं देखता हूं कि जहां पहले वे दिन और रात एक करके ज्यादा से ज्यादा बीमा लाने की कोशिश किया करते थे आज वे हाथ पर हाथ धर कर बैठे हुये हैं । कुछ तो निढाल हो गए हैं कुछ ने दिलचस्पी लेना बन्द कर दिया है । यह अच्छा नहीं है । अगर हम चाहते हैं कि हमारा बीमा जीवन का जो कार्य है वह सारे देश में फैले और यह बढ़े तो हमें इस बात का भी ख्याल रखना होगा कि हमारे जो कर्मचारी हैं वे सन्तुष्ट रहें । उन लोगों को हमने जो आश्वासन दिए थे और वे आश्वासन हमने एक बार नहीं बल्कि पचास बार दिए हैं और उन आश्वासनों पर शायद वित्त मंत्री जी आज भी कायम रहना चाहते हैं और उनसे पीछे हटना नहीं चाहते हैं, तो जरूरत इस बात की है कि उन पर मजबूती से चला जाए ताकि कर्मचारियों में विश्वास की भावना पैदा हो । हम एक विधेयक नहीं कई विधेयक ला सकते हैं लेकिन उसका जो असर हो सकता है उस पर हमें विचार कर लेना चाहिए । आज इस इंडस्ट्री में जो कर्मचारी काम कर रहे हैं वे उस उमंग से कार्य नहीं कर रहे हैं जिस उमंग से वे राष्ट्रीयकरण से पहले कर रहे थे । आज उनके जो ख्यालात हैं वे बदलते जा रहे हैं, यह हमारा दुर्भाग्य है । इस लिए पहली बात जो मैं वित्त मंत्री जी से कहना चाहता हूं कि यह ठीक है कि राष्ट्रीयकरण के पहले हिन्दुस्तान में काफी प्राइवेट कम्पनियां थी और शायद उनकी तादाद २४१ के करीब थी । इन सब में कर्मचारियों के जो अख्त्यारात थे वे अलग अलग थे, वेतन अलग अलग थे, जो लोग क्षेत्र में काम करते थे बीमा लाते थे, उनके वेतन भी, अलग थे और इन सब में बहुत ज्यादा भिन्नता थी और इन सब भिन्नताओं को उस केस में जब कि इस व्यवसाय का राष्ट्रीयकरण हो चुका है और स्टेट की एक मौनोपली बन चुकी है, कायम रखना मुनासिब बात नहीं है और मैं समझता हूं कि कर्मचारी भी इस बात को पहले जानते थे और अब भी जानते हैं । मेरे विचार में इस चीज का विरोध भी वे लोग नहीं करते हैं । लेकिन मैं आपको यह बतलाना चाहता हूं कि उन लोगों के दिमाग़ों के अन्दर यह बात और समाती जा रही है कि जब हम कोई कानून बनाते हैं उस वक्त उस कानून की जो मंशा होती है वह कुछ और होती है लेकिन जब उस पर अम्ल किया जाता है तो किसी और ही भावना के साथ किया जाता है । आप चाहते यह हैं कि कारपोरेशन के जितने भी अधिकारी हैं, जितने भी मुलाजिम हैं, उन सब का एकीकरण हो, उनके समान अधिकार हों तथा कोई भिन्नतायें न रहें । यह एक अच्छी बात है और मेरा ख्याल है कि वे लोग इसे मंजूर भी कर लेंगे । लेकिन इस चीज को सामने रख कर बहुत सारे कर्मचारियों को जिन्होंने अपनी सारी जिन्दगी इस काम में गुजारी है, हम निकाल सकते हैं और निकाल देते हैं । ऐसा नहीं होना चाहिये । यह जो अधिकार आप ले रहे हैं आपको देखना चाहिए कि इनका जो प्रयोग हो रहा है वह भी सही ढंग से हो रहा है या नहीं । यदि इसका प्रयोग सही ढंग से किया गया तो जो कर्मचारियों में आज असन्तोष है वह मैं समझता हूं बहुत हद तक दूर हो जाएगा । लेकिन जब ऐसे अधिकार का उपयोग ठीक ढंग से नहीं होता है तो जो कर्मचारी सन्तुष्ट भी होते हैं वे भी असन्तुष्ट हो जाते हैं और इस तरह से असन्तोष बढ़ता चला जाता है

[श्री राधा रमण]

और इस प्रकार असन्तोष का फैलना हमारे लिए तथा खास तौर से इस इंडस्ट्री के लिए बहुत ही हानिकारक है। तो मैं अर्ज करना चाहता हूं कि मूल विधेयक में हमने जो धारा रखी थी और उसके पीछे हमारा जो अभिप्राय था, हाई कोर्ट के जजमेंट से वह पूरा नहीं हुआ तो हमारे वित्त मंत्री जी को एक संशोधन विधेयक लाने की जरूरत महसूस हुई। इस विधेयक के अधीन पहले विधेयक में जो अधिकार थे उससे कहीं ज्यादा अधिकार आज गवर्नमेंट को दिए जा रहे हैं। इससे मैं समझता हूं कर्मचारियों में असन्तोष होना स्वाभाविक है और इससे बहुत से माननीय सदस्य भी सहमत होंगे कि इस असन्तोष को दूर करने का हमें प्रयास करना चाहिए। धारा ११(२) के नीचे जो ये सब बातें बढ़ाई गई हैं और जिन अधिकारों को आज सरकार ले रही है वे काफी वसीह हैं और जो मूल विधेयक में अधिकार सरकार ने अपने लिये लिए थे उनसे तो ये कहीं ज्यादा हैं। हमारे मुअज्जिज दोस्त पंडित ठाकुर दास भार्गव जी ने अभी इन सब चीजों की तरफ इशारा किया है और कुछ का खास तौर से जिक्र भी किया है। मैं मानता हूं कि सरकार की नीयत खराब नहीं है लेकिन यह जरूर है कि बहुत से ऐसे कर्मचारियों को जिन्होंने कि अपनी सारी जिन्दगी बीमा व्यवसाय में लगा दी है और जो आज भी बीमा व्यवसाय के एक बहुत अवश्यक अंग हैं, इस धारा के तहत, इन अधिकारों के तहत, उनको निकालना आसान हो जाएगा। इतना ही नहीं उनकी कोई सुनवाई भी नहीं है और न कोई उनको अपील का अधिकार ही है। मैं समझता हूं कि ऐसी चीजें पहले भी हुई हैं और उनका जिक्र यहां इस सदन में भी हुआ है। हो सकता है कि माननीय वित्त मंत्री जी ने किन्हीं खास खास केसिस पर दुबारा गौर किया हो या दूसरों ने उन पर गौर किया हो और आखिर उन लोगों को इंसाफ भी मिल गया हो लेकिन हजारों की तादाद में जब इस तरह के केसिस होते हैं तो उन तमाम केसिस पर व्यक्तिगत रूप से विचार नहीं किया जा सकता है या करना मुश्किल होता है। इसका नतीजा यह होता है कि बेइन्साफी हो जाती है। इस लिए मैं यह कहना चाहता हूं कि यह विधेयक जिसको कि संशोधित रूप में यहां पेश किया गया है इस में जो अधिकार सरकार को दिए जा रहे हैं वे बहुत ज्यादा वसीह हैं या उनका जो प्रयोग होगा मुझे डर है, वह इस तरह से होगा कि कर्मचारियों में असन्तोष बढ़े और जो बाद में जा कर हमारे लिए तथा देश के लिए हानिकारक साबित होगा। इस लिए मैं वित्त मंत्री जी से प्रार्थना करता हूं कि वे इसका कोई न कोई इलाज अवश्य करें।

दूसरी बात जो मैं कहना चाहता हूं वह यह है कि असन्तोष के जो कारण हैं उनको दूर करने का कोई न कोई उपाय अवश्य खोजा जाना चाहिए। बिना असन्तोष के कारणों को दूर किए, जीवन बीमा व्यवसाय तरक्की नहीं कर सकता है। जो अधिकार सरकार ले रही है, वे इन कारणों को दूर करने में रुकावट नहीं साबित होने चाहियें। जब कभी भी कोई मामलात सामने आयें तो मैं आपसे कहना चाहता हूं उनका शीघ्र निपटारा कर लिया जाना चाहिए और इनका निपटारा जो आज कर्मचारियों की संस्थायें हैं उनके साथ सलाह मशविरे से किया जा सकता है। आज विभिन्न श्रेणियों की विभिन्न संस्थायें हैं और ये काफी मजबूत हैं और इनको और भी मजबूत किया जाना चाहिए। आज जो क्षेत्र में काम करते हैं, उनकी अलग से फैडेरेशंस हैं, आफिसर्स की अलग हैं तथा दूसरे कर्मचारियों की दूसरी फैडेरेशंस हैं। इन फैडेरेशंस के साथ आपके ताल्लुकात ज्यादा बेहतर तथा ज्यादा मधुर होने चाहिएं। आप जो अधिकार ले रहे हैं उनके होते हुए भी आपको इन फैडेरेशंस के साथ मिल बैठ कर या सलाह

मश्विरा कर के उन सब कर्मचारियों को जो इस व्यवसाय में लगे हुये हैं सन्तुष्ट करने का रास्ता अख्त्यार करना चाहिए। इसके लिए कोई ऐसी कमेटी या मैशिनरी बनानी चाहिए जिसके साथ बातचीत करके समस्याओं को सुलझाया जा सके इसके बजाय कानूनी हथियार लेकर या डंडा लेकर उन पर चलाये। अगर इन सब मामलात को मिल बैठकर, समझा बुझाकर, आपस में बातचीत करके अगर निपटारे कर लिए जाए तो यह ज्यादा मुनासिब है। मैं समझता हूं कि हिन्दुस्तान में आज कोई ऐसा व्यक्ति नहीं है जो राष्ट्रीयकरण के हक़ में न हो या मुल्क को तरक्की करते हुये न देखना चाहता हो। आज हिन्दुस्तान के अन्दर कोई व्यक्ति इस जीवन बीमा व्यवसाय में ऐसा नहीं होगा, चूंकि मैं भी इस व्यवसाय से कुछ ताल्लुक रखता हूं और कह सकता हूं कि जिसके दिमाग में यह ख्याल हो कि आज हम सरकार को लूट खसोट लें या उससे कोई बेजा फायदा उठावें। सभी यह चाहते हैं कि जो अब तक उनके अधिकार थे वे कम न हों और जो अब तक वे हासिल करते रहे हैं उसमें किसी किस्म की कटौती हो। मेरी तो कोई वजह समझ में नहीं आती कि हम आपस में बैठ कर और सलाह मशविरे से कोई बात क्यों न हल कर सकेंगे और हमें कानून का डंडा बजाना पड़े। इसलिये मैं समझता हूं कि आज सरकार के अन्दर इस तरह के ऐटीच्यूड को पैदा करने की सख्त जरूरत है और मुझे पूरा विश्वास है कि ऐसा होने से इस बीमा व्यवसाय का काम बहुत अच्छी तरह से चलेगा और यह व्यवसाय तरक्की करेगा और हमारा देश प्रगति पथ पर आगे बढ़ेगा। हम चाहते हैं कि हमारे देश के अन्दर यह व्यवसाय बढ़े और यह एक ऐसा व्यवसाय है कि जिस व्यवसाय के मातहत सैकड़ों व्यवसाय पनप सकते हैं और मैं चाहता हूं कि बीमा व्यवसाय में लगे हुये कर्मचारियों के असन्तोष को कम करने के लिए जितने भी कदम उठाये जा सकते हैं उठाने चाहियें।

मैं समझता हूं कि वित्त मंत्री महोदय भी इस बात को महसूस करेंगे कि इन अख्त्यारात के ले लेने के बाद इस व्यवसाय में लगे हुये कर्मचारियों को अगर कुछ सहूलियतें पहले से हासिल हैं और इस रेशनलाइजेशन या युनिफार्मिटी का नाम लेकर अगर उनकी सहूलियतें कम की जाती हैं तो यह उन कर्मचारियों के साथ भारी बेइंसाफी होगी जिसे न सरकार चाहती है और न सरकार को चाहना चाहिए। हमारा कर्तव्य है कि जो आदमी इस बीमा व्यवसाय में लगे हुए हैं उनको संतुष्ट रखते हुए इस व्यवसाय में लगाये रहना चाहिए और इसके लिए अगर हम थोड़ा झुकें भी तो भी कोई हर्ज नहीं है।

यह जो कहा जाता है कि विभिन्न कम्पनियों में काम करने वाले कर्मचारियों की नौकरी आदि की शर्तों में भिन्नता है और यह कि हम उनमें बिलकुल एक युन फार्मिटी लाना चाहते हैं, मेरा कहना है कि आप उससे व्यर्थ में परेशान न हों क्योंकि वह भिन्नता कुछ थोड़ी सी ही है और भिन्नता में हमने हमेशा समानता देखी है और सारी दुनिया को ऐसा मार्ग दिखाने को अग्रसर रहते हैं तो कोई वजह नहीं है कि हम समानता का नाम लेकर अपने बीमा व्यवसाय में लगे कर्मचारियों में असन्तोष पैदा करें। आज कर्मचारी यह समझ रहे हैं कि जो अधिकार उनको मिले रहने चाहिए थे वे घटाये जा रहे हैं और उनके साथ सरकार इंसाफ नहीं करने जा रही है। मैं चाहता हूं कि हमारे वित्त मंत्री महोदय को कोई रास्ता ऐसा अख्त्यार करना चाहिए जिससे कि वह असन्तोष बढ़े नहीं बल्कि घटे। सरकार यह जो अख्त्यारात लेने जा रही है उनको बड़े शौक से वह ले ले लेकिन उनका इस्तेमाल न करते हुये इस्तेमाल उन्हीं तरीकों को करे जो कि गांधी जी ने हमको बतलाये थे और जो कि आज पंडित जी हमें और सारे संसार को बता रहे हैं। आज जब हम

[श्री राधा रमण]

सारे संसार को शांति और आपस में मिल कर अपनी समस्याओं को हल करने की प्रेरणा दे रहे हैं तो उसी रास्ते का हमें यहां भी अनुसरण करना चाहिए। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं।

Shri Hem Barua: I have an idea in moving my amendment. When this Corporation was established and life insurance was nationalised, there was a sort of enthusiasm all over the country and people welcomed it; even the insurance workers welcomed it. This Life Insurance Corporation started with a bang and has now thinned itself into a dim whimper. Because, that enthusiasm which was initiated in the beginning that it would help investments and we want capital investment for the success of the Second Five Year Plan, has somehow or other withered away. It is because of this fact. The former Finance Minister gave an assurance to the insurance employees that their interests would be safeguarded, that their service conditions would be safeguarded. But when, to their utter dismay, they found that their service conditions and interests were not safeguarded, naturally they had to go on strike, naturally enough they had to agitate. And the Finance Minister, in his reply to the debate on the General Budget on the floor of the Rajya Sabha, has made a reference to the demonstration that the insurance workers made in front of his house in Madras. This has to be. Because, one thing is certain, that these workers, these employees went to the law court for justice, and the Bombay High Court pronounced certain judgments in their favour. But quick in the heels of that judgment came the Ordinance. And the purpose of the Ordinance, as sought to be enacted by this Bill, is this. It is a very dangerous thing. They want to standardise and rationalise, as they say, the pay scales and all that. But at the same time they say, that "if the alteration is not acceptable to any employee, the Corporation may terminate his employment by giving him compensation equivalent to three months' remuneration unless the contract of service with such employee provides for a shorter notice of termination."

I want to tell you here about the field workers. These field workers generally are those who form the blood and bone of the insurance industry. And what about these field workers? Some eight thousand field workers are left in the lurch and they are groping in the dark for security of life. They are demanding employment. Out of these eight thousand, only nine hundred are employed today and the rest of these field workers are, as I said, groping in the darkness.

And Comrade Gupta has already made a mention of the Medical Examiners, who are about twenty thousand. There is an agitation among them, because this nationalised industry has left them in darkness and gloom. There is no hope for them.

We find that this Ordinance which is now sought to be regularised through this Bill has made an inroad into the rights and privileges of the workers.

Shri Narayanankutty Menon (Mukandapuram): Sir, on a point of order. There is no quorum in the House.

Mr. Chairman: The bell is being rung.

Shri V. P. Nayar (Quilon): In the last Parliament we had this only towards the end, the lack of quorum.

Shrimati Parvathi Krishnan (Coimbatore): It is the Government Business. They have to maintain quorum.

Shri V. P. Nayar: On the Treasury Benches there is only one Minister.

Shri Narayanankutty Menon: When such an important matter is being discussed, it is their duty to have a quorum.

Shri Hem Barua: May I continue, Sir?

Mr. Chairman: Unless there is a quorum, he cannot.

Now there is quorum, he may continue.

[MR. DEPUTY-SPEAKER *in the Chair*]

I had stopped, Mr. Deputy Speaker, because it was pointed out that there was no quorum.

Mr. Deputy-Speaker: He might continue now.

Shri Narayanankutty Menon: Throughout his speech there was no quorum!

Shri Hem Barua: Sir, I have moved an amendment to the motion before the House, because I find that this Bill which seeks to replace the Ordinance has raised a lot of controversy among the people. I want this Bill to be circulated for public opinion. When insurance was nationalised, naturally, there was enthusiasm among the people, among the policy-holders, among the insurance employees. This was a good sign and so it was welcomed by the insurance employees and the policy-holders welcomed it. Now, it seems they have discovered certain loopholes in it. We find the policy-holders are in the darkness in the sense that there has been hesitation in them. For one complete month, business was at a standstill. After that, in the business that was transacted, there has been go-slow tactics. So far as the field workers are concerned, who are supposed to constitute the bone and blood of this industry, they have no security in the sense that 8000 of them are out of employment. Out of 8000 field workers, only 900 are provided. When this industry was nationalised, the former Finance Minister gave an assurance to the insurance employees that their service conditions would not be impaired and that their interests will be safeguarded. They also welcomed nationalisation in the sense that this would augment capital formation and investment. We want investment and capital formation for the success of the Second Plan.

There is controversy today because some of the employees of the Life Insurance Corporation, in order to redress their grievances, had taken recourse to the courts of Law. The Bombay High Court pronounced judgment in their favour. On the heels of this judgment, this Ordinance was enacted in order to deprive these people of the benefits that they get out of the verdict of the law court. Now, I say, this is an inroad on the rights and privileges of the life insurance workers. It also cuts at the root of healthy democratic trade union movement in this country. A healthy, democratic trade union was growing in this country. It was building up a tradition. By promulgating this Ordinance, which the Government seek to regularise through this Bill, they have cut at the root of this healthy democratic movement.

I find here the Government have tried to monopolise all power and they are trying to dictate terms to the insurance employees. On page 2, it is said:

> "...if the alteration is not acceptable to any employee, the Corporation may terminate his employment by giving him compensation equivalent to three months' remuneration unless the contract of service with such employee provides for a shorter notice of termination."

Government say, if some of the employees are not ready to accept the terms and conditions dictated by them, the only course open to them is termination of their service. This is how their services would be terminated. They would be thrown into wilderness. There is no provision in this Bill for a machinery to negotiate. There is no room in this Bill for co-operative or collective bargaining. Our trade union movement has created an atmosphere for collective bargaining. Nowhere in this Bill do we find a clause providing for collective bargaining. At the same time, there is no scope for arbitration or for negotiation.

[Shri Hem Barua]

The Planning Commission has published a report. In the course of the report it has said that it is necessary to create ideal industrial conditions. Now, we are embarking on the Second Plan. We want an atmosphere of ideal industrial conditions. I want to ask the Government, do they think that by promulgating this Ordinance or this Bill, they are going to create that atmosphere, that climate of ideal industrial relations. The worker or employee has nothing to say. His terms and conditions will be dictated to him. His trade union movement is gone to the wind. He cannot come and negotiate with the Government or the Corporation. That is the position into which he is forced. I say, this, because nationalisation and this Corporation have created problems to more than one in the country today. As my comrade Shri Sadhan Gupta said, this has created a problem among the medical examiners. I have already referred to the problem it has created among the field workers. I have referred to the problem it has created among the people. I know the top bosses. For the top bosses, there are no problems. I have a suspicion somehow or other that these top bosses, who have exhibited samples of nepotism and favouritism by putting in people for whom they have some sort of affection, have tried to sabotage this nationalisation scheme so that, from the public sector, they may be again denationalised and transferred to the private sector. There is that suspicion not only in me, or in the majority of the House, I suppose, but among the people, in the public today. That is why I want this Bill to be circulated for public opinion before it is taken up here and passed into an Act.

Shri Dasappa (Bangalore): Mr. Deputy-Speaker, I do not propose to enter into the controversy that has been created over this Bill. I only wish to say that this Bill is absolutely inevitable in view of the very circumstances in which the Government and the Corporation find themselves.

There are certain analogies which, I think, it would do well for us to remember, when we consider this measure. Take, for instance, the case of Federal financial integration. When there was an integration of the various Indian States with the Union, when certain departments like Income-tax and Railways and Excise and so on were transferred to the Centre, all over India, we had a number of States where different scales of salaries and terms and conditions were obtaining. The Federal Financial Integration Commission presided over by Sir V. T. Krishnamachari, laid down a certain formula with regard to this question of absorption of various officials. They put it in some general way, that is to say, that they must be absorbed in appropriate grades and on terms not less advantageous than what they had before. That is all that they could do at the time. Everything else was left for implementation in a reasonable and liberal way. When we are dealing with hundreds of institutions with varying scales of salaries and conditions of service, it is impossible to lay down any single formula which could be applicable to all the companies, and all the staff. We can only lay down very broad principles. In the case of the integration of Indian States, it was said that they should be absorbed in appropriate cadres and on terms not less advantageous. It is obvious to anybody that when there is this integration, every person who may be holding a responsible position in a certain company, cannot get a similar place in the insurance Corporation or in the various branches of the Corporation. If there is, for instance, one cashier for each branch of a company, we cannot take all these cashiers and give each of them the position of cashier in the Corporation. At best, what the Corporation could do is to see that his remuneration is not less than what he is getting and his prospects are not damaged or harmed. These are certain general principles. When the parent Act was passed, I do not know, for some reason or other, they did not follow the phraseology that there was

in certain of the earlier enactments. They only referred to the question of remuneration. It should be patent to anybody that if it is only a question of remuneration and not anything else, it becomes impossible to work the Corporation in any rational manner. It is inevitable that there should be an amendment such as we have here. It must refer also to other matters beyond remuneration, and one is the revision of the other terms and conditions of service. Therefore, I do not think there is any reasonable ground for complaining about the issue of the ordinance. And when once the ordinance is issued, I think the Bill must come up before us and I see no reason, no profit, in trying to think of circulating this Bill for public opinion.

15 hrs.

However, I wish to appeal to the hon. Finance Minister to take up a liberal attitude in the matter of implementation of this Bill. I shall show in a minute or two how a liberal implementation is called for in the circumstances. There were some old well-established companies which had, I should say, very decent scales of pay in all the varying categories. There were other companies where the scales were much lower than the well-established ones. I may refer to the Mysore State Life Insurance Company. I pleaded very earnestly that this may be left to be run by itself and the present Corporation need not absorb it, because there would be an element of competition and it would have been all for the good. The principle of nationalisation would not in the least be harmed thereby, and the State would also have its ways and means position improved. That may be a different thing, I do not think it is profitable now to take it up. But I was saying—I am only illustrating my point and it will apply to various other companies—that in that State life insurance company in Mysore the scales of pay were low. In fact, the scales in Mysore and places like Travancore-Cochin were far lower than those in other provinces or the Union. But when the question comes for absorption, I would ask the hon. Finance Minister to consider this aspect, that a man with sufficiently high qualifications and long experience, merely because his scale of pay is low, should not be brought lower down than others who might have had much less experience and much less qualification but had the advantage of a higher scale of pay in another company. This is an aspect which is not only a matter to be considered now with reference to this Bill, but one which has got to be borne in mind in the case of a number of future schemes that we will have to bring before Parliament. It is not only a question of nationalisation of insurance. With regard to every other similar thing this question is going to crop up. Even with regard to States re-organisation, for instance in the case of Mysore State five different States have come together. In each State the scales were different. A teacher in one place was getting twice as much as a teacher in another place with identical qualification and possibly much longer experience. How are you going to equate these posts? This is not an easy thing. So, it does not confine itself to remuneration alone but applies to the various terms and conditions of service also, and if this aspect had been well considered while bringing the original Bill, possibly the expression would have been different and this idea also would have been incorporated in it. Therefore, I would urge upon the hon. Members opposite who are trying to find fault with the hon. Finance Minister for having brought this Bill and perhaps even for being responsible for the ordinance, to see that he has done nothing except to improve the efficiency of the administration and also mete out justice to the employees. What does it profit the hon. Finance Minister to harm a single officer or official, I cannot understand. Is it that the Finance Minister is there just to be unreasonable, mulish and stubborn and tolerate these inequalities? Nothing of the sort. It is absolutely necessary, you cannot get over that, and therefore this amendment becomes absolutely necessary.

[Shri Dasappa]

All that we should see is that in the course of implementation there is no injustice. I can also assure the House and the hon. Finance Minister that nothing that anybody do will take away the sense of injustice in the case of some people. I was discussing the Federal Financial Integration. The railways were integrated. I will tell you how after implementation certain sections were perfectly happy, there was no trouble, while in others the grievances remained, and to this day remain. Take the Class IV appointments in the railways when there was integration of the Hyderabad, Mysore and other railways. They were treated very well, very generously, and there was no trouble about them. But when it came to the question of Class I and Class II, the trouble has not ended to this day. There was a formula which was given only one year ago, and that also has not been properly implemented. Therefore, I say in implementing it becomes very necessary to be fair, to be generous. It is not an easy task, and it should not be merely left to people who may not have experience in this matter. I think the Home Ministry also have got people who have handled similar situations, whose advice and guidance would be very helpful in this matter.

Therefore, without taking more time of the House, I would say this Bill is absolutely necessary and that it is just filling in a lacuna. At the same time, I would make an appeal to the hon. Finance Minister to be very sympathetic in the matter of implementing this Bill.

Pandit K. C. Sharma (Hapur): Like my friend Shri Dasappa I find it quite logical and a commonsense thing that this Bill should have been brought, because I was on the Select Committee on the original Bill and I know that it was the intention that not only the remuneration, but the service conditions, the work to be assigned etc., too may be changed. The reason is simple as has been pointed out by Shri Dasappa. There might have been 200 Secretaries in 200 companies, but there cannot be 200 Secretaries in one Corporation, they must change their jobs. So, when the jobs are changed, the question arises even of remuneration. Even in the former Act as it was, the remuneration could be changed. So, there is no sense in taking up the position that remuneration could be changed, only other conditions could not be changed. This was disputed in the Bombay High Court and the High Court held that the Act as it was did not permit the Corporation to change the other conditions. So, the remedy has been added, nothing more has been done. And it is logically impossible to keep people in the same place, therefore they have to change jobs, and ultimately this law has to come as it has come.

So much is said about the satisfaction to the people who are working in the insurance business and so much about their dissatisfaction and discontent. I simply take the attitude that State service is not a contract for business.

State service, according to every Constitution which lays down the fundamental principles for citizens as such, is a constitutional obligation to take up a particular job. It is a privilege, and it is a duty. It is not a contract of business. It cannot be treated on the same footing as a business contract. Here, there is a sense of duty, a sense of loyalty to the State. One has also to take into consideration the fact that while a person is working for the State, he is not working merely for the purpose of remuneration, but for the purpose of doing some job which will affect the State, and which will do some good to the State, and thereby he does some good to the coming generation in which his own children are included. This is the principle of State service, which is quite different from that behind a contract of business. Therefore, anyone who does not want to work is not fit to be taken into State service.

Simply because a certain man in a certain insurance company was being paid a very handsome salary, can he be paid much more than others employed in Government service, who are of the same mental equipment, who have put in the same experience, and who have put forth the same labour, though their jobs are different? I submit that there should be some rational in the State services.

Once these companies have been nationalised, it necessarily follows that there should be uniformity in the remunerations, and consequently, there will be changes in the terms and conditions of service. So far as business contracts are concerned, there is no provision that the man who is employed would be in service at the pleasure of the employer. There is a contract of service, and the contractor is bound by it, the employer is also bound by the contract that he makes with the employee. But in the case of State service, as the Constitution clearly lays down, anyone who is in the service of the State would be in service at the pleasure of the President or of the Governor. So, the basis of State service is quite different from that of service under business contracts. That being so, what is applicable and what is true in the case of contract service does not apply to State service.

So far as the question of three months' notice is concerned, that provision already existed in the Act. So, that is nothing new. If a man does not want to work, he has the option to go out. The conditions in the case of a man going out are the same as before.

Therefore, I support this Bill, and I see no reason to disagree. It has come in the natural course of things, and it was necessary. It has not changed anything, nor has it added anything new. What was meant when the law was made,—which the High Court held the Act did not mean—has been put in the Bill in simple language once again, and, therefore, it is only a lacuna that has been filled.

Shri Easwara Iyer: I am really thankful for having been given the opportunity to speak on this occasion, although a certain amount of constitutional disability prevents me from being quick enough to catch the Chair's eye.

Mr. Deputy-Speaker: That might be a defect on my part, and not on the hon. Member's part.

Shri Easwara Iyer: I am not going to take up the time of this House by a lot of introductory remarks. I shall confine myself to certain difficulties felt by me in respect of the Bill that has been brought forward by the Minister, *i.e.* in regard to the provisions contained therein.

The insurance enactment, or I may call it the insurance ordinance, was necessitated by the fact that the Bombay High Court came out with a judgment which stood in the way of standardisation of the pay scales of the insurance employees. That is perhaps the reason which has now been advanced by the Finance Minister in support of this Bill.

There is no use blaming the High Court of Bombay for coming to such a conclusion, because as the Act then stood or is now standing, by virtue of section 11 (2), the Central Government is empowered only to touch the remuneration and not to alter the terms and conditions of service of the employees. So, the promulgation of the ordinance was necessitated, and the Bill is now brought forward before us. I dare say that the Finance Minister is fortunate enough, if I may say so, that the validity of the ordinance itself is not questioned as *ultra vires*.

Therefore, this Bill, which is only a reproduction of the provisions of the ordinance more or less, has to be examined in the light of the provisions of the Constitution. The operative portion of the Bill or the crux of the Bill seems to be clause 2, which enables the Central Government to alter the terms and conditions of service of the employees, as they think fit, whenever they are unilaterally

[Shri Easwara Iyer]

satisfied that in the interests of rationalisation or standardisation of pay scales, it is necessary to do so. This unfettered or uncontrolled discretion which is conferred upon the Central Government or is sought to be conferred upon the Central Government for altering the terms and conditions of services, as they think fit, is not controlled by any guiding principles. That is what I would submit before this House, is an absolute discretion, and if I may so put it, is a naked and arbitrary power which is sought to be conferred on the Central Government, and which has got the potency of being used with discrimination.

Clause 2 says that the Central Government have got the power, the absolute power, to alter the terms and conditions of service of the employees of the corporation notwithstanding any of the provisions contained in the Industrial Disputes Act, notwithstanding any agreement, notwithstanding any award or settlement or whatever else it may be; that means that the Central Government are now seeking to take upon themselves an absolute power to alter the terms and conditions of service, and that too, in spite of the provisions of the Industrial Disputes Act or the agreements or awards given. Therefore, I say that although the Bill, on the face of it, appears to be perfectly in order, it gives to the Central Government certain arbitrary powers without any guiding principles or guiding rules to control this discretion, and that is hit by article 14 of the Constitution.

In submitting this before this House, I do not lay any claim to infallibility. It is a matter of opinion which may be questioned by the Minister, as every matter of opinion could be questioned. But I have got the consolation that if at all I err, I err in the good company of a Supreme Court decision. I believe it is in the case, of State of West Bengal *vs.* Anwar Ali, that Their Lordships of the Supreme Court held that when an Act, on the face of it confers arbitrary discretionary powers upon designated officials without any guiding principles to control that discretion, it has got a potency for being used with discrimination and, therefore, void as being opposed to article 14 of the Constitution.

So in the light of what I am submitting, I request the hon. Minister to examine the provisions of clause 2 and see whether the form in which clause 2 has been put in, by which absolute power has been conferred on the Central Government to deal with the employees as they like, could not ultimately be challenged again in a court of law as being *ultra vires* of the Constitution. Therefore, my suggestion before the House is this: Let us have some guiding rules regarding the alteration of the terms and conditions of service. Let us enact some principles by which Government could standardise the pay scales or the remuneration of the employees so that there is no room for discrimination.

Of course, the hon. Member who preceded me wanted the sympathy of the hon. Finance Minister by saying that in implementing this provision, there should be equity. So he wanted the sympathy of the hon. Minister because he felt that there is likelihood of this provision being abused.

So in respect of clause 2 we must enact that when the Central Government is given powers to alter the service conditions of the employees, there must be some control over the Central Government powers. In respect of certain categories of employees, say, drawing pay up to a particular scale, the provisions of the Industrial Disputes Act may be made applicable in case of dispute. This is one suggestion I would like to make to the hon. Minister for acceptance. One hon. Member cited the fact that a civil servant holds office at the pleasure of the President or the Governor under

the provisions of article 310 of the Constitution. But this is subject to another provision of the Constitution itself which provides safeguards for civil servants. If we look at article 313 of the Constitution, the Constitution continues in force all rules relating to service conditions existing prior to the coming into force of the Constitution. So whatever fundamental rules were existing prior to the coming into force of the Constitution by virtue of section 96(B) of the Government of India Act, 1919, were being continued by the Constitution.

There is another safeguard in article 311(2) which prevents an employee from being dismissed without being given reasonable notice. There is yet another safeguard with regard to three employees; under article 309 of the Constitution, the Government is empowered to legislate regarding service rules.

So we have got all these statutory rules so far as civil servants are concerned by which the terms and conditions of their service are governed. In so far as the Life Insurance Corporation is concerned, which took its birth on the 1st September 1956, we are in the unfortunate position of not having any principles or rules governing their service conditions. So I would respectfully submit that before enacting a clause like clause 2, we must have some principles under which the terms and conditions of service of the employees therein could be varied. Though for theoretical purposes we may say that the Central Government, who are dealing with the employees of the Corporation could always be presumed to act equitably and in fairness to the employees, for all practical purposes, we find that the terms and conditions of service are sought to be enforced or varied by some senior officials of the Corporation. For all we know, the representation which he submits or the employee's representation which he submits to his superior officer might not reach the hon. Minister, because it must be submitted through 'proper channel'. It may be found to have no substance by the senior official and thrown into the waste paper basket.

So in a case where the senior official thinks that the service conditions of the employee have to be altered or changed, if he feels that a particular employee should be chosen for a particular service in preference to another employee just because that employee has been musically well up or just because he knows Hindi or just because he knows Malayalam or just because he helps his children with tuition at home, all these things will give rise to discrimination, and that could be justified on the ground that he is unilaterally satisfied that in the interest of standardisation or rationalisation of pay scales it is absolutely necessary.

So the hon. Minister has to satisfy this House on this point because this House is always reluctant to pass legislation which could ultimately be challenged as being *ultra vires* of the Constitution. He will therefore kindly satisfy us as to the validity of the proposed legislation.

Mr. Deputy-Speaker: I shall now call Shri Heda. After he finishes, if the House agrees, we might put this motion to the vote of the House. I think it has been sufficiently discussed. Those Members who want to speak and have been left out will be given an opportunity during the following stage.

Shri Sadhan Gupta: What about the Minister's reply?

Mr. Deputy-Speaker: Of course, the motion will be put only after the Minister's reply

Shri Heda (Nizambad): At the fag end of the discussion on this motion for consideration of this amending Bill, I would like to make a point or two.

After nationalisation, bringing about uniformity in the terms and conditions of service was one of the earliest jobs confronting the Corporation. The complexity of the problem and the huge size of it were, I think, bewildering. But the Corporation was fully

[Shri Heda]

seized of its stupendousness, and it may be said that the efforts it made in this direction so far have achieved quite a good success. By and large, the services have benefited by the new change. If an average is taken, I am quite sure it will be found that almost every worker has benefited, and there might be only very few cases where the workers have been feeling a pinch.

There were two or three aspects of the problem when the question of settling the service conditions came up. One of the aspects was mentioned by Shri Dasappa. In certain States due to the general condition and more acute unemployment situation among the educated persons, various life insurance companies were enabled to recruit for their offices and their branches people at lower scales of pay. These people, in spite of greater experience, could not get higher wages or salaries than those who had not that much of experience who hail from other parts of the country where the scales of pay are higher. My hon. friend made the plea that these persons should be given their proper position in the new set-up, not according to their salaries, but according to their seniority or experience, that is, length of service. There is every justification for this plea; but, if we accept that plea, that itself will create some problems. For example, once you give a higher position, naturally, his pay should be higher than that of his subordinates. That would result, in certain parts, in the personnel getting much higher increase in their pay —may be in certain cases double the salaries they were getting in the old insurance companies—and in certain other parts, the increase being quite nominal. This will create quite a number of problems which arise out of jealously and envy. I have mentioned this to indicate that the problem is quite a complex one.

There is another type of cases where many persons were employed at much inflated salaries because in many insurance companies—as is in the knowldge of many of the hon. Members of this House—the masters had employed them on such conditions which were very favourable to them. The inflated salaries and allowances and other privileges were another problem. The Corporation was faced with the duty of purging or cleaning this category of managers—or whatever name you give them. This was another problem.

The third problem was posed by the fact that the rules that were promulgated or framed under section 11 did not get the publicity they deserved. Many of the personnel did not have full knowledge; nor had they any idea of the seniority they were placed in by the Corporation. Their fate was decided when they had no knowledge of where they stood. Had they been given any chance of knowing what the proposal is....

Shri Keshava (Bangalore City): I think we have got to introduce our Bills at 3-30.

Mr. Deputy-Speaker: Yes, I thought the hon. Member might conclude and then we may take that business.

Shri T. T. Krishnamachari: He might conclude, Sir.

Mr. Deputy-Speaker: Yes; let the hon. Member conclude.

Shri Heda: I will conclude in five minutes.

I was saying, the other problem posed was that many people did not know what their seniority was until it was finally decided and, therefore, they had no chance to make an appeal and have themselves heard.

These are the three types of problems that the Corporation had to face. I think if the Corporation had taken vast powers under the original section 11—no doubt they have increased their powers under the present one—they were quite justified.

Some Members from the Opposition have opposed this measure on the ground that the Government are in-

creasing their powers and these powers appear to be arbitrary. Since this cleaning process had to be undertaken and so many things have to be done, I think, the Government was right in not bringing the Corporation under the purview of the Industrial Disputes Act. If it had been done, my own apprehension is that it is just possible when a case goes to the Industrial Tribunal and is decided by them, some more cases and problems would arise. They had to make some start somewhere so that past things may not be revoked and it may not become a point of conflict or difference of opinion.

The hon. Finance Minister had said he would invite the co-operation of the personnel and that is a factor for which some of the Members of the Opposition had a very good word to say. So far as the rules are concerned, one hon. Member went to the extent of saying that they were not only satisfactory but they were laudable to such an extent that they should be adopted by other industrial concerns and government departments. So, when the terms are so satisfactory and when the hon. Finance Minister has clearly expressed his willingness to get as much co-operation from the personnel as possible, I think, it means at this stage, that these powers have been taken by Government and, maybe, quite soon, the employees in the Corporation would get the right to organise themselves and have the same right of agitation and representation as in other government departments or concerns.

One more point I would refer and I will have done. When the question of joining the Corporation came up, so far as several of the field workers were concerned, they had 2 hurdles to cross. As I had mentioned earlier, they did not know their position and, therefore, they were not able to decide whether to join or not. Another hurdle was that in many cases the employing companies which had retained other types of insurance than Life Insurance were not relieving them. Those who were efficient would not be relieved by the companies while others who were not so efficient had been relieved. These were the hurdles. I think there is great unrest because of this latter aspect of the problem. Had there been some machinery evolved which could have gone into this problem, some satisfaction could have been brought to them.

With these few words, I support the present Bill.

Mr. Deputy-Speaker: Now we will take up Private Member's Bills.

SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT (AMENDMENT) BILL—(*Amendment of section 6*)

Shri Keshava (Bangalore City): Sir, I beg to move for leave to introduce a Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

Mr. Deputy-Speaker: The question is:

> "That leave be granted to introduce a Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954."

The motion was adopted.

Shri Keshava: Sir, I introduce the Bill.

NATIONALISATION OF LIGHT-RAILWAYS BILL

Shri Jhulan Sinha (Siwan): Sir, I beg to move for leave to introduce a Bill to provide for nationalisation of the existing Light-Railways in the country and for matters connected therewith.

Mr. Deputy-Speaker: The question is:

> "That leave be granted to introduce a Bill to provide for nationalisation of the existing Light-Railways in the country and for matters connected therewith."

The motion was adopted.