

RAJYA SABHA

Monday, 20th July, 1992/29th
Asadha, 1914 (Saka)

The House met at eleven of the clock, **The Deputy Chairman** in the Chair.

ORAL ANSWERS TO QUESTIONS

THE DEPUTY CHAIRMAN: Question No. 161. (*Interruptions*).

SHRI SUBRAMANIAN SWAMY: In this situation do you think that it is proper to have the Question Hour with the continuing construction activity, the contempt of court that has been committed and the flouting of the Constitution... (*Interruptions*).

SHRI V. NARAYANASAMY: Even the leader of the BJP party, Mr. Murli Manohar Joshi, were there... (*Interruptions*).

THE DEPUTY CHAIRMAN: Let us have the Question Hour... (*Interruptions*).

श्री प्रमोद महाजन : नोटिस तो दिया नहीं खड़े हो कर बोलना शुरू कर दिया (ब्यवधान) क्या आपने इनको अनुमति दी है ?

उपसभापति : मैंने अनुमति नहीं दी है । प्लीज बैठ जाइए ।

श्री प्रमोद महाजन : अनुमति नहीं दी है तो यह रिकार्ड पर नहीं जाने दीजिए । (ब्यवधान)

SHRI SUBRAMANIAN SWAMY: I have given a notice... (*Interruptions*).

SHRI V. NARAYANASAMY: It is a clear violation... (*Interruptions*).

SHRI SUBRAMANIAN SWAMY: The fact is that there is total contempt of the Constitution.

THE DEPUTY CHAIRMAN: Please let us have the Question Hour. After the Question Hour, at 12 o' clock, I will ask the Home Minister... (*Interruptions*).

SHRI DIPEN GHOSH: But in the meantime the foundation will be constructed.

THE DEPUTY CHAIRMAN: Let us construct the foundation for a good democracy and listen to me... (*Interruptions*).

SHRI DIPEN GHOSH: Is there any rule of law in this country?

SHRI SUBRAMANIAN SWAMY: They cannot construct the temple by demolishing the Constitution.

THE DEPUTY CHAIRMAN: Please let us have the rule of law in this House?

SHRI DIPEN GHOSH: How can there be a rule of law in this House if there is no rule of law outside?

THE DEPUTY CHAIRMAN: I request the hon. Member... (*Interruptions*).

श्रीमती सुषमा स्वराज : योजना प्रश्नकाल में ... (ब्यवधान)

श्री प्रमोद महाजन : जो करना हो 12 बजे करिए । ... (ब्यवधान)

श्री सुब्रह्मण्य स्वामी : आपके 12 बजने वाले है ... (ब्यवधान)

श्री प्रमोद महाजन : आपके तो पहले ही बज चुके है (ब्यवधान)

उपसभापति : मंत्री जी को जवाब देने दीजिए ।

... (*Interruptions*). Hon. Members, please, no cross-talk. And let there be extremely brief questions and brief answers.

Benefits to War Widows

*161. **SHRI KAMAL MORARKA:** Will the Minister of DEFENCE be pleased to state:

(a) what are the benefits that are provided to the war widows of 1971;

(b) what are the schemes that provide for benefits to war widows;

(c) whether Government have drawn any special scheme for the war widows of 1971; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI S. KRISHNA KUMAR): (a) to (d) A statement is laid on the Table of the House.

Statement

(a) War widows of 1971 war were sanctioned liberalised pensionary awards as under:—

(i) *For widows of Officers:* Special Family Pension at the rate of 3/4th of the basic pay upto the deemed date of retirement of the deceased or for a period of 7 years, whichever is later. Thereafter, it will be at the rate of the normal retiring pension of the rank held. In addition, children's allowance at the rate of Rs. 100/- per month per child upto the age of 23 years and educational allowances are also payable, subject to the special family pension together with the children and educational allowances not exceeding 3/4th of the basic pay (plus dearness relief).

(ii) *For widows of JCOs/ORs:* Special Family Pension at the rate of last pay drawn by the deceased till death or dis-qualification. In addition, education allowance was also sanctioned.

(iii) *Family Gratuity:* Family Gratuity (in addition to the Death-cum-Retirement Gratuity) was also sanctioned at the following rates—

—ranging from Rs. 5000/- to Rs. 19,000/- in the case of widows of deceased officers; and

—10 months' pay, subject to a minimum of Rs. 2,000/- in the case of widows of deceased JCOs/ORs.

The above liberalised pensionary awards were extended to the war casualties of earlier operations/wars, except for family gratuity.

These benefits were further liberalised for battle casualties occurring on or after 1-1-1936.

(b) to (d) The following facilities are provided to the war widows:—

(i) Liberalised Pensionary Benefits.

(ii) Cash grant from the Welfare Funds of the Service concerned as well as from the Amalgamated Funds for the war bereaved, War Disabled and other Exservicemen/Serving Personnel depending upon the individual circumstances and requirements.

(iii) Children's allowance till the age of 23 years.

(iv) Children's Educational allowance of actual expenditure subject to a maximum of Rs. 50/- per child in the case of officers and Rs. 90/- in the case of JCOs/ORs.

(v) Educational concessions and stipends, complete exemption from tuition and other fees, boarding charges, uniform and cost of books and stationery.

(vi) preferential admission to Medical and Professional Educational Institutions against reserved vacancies.

(vii) Preferential allotment of POL agencies, Jai Jawan Stalls, Milk Booths, houses and house sites, monetary benefits in the case of posthumous gallantry award winners etc. are also given.

(viii) Employment assistance for self or upto 2 members of the family in Group 'C' and 'D' posts in Central Government Departments/ Public Sector Undertakings, including Nationalised Banks, Medical Care and Canteen facilities.

(ix) Concession in rail and air fares.

(x) Benefits of the Army Group Insurance Scheme.

The war widows can also avail of loan facilities under the self-employment Schemes for ex-servicemen viz. SEMFEX-I, SEMFEX-II and SEMFEX-III.

SHRI KAMAL MORARKA: Madam, I am thankful to the Minister. He has given us all the details of the various facilities being given to the war widows of the 1971 war. My first supplementary is, Madam, we are fortunate that in the last 20 years, the country has not had a war situation. But we are having army casualties on a much larger scale than ever before because of the operations in Kashmir, Punjab and the IPKF which was a few years ago. I want to know from the Minister whether the widows of the army officers and other jawans killed in this situation—Somebody has called it a low intensity war, I do not know whether that phrase could be used; the situation in Kashmir is such that the casualty is almost on a continual basis—in these different operations, are also entitled to the same benefits. If the benefits are not the same, what is the rationale in not extending the same facilities to the widows of the army officers being killed presently?

THE MINISTER OF DEFENCE (SHRI SHARAD PAWAR): There were a few operations like Operation Pawan against the LTTE, Operation Meghdoot in Siachin, Operation Rakshak in Jammu and Kashmir and Punjab and Bajrang and Rhino in Assam. In these operations, there were casualties to the extent of 1876 which includes officers also. All the facilities are given to their widows also.

SHRI KAMAL MORARKA: Madam, my second supplementary is—the figures are not available about the 1971 war but—I assume that in these 20 years most of the widows might have been rehabilitated. There is a provision for giving assistance through

employment to either the widow herself or a dependent child in some public sector undertaking. I want to know from the Minister—he has got the figures—whether all the widows have been rehabilitated especially of the current casualties. The morale of the officers and the jawans can remain high only if they feel that in case of their death, their families will be looked after properly by the Government. I want to know whether employment opportunities are provided because the phrase used here is “assistance in employment” and it is a very vague phrase. Will the Government give a definite assurance that in the case of every Army officer or every jawan killed, his dependent widow or child will be given employment in the public sector undertakings or in any wing of the Government?

SHRI S. KRISHNA KUMAR: Madam, the provision is that war widows and upto two members of the family of the Defence personnel killed, are given registration and preference in Group C and D employment in the Central Government Departments and the Central public sector undertakings. We do not have the exact figures of the number of war widows who have been given employment in this manner. There is some need for streamlining the procedures and monitoring this information. We have got the figures for the last three years. In 1988, the number was 3, in 1989, it was 30 and, in 1990, it was 25. Some of the war widows, at the moment, cannot be rehabilitated since they are above 35 years of age and that is the age limit now prescribed. Similarly, of the jobs offered, almost 75 per cent of the offers are not accepted by the widows because the public sector undertakings offer them jobs at places far away from where they have settled. These are certain anomalies and loopholes which should be removed and we are in the process of making their rehabilitation smoother and more scientific.

THE DEPUTY CHAIRMAN: Dr. Jichkar... (*Interruptions*)...

SHRI KAMAL MORARKA: Madam, the figures given by the Minister are dismal. The total employment provided in each year is 3, 30 and 25 and the total number of jobs given comes to only 50 or 60 when the number of jawans killed I think is much more than that... (*Interruptions*)... Madam, please tell the Minister... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Dr. Jichkar... (*Interruptions*)...

SHRI KAMAL MORARKA: Madam, you please direct him. (*Interruptions*)...

THE DEPUTY CHAIRMAN: You get the latest figures, if you have any... (*Interruptions*)...

SHRI KAMAL MORARKA: This is a small number. You please direct him. (*Interruptions*)...

THE DEPUTY CHAIRMAN: But he gave his explanation also that the jobs offered are far away from their places. (*Interruptions*)... It cannot be only the Central Government. Private companies also should help... (*Interruptions*)...

SHRI KAMAL MORARKA: What is this, Madam? Many jawans are killed every day and this is what is given? (*Interruptions*)...

THE DEPUTY CHAIRMAN: Dr. Jichkar.

DR. SHRIKANT RAMCHANDRA JICHKAR: Madam, the reply says that allotment of houses and house sites will be given to the widows. Now, there are a number of war widows since 1971 who have applied and not got house sites and houses. At least, in Maharashtra, I know that since the last twelve years, budgetary provision under a particular head is being made, but because of some difficulties, houses could not be provided. Therefore, will the honourable Minister

kindly let us know the number of war widows who have applied for houses and house sites and not yet got them?

SHRI S. KRISHNA KUMAR: Madam, the provision of house sites under preferential treatment for war widows is within the purview of the State Governments. There are different concessions given by the State Governments. I have got the complete list here. We do not have the up-to-date information on the number of house sites when applications by the widows were not fulfilled that can be collected and given to the honourable Member.

श्री आनन्द प्रकाश गौतम : उपसभा-पति महोदय 1971 के युद्ध में वीरगति प्राप्त सैनिकों की पत्नियों को जो सुविधाएँ दी गयी हैं उनमें से बहुत सारी सुविधाओं का जिक्र माननीय मंत्री जी ने यहाँ पर किया है / एक सुविधा उसमें यह भी बताई कि पेट्रोलियम पदार्थों की एजेंसियों जय जवान स्टालों वृद्ध के वृथों और मकान आदि के आवंटन में प्राथमिकता दी जाती है। मकान के बारे में हमारे माननीय सदस्य ने अभी प्रश्न किया है। सयोग से माननीय मंत्री जी पेट्रोलियम के भी मंत्रालय से संबंधित हैं इसलिए मैं जानना चाहता हूँ कि 1971 के बाद से ऐसी कितनी वीरगति प्राप्त सैनिकों की पत्नियों को पेट्रोलियम पदार्थों की एजेंसियाँ जैसे पेट्रोलियम या एल.पी.जी. आदि की एजेंसियाँ दी गयी हैं? उनका राज्य-वार ब्यौरा मैं जानना चाहता हूँ।

SHRI S. KRISHNA KUMAR: Madam, I am answering here as Minister of State for Defence. But I have the information, I may mention that 221 LPG agencies, 269 kerosene oil agencies and 121 petrol pumps have been allotted since 1971.

SHRI JAGESH DESAI: How many? Can you please say it again?

SHRI S. KRISHNA KUMAR: After 1971... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Will you please repeat those figures?

SHRI S. KRISHNA KUMAR: Madam, 221 LPG agencies.... (Interruptions)...

SHRI KAMAL MORARKA: Let him repeat the figures, Madam.

SHRI S. KRISHNA KUMAR: Two hundred and twenty-one LPG agencies, 269 kerosene oil agencies and 121 petrol pumps have been allotted since 1971 to a category which includes war widows.

But this category also includes disabled Defence personnel either in war or military duty during peace time, apart from widows, and motherless dependents of Defence personnel and extremely deserving cases of ex-Servicemen. Unfortunately, we have not been furnished with the exact number of widows benefitted in this category.

श्री आनन्द प्रकाश गौतम : मैडम मैंने क्लियर पूछा है। मैंने जो सवाल पूछा है, उसका कोई जवाब नहीं आया।

उपसभापति : अभी मैंने आपको उस पर टिप्पणी करने की इजाजत नहीं दी है।

THE DEPUTY CHAIRMAN: I say, please. श्री राम गोपाल यादव :

श्री राम गोपाल यादव : महोदया युद्ध के दौरान या शांतिकाल में सीमा पर या देश के अंदर दंगा होने या नेचुरल कैलामिटीज के दौरान लोग मारे जाते हैं या परमानेंटली डिसेबल्ड हो जाते हैं। तो मेरा प्रश्न उन जवानों और अधिकारियों के बारे में है जो कि परमानेंटली डिसेबल्ड हुए हैं। क्या गवर्नमेंट उनको भी उनकी सुपरएनुएशन की एज तक के लिए पूरा वेतन देने की योजना पर विचार कर रही है।

उपसभापति : यह सवाल वार विडोज से संबंधित है इससे संबंधित नहीं

है। अगर अन्के पास जवाब हो तो ठीक है अन्यथा आप सरा नोटिस दे दीजिए।

श्री राम गोपाल यादव : मैडम युद्ध में जो मारे गए लोग हैं या युद्ध से पीड़ित हैं उन्हीं से संबंधित है मेरा प्रश्न।

SHRI S. KRISHNA KUMAR: Madam, I have here the complete list of concessions for which disabled soldiers are eligible both from the Central Government as well as in the State Governments and Union Territories. I have the information. It is a long list. If you want, I can read it. But, I can furnish the information to the hon. Member.

THE DEPUTY CHAIRMAN: Sure.

J. P. Mathurji.

श्री जगदीश प्रसाद मायुर : महोदया, मैं जवाब से पहले पैराग्राफ की ओर आपका ध्यान दिलाना चाहता हूँ जिसमें कहा गया है कि तीन-चौथाई उसकी जो बेसिक सेलरी है वह 7 साल तक दी जाएगी या जो उसके रिटायरमेंट की डेट है जो भी बाद की है। इसी में आगे कहा गया है कि

"Subject to the special family pension together with the children and educational allowances, not exceeding 3/4th of the basic salary."

महोदया अब स्थिति बदल गयी है। मैं मंत्री महोदय का ध्यान आकर्षित करना चाहता हूँ कि पंजाब में टेरोरिस्ट्स के द्वारा जो सिविल एम्पलाइज मारे जा रहे हैं उनके बारे में सरकार ने फेसला यह किया है कि उनकी विडोज को ता-जिदगरी जितनी उसकी सेलरी है वह दी जाएगी। मैं मानता हूँ कि स्थिति में अंतर है लेकिन फिर भी इतना बड़ा अंतर नहीं होना चाहिए खास तौर से जब सीमा पर पाकिस्तान के सिपाही हमला कर रहे हैं और हमारे सिपाही भी उतने ही खतरे का सामना करते हैं तो मैं मंत्री जी से पूछना चाहूंगा कि क्या यह जो तीन-चौथाई मैक्सि मम किया है इसकी आप पूरा कर सही

है कि पहले उसको सेलरी सात साल तक पूरी दी जाए और बच्चों आदि के अलाऊ-सस जैसा कि आपने कहा है कि

"not more than three-fourths of the basic salary".

इस थी-फोर्थ बेसिक पे के बजाय

it should be not more than the salary he drew at the time of death.

क्या इस पर आप विचार करेंगे । दूसरे इसी प्रश्न का हिस्सा है कि पेंशन तो दी गयी है लेकिन उसमें कितनी देर लगती है ?

SHRI S. KRISHNA KUMAR, Madam, on 1-1-1986, these benefits were further liberalised for battle casualties and widows. So, this is the watershed date after which these liberalised pension benefits will be available. And as per the liberalised benefits, the family pension is at the rate of last pay drawn till death or disqualification, and not three-fourths of the salary.

THE DEPUTY CHAIRMAN: Question No. 162.

श्री जगदीश प्रसाद माथुर : मैडम उसका जवाब नहीं आया ।

श्री सुशीलकुमार संभाजीराव शिंदे : मैडम यह रक्षा मंत्री जी ने स्टेटमेंट किया है उसमें उन्होंने कहा है कि महिलाओं को एयर फोर्स में लिया जाएगा . . (व्यवधान) . . .

उपसभापति : क्युश्चन नंबर-162 ।

श्री सुशीलकुमार संभाजीराव शिंदे : मैडम रक्षा मंत्री जी ने बहुत मेजर पालिसी डिसेंजन लिया है कि महिलाओं को एअर फोर्स में लिया जाएगा । मैं पूछना चाहता हूं कि यदि व सभी क्वालिफिकेशन्स फुलफिल करती है तो क्या उनकी आर्मी में लिया जाएगा ?

THE DEPUTY CHAIRMAN: Next question.

*162. [The questioner (Shri Krishna Kumar Birla) was absent. For answer vide co. . . . infra.]

Pending cases of Defaulting Companies

*163. SHRIMATI SATYA BAHIN†
SHRI RAJNI RANJAN SAHU:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that over 90 per cent of the cases of the defaulting companies are pending either with his Ministry or with the registrars;

(b) what is the number of cases where legal proceedings have been filed and what are the details of such cases and in how many cases proceedings are yet to be filed; and

(c) what are the details of cases where penalty has been imposed or punishment awarded?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) to (c) No Sir. Under Section 621 of the Companies Act, 1956, Registrars of Companies are empowered to file prosecution against defaulting companies. By and large, the prosecutions are filed by the Registrars under Sections 162 (non-filing of Annual Return), 168 (non-holding of Annual General Meeting), 210 (non-laying of annual accounts in the Annual General meeting) and 220 (non-filing of balance sheet). Prosecution under other provisions of the Act are filed by the Registrars based on the inspection of books of accounts of companies conducted under Section 209 A of the Act and arising out of

†The question was actually asked on the floor of the House by Shrimati Satya Bahin.