

Bill, 1981

MESSAGES FROM THE LOK SABHA(I) **The Appropriation Bill, 1981.**(II) **The Appropriation (No. 2) Bill,**(III) **The Appropriation (No. 3) Bill 1981.**

SECRETARY-GENERAL: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

(I)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Appropriation Bill, 1981, as passed by Lok Sabha at its sitting held on the 16th March, 1981."

"The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(II)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Appropriation (No. 2) Bill, 1981, as passed by Lok Sabha at its sitting held on the 16th March, 1981."

"The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(III)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Appropriation (No. 3) Bill 1981, as passed by Lok Sabha at its sitting held on the 16th March 1981."

"The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

Sir, I lay a copy of each of the Bills on the Table.

**I. STATUTORY RESOLUTION
SEEKING DISAPPROVAL OF
THE LIFE INSURANCE COR-
PORATION (AMENDMENT)
ORDINANCE, 1981—contd.**

**II. THE LIFE INSURANCE COR-
PORATION (AMENDMENT)
BILL 1981-Contd.**

MR. DEPUTY CHAIRMAN: We will resume discussion on the Resolution and the Bill. There are three more speakers. I would make an...

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI SITARAM KESRI): So far as our speakers are concerned, I withdraw the names.

MR. DEPUTY CHAIRMAN: Thank you. I will request hon. Members to confine their observations to a short period, so that we can complete the discussion by say, 6 P.M., and the Finance Minister can reply also. Mr. Bagaitkar.

श्री सदाशिव बागाईतकर उपसभापति
जी, मूकेश गुप्त जी द्वारा जो
प्रस्ताव सदन के सामने रखा गया है
उसका समर्थन करने के लिये मैं खड़ा
हुआ हूँ। एल० आई० सी० आर्डिनेंस
जब से सरकार ने जारी किया तब से
उसको लेकर मजदूर आंदोलन हो रहा
है और चर्चा तथा बहस का जो मुद्दा
बना हुआ है मैं चाहूंगा मंत्री जी इस
बारे में सफाई से कहें। वह मुद्दा है
सरकार की नीयत का। इस कानून
का पहलू क्या है, इंडस्ट्रियल डिस्प्यूट
एक्ट के तहत इस का क्या पहलू है?
सुप्रीम कोर्ट के फैसले में क्या हुआ, हाई
कोर्ट के फैसले में क्या हुआ और उसका
क्या निष्कर्ष और नतीजा हुआ यह सब
जानकारी आपको होगी। मैं मानता हूँ
कि सरकार ने जब आर्डिनेंस निकालना

[श्री सदाशिव बगाईतकर]

तय किया तब इन सब चीजों की जानकारी, सुप्रीम कोर्ट का फैसला तो फरवरी में आया लेकिन उसके पहले कानून की जो स्थिति थी उसकी सरकार को जानकारी रही होगी। किस नीयत से इसको जारी करना जरूरी समझा इसके बारे में आप सफाई से सारी बात कहें। जरूरी है कि उसके जो टेक्नीकल आग्रुमेंट्स हैं, मालूमात हैं, फैक्ट्स हैं वे आपके सामने आए होंगे। जब बहस चल रही थी तब मुझे याद आ रही थी वह बात जो 30 साल पहले देश के इतिहास में गांधी जी के उपवास के चलते हुई। यानी हम कितनी दूर हट चुके हैं, गिर गये हैं उसका यह निःकर्ष है, एक पहलू है यह आर्डिनेंस। आपको भी याद होगा। बात थी पाकिस्तान को 55 करोड़ रुपये देने की और हिन्दुस्तान की सरकार बाध्य थी, वचनबद्ध थी 55 करोड़ रुपये पाकिस्तान को दिये जायेंगे। इस रुपये को देने में सरकार देर लगा रही थी और गांधी जी ने दिल्ली में बैठ कर जो उपवास किया उसमें एक बात नैतिकता के नाते उन्होंने रखी कि पाकिस्तान के कश्मीर को लेकर हिन्दुस्तान के साथ जो तालुकात हैं उसको लेकर जो चाहे करे लेकिन जो हमारी वचनबद्धता है उसको हम नहीं तोड़ सकते। यह बात गांधी जी ने उस वक्त कही थी। आपको याद होगा उस वक्त सरकार मजदूर हो गई थी और सरकार ने वह पैसा पाकिस्तान को लौटाया। मैं इस उदाहरण को इसलिये पेश कर रहा हूँ कि आपके सामने जो वचनबद्धता है उसकी नैतिकता को आप निभायेंगे या नहीं, इसका मैं आपसे जवाब चाहता हूँ। एल० आई० सी० के अन्दर जो सारी बातें थी उसको आपने विधेयक में रखा है। वह एकाएक बनी हुई स्थिति नहीं है। सुकुल जी यहां नहीं हैं वह भी किसी जमाने

में गवर्नमेंट एम्प्लाइज के मजदूर नेता रहे हैं। सेंट्रल गवर्नमेंट का टाइपिस्ट, स्टेट गवर्नमेंट का टाइपिस्ट, जिला परिषद का टाइपिस्ट, कारपोरेशन का टाइपिस्ट का काम एक ही होता है लेकिन तनख्वाहों के लिये अलग-अलग श्रेणियां बनाई हुई हैं। देश में इस वक्त, अगर मेरी जानकारी सही हो तो साढ़े चार सौ से ज्यादा अलग-अलग श्रेणियां काम कर रही हैं। जो अराजकता वेतन के मामले में है वह बनी हुई चीज है। वह कोई नई चीज नहीं है। यह बहाना बनाना कि क्योंकि वेतन में समानता लानी थी इसलिये हमने एल० आई० सी० के कर्मचारियों के लिये आर्डिनेंस निकाला यह ठीक नहीं है। इसके पीछे जो उद्देश्य है, विधेयक में जो लिखा हुआ है उससे हट कर आप काम करें यह मेरी राय है। मुझे लगता है इसमें आपकी नीयत सही नहीं है कानून की दृष्टि से। आपका बहुमत है इसलिये इसको आप पारित कर चुके हैं लेकिन आगे चल कर भविष्य में इसका क्या नतीजा होगा इसके बारे में क्या आप सोच रहे हैं। मैं मंत्री जी आपको बताना चाहता हूँ कि यह आर्डिनेंस निकाल कर बंगलौर के हड़ताली मजदूरों, एक लाख तीस हजार मजदूरों को आपने दवाने की कोशिश की है। और जब कोई मजदूर संगठन आपके साथ व्यवहार करेंगे, समझौता करेंगे या बातें करेंगे तो हमेशा उनको इस बात की शंका बनी रहेगी कि जो समझौता वे कर रहे हैं उस समझौते का पालन सरकार करेगी या फिर आगे चल कर उससे निकलने की कोशिश करेगी? यह आशंका मजदूर संगठनों को बनी रहेगी। जिस ढंग से अखबारों के अध्यक्ष जोश्व सेक्रेटरी और अम्बर सेक्रेटरी का बात आता है, उससे भी यह आशंका होती है। हो सकता है कि हमारी मालूमात गलत थी, लेकिन सरकार की मालूमात सही हो सकती है

और सही मालूमात को सरकार को हम लोगों के सामने रखा चाहिए। हमको तो ऐसा लगता है कि हमारे देश में जो ब्राह्मणीकल कल्ट है, जो ब्यूरोक्रेसी है, उसके कारण यह सब बुराई है। इन लोगों ने जब देखा कि एल० आई० सी० के अन्दर जो दो-चार, दस लोग हैं उनको ज्यादा तनख्वाह मिल रही है तो उन्होंने इस प्रकार क्या पडयंत्र रचना शुरू कर दिया और सरकार की जो वचनबद्धता थी उसको तोड़ने के लिए साजिश हुई।

जहां तक इस आर्डिनेंस की बात है उसके संबंध में यह कहा गया है कि चूंकि एल० आई० सी० में कर्मचारियों की तनख्वाह अधिक है, इसलिए उसको ठीक करने के लिए यह आर्डिनेंस लाया गया है। यह इस बात का सबूत है कि किस ढंग से यह सरकार काम करती है। इसलिए पहली बात तो यह है कि आर्डिनेंस इस करने को जो पावर्स सरकार को मिली हुई हैं उस में इस प्रकार का आर्डिनेंस जारी करना उन पावर्स का गलत इस्तेमाल करना है। इस संबंध में सदन में कई बार चर्चा हो चुकी है। पिछले सत्र में चेयरमैन साहब ने यह कहा था कि जब सदन मिल रहा हो तो इस प्रकार का आर्डिनेंस जारी करना ठीक नहीं है। उन्होंने साफ कहा है कि जब सदन मिल रहा हो तो इस प्रकार का आर्डिनेंस जारी नहीं करना चाहिए। ऐसी हालत में जब हम मिलने वाले थे और कोई इमरजेंसी भी नहीं थी तो सरकार को इस प्रकार का आर्डिनेंस जारी करने की क्या आवश्यकता थी? यह ठीक है कि लोक सभा ने इस को पारित कर दिया है। लेकिन मैं समझता हूं कि इस में विधान को तोड़ा गया है ...

(व्यवधान)

श्रीमन्, संविधान की धारा 360 (4) (ख) को मैं पढ़ना चाहता हूं। इस में

साफ लिखा है कि :—

"it shall be competent for the President during the period any Proclamation issued under this article is in operation to issue directions for the reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of the Union including the Judges of the Supreme Court and the High Courts."

अगर फाइनैन्शियल इमरजेंसी की बात होती तो यह जो 360 क्लॉज है और उसका जो 4(बी) हिस्सा है उस को आप पढ़कर देख लीजिये। मुझे ऐसा लगता है कि जब आपने फाइनैन्शियल इमरजेंसी डिक्लेयर नहीं की है तो इस प्रकार का आर्डिनेंस जारी करना उन पावर्स का टोटल मिसयूज है, ग्रास मिसयूज है। इस तरह का आर्डिनेंस लाकर आप संविधान के खिलाफ काम कर रहे हैं। इस आर्डिनेंस का नतीजा यह हुआ है कि एल० आई० सी० के कर्मचारियों की जो सर्विस कन्डिशनस हैं, उनका जो पे एंटेचर है उस को आप कानून की शकल दे कर ठीक करना चाहते हैं। जो काम आपको सामान्य तौर पर नहीं करना चाहिए उसको आप कानून की शरण लेकर करना चाहते हैं। आर्डिनेंस का इस्तेमाल करके आप एल० आई० सी० के कर्मचारियों के वेज स्ट्रक्चर को बदलना चाहते हैं। आपने फाइनैन्शियल इमरजेंसी भी नहीं लगाई है। इस दृष्टि से मैं समझता हूं कि आपका यह कदम बहुत अनुचित है। मुझे ऐसा लगता है कि सुप्रीम कोर्ट ने जब फरवरी में यह फैसला दिया तो उस को टालने के लिए कोई अन्य उपाय न देखकर आपने आर्डिनेंस जारी कर दिया। सुप्रीम कोर्ट का फैसला चाहे जो हो, अगर सरकार चाहती है तो हर वेज स्ट्रक्चर को बदल सकती है और कोई भी वेज स्ट्रक्चर एनफोर्स कर सकती है, सरकार किसी भी वेज स्ट्रक्चर को बदल सकती है और किसी भी वेज स्ट्रक्चर के लिए नहीं भी कह सकती है, इंकार कर सकती

[श्री सदाशिव बगाईतकर]

हैं। ऐसी स्थिति में इस प्रकार से आर्डिनेंस जारी करने को हम लोग कभी भी कबूल नहीं कर सकते हैं। क्योंकि आखिरकार मजदूर आन्दोलन में और आपके, सरकार के बीच में विश्वास का एक रिस्ता आपको रखना है, तो इस के लिए आप इस तरह से काम करे ताकि दोनों के बीच एक रिस्ता कायम हो। इसलिए श्रीमन्, मेरा यह कहना है कि आप ने जो आर्डिनेंस निकाला इस से देश का जो सारा औद्योगिक, इंडस्ट्रीयल रिलेशन्स का ढांचा है वह तहस-नहस हो गया है और इसके अच्छे परिणाम नहीं होंगे। अगर आप यह उम्मीद करते हैं कि इस तरह से जो आपने काम किया है इससे देश के मजदूरों के अन्दर खामोशी हो जायेगी तो यह होने वाली बात नहीं है। आप ने जंग छोड़ी है और इसका उत्तरदायित्व आप पर है और आपने कोशिश की कि ग्रामीण और ..

श्री उपसभापति : समाप्त कीजिये।
(समय की घंटो)

श्री सदाशिव बगाईतकर : आखिर में मैं इतना ही कहना चाहूंगा कि यह कोई बात नहीं है कि आप इनके लिए एक नया नेशनल वेज स्ट्रक्चर बनाना चाहते हैं। अगर आप नेशनल वेज पोलिसी बनाना चाहते हैं तो आप इस के लिये आयोग पर विचार कीजिए। हम उसके सामने अपनी बात रखेंगे। लेकिन आपने जो यह किया है इसका नतीजा अच्छा नहीं होगा और इस से इंडस्ट्रीयल रिलेशन्स का जो ढांचा है उस को आपने चक्राचूर कर दिया है और इस के बुरे नतीजे प्रोडक्शन से लेकर इंडस्ट्रीयल रिलेशन्स तक, इस में मिलेंगे, और इसकी सौ फीसदी जिम्मेदारी सरकार पर है, यह मैं कहना चाहता हूँ।

SHRI P. RAMAMURTI: Sir, I rise to support the Resolution moved by

Comrade Bhupesh Gupta and to oppose the Bill. Sir, I am really surprised that the Government talks in two voices. When in Bangalore the workers wanted parity in wages with the BHEL, one Minister declared that if there would be any parity, it is on the basis of productivity. And here the Finance Minister says that there must be some parity. I do not understand this. And if it is a question of productivity, the Finance Minister knows that productivity has increased. His own figures, the figures given by the LIC show in clear-cut terms that the total number of employees in the LIC have decreased between 1974 and 1980 whereas the production—they do not produce any commodity; here the production is only procuring the policies—the number of policies and the amount they procured have increased. That is the measure of productivity. So, here the same number of workers or a lesser number of workers have procured policies valued nearly three times of what they were procuring in 1974. Therefore, you are punishing them for being productive. This is the reality. This is the first point that I wanted to make. Sir, I do not want to go into other questions.

Sir, somebody there said, "Is there no limit for dearness allowance?" Sir, here are the workers who by their fight have been able to secure cent per cent neutralisation. The Class III and Class IV employees have been able to secure cent per cent neutralisation according to the rise in the cost of living. This is the principle. When you say, "Is there no limit? Is the sky the limit?" then the questions comes: What is the limit for your price increase? If the sky is the limit for your price increase, if you cannot bring down the prices, what can we do about it? This is your policy. We are not responsible for the high prices. It is your own inflationary policy and it is your own doing. And for that why should the workers be penalised? If the LIC workers have got it, the other workers will fight

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and they will also got it. After all, the pace is set by the advanced workers, and today the LIC workers in this country happen to be the advance contingent of the entire working class of the employees of this country. Naturally, the other workers also will fight for it and they will also get this thing. And you are now wanting to prevent it. That is the meaning of it. The prices will increase but your real wages will go on decreasing because you say that you will not give the full compensation for the rise in the cost of living. This is what is meant by that. Of course, the collective bargaining is given the go-by. The other people have talked about it and I do not want to talk about it much. Here, Sir, I would like to point out that defending this, Mr. Venkataraman, who is a lawyer told Mr. Indrajit Gupta...

SHRI R. VENKATARAMAN: I do not know if I ever defended you.

SHRI P. RAMAMURTI: I never allowed anybody to defend me. You know that. I have never allowed anybody to defend me. I have defended myself and I have also appeared for others though I am not a lawyer. Just as Mr. Venkataraman claims that he is a good economist in spite of his being a lawyer, I can also claim to be a good lawyer in spite of not being a lawyer. Therefore, Sir, I also know the law and also the procedures in courts. Mr. Venkataraman, the other day, of course, taunted Mr. Indrajit Gupta, "You are not a lawyer; I am a lawyer". That is why I am telling him not to try to taunt me like that. Mr. Venkataraman said this thing the other day when this question was raised. About the order he said there are certain procedures known in the Supreme Court as a record of processing in the Supreme Court. They are not judgments of the Supreme Court. They are not decrease of the Supreme Court. They are not orders of the

Supreme Court. This he was saying while replying to the points made by Shri Somnath Chatterjee. He said, so, Sir, this is not an order of the Supreme Court. I am quoting from what he has stated in the other House. I would like to point out to him that the order of the Government of India, rather the orders of the Government of India, when issued, are signed by an Under Secretary. Is an under secretary the Government? The Government is the President assisted by the Council of Ministers. Is it not necessary for the Minister to sign or the President to sign every order? But it is the under secretary who signs these orders. Because it is governed by the rules of procedure laid down by the Government itself and here are Rules of Procedure of the Supreme Court. What do the Supreme Court Rules say in this matter? The Supreme Court rule says: Every decree passed or order made by the court shall be drawn up in the register and be signed by the Registrar or the Deputy Registrar and sealed with the seal of the court and shall bear the name, date of the judgement, sitting etc. Then, when the Registrar or the Deputy Registrar considers it necessary that the draft of any decree or order should be settled in the presence of the parties, or where the parties require it to be settled in their presence, the Registrar or the Deputy Registrar, shall by notice in writing appoint a time for settling the same and the parties shall attend the appointments and produce the briefs and such other documents as may be necessary to enable the draft to be settled. The Supreme Court merely pronounces the order. These orders are recorded by the Registrar or the Deputy Registrar in what is called the proceedings of the court and this is what has happened here also. Mr. Venkataraman was saying that this is just signed by the clerk. It is not signed by the clerk. It is the Deputy Registrar who has signed it and there is the seal of the Supreme Court. Is the clerk entitled to give the seal. What is it that he is talking? Let him go out and repeat

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it outside, I am not going to implement this order, I am not bound to implement the order. He is, of course, protected here by parliamentary privileges. I would ask him to go out and make the statement outside, it is not binding on me, I am not bound to do that. Then I can charge him with contempt of court. There are people in this country who will charge him for contempt of court. Therefore, this is a puerile argument. This is the procedure of the court. This is the procedure laid down by the court. Under the procedure, the clerk has drafted it, the Registrar has gone through it, the Registrar is there and the Supreme Court seal is also there. This is what is happening. This is what happened with regard to both the matters.

While on the same question, I would like to ask him that in one case with regard to this order dated 10-11-1980, he says, it is signed by the court master, who is a clerk. But when it comes to the revision petition, there also it is the same thing. There also it is stated, the judge has not signed anything. There also it is an order and the order is in this form. An order is also in the same form. What is the form? The proceedings of the court, and the court passed the following order: 'The learned Attorney-General who appears on behalf of the LIC has made a statement before us that the order passed by the court in its judgment dated November 1980 shall be complied with before April 15, 1981. We may add that this order will ultimately be subjected to the result of the review petition. The stay petition filed along with the review petition is rejected.' This is the order. This is the way in which it has been given. The Supreme Court has not signed it. But in this case the rejection of the petition for revision by the Supreme Court, which is in the form of an order signed by the Deputy Registrar, and the court master, that you are able to rely upon, that you would say is a correct thing, but

in the other case you will only say it is not applicable. This is the procedure. I would only ask you to go and make a statement outside. You make the same statement outside.

SHRI R. VENKATARAMAN: I will answer to this point.

SHRI P. RAMAMURTI: Because you are protected here, you may say anything. I challenge you to make this very statement outside the House anywhere, and, Sir, let him face the consequences. Let him say it outside if he is so sure of himself. Then, the most fantastic thing he stated was about the order...

MR. DEPUTY CHAIRMAN: The word you had used was not proper, I think.

SHRI P. RAMAMURTI: That can be corrected; I have no objection, but that referred to the statement.

Anyway, then, Sir, he said that Mr. Indrajit Gupta relied on certain observations made by so and so. Sir, he knows that the majority judgment is a judgment. Judgment is not the final order, and as a lawyer he knows that in the judgment, there are two things. There is, what is called, *obiter dicta* and also, what is called, *ratio decidendi*. You know that...

SHRI NARASINGHA PRASAD NANDA (Orissa): That is a point of decision.

SHRI P. RAMAMURTI: Yes, exactly. *Ratio decidendi* is the rationale behind the final order, the principles on the basis of which the Supreme Court gives a final order, and that is binding on all these things. He must have got a number of cases. After all, Mr. Venkataraman, you have been the junior of Mr. S. Doraiswamy Iyer; don't forget that. I knew you then and knew Mr. Doraiswamy Iyer who was the tallest advocate in Madras in those days, a person who in 1907 broke the Surat Congress along with Tilak. Mr. Venkataraman was a junior under him when he started his practice. And

I knew Mr. Doraiswamy Iyer as you knew. He used to make enquiries about you, Mr. Venkataraman and he made enquiries about you when I visited him before his death. Even in 1976, he was making enquiries about you. I know in what esteem he held you. And today, I am glad that Mr. Doraiswamy has died; I am happy about it because if he had known..

SHRI BHUPESH GUPTA: Otherwise, he would have died of heart failure.

SHRI P. RAMAMURTI: If he had known that you said so, he would have died of heart failure. And as the Englishman says, he will be turning in his grave if he comes to know that Mr. Venkataraman has made this kind of a statement. And now the Supreme Court has specifically stated it. Why then did you go in for a revision petition? This fact is also revealed by the revision petition.

SHRI BHUPESH GUPTA: They got the wrong arguments.

SHRI P. RAMAMURTI: What is the revision petition that they filed?

What is the point to determine? I quote:

"In the written arguments filed in the transfer case said the question as to whether the I.D. Act or the LIC Act is a special statute, has been adverted to...' etc.

Then,

"...It appears that this Hon'ble Court has been pleased to advert to the question whether the I.D. Act and LIC Act is a special statute and whether there was any conflict between the statutes and in the event of a conflict, which statute will prevail, has been adverted to in the judgment because of this aspect having been dealt with in the written submission."

Therefore, this is the basis on which they came to this conclusion. It is

not *obiter dicta*; it is the principle. The principle is, the LIC Act is a general Act as far as employer-employee relations are concerned. The I.D. Act is a special Act and when there is a conflict between the special Act and the general Act, it is the special Act that prevails, which is the rationale behind the whole thing. And this is what you have challenged. Otherwise, why should you go in for revision? This is the main question on the basis of which you filed a review petition. This is what you have stated. Now, you come and say that these are all nothing, these are all nonsense, anybody can make any statement and you have got nothing to do about it. This is the statement you have made. That is why, I said, if Mr. Doraiswamy Iyer had been alive, he would have died of heart failure when he hears this. This is a wonderful argument which Mr. Venkataraman is trying to pursue. Now, Sir, the Supreme Court has held that—it is not an *obiter dicta*—when there is a conflict between a general Act and a special Act, it is only the special Act which will prevail. It has also held that the Industrial Disputes Act is a special Act governing the employee-employer relationship and which provides for collective bargaining. If you want to pass another Act, you should provide for all these things, the right of collective bargaining and so on. Without that, how can you say it is a special Act? It is only amending a general Act in a general way. The question is, when you have gone to the Court, asking for reviewing the whole thing, why should there be this urgency? This is because you are sure that the Supreme Court is not going to give a verdict in your favour. This is the charge I am making. They will still hold that I.D. Act is a special Act and the right of collective bargaining is taken away by this. Already, this question has been challenged. The Ordinance is there. If you had gone to them and asked for some time, I could have understood that The Ordinance has been challenged. They have said that the

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LIC Act is a general Act, that the I.D. Act is a special Act and, hence, they cannot take away this right. This has been challenged. Why can't you wait for that? The case is being heard today, tomorrow or the day after. It is listed for tomorrow. Why can't you wait for that? Instead of waiting for that, you have now come up with this. This is the charge that I am making. What have the workers gained by this right? In the case of a Class III employee, the basic wage is Rs. 175 only. Then, this has gone up because of dearness allowance. Even in regard to the Class IV employees, you have said that 15.8 will be the ceiling, beyond that, they cannot go. Therefore, this has been the principle so long that at least as far as the Class IV employees are concerned, the rise in the cost of living will be neutralised. Today, you are coming to a position where even in the case of the Class IV employees, as a result of your inflationary policies, the price rise and so on, their wages will be depressed; their real wages will be depressed. This is what you are going to do. This is what is going to happen. Sir, I do not know whether all these things will make any sense to the Government. I am sure, the Government is not going to listen to me. The only way out for them is to take to the streets, to strikes. This is what they will do. I am sure, as a result of this, this is what they will do. I welcome this for one purpose. For one thing, I am glad about it. Their real face is now exposed before the workers. They talk of agricultural labourers and so on. My only question is, who prevented them from implementing the Minimum Wages Act? Who prevented them? Who prevented you from implementing the Minimum Wages Act? Why have you been silent all these years? Wherever the Minimum wages Act has been implemented, it is only because of the development of the trade union movement. It is only as a result of the development of the trade union move-

ment that the agricultural workers in the country were awakened, were able to organise themselves and have been able to get better wages in spite of terrific repression on the part of the landlords in league with the Police, the goondas and so on. Sir, what will happen now? What has happened already? Along with the LIC employees, today, the officers have also joined them and tomorrow, I am quite sure, as a result of this, the entire working class and the entire toiling people will rise against your policy. When you are talking of the wage structure, you are not talking of the income structure. Employers can get any amount of money. When you are talking about the wage structure, you are not talking about prices. Prices can go up to any extent. The monopoly houses can increase their profits to any extent. As far as the wages are concerned, however, they must be controlled. This is what you want to do. This, I tell you, will not help and this is going to be resisted. The people will rise against it. Ultimately, things are not going to be decided by what you are going to lay down, but it is only the working people in this country, the workers, the agricultural labourers, the poor people and so on who are going to decide the fate and they are already on the march. I am glad, they are already on the march. Thank you.

MR. DEPUTY CHAIRMAN: Yes, Mr. Kalyanasundaram. Please be brief because all the points have already been covered. Certain points have been repeated several times.

SHRI M. KALYANASUNDARAM (Tamil Nadu): Thank you for your advice. I do not propose to repeat any point. I stand here to support the Resolution moved by Comrade Bhupesh Gupta and oppose the Ordinance and also oppose the Bill. Every point of this Bill is a retrograde step against the working class. The legal aspect and other things have been explained by the previous speakers and I do not propose to speak any further on them. About the philosophy be-

hind the Bill, Comrade Bhupesh Gupta has already dealt with it in detail in his speech. About the settlement reached between the employees' organisation and the management in 1974, lot of false propaganda is being made and that is what the Britishers also did in 1946 when the railwaymen gave notice of strike. They demanded only thirty rupees of minimum wage. What the Britishers said is that these railwaymen were taking advantage of the key position that they were occupying and that they wanted to steal a march over the rest of the society for asking for thirty rupees of minimum wage. That is what the Britishers said. Now look at the wonderful advance that the LIC workers have made. With regard to bonus and dearness allowance, not only through their struggle but sacrifice they have attained some advance compared to the rest of the workers. With regard to the dearness allowance too, I hope Comrade Ramamurti would pardon me, I do not agree with him that it is a full neutralisation because there are a lot of complaints about compilation of the price index itself. That requires a thorough review. So, compared to

other public sector undertaking employees, Central Government employees, even our employees working in the Rajya Sabha and Lok Sabha Secretariats, they have advanced. These people can never think of full neutralisation. The price is soaring so high that dearness allowance is just an illusion. So, where is the question of full neutralisation in the case of Government employees or the public sector workers? So, Sir, that settlement gives them some benefit. After all, some margin should be there for the aptitude of the LIC employees. The patience, aptitude and perseverance in the case of LIC people is proverbial. It is their hard work and perseverance that has shown the result in the LIC business. They have to go and canvass business. It is just running the administration. The busi-

ness has increased three times. The number of staff has not increased. Without increasing the strength of staff, business has increased. The figures furnished by trade unionists show that the ratio in respect of the expenditure on staff is going down as compared to the increase in business. This shows the stagnation in the strength of staff and also the stagnation in their emoluments. That is the reason why the officers and the employees have joined together in the struggle. They are on the strike for the third day. So, do not advance wrong and false arguments. The demand for need-based minimum wage and full neutralisation of rising prices is a universal demand in almost all the capitalist countries.

Even in America and Britain that is the fight that is going on. In our country, the workers are very modest. They have not yet combined and started the struggle. Here and there, occasionally they take a stand. Now the Government, by this Ordinance, is forcing all the Central Government employees, the public sector employees and the other workers in the private sector to make common cause with the peasantry and the rural poor to force the Government to change their economic policy which gives rise to

such an anarchic state of affairs. While prosperity is there on the one side, there is poverty increasing on the other side. What is this anomaly? Our President has given a call to declare war against poverty. At the same time, he signs such an Ordinance. He complains about the concentration of wealth in the hands of a few and growing poverty. If the people read his speech, they will laugh at him. He occupies such a high position. Does he not have the power to give a directive or tell the council of Ministers, "this is what you should do, and this is what you should not do"? When he had an opportunity to deliver his Address to both the Houses of Parliament, he committed himself to all these things. But now he speaks like this. It is only a propaganda to mislead the people. A serious attack has

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been launched, much more serious than that in the emergency period. In fact, this started in 1976 during the emergency and it is still continuing. The only thing is that it is now spreading against the rest of the working people. I warn the Government, as has been done by the previous speaker also, that the workers cannot remain silent spectators. You compare it with the recent settlement with the Port and Dock workers. I ask this of Mr. Venkataraman who was also helping us in those negotiations with the Port and Dock workers. The minimum wage for a Port and Dock worker is now Rs. 700. Compare that with LIC. There is one clause there that if the rate of dearness allowance is revised elsewhere, the Port and Dock workers have got a right to reopen the question. That clause is also contained in such a settlement. So this is the position.

During the past 12 months alone, the cost of living index has increased by 45 points. It was just 363 on 1st January, 1980. Now it is 408. This is the rate at which the prices are going up. If Mr. Venkataraman's Budget—said to be a “development oriented budget”—percolates lower below, before the end of this year the prices will shoot up like anything. So revise your policy. Have a review in regard not only to rationalisation of wages/salaries, but, have a review of the profits of the monopolies and the wealth they are acquiring. Have a national policy of wages, income, price and profits. Don't speak of wages alone; speak of prices and profits also. Without speaking about prices and profits, you speak of rationalisation of wages. I do not want to use any strong word, but it is an attack on the workers.

Sir, I appeal to the Government that before it is too late, even in this case let them call the trade union representatives and discuss with them. After all, with the majority that they have, they are going to get this Bill passed. They are taking powers. But the

powers alone will not save them. The LIC workers may be small in number, but they are strong and united because of the issues involved. So, don't be sitting in an ivory tower. See the writing on the wall and change your policy.

6 P.M.

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, will you reply to the debate? Have you to say anything? Of course, you have already said succinctly. (Interruptions) Now he will reply to the Resolution.

SHRI M. KALYANASUNDARAM: No. After the Minister says, he has the right of reply.

SHRI BHUPESH GUPTA: Sir, the position is this. The Minister should intervene because the Minister has moved the Bill.

MR. DEPUTY CHAIRMAN: You have moved the Resolution first. So you will reply to the Resolution first. Then the Minister will reply.

SHRI BHUPESH GUPTA: He can reply to the debate on the Bill.

MR. DEPUTY CHAIRMAN: That he will do. First you reply to the Resolution.

SHRI BHUPESH GUPTA: So, that is the tactics you are adopting.

MR. DEPUTY CHAIRMAN: That is the procedure.

SHRI BHUPESH GUPTA: If he says that he will usurp the right of the junior to reply to the debate on the Bill, I cannot say 'No'. But it would have been fair if he has left the reply also to his junior and encroach on the time of the House to “Intervene” as they call it, so that we could have replied to him.

MR. DEPUTY CHAIRMAN: You already know his points, very well in advance.

SHRI BHUPESH GUPTA: Sir, we know him, we know his points very well. But we do not know what concoctions he will make just now.

SHRI R. VENKATARAMAN: Coffee

SHRI BHUPESH GUPTA: So, Sir, we are deprived of that, the latest gems that will be soon dropping from the precious lips of the Finance Minister of the country. That is a very unfortunate denial but, nevertheless, we shall proceed: we are subject to your guidance.

Sir, my Resolution has been opposed by some friends there and I felt our friends there are to oppose me because they are situated in a position from where it is very costly to support me. I can understand their difficulty. Therefore, they have opposed it. The hon. Minister has moved the Bill and said whatever he had to say. Comrade Ramamurti and others also spoke.

Our position is quite clear. We are opposed to this Ordinance not merely on economic and legal grounds. We are opposed to this Ordinance because it introduces a dangerous social approach to the important question of industrial relations in the country. And the industrial relations in the country, if they are disturbed and undermined in the manner in which they seek to do it, other relations in other situations also cannot be good. In fact, it will have very serious repercussions in all spheres of our economic life and, possibly, in our political life and social life as well.

Sir, I did not know that our friend, the Finance Minister, was junior to such an eminent lawyer and patriot but then, Sir, we are in the days where eminence is heavy discount. And patriotism is paraded in ways other than it used to be in some quarters in the old days.

As far as the LIC employees are concerned, we are very sorry that some adverse remarks were made

against them by some of our friends, who should show a better understanding. It is as if the LIC employees were coming in the way of narrowing down or removing the economic disparities, as if the bonus given to the LIC employees, 15 per cent or so, or the emoluments that are given to them, stood in the way of giving a better deal to other sections of the working people or to the rural poor. That is not so. Even, two days before, the President of India, while inaugurating the conference of the Governors of the States, gave the reason as to why the economic disparities continue, as to who had cornered the gains of our development. He had taken the period between 1964 and 1976. The monopoly houses with assets of Rs. 20 crores and more had grown from 42 to 103. I did not say it. It is he who said it, the President of India. It is the President of India who said that in the three decades between 1951 and 1971 the agricultural population had gone up from 21 per cent of the rural population to 26 per cent of the rural population; and he complained that many of them were not getting even the minimum wage fixed. He said it. It is again the President of India who said that the present system is responsible for it. He said it in so many words; but I am not using those words. He said that the top less than 1 per cent people enjoy more than 5 per cent while the bottom 5 per cent enjoy less than 1 per cent. These are his figures. He bemoaned the state of affairs, the President of India.

Who prevents you from giving remunerative prices to the farmers, to the peasants and a living wage to the agricultural workers? The LIC employees, the bank employees, the workers? Not at all. If the prices are rising, they are jolly well entitled to optimum centralization of the rising cost of living. And hence you have developed this scheme of going with the cost of living index, as recommended by your Pay Commission and other bodies. That is how you raise the Dearness Allowance. And they have

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got it by strike. Why are you grudging it? You never said in 1974: "No, we shall not give this bonus of 15 per cent." On the contrary, you signed it. What has happened between January, 1974 and now that you want to take it away? Have the prices gone down or gone up? The prices have gone up; the value of rupee has fallen. Who is responsible for it? The LIC employees, the bank employees, the workers? Or, the monopolists, profiteers, hoarders and dear black-money-holders, your policies are responsible. When I say 'you', I do not use it in any personal sense; I mean all the regimes, whether it is the Janta regime or your regime now or your previous regime. I am not having any individuals in my mind at the moment. Now, Sir, this is adding insult to injury when they say that the LIC employees are getting more; it is a very mean propaganda—this propaganda that is carried on by all newspapers—that they are getting more than the Joint Secretaries. Well, everybody knows what they are getting. It was not a gift that you have made to them. Inch by inch they had fought. Because of your policies you are obliged and compelled to concede some of their demands, and they made gains. But you now use it as an argument. Anyway, I do not want to dilate upon it. This goes unchecked. (*Time bell rings*) In 15 minutes, let me finish.

MR. DEPUTY CHAIRMAN: Already you have taken about eight minutes.

SHRI BHUPESH GUPTA: I will finish. This is one part of it. I would not dilate upon it. As far as the legal part of it is concerned, what shall I say?

MR. DEPUTY CHAIRMAN: That has been explained.

SHRI BHUPESH GUPTA: After all, these materials have been given to us, and we have studied them. Everybody has studied them. The only argument he has is that whatever he says must go even after the Supreme Court has said—it cannot correct the Minister.

By implication it is said, the Minister has made a wrong statement. Otherwise, how does the question of correcting the Minister arise? The statement of the Minister made on the 23rd February in the other House was really commented upon by the Supreme Court in a very polite but very scintillating manner.

Not a word of regret, not a word of apology, not a word of remorselessness, not a word of repentance, nothing of the kind. What I say stands? I am the monarch of all I survey and accept what I say as the law of the land! Well, Sir, this is a very dangerous trend.

Well, the Judges cannot come and speak here nor can they go to public meetings and speak like that. But they have put it down in writing. After that, we need not argue about it. If the Judges understood it, we understood it, the LIC employees understood it, everybody understood it, that way, how can you say that you meant something else? No. Sir, English words have their meaning. you read the Attorney-General's statement.

He was asked, and he said, "Yes, by the 15th of April we shall pay." He said "pay". "Payment" was the issue. Then he denied it, and I do not know what to do with the Attorney-General or those who advised the Attorney-General. I do not know. The Supreme Court should think of a certain procedure where such people can be dealt with for contempt of court. There should be some procedure of dealing with the lawyers who professionally misconduct. The person who misleads the Supreme Court in this manner, bluffs the Supreme Court, he has no right to be the Attorney-General. At least this should be laid down by the Supreme Court and the Bar Council and other competent authorities should disqualify them. This is a matter for them to consider, not for me or for you to lay down. This is there. As far as the hon. Minister is concerned, he is incorrigible; he will not change. (*Interruptions*)

MR. DEPUTY CHAIRMAN: That will do.

SHRI BHUPESH GUPTA: We have moved our Resolution. We have opposed the Bill. Many of my friends there, had they been in the Opposition, because the Janata Government was doing this thing also when it was in power, I am sure, would have supported me. The moment the trouble arises, they go to that side. This is what I find. Otherwise, I have no doubt that had they been sitting on this side, many of them would have lent their voice in a much stronger way than I did.

What Mr. Venkataraman would have done, I cannot say. Perhaps he would have refrained from speaking, he would have abstained from the House, because he is wedded to a philosophy that holds the tongue over such matters. That is not applicable in other cases. So, Sir, you ask him...

MR. DEPUTY CHAIRMAN: You have asked them sufficiently. Do not worry.

SHRI BHUPESH GUPTA: We would still ask our friends there. You may ask, "Are you a fool to ask for their support?"

MR. DEPUTY CHAIRMAN: You have asked several times.

SHRI BHUPESH GUPTA: You have not called me a fool.

MR. DEPUTY CHAIRMAN: No, not in the least. Nobody can dare do that.

SHRI BHUPESH GUPTA: Sir, it is always a good thing to ask people to do a good thing, even if they do not do so. I just tell them that they should consider that a very wrong step has been taken. Again I say, we protest against this Ordinance because every principle, including the principle of functioning of parliamentary system and democracy, and the direc-

tives of the Speaker and the Chairman, Sir, everything has been violated by this outrageous Ordinance which was promulgated to double-cross Parliament—I say, to double-cross Parliament. Sir, this is a fraud of the worst type. And, therefore, Sir, it deserves the strongest condemnation by all right-minded people. If for some reason my good friends there are not condemning it, I will not condemn them for the present, but I will look forward to them so that they would ponder over the matter and think what a wrong thing they are doing by encouraging this kind of thing. I hope it will be resisted outside in a much stronger way.

MR. DEPUTY CHAIRMAN: Now the hon. Minister may please reply to the debate.

SHRI R. VENKATARAMAN: Mr. Deputy Chairman, Sir, I am very sorry that a number of things have been stated regarding the proceedings in the Supreme Court which are not factually correct. And it looked as if the parties who are likely to lose their case in the Supreme Court are attempting to create a sort of conflict between the executive and the judiciary and thereby win the sympathy of the judiciary on their side. The order that was passed on the 10th November, 1980, very definitely stated as follows:

"The transfer petition No. 1 of 1979 stands allowed in so far as the writ will issue to the Life Insurance Corporation directing it to give effect to the terms of settlement of 1974 relating to bonus until superseded by a fresh settlement, an industrial award or relevant legislation."

This is the final order that was passed. This order is signed, I said in the other House, by three judges. And somebody said there was another order. I said, an order signed by the three judges has a precedence, has the imprimature of the decision of the judges themselves. That is the tenor

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of my speech. I did not have to comment on what order is important and what order is not important. I merely pointed out that this is the order, namely, the order signed by three judges, which stated that this agreement will be valid until it is set aside by one of the three things, namely, a fresh agreement, a reference to adjudication or b relevant legislation. By saying that I tried to say that this is not the order of the Supreme Court or that is not the order of the Supreme Court, they are all trying to create a sort of misunderstanding between me or the Government and the Supreme Court.

SHRI P. RAMAMURTI: That is what I read from your speech. You have said, it is not the order. What am I to do? You have said it.

MR. DEPUTY CHAIRMAN: Please wait for for some time.

SHRI R. VENKATARAMAN: Please hear me. When somebody said that there is something else, I said, the order which is fully binding is the one which has been signed by the three judges. And that is what I have been saying. When so many people speak in the debate and several things are said, probably I do not know...

SHRI P. RAMAMURTI: You are correcting yourself.

SHRI R. VENKATARAMAN: My point is very clear even now, as was said in the other House, that the order which is binding and strictly applicable so far as the Government is concerned, is this order signed by the three judges, which gives the Government the option to do one of the three things. Now, the next question which was raised about the Supreme Court was whether the Attorney General stated "he will pay the bonus". On this I want to read only the judgment of the Supreme Court, because even here people read only those portions which are favourable to them and omitted to read to the House those portions which are not

favourable to them. This is not the way. I have also argued cases, but I have not done this kind of a thing. The Supreme Court stated as follows:

"It is undoubtedly true that the order passed by this Court on November 10, 1980 gives the Life Insurance Corporation of India the option either to have the settlement of 1974 superseded by a fresh settlement or to obtain an industrial award on the subject. But the exercise of such option was not our understanding of the Attorney General's statement. Our understanding of the matter was and we took the Attorney General to mean that the payment for the judgement dated November 10, 1980, will be complied with subject, of course, to the result of the review petition which was then pending..."

They read only up to this. I want to read the further part of it.

"The Attorney General says that when he made the particular statement of January 13, 1981 on behalf of the Life Insurance Corporation of India what he had in mind was that the bonus as directed by the judgment of November 10, 1980 will be paid to the employees before April 15, 1981 subject to the qualifications that the qualification of that amount will be in the manner contemplated by the order and in accordance with the decision on the review petition which was then pending."

"Contemplated by the order of November 10, 1980" which said that it can be complied with either by agreement or adjudication or relevant legislation. And this is the Attorney General's statement...

SHRI P. RAMAMURTI: This is what he meant, what he intended.

SHRI R. VENKATARAMAN: The Attorney General says...

SHRI P. RAMAMURTI: Now he says...

[Shri R. Venkataraman]

SHRI R. VENKATARAMAN: Now, we cannot go on questioning everybody's statement.

I go on further

"Mr. Garg who appeared for the petitioners contests this position. But we cannot accept that Attorney General is not right in saying today as to what he really intended to convey to us on January 13, 1981..."

SHRI P. RAMAMURTI: Just a minute...

SHRI R. VENKATARAMAN: I cannot yield. Please sit down. I did not disturb you and I will not allow you to disturb me. After I have finished I will give you an opportunity.

Now, the point here is if the Court thought what the Attorney General said was not correct, then the Court would have said. "No, we do not think that was so..." On the contrary, the Court said that "we cannot accept..." — mark the words 'we cannot accept' — "...that the Attorney General is not right in saying today as to what he really intended to convey to us on January 13, 1981." Therefore, the Supreme Court accepted the Attorney General's statement. Mr. Bhupesh Gupta makes all sorts of statements against the Attorney General which I repudiate. We have the privilege of Parliament, and, therefore, we can speak anything we like. But it is totally wrong to make such allegations against such a high officer of the Government such a judicial officer as the Attorney General. I want to place on record my protest against the allegations made by Mr. Bhupesh Gupta and I want to say that they are totally unwarranted. The position therefore is the Attorney General says before the Court this is what I intended and the Court accepts what the Attorney General says. Now, people come and say the Attorney General promised to pay and he has not paid and the

Government has not paid, it has violated, it has committed a breach of trust. Venkataraman be committed to contempt of court, this, that, as if you want him to be impaled and scaffolded! What is all this talking? The simple thing is this. Did the Attorney General agree in terms to pay the bonus amount as was stated? The Attorney General said: I will pay before the 15th in terms of the judgement. I have read the judgement of the 10th. If the agreement said before the 15th, he will pay it; if there was adjudication that it should be paid before the 15th, he will pay it. If there was legislation, then in accordance with that legislation he will pay it. This is the interpretation of his statement.

I will not go into the merits of the case because we are going to argue in the court. The court will have to hear fully on whether the Ordinance is valid, whether the legislation is valid. It is a matter for the court. Successive Chairmen have held that the legality of legislation is not for the Chair to decide, but it is for the Members to decide. Therefore, I will not accept that. Except for clarifying that there has been no mistake, there has been no misunderstanding on the part of the Attorney General or on the part of the Government, I have no desire to go into the legalities...

SHRI M. KALYANASUNDARAM: When are you going to decide the bonus and make the payment?

SHRI R. VENKATARAMAN: Within the 15th April. Now, I will go into the equity or morality of this case. The hon. Members said: You did not have any dialogue or discussion with the Unions, but rushed with legislation. Apparently these Members were not properly briefed by the Unions. Concrete proposals were made to the Unions in 1978, 1979 and again in April 1980. But the employees refused to discuss because under the agreement they had D.A.

[Shri R. Venkataraman]

and bonus without a ceiling. Why should they come for discussion? And they refused to have discussion? The hon. Members complained that the Government rushed to legislation without discussion....

SHRI M. KALYANASUNDARAM: Can there be discussion for reduction of pay? For improvement there should be discussion.

SHRI R. VENKATARAMAN: Their allegation that the Government did not discuss falls on their own statement.

I will go further to say that the agreement of 1974 says that the agreement will be valid for three years. The agreement says that the settlement shall be effective from 1-4-1973 and shall be for a period of four years. In other words, it will be valid between 1-4-1973 and 31-3-1977. If the Government were merely inclined to go by the legal position, they would have said: The agreement has expired and you are not entitled to the benefits thereunder. We did not do it. We wanted to get them into some arrangement and reach a settlement.

SHRI SHRIDHAR WASUDEO DHABE: Under the law you are bound to pay even after the agreement expires.

SHRI R. VENKATARAMAN: The moment the agreement's term is over, the contract law begins to operate.

SHRI M. KALYANASUNDARAM: You cannot unilaterally reduce that. You have been a trade union leader,

SHRI R. VENKATARAMAN: If the Government wanted to take a legal stand, we could have said so. But we did not do it. On the contrary the Government wanted to talk to them, wanted to approach them and wanted to have some settlement with them. We wanted to see that

there is some kind of *rapprochement* reached. On the contrary, because they were getting a higher amount, they were not willing to come to any settlement, and no settlement is possible under these circumstances.

SHRI P. RAMAMURTI: You should have referred to adjudication.

SHRI R. VENKATARAMAN: Who and on what? There is a dispute which is raised by them....

SHRI P. RAMAMURTI: But the management can raise a dispute and go in for adjudication?

SHRI R. VENKATARAMAN: The management's right is to negotiate and say: Your agreement has been terminated.... (Interruptions). If the workers are not prepared to do it, then there is no question.

SHRI M. KALYANASUNDARAM: They cannot justify it before any tribunal.

SHRI R. VENKATARAMAN: Adjudication for what? If the workers make a demand, then you can say that it should be referred for adjudication. But there is no demand.

SHRI SHRIDHAR WASUDEO DHABE: That was a demand by the management.

SHRI R. VENKATARAMAN: That is not a demand. My honourable friend is a trade union man and he must know that it is not a demand to say that the wages should be reduced. It is not a demand. If it is for something more, then you can say that.

Then, Sir, I come to the merits of the LIC employees' case. Sir, it was said that the LIC employees' expenses have been reduced and their productivity has increased. Well, I will give some figures with regard to this. I will give some figures relating to the administrative staff's salaries expressed as cost per policy. In 1959,

it was Rs. 12.45p; in 1964-65 it was Rs. 16.88p; in 1969-70 it was Rs. 23.57p; in 1974-75, it was Rs. 38 10p; and in 1978-79 it was Rs. 42.03p! This is how the cost per policy has been reduced!

Now, Sir, the other question raised was that the cost of living has been increasing and, therefore, the workers are entitled to get more on account of the increase in the cost of living. Now, Sir, I will show what the rise in the consumer price index is and the rise in the salaries of the LIC employees is. Now, the rise in the consumer price index, from 1960 (base year): 100) to 1978-79, was 332 and the rise in the emoluments of the Class III employees from 1960 rated at 100, is 640. As against the increase in the cost of living index, in the consumer price index, which was 332, the wages have risen by 640 per cent! Well if this is not an unconscionable rise an unreasonable rise, I want to know what it is then.

Then, Sir, I will give some more comparative figures.

SHRI BHUPESH GUPTA: Give him some better notes, notes which you can read.

SHRI R. VENKATARAMAN: Sir, I have got better notes than what he gives, because I have unanswerable things.

Now, take the comparative figures. For class III employees, as compared with others, basic pay plus DA: LIC: Rs. 2,962/-; BHEL: Rs. 1,119/-; ONGC: Rs. 13,94/- Air-India: Rs. 1,626/-; Indian Airlines: Rs. 1,376/-; Madras Fertilizers: Rs. 1,399/-; and so on. The other things are even similar.

I have not done anything which should create this kind of a furore and this kind of an exaggerated frenzy. All that we have said is that like

some of the best paid employees in the banks, they will get DA subject to a ceiling of Rs. 50.80p, like the other employees who are subject to the bonus law, they will also be subject to the bonus law. Is it wrong, it is improper, to ask one set of employees to conform to the same standards as another set of employees? All the people in service today, most of the people, with some exceptions, are subject to the bonus law and, according to the bonus law, a person getting a salary up to Rs. 1,600/- will get a bonus limited to Rs. 750/- ceiling. The same thing we said, will apply to these people also. We did not want to give them a higher status. We said: "You are governed by the same law." Similarly, we said, "You will be governed by some of the best-paid employment in respect of DA". What

is it that this Government has done to create this kind of a frenzy to say that they will fight it out in the streets, fight it out here and there and so on? If some people start itching for a fight, they can fight for better causes. There are people in the country who do not earn a minimum wage. I would like to tell them not to fight for the LIC employees and not to fight for the Reserve Bank employees, but to fight for these people. The cause may also be worth fighting for. Therefore, I say that there is absolutely no reason why there should be so much agitation over this. I would appeal now to the LIC employees to see reason and fall in line with the other better or some of the best paid employees and take the same amount of bonus and wages as in the rest of the country.

(Interruptions)

SHRI P. RAMAMURTI: Just a clarification, to put the record straight. I am quoting what he himself quoted:

"Mr. R. K. Garg contests this position. But we cannot accept that

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the Attorney-General is not right in saying today..."

Not on that day.

"... in saying today, as to what he really intended to convey..."

Not what he really stated. What he really stated and what we understood from the statement was that he will pay the amount by that time, but today we are not going to contest it. Therefore, this is the kind of Attorney-General. (*Interruptions*)

SHRI N. K. P. SALVE (Maharashtra): Forget about this. What about the last argument: Conform to the service conditions of other employees who are some of the best paid employees? (*Interruptions*)

MR. DEPUTY CHAIRMAN: I shall now put the Resolution of Shri Bhupesh Gupta to vote. The question is:

"That this House disapproves the Life Insurance Corporation (Amendment) Ordinance, 1981 (No. 3 of 1981) promulgated by the President on the 31st January, 1981."

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now put the amendment of Shri Jha to vote. (*Interruptions*)

(At this stage, some hon. Members left the Chamber)

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Life Insurance Corporation Act, 1956, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri R. R. Morarka
2. Dr. Bhai Mahavir
3. Shri Narasingha Prasad Nanda
4. Shri Bhupesh Gupta

5. Shri G. C. Bhattacharya
6. Shri Harekrushna Mallick
7. Shri Biswa Goswami
8. Shri Rameshwar Singh
9. Shri Hukmdeo Narayan Yadav
10. Shri Sh. va Chandra Jha

with instructions to report by the first day of the next Session of the Rajya Sabha."

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now put the motion moved by Shri Maganbhai Barot to vote. The questions is:

"That the Bill further to amend the Life Insurance Corporation Act, 1956, as passed by the Lok Sabha, be taken into consideration."

The motion was negatived.

MR. DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

Clause 2. There are two amendments (Nos. 2 and 3) by Shri Kalyanasundaram. Not here.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

MR. DEPUTY CHAIRMAN: Clause 4. There is one amendment (No. 4) by Shri Kalyanasundaram. Not here. Not moved.

Clause 2 was added to the Bill.

MR. DEPUTY CHAIRMAN: Clause 1. There is one amendment by Shri Kalyanasundaram. Not here. Shri Bhabhara, not here. Shri Pyarelal Khandelwal, not here. Not moved.

Clause 1 was added to the Bill.

The Enacting Formula, the Preamble and the Title were added to the Bill.

SHRI R. VENKATARAMAN: Sir,
I move:

"That the Bill be passed."

The question was put and the motion was adopted.

श्री उपसभापति : अब सदन की कार्य-
वाही कल मध्याह्न ग्यारह बजे तक के
लिए स्थगित की जाती है ।

The House then adjourned
at forty-one minutes past
six of the clock till eleven of
the clock on Tuesday, the
17th March. 1981.