

## RAJYA SABHA

Monday, the 9th September, 1991  
18th Bhadra 1913 (Saka)

The House met at eleven of the clock. Mr. Chairman in the Chair.

### ORAL ANSWERS TO QUESTIONS

\*181. [The questioner (Shri Suresh Kalmadi) was absent. For answer vide Col. 28 infra].

#### Grounding of Air Hostesses of Air India

\*182. SHRI SUKOMAL SEN: Will the Minister of CIVIL AVIATION AND TOURISM be pleased to refer to the answer to UnStarred Question 1233 given in the Rajya Sabha on 20th August, 1990 and state:-

(a) whether air hostesses of Air India are being grounded after attaining the age of 45 years despite Government's decision not to allow sex discrimination in the case of the air hostesses *vis-a-vis* the male crew; and

(b) if so, what are the reasons therefor and whether Government will issue directions to Air India to stop this sex-discrimination?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL AVIATION AND TOURISM (SHRI M. O. H. FAROOK): (a) and (b) One of the Deputy Chief Air Hostesses of Air India who has reached the age of 45 years on June 18, 1991 has been assigned ground duties by Air India. The Air India Air Hostesses Association representing some of the Air Hostesses/Deputy Chief Air Hostesses working in Air India has filed a writ petition in the Bombay High Court challenging this action of Air India. The matter is *sub-judice*.

SHRI SUKOMAL SEN: Sir, the reply given by the honourable Minister is really stale and it is

almost tantamount to a refusal to answer the question.

Sir, the question of sex discrimination in respect of Air Hostesses is a long-pending issue. When Mr. Rajiv Gandhi was the Prime Minister of the country, the discussion on this started much before the agitation by the Air Hostesses, and about a hundred Members of Parliament from all parties submitted a memorandum to Mr. Rajiv Gandhi at that time for the abolition of sex discrimination. There were many trade unions—there were eight trade unions not connected with the Air Hostesses—which also urged the Government to abolish this sort of sex discrimination. Ultimately, in October 1989, the Government gave clear instructions to the Indian Airlines and Air-India to the effect that sex discrimination in the Indian Airlines and Air-India should be abolished and that the service conditions of the female crew should be on par with those of the male crew on board and there should not be any discrimination. Indian Airlines obeyed the Government orders and they abolished all discrimination. But Air-India refused to do it and the specious plea of competitiveness, commercial interests, etc. was taken. I can cite a number of foreign airlines which do not practise sex discrimination. Many foreign airlines, all European airlines, the airlines of Mauritius, Sri Lanka, etc., do not practise any sex discrimination and the retirement age of the Air Hostesses is 55 years or 58 years or whatever is there for the male employees and they get equal rights. This is so in all the foreign airlines including that of Mauritius and Sri Lanka. The only exceptions are Bangladesh and Pakistan. Now, Air-India is following the pattern of Bangladesh and Pakistan. Sir, this is my objection. I would like to know from the honourable Minister why they are still persisting in sex discrimination when articles 14 and 15 of our Constitution prohibit sex discrimination. Sex discrimination goes against the Equal Remuneration Act. And it is violative of Industrial

Standing Orders. Despite that, why has Air India chosen to practise sex discrimination? I would like to know this from the hon. Minister.

SHRI M. O. H. FAROOK: Sir, the duties assigned to them in the Indian Airlines are quite different from Air India. In the Indian Airlines, their flight duration is only about two and a half hours to three hours. But, as far as Air India is concerned, their duties are very different. They have, in fact, already filed a case in the Supreme Court in 1981, and there was a clear direction from the Supreme Court that they can be taken as a separate category. Sir, afterwards, the Government has decided that 58 years for males and females should have to be there, but after a certain period of time, they should be used as ground staff. That is what has been there. Even today, Air Hostesses have been used as ground staff after a particular age. That is why it is being there. There is no discrimination over it. In fact, it is very clear, Sir. *(Interruptions)*.

SHRI SUKOMAL SEN: Sir, he says that there is no discrimination. Sir, I would like to point out that the duty of a male crew and a female crew on board is almost the same, whether one serves food or does anything else. So, there cannot be discrimination. Now he cites about some court cases. Sir, I am constrained to say, that unfortunately there are some gentlemen in the country who prefer only some young and pretty girls around them. That is the main problem with us. *(Interruptions)*.

SHRI JAGDISH PRASAD MATHUR: Old passengers also want that.

SHRI SUKOMAL SEN: Air India want to use Air Hostesses as sex objects on the board. It is most impermissible and unethical. And no foreign Airlines are practising it. Sir, one Japanese Air Hostesses employed in Air India filed a case in a Tokyo Court. It is going on there, And all

sorts of scurrilous propaganda against India that India is practising sex discrimination is going on in Japan. Now, Sir, they are grounded and given clerical duties. Sir, what happens is, when they are given clerical duties, then their seniority comes at the bottom of the order clerks. The Air Hostess who has been flying for a number of years, if she is given the clerical duties, she comes at the bottom of the seniority. And the clerks who are on the ground duty also object. Sir, there is another discrimination. It goes against Equal Remuneration Act. So, Sir, it is unethical, impermissible. So, Sir, I would like to have an assurance from the hon. Minister, let the hon. Minister assure the House that henceforth there will be no sex discrimination in Air India. It goes against India's morals. India's ethics, and in India's philosophy.

AN HON. MEMBER: It is against the Constitution of India.

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI MADHAV RAO SCINDIA): Sir, as my hon. colleagues just mentioned, this matter has been examined by the Supreme Court of India in 1981. An extract from the relevant portion of the Judgement is as follows:

"Having regard to the various circumstances, etc., etc., the inference was irresistible that Air Hostesses though members of the cabin crew, were an entirely separate class, governed by different set of rules, regulations, and conditions of service. Therefore, though peculiar conditions did form part of the regulations governing Air Hostesses, that could not come out to discrimination so as to violate Article 14 of the Constitution."

It is a clear direction of the Supreme Court. Apart from that, Sir, I would also like to clarify that there are foreign Airlines which enter into contractual arrangements which ultimately culminate sometimes in girls

retiring even at the age of 25 and 30 and 35. So, it is a mixed bag. It is not a unitoxm thing. There are, of course, Airlines where they continue to fly up to 58 and 60. depending on the climatic conditions, longevity and physical conditions prevailing in those different countries just as retirement age yares for men also from country to country. So, those things are also taken into consideration. The hon. Prime Minister, late Shri Rajiv Gandhi, had increased the retirement age of air hostesses to 58. At that time they were retiring at 45. That had been increased to 58. That was the directive. And that directive by the Government has been followed. Just like the hon. Member, I have also a soft corner for the ladies.....

SHRI SUKOMAL SEN: We know that. (*Interruptions*).

SHRI MADHAV RAO SCINDIA: The whole matter is under discussion. The whole matter is being reviewed, Sir. So I would like to tell the hon. Member that the matter is under discussion.

MR. CHAIRMAN: He wants to follow Bengal. (*Interruptions*). You just said that in Bengal their age of retirement is 45. He is following Bengal. (*Interruptions*). Shrimati Jayanthi Natarajan.

SHRIMATI JAYANTHI NATARAJAN: Sir, I am sorry that the Minister referred to the Supreme Court. It is not a question of the Supreme Court upholding a rule or egulation. That is not the issue here Today. I would like to knew from the hon. Minister through you: what it that prevents the Government of india from extending the same rules and the same set of rules to air hostesses *verses* cabin attendants. The point at issue is not whether the Supreme Court has upheld it. I do lot want to make any remarks about *he* Supreme Court. The question is, why do you have a regulation like his? In other words, what is it that

a cabin attendant, who is a man, can do, the service he can render even after the age of 45, that a woman, an air hostess, cannot render, to the passengers? I want to know, why have you got this rule? What the court has done, we do not want to talk about it. I want to know what this wonderful reason is. Let us very clear about it. I am not interested in whether the Supreme Court has upheld it or not.

Part (b) of my question is very specific. I have heard that Air India employees air hostesses of foreign origin who are allowed to retire at a later age, whereas air hostesses of Indian origin are forced to do ground work at 45. I want to know whether it is a fact. And if it is a fact, I want to know why is it so?

SHRI MADHAV RAO SCINDIA:

Sir, so far as part (b) of the question is concerned, the hon. Member has been misinformed. So I do not want to waste the time of the House in replying to that, because this is not correct factually.

As far as part (a) is concerned, I have already said that we are discussing the matter. But the fact of the matter is that certain benefits are available to the ladies which are not available to the men.

SHRI VIREN J. SHAH: Sir, I would like to know why they are discriminating against men. (*Interruptions*).

SHRIMATI JAYANTHI NATARAJAN: It is not a joke; it is a serious matter.

SHRI MADHAV RAO SCINDIA: For instance, there are early retirement benefits available which air hostesses can avail of at the age of 35, which men cannot. As many as 40 to 50 per cent of the girls avail of these early retirement benefits. These are not available to men. Then, while starting it is a higher rate from... (*Interruptions*) which is almost

equivalent. So there are certain things which are built into the system. We have to compensate for the fact that at the age of 45 they are grounded. So there are facilities available; there are compensations available. (*Interruptions*).

In spite of all these things, I have quoted the Supreme Court. I have stated my case merely to set the record straight. I am still saying that the matter is under discussion.

KUMARI CHANDRIKA PREMJI KENIA: Sir, all the working women have always faced a lot of humiliating and insulting behaviour at the male counterparts. A glaring example can be about the air hostesses. I have been listening to the replies given by the hon. Minister. The arguments are not convincing at all. My small point is that the air hostesses are supposed to retire or to give up their job as air hostesses at the age of 45. As far as their male counterparts are concerned, they continue in service till the age of 58.

MR. CHAIRMAN: They are not retiring at the age of 45. They are grounded.

KUMARI CHANDRIKA PREMJI KENIA: They are supposed to change their job and they are grounded. The yardstick is that their efficiency is counted as far as the air hostesses are concerned. The Minister has just now said that he has a lot of soft corner for the ladies. (*Interruptions*).

MR. CHAIRMAN: She can complain.

KUMARI CHANDRIKA PREMJI KENIA: I would like to get a very convincing reply. Please don't give us excuses. There is a glaring discrimination against the air hostesses when they are grounded at the age of 45. Will you give an assurance to all the lady MPs particularly — because I see a male chauvinism around—the air hostesses will not be grounded "at the age of 45 and you will change the

rules and regulations? You will also see that the air hostesses serve as air hostesses till the age of retirement.

SHRI A. G. KULKARNI: Why the lady Member is abusing us? We are with her and with the air hostesses: both.

KUMARI CHANDRIKA PREMJI KENIA: The second part of my question is concerned with art issue which raised in Parliament in a discussion on the Civil Aviation Department ' few months back. I specifically mentioned a particular instance...

MR. CHAIRMAN: Now you put your question.

KUMARI CHANDRIKA PREMJI KENIA: An air hostess was molested in Rome by a flight purser. It is almost a one year old incident. That air hostess has been going from pillar to post. She has lodged her complaint to various authorities. So far no justice has been done to her. Would the hon. Minister look into the matter and see that justice is done to her?

SHRI MADHAV RAO SCINDIA Sir, as far as the second part of the question is concerned, I will certainly look into the matter. As far as the first part of her question is concerned Sir, I am not in a position to give an categorical assurance at present. As I have said the matter is being sympathetically discussed.

SHRIMATI BIJOYA CHAKRAVARTY: Sir, we cannot appreciate the soft corner which the Minister has expressed here. That will not cut an ice to solve the problems. I would like to know from the hon. Minister, what is the actual criteria for selecting the air hostesses. Is this on the basis of skin and physique? Secondly, three months back when the then Prime Minister Shri Rajiv Gandhi was alive the Air Hostesses Association met him and submitted a Memorandum to him against discriminatory attitude meted out to them by the department. I would like to know from the hon. Minister

ister, as the air hostesses are not graded, strenuous activities, what is the reason behind it to ground them and rob them of the opportunity to work in the flight? What is the reason for this discriminatory attitude towards the air hostesses?

SHRI MADHAV RAO SCINDIA: I have already answered.

SHRIMATI BIJOYA CHAKRAVARTY: My question is, the working of the air hostesses is not that strenuous that they can be grounded at the age of 45. I want to know what is the reason behind it.

SHRI MADHAV RAO SCINDIA: I have answered this question. I have said that there are sets of conditions of work governing the flight Purser and the air hostess.

MR. CHAIRMAN: Shrimati Renuka Chowdhury.

SHRI JAGESH DESAI: Sir, you are allowing only female Members. You are not allowing any male Member.

SHRIMATI RENUKA CHOWDHURY: I know I can depend on you, on your strong shoulders: I know you are With me. Thank you.

MR. CHAIRMAN: I have already said that Maharashtra Members are with you: by 'you' I mean, the Andhraites.

SHRIMATI RENUKA CHOWDHURY: Sir, I have very carefully listened to the hon. Minister. I want to ask about his reply that he gave. He says women get higher compensation when they are recruited vis-a-vis the male purser, and secondly he says, certain compensation is made so that women can retire at 48. I want to know if that monetary compensation, when the woman retires from flying, at the age of 48, is equated to the amount of perks and other facilities she would have earned as flight steward.

MR. CHAIRMAN: No, she is not retired: she is grounded. But she can even retire before 45.

SHRIMATI RENUKA CHOWDHURY: Yes, she is grounded.

Then, the second question is, we are told, we have equal status, equal pay and equal service conditions. I don't think they are allowed or permitted to play this compensation game. Would the same be applicable to men if the case was reversed? We would give to men equal pay as paid to women; let them retire at the age of 48; let them be grounded at that age.

Then there is another very important factor. ....

MR. CHAIRMAN: She says that if male is retired at the age of 48, she would give the same amount as is given to women.

SHRI MADHAV RAO SCINDIA: Too many questions; and I am losing track of all of them.

SHRIMATI RENUKA CHOWDHURY: Doesn't matter: you can reply to me in writing.

MR. CHAIRMAN: You put your question. Don't say that if you were there, you will give these benefits to men. That is not a question. You put your question please. We have already spent 21 minutes.

SHRIMATI RENUKA CHOWDHURY: Please permit me to complete. How do you say it is compensation that when we are recruited, we are paid higher pay, and hence We should, retire at 48, or grounded at 48? Second thing is, what about the psychological humiliation we suffer? Is a woman not fit enough or good enough at the age of 48, fit enough to serve? A woman finishes all her family problems; her children are grown up and settled and she is far more competent

far more mentally matured and competent to cope with passengers' problems. The question is that compensation for this discrimination is not enough.

MR. CHAIRMAN: Is there any reduction in salaries and other things when they are put on ground duty? Is there any reduction in salary? Is consideration of children that she is mentioning, of one of the reasons why you are giving them ground duty at the age of 45?

SHRI MADHAV RAO SCINDIA: The hon. lady Member brought up the matter of compensation. I never, used the word 'compensation'. I do not want to hide behind the technical judgement of the Supreme Court. But the fact is that the Supreme Court has said that they are two different classes. I am not talking about compensation for the women vis-a-vis men, or compensation for men vis-a-vis women. They are two different categories as far as service is concerned. That is what the Supreme Court has said. I am not hiding behind that. Time and again I am repeating the fact that it is being sympathetically 'discussed'. But I want to set the records straight. It is very difficult when she talks of compensation which we are not applying. It is very difficult to quantify exactly what an air-hostess would get if she would

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(a) and (b) During 1988-89, 1989-90 and 1990-91 about 241 TMT, 302 TMT and 329 TMT of L.P.G. valued at about Rs. 70 crores, Rs. 98 crores and Rs. 160 crores respectively was

avail of the retirement benefits at the age of 35 which is not available to men, or whether she would avail of it at the age of 39, or 41 or 43. It is very difficult to calculate. It is a very complex thing. In any case, we are not treating it as compensation.. (Interruptions).

MR. CHAIRMAN: Next question, have called question 183 now.

### Import of L. P. G.

\*183. SHRI SOM PAL:  
SHRI CHIMANBHAI  
MEHTA :f

Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a.) what is the price and quantity of L. P. G. imported during the last three years, year-wise; and

(b) what is the local cost breakdown on an average?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS WITH ADDITIONAL CHARGE OF MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI S. KRISHNA KUMAR) (a) and (b) A statement is laid on the Table of the House, sent imported.

After landing, the following cost were incurred in connection with the imports thereof:

Rs./MT (Average)

	1988-89	1989-90	1990-91
(i) Wharfage/landing charges . . . . .	20.73	38.18	58.70
(ii) Ocean loss . . . . .	17.83	19.54	20.14
(iii) Demurrage . . . . .	10.93	57.04	11.21
(iv) Customs duty . . . . .	3086.93	3020.20	5567.82
(v) Countervailing duty . . . . .	273.00	273.00	273.00
<b>TOTAL :</b>	<b>3409.42</b>	<b>3407.96</b>	<b>5930.87</b>

†The question was actually asked on the floor of the House by Shri Chimmanbhai Mehta.