

Charanjit Chanana, I beg to lay on the Table:—

(1) A copy of the Commercial Vehicles (Restriction on Re-sale) Order, 1981 (Hindi and English versions) published in Notification No. S.O. 298(E) in Gazette of India dated the 9th April, 1981, issued under section 18G of the Industries (Development and Regulation) Act, 1951. [Placed in Library. See No. LT-2401/81].

(2) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Plywood Industries Research Institute, Bangalore, for the year 1978-79 along with Audited Accounts.

(ii) A statement (Hindi and English versions) regarding Review by the Government on the working of the Indian Plywood Industries Research Institute, Bangalore, for the year 1978-79.

(3) A statement (Hindi and English versions) showing reasons for delay in laying the documents mentioned at (2) above. [Placed in Library. See No. LT-2402/81].

DELHI MOTOR VEHICLES (FOURTH AMENDMENT) RULES, 1980 WITH STATEMENT FOR DELAY

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI BUTA SINGH): I beg to lay on the Table:

(1) A copy of the Delhi Motor Vehicles (Fourth Amendment) Rules, 1980 (Hindi and English versions) published in Notification No. SECE. 3(45)/79-Tpt/5577-5604 in Delhi Gazette dated the 4th June, 1980, under sub-section (4) of section 133 of the Motor Vehicles Act, 1939.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above Notifica-

tion. [Placed in Library. See No. LT-2403/81]

COMMITTEE ON PUBLIC UNDERTAKINGS

NINETEENTH REPORT AND MINUTES AND TWELFTH REPORT.

SHRI RAVINDRA VARMA (Bombay North): I beg to present the following Reports (Hindi and English version) of the Committee on Public Undertakings:

(i) Nineteenth Report on Electronics Corporation of India Ltd. and Minutes of Sitzings of the Committee relating thereto.

(ii) Twelfth Report on action taken by Government on the recommendations contained in the Forty-eighth Report of the Committee (Sixth Lok Sabha) on International Airports Authority of India Imbalances in the Utilisation of Airports and in the Operations of Foreign Airlines vis-a-vis National Carriers (Ministry of Tourism and Civil Aviation).

12.13 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

NON-IMPLEMENTATION OF SUPREME COURT ORDER REGARDING PAYMENT OF BONUS TO L.I.C. EMPLOYEES

श्री राम बिलास पासबाग (हाजीपुर):
उपाध्यक्ष महोदय, मैं अविलम्बनीय लोक महत्व के निम्नलिखित विषय की ओर वित्त मंत्री का ध्यान दिलाना चाहता हूँ और प्रार्थना करता हूँ कि वह जस बारे में एक वक्तव्य दें ;

“जीवन बीमा निगम के कर्मचारियों को बोनस की अदायगी के बारे में उच्चतम न्यायालय के 15 अप्रैल, 1951 के आदेश को सरकार द्वारा क्रियावन्ति न किये जाने का समाचार”

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Mr. Deputy Speaker, Sir, I rise on a point of order. I am seeking your guidance in this matter.

We find from the Order Paper of today that four names are mentioned in the Calling Attention. Now, Sir, many other hon. Members have given notice on this particular subject. I would request you to bear with me for a minute. I seek your guidance. We gave notices after 10 O'clock yesterday. Now, Sir, you will tell me that our well-established practice is not to take the notices for consideration if they are received after Ten O'clock. But I may respectfully point out that this practice is against the provision in the rules. It is my respectful submission that practice will not take precedence over the rules. Therefore, my point of order is this: Please see Rule 197. Please also see Directions 113(B). I request you to see Rule 197,—Explanation (ii) It says:

'Notices for a sitting received up to 10.00 hours shall be deemed to have been received at 10.00 hours on that day and a ballot shall be held to determine the relative priority of each such notice on the same subject. Notices received after 10.00 hours shall be deemed to have been given for the next sitting.'

So, Sir, notices given after 10 hours will be valid for the next sitting. They will be valid for the ballot for this day. Sir, as you now, the ballot is usually held in the evening. But, Sir, you have to take into consideration the spirit of this particular provision—read with Speaker's Direction, 113 B. It says:

"Such notices if received after 10.00 hours shall be treated as notices given for the next sitting."

Upto the time of the ballot, whatever notices are received, they shall have to be taken into consideration. This is my respectful submission. Sir, you

cannot say this is the well-established practice and so on. Practice, as I said, cannot take precedence over the rules of the House. I seek your guidance in the matter. I request you to please see Rule 197.

MR. DEPUTY-SPEAKER: Mr. Parulekar, just hear me. This point is already clarified in the Handbook. I will read this portion:

"Names of only those Members are balloted whose notices are received after 10.00 hours on the last day of the week on which the House sits and upto 10.00 hours on the day on which the Notice is selected by the Speaker.

If notices of more than one matter are received for the same day, the Speaker selects one matter..."

You kindly see the Handbook.

SHRI BAPUSAHEB PARULEKAR: Sir, kindly see 113B—of the Speaker's Directions: Kindly see this, read with Rule 197, which I have already quoted. Sir, apart from the Handbook, we are concerned with the Rules of the House and the Directions of the Speaker. The provision is very clear. Under 113B, such notices, if received after 10.00 hours' shall be treated as notices given for the next sitting.' Suppose I give my notice for Calling Attention today after 10 O'clock, it shall be valid to be balloted for the subject coming up tomorrow. Therefore, usually the ballot is held in the evening. What I submit is that the notices received upto that time should be taken into account at the time of the ballot.

MR. DEPUTY-SPEAKER: The ballot is held in the afternoon. This is a well settled practice and we are following that. This practice has already been there. If you are not convinced, you can come and discuss this in my Chamber.

SHRI BAPUSAHEB PARULEKAR: What is your ruling on this?

MR. DEPUTY SPEAKER: We following the convention.

SHRI INDRAJIT GUPTA (Basirhat): If a notice is received before the ballot is taken, why should that notice be considered invalid? 10 O'clock is no sacrosanct. The point is that the ballot is taken in the afternoon. If I give a notice which is received in proper form in the Office before the ballot is taken, then it should not be excluded and it should be included. These rules are not sacred and you can change them for practical convenience.

MR. DEPUTY-SPEAKER: This point has to be gone into very carefully. You have made a point and we will consider that.

SHRI N. K. SHEJWALKAR (Gwalior): Sir, I am talking of something else. Kindly hear me. My point is that normally what is contemplated in the rule is that for Calling Attention, for the same day, we have to give notice before 10 O'clock. It is not for the next day. Therefore, you have to consider those who give notices before 10 O'clock. Normally the practice is that the notices that are received today are considered for the next day. But if anybody gives notice before 10 O'clock, then it is valid upto the time of taking the ballot. There is nothing wrong.

MR. DEPUTY-SPEAKER: That is what I have already said. He has made a right point and we will consider that.

SHRIMATI PRAMILA DANDA-VATE (Bombay North Central): When there are only 4 names against the Calling Attention, you can consider including one more name. Normally, you allow 5 persons to speak on the Calling Attention.

MR. DEPUTY-SPEAKER: No, no. Now, the Statement to be made by the hon. Finance Minister.

THE MINISTER OF FINANCE (SHRI R. VENKATARAMAN): Yesterday I made a statement regarding Government's decision to pay Bonus to LIC employees. Hon'ble Members are aware that an Act was passed which empowered the Government to frame rules with regard to the service conditions of the employees and agents of the Corporation. In pursuance of these powers, rules were framed placing a ceiling on the payment of Bonus and D.A. in the interest of the policy holders and more economical administration of the Corporation.

The validity of the Rules was challenged in the Supreme Court and the Supreme Court thereupon passed an order staying the implementation of the Rules. On the 15.4.1981 the Supreme Court directed the LIC to pay Bonus according to the terms of 1974 settlements.

The Government was advised that this order, in so far as it amounted to a direction to pay bonus in contravention of the provision of law which has not been declared invalid was not legal. The order also raised far reaching issues of general importance as to the scope of judicial power to suspend operation of a law and to issue a mandamus to make payments in contravention of the provisions of a valid law.

In view of these doubts, the President of India was pleased on 21-4-1981 to make a reference to the Supreme Court under Article 143 of the Constitution on the following issues:

- (1) Whether the commencement of the operation of a particular statute is or is not a matter governed by the terms of the statute itself?

(2) Whether it is within the judicial power to suspend the operation of a statute or is the judicial power limited to the question of the validity of the statute?

(3) Whether it is judicially permissible without holding a statute invalid to give a mandatory injunction to perform positive acts contrary to the provisions of a statute which is *prima facie* valid and has not been adjudged to be otherwise?

In view of this reference and the resulting uncertainty as to whether it is open to the Corporation to make the payment, the Supreme Court was moved by the Corporation and by the Government for suspension and/or vacation of the interim order of 15-4-1981.

These petitions were rejected by the Supreme Court yesterday.

Although the Government entertains doubts as to the correctness of the interim order of 15-4-1981, which has necessitated a Presidential reference under Article 143 of the Constitution, the Government in order to uphold the rule of law, has advised the LIC to make payment of bonus in accordance with the Courts order. This payment will be for the fiscal years 1978-79 and 1979-80.

श्री रामबिलास पासवान (हाजीपुर) :
उपाध्यक्ष महोदय, मंत्री महोदय ने जो जवाब दिया है, उससे ऐसा लगता है, जैसा कि मैंने पहले भी बहुत बार कहा है कि मंत्री महोदय, गलत जगह जाकर फंस गये हैं और उसका यही नतीजा हो रहा है ऐसा लग रहा है कि जैसे उनका कांशस अलाऊ नहीं करता है। लेकिन जाने-अनजाने इनसे ऐसा काम करवाया जा रहा है कि जिससे न सिर्फ सरकार की प्रतिष्ठा और छवि धूमिल हो रही है, बल्कि मंत्री जी की छवि भी धूमिल होती जा रही है।

उपाध्यक्ष महोदय, मामला यह नहीं है कि बोनस कितना बड़े या कितना कम

हो या और क्या हो—यहां मामला सिर्फ इतना ही है कि यह सरकार कोर्ट का कितना आदर करती है और और देश का वर्किंग-क्लास है, जो देश का मजदूर वर्ग है, उस के प्रति सरकार का क्या अटीट्यूड है—यह पता चलता है। इससे यह भी पता चलता है कि वर्किंग क्लास में जो दो तरह के एम्प्लाइज हैं—एक पब्लिक सेक्टर में हैं और दूसरे जो सरकारी कर्मचारी हैं, उन दोनों में क्या अंतर है।

यह मामला कैसे उत्पन्न हुआ—मंत्री महोदय जानते हैं, लेकिन मैं सदन का ध्यान इस ओर खींचना चाहता हूं। सन् 1974 में जो द्विपक्षीय समझौता हुआ था और जिसमें लिखा गया था कि कारपोरेशन और उस के पालिसी-होल्डर्स के हित को ध्यान में रख कर के यह समझौता करते हैं और उस समझौते को बोर्ड आफ डायरेक्टर ने एप्रूव किया था। बोर्ड आफ डायरेक्टर के एप्रूव के बाद केन्द्रीय सरकार ने एप्रूव किया और समझौता लागू हुआ। यह समझौता 13 अप्रैल, 1977 से लेकर मार्च, 1977 तक था। इस समझौते को औद्योगिक विवाद अधिनियम के अन्तर्गत रजिस्टर्ड कराया गया था। इस के बाद 1976 में इमरजेंसी के समय के संसद ने एक "मॉडिफिकेशन आफ सैटलमेंट एक्ट-1976" बनाया, जिसके अनुसार बोनस की धारा को एक्ट के अन्तर्गत अस्वीकार कर दिया गया। इस के बाद आल इंडिया एल०आई०सी० फंडेशन ने इस एक्ट को सुप्रीम कोर्ट में चुनौती दी। इसके बाद 21 फरवरी, 1981 को सुप्रीम कोर्ट के सात जजों की संवैधानिक बेंच ने एक मत से फैसला दिया कि मॉडिफिकेशन एक्ट असंवैधानिक है। सुप्रीम कोर्ट के निर्णय के बाद 3 मार्च, और 5 मई 1978 को अध्यक्ष एल०आई०सी० ने

एल० आई० सी० एक्ट के अंदर बोनस की धारा को पुनः काट दिया। यहां से से चलता है सरकार का अटीट्यूड। कोर्ट का क्या फैसला है और सरकार का अटीट्यूड देखिये। 26 मई 1978 को केन्द्रीय सरकार ने नोटिफिकेशन कर दिया। इसके खिलाफ एल० आई० सी० फंडरेशन ने इलाहाबाद हाई कोर्ट की लखनऊ बेंच में नोटिफिकेशन की वैधानिकता को चुनौती दी। 11 अगस्त, 1978 को लखनऊ बेंच ने कर्मचारियों के पक्ष में फैसला दिया। उस के बाद मनेजमेंट ने इस निर्णय के खिलाफ सुप्रीम कोर्ट में अपील दायर की जो 22 नवम्बर, को एडमिट हुई। इसके अनुसार यदि एल० आई० सी० अपील में हार जायेंगी तो 12 प्रतिशत वार्षिक ब्याज, जिस तिथि से बोनस दिया गया तब से देगी। 10 नवम्बर, 1980 को सुप्रीम कोर्ट ने एल० आई० सी० की अपील को डिसमिस कर दिया और कहा कि सूद के साथ बोनस बाईंडिंग है और एल० आई० सी० इसका पालन करेंगी। उसके बाद जब बोनस का भुगतान नहीं हुआ तो दिसम्बर, 1980 में फंडरेशन ने एल० आई० सी० के खिलाफ कंटेंट पीटीशन सुप्रीम कोर्ट में दाखिल कर दी, जिसमें आरोप लगाया गया नवम्बर 1980 के फैसले की इन्होंने अवहेलना की है। 8 दिसम्बर, 1980 को सुप्रीम कोर्ट ने एल० आई० सी० के खिलाफ नोटिस जारी किया। दस दिसम्बर, को एल० आई० सी० ने सुप्रीम कोर्ट में रिप्यू पीटीशन दायर की। 13 जनवरी 1981 को एटर्नी जनरल ने अडवर्टेकिंग दिया कि सुप्रीम कोर्ट के दस नवम्बर के फैसले का पालन किया जायगा यानी बोनस का भुगतान कर दिया जायेगा।

लेकिन 31 जनवरी, 1981 को प्रीजीडेंशल आर्डिनैन्स जारी कर दिया गया। 2 फर-

वरी, को वित्त मंत्रालय ने गजट भी जारी कर दिया। इस आर्डिनैन्स को संसद द्वारा एक्ट का रूप भी दे दिया गया। फिर फंडरेशन ने इस को चेलेंज किया। इस पर 24 मार्च, 1981 को सुनवाई हुई। वित्त मंत्रालय के गजट नोटिफिकेशन को 30 मार्च तक इस के फलस्वरूप स्थगित कर दिया गया। 30 मार्च को जब सुनवाई हुई तो कोर्ट ने स्टे आर्डर को दो अप्रैल तक एक्सटेंड कर दिया। एक्ट को रहने दिया तब तक के लिए जब तक फैसला नहीं होता है लेकिन सेवा शर्तों को बदलने के बारे में जो नोटिफिकेशन था उस पर रोक लगा दी। 2 अप्रैल को सुप्रीम कोर्ट ने एक आर्डर पास किया और कहा कि 15 अप्रैल, तक बोनस का भुगतान हो जाना चाहिए जैसे एटर्नी जनरल ने 13 जनवरी 1981 को सुप्रीम कोर्ट में अडवर्टेकिंग दिया था। 13 अप्रैल 1981 को फंडरेशन ने एक और रिट पीटीशन एल० आई० सी० के खिलाफ सुप्रीम कोर्ट में दायर की जिस पर 15 अप्रैल को सुप्रीम कोर्ट ने आर्डर पास दिया जिस के अनुसार बोनस का भुगतान करने के लिए सात दिन का समय दिया गया और कहा गया कि 22 अप्रैल 1981 तक इसका भुगतान हो जाना चाहिए। साथ यह भी कहा कि अपील पेंडिंग रहेगी लेकिन सात दिन के अन्दर-अन्दर भुगतान करना होगा। यदि एल० आई० सी० मनेजमेंट जीत जायगा तो इस बोनस की राशि को कर्मचारियों के वेतन में से काटा जा सकता है। 22 अप्रैल पेमेंट की लास्ट डेट थी। 21 अप्रैल 1981 को दो बजे दिन में सरकार के एटर्नी जनरल ने केस को चीफ जस्टिस के पास मंशन किया और एप्लीकेशन को फाइल किया। 21 अप्रैल को ही फंडरेशन ने सुप्रीम कोर्ट में एक पीटीशन दायर की। 22 अप्रैल 1981 को सुप्रीम कोर्ट ने एप्लीकेशन

को रिजैक्ट कर दिया और पुराना जो आर्डर था, उस को कायम रखा । 22 अप्रैल, 1981 को सवेरे फंडेशन ने पुनः एक पटीशन दी । उस के बाद संसद में वित्त मंत्री की घोषणा हुई ।

मंत्री महोदय ने अपने लिखित वक्तव्य में जो सन्देश सरकार के हैं उनके बारे में कहा है कि भारत के राष्ट्रपति ने निम्न लिखित मुद्दे संविधान के अनुच्छेद 143 के अन्तर्गत 21 अप्रैल, 1981 को सर्वोच्च न्यायालय को निर्दिष्ट किए हैं और उससे पूछा गया है कि क्या किसी विशेष कानून के प्रवर्तन का प्रारम्भ उस कानून की ही शर्तों द्वारा शासित होने वाला विषय है या नहीं आदि । यदि इस सम्बन्ध में आप देखें तो आपको पता चलेगा कि जब बिल पर बहस हो रही थी तब वित्त मंत्री ने संसद को बताया था कि हम सुप्रीम कोर्ट के दस नवम्बर के फैसले का पालन कर रहे हैं यह बिल्कुल निराधार था । 25 फरवरी, 1981 को चीफ जस्टिस ने जो क्लेरीफिकेशन किया पोस्मिशन का उस में उन्होंने कहा था :

"When the Attorney General made the statement before us that they will comply with the order of the court by April 15, 1981 we took him to mean and convey to us that what would be complied with is that part of judgement which relates to the payment of bonus, although the judgement contemplates source options like relevant legislation...."

इस तरह से उन्होंने स्थिति को बिल्कुल साफ कर दिया था । इस वास्ते सरकार के जो तर्क हैं उनमें कोई दम नहीं है ।

मंत्री महोदय ने अपने वक्तव्य के लास्ट पैरा में कहा है कि यद्यपि सरकार को 15 अप्रैल, 1981 के अन्तरिम आदेश के ठीक होने के सम्बन्ध में जिस के

कारण संविधान के अनुच्छेद 143 के अन्तर्गत राष्ट्रपति द्वारा निर्देश किए जाने की आवश्यकता हुई थी सन्देश है...। एक तरह से लगातार आप यह कोशिश कर रहे हैं ऊपर से नीचे तक कि आपको बोनस न देना पड़े और आपको हार खानी पड़ी है । सारे ह्यकण्डे आपने इस्तेमाल किए हैं । फिर भी आपका सन्देश बना हुआ है । मामला जो कोर्ट में पड़िगा है उसका जो होगा, होगा । एम्प्लायोज का यह कहना नहीं है कि आप उन पर कोई मर्सी करें । उनका कहना है कि यदि केस हमारे खिलाफ जाएगा और आप जीत जाएंगे तो आप यह राशि हमारे वेतन में से काट लें ।

सरकार का कहना है कि वह खर्च घटाना चाहती है । इस बारे में उरने यह कहना शुरू कर दिया है कि कर्मचारियों के वेतन सुविधायें जो अधिका हैं उनको हम कम करना चाहते हैं । लेकिन हमारे जैसे आदमी जब एम्प्लायमेंट में ही विभिन्न मंत्रालयों की फिजूलखर्ची पर चोट करते हैं सरकार पर हमला करते हैं और सरकार से पूछते हैं कि मंत्रालयों में जो सफेद हाथी बैठे हैं उनके खर्चों को कम करने की सरकार कोई नीति बनाये भी तो सरकार के द्वारा उस पर चुप्पी लगाई जाती है । मैं वित्त मंत्री से जानना चाहूंगा कि क्या सरकार कोई इस तरह की पालिसी बनायेगी जिसके तहत जो देश में फिजूलखर्ची हो रही है देश के पैसे और इकनामी का मिसयूज हो रहा है जो सफेद हाथी बैठे हैं ग्युरोकेट बैठे हैं वह सब रोका जा सके ? आप कहेंगे कि नहीं मामला विचाराधीन है ।

मैं कैटेगरीकली कहना चाहता हूँ कि संविधान की धारा 16 जो कि सम्पन्न के सिद्धान्त के बारे में है उसका

डिस्ट्रिक्मिनेशन कर रहे हैं। आर्टिकल 21 जिसमें राइट टू फार्म एंजोसियेशन है राइट टू कैंलिक्टिव वार्गेनिंग है साथ ही सौदेबाजी का सिद्धान्त है जिसके तहत मजदूर और एम्प्लयार दोनों के बीच में समझौता होकर राट्ट बग भी काम बढे और मजदूरों के हितों का भी काम हो दोनों का समझौता हो चुका है और उस पर आप कुठारघात करें यह सिर्फ एल०आई०सी० का मामला ही नहीं है बकि दूसरी वर्किंग क्लास के इन्टरेस्ट पर भी हमला हो रहा है। आपके डायरेक्टिव प्रिंसिपल्स आफ स्टेट पालिसी में भी है लिक्विड वेजेज का मतलब क्या है यह हमारी समझ में नहीं आया है। यह सही है कि हिन्दुस्तान में मिनिमम वेजेज अभी नहीं दे पाते हैं लेकिन यदि किसी मजदूर को अधिक वेतन मिलता है तो इसका मतलब यह नहीं है कि उसकी टांग काटकर जो थोड़ा होता है उसकी कंटेनरी में ले आयेगे। जरूरत इस बात की है कि इसको आगे बढ़ाइये।

मैं मंत्री महोदय से जानना चाहूंगा मैंने पहले ही कहा कि यह मामला सिर्फ एल०आई०सी० से ही सम्बन्ध नहीं रखता है सिर्फ बोनस से ही सम्बन्ध नहीं है मैं जानना चाहूंगा कि सरकार का एटीट्यूट जुडिशियरी के प्रति क्या है और वर्किंग क्लास के प्रति क्या है? सरकार के इस कारनामे से वर्किंग क्लास और उनके बीच जो प्रश्नवाचक चिह्न लग गया है उसके सम्बन्ध में क्या सरकार कोई ऐसी नीति बनायेगी जिसके तहत फिजूलखर्ची को रोका जा सके और जो सफेद हाथी हैं उन पर कोई अंकुश लगाया जा सके?

SHRI R. VENKATARAMAN: Mr. Deputy-Speaker, the hon. Member has given a historical review of all

that has happened. But he did not put me any question at all. I do not know what I am to answer. If he wants me to give my version of the proceedings, it will take another half an hour. It is not intended that he will give his version and I should give my version.

श्री राम बिलास पासवान : मैं सरकार से यह जानना चाहता हूं कि सुप्रीम कोर्ट के निर्देश और निर्णय के बावजूद भी बार-बार सरकार द्वारा मजदूर-विरोधी कदम क्या इस बात के द्योतक नहीं हैं कि यह सरकार मजदूर विरोधी सरकार है? यदि नहीं, तो सरकार द्वारा सुप्रीम कोर्ट के निर्णय के बाद भी उसकी क्यों अवहेलना की गई?

क्या सरकार ऐसा विधेयक लायेगी जिसके तहत फिजूलखर्ची को रोका जा सके?

क्या सरकार भविष्य के लिये यह एश्योर करेगी, क्योंकि आपने कहा है कि मुझको शंका है, जब आपको कोर्ट के निर्णय पर शंका है तो हमको आपकी नीयत पर शंका है, इसलिये मैं जानना चाहता हूं कि क्या आप इस पार्लियामेंट के माध्यम से इस शंका का निवारण करेंगे कि भविष्य में आपका कदम मजदूर विरोधी नहीं होगा?

SHRI R. VENKATARAMAN: Whether we are anti-labour or pro-labour is a matter which will have to be debated before the people when we go for elections. But certainly we had a debate a few months back. We have got the verdict. So far as the observance of... (Interruptions) That is your version. You can go and say. Unfortunately, we have got the people on our side.

MR. DEPUTY-SPEAKER: This is calling attention. This is not a discussion. Everybody cannot participate.

(Interruptions)

PROF. P. J. KURIEN (Mavelikara): You should give protection to the members

MR. DEPUTY-SPEAKER: You are a professor and know the rules. Mr. Jagpal Singh also knows the rules.

SHRI R. VENKATARAMAN: So far as the observance of the Supreme Court order is concerned, it is the Government's policy that they should uphold the rule of law. That is what I stated yesterday. Even though we have made a reference and we have doubts about the validity of certain things, we have decided to pay according to the direction of the court. That settles the matter. I want to tell the House what exactly is the point. The House has passed a law asking the Government to pay DA and bonus according to a particular law. The Supreme Court has given a direction asking us to pay differently from that law. Therefore, a conflict has arisen as to what exactly Government should do. Should the Government observe the law which has been passed by Parliament and which has not been set aside or should it observe the direction of the court? In our judgment, we thought since we are agitating the validity of the direction in another forum, we shall observe the direction of the court and abide by the direction of the Supreme Court. This is the simple point. All the other points are totally irrelevant. Whether you are pro-labour or we are pro-labour, it will have to be determined at the market, not here. You have distorted so many things and it will take a lot of time. You said that the Attorney-General gave an undertaking. He himself stated that he did not give an undertaking. Shall I read that portion from the Supreme Court's order? This is the order of the Supreme Court I am reading:

"The learned Attorney General says that when he made a particular statement on January 13, 1981 on behalf of the LIC, what he had in mind was that the bonus as directed by the judgement of November 10, 1980, will be paid to the employees before 15th April, 1981, subject to the qualification that the quantifications of the amount will be made in the manner contemplated by the order and in accordance with the decision of the review petition which was pending." (Interruptions). You raised it. You started it.

SHRI INDRAJIT GUPTA (Basirhat): You are not a person who gets irritated generally!

SHRI R. VENKATARAMAN: I do not get irritated. You are getting irritated. This is very funny in this House. They will go on heaping abuse on the Government and if Government replies, then they say that the Government is irritated.

SHRI INDRAJIT GUPTA: The Supreme Court has not accepted your reply.

SHRI R. VENKATARAMAN: The Supreme Court has accepted my reply. Shall I read what the Supreme Court said:

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

This is what the Supreme Court stated.

SHRI INDRAJIT GUPTA: This is not the latest; this is old.

SHRI R. VENKATARAMAN: Mr. Paswan says, we disobeyed the order. The Supreme Court itself says "We cannot say that the Attorney General did not intend to convey what he did today." Therefore, there is no question. All that it comes to is, where we have an Act of Parliament which

says that bonus and DA must be paid in accordance with a particular provision of that law and where there is a direction which is contrary to that, which should the Government follow? Therefore, this Government went to the Supreme Court for a direction under article 143 of the Constitution. Meanwhile, they have complied with the order, because the order itself says, if the validity of the law is upheld, the workers will have to repay the excess amount taken under this order.

SHRI CHITTA BASU (Barasat): I welcome that part of the statement, which mentions that the Government have upheld the rule of law and also that part of the statement in which they say they have accepted the directive of the Supreme Court in the matter of payment of bonus to the LIC employees. But I have got serious reservations about the other part of the statement, which is now being made by the hon. Minister. I take this opportunity to congratulate the Supreme Court, because they have upheld the legitimate cause of the workers of our country, the entire working class of our country. I again take this opportunity to congratulate the thousands of workers who, by their united struggle, have forced the Government to take some decisions which we find today.

The decision of the Government to pay bonus, as per the directive of the Supreme Court yesterday, according to me, is a vindication of the judgment of the Supreme Court in this respect on 10th November 1980. I think the hon. Minister in grace should accept that position, he should accept the judgment of 10th November, 1980. But the tortuous process through which the Government has ultimately agreed to accept this position, namely, the position of the judgment of the Supreme Court of 10th November, 1980, is fraught with grave consequences to the working class and the judiciary.

I want to frame my question on the basis of the judgment of the Supreme Court, namely, adherence to the basic principle of the right to collective bargaining of the working class of our country. That was one premise of the judgment; another premise of the judgment was the undertaking given by the Attorney-General of the Government of India in that case. I do not want to raise or rake up old issues; but, since he has raised them, I want to refer to them... (interruption). I am glad he does not want to rake up old things.

The question of the collective bargaining is the fundamental question before us, not the question whether some amount of money is going to be paid to some section of the working class of our country. The fundamental question before us is the question of right to collective bargaining and how the Government is taking their position in relation to that.

In this connection, I will particularly refer to the observation made by Mr. Justice Iyer:

"The application of the general maxim as expounded by the English text-books and decisions leave us in no doubt that the ID Act"

—it means the Industrial Disputes Act; I hope you understand it—

"being a special law, should prevail over the LIC Act, which is but a general law."

The basis of the Supreme Court judgment of 10th November flows from that particular premise; whether the ID Act will prevail or the LIC Act will prevail. They have upheld the view that the Industrial Disputes Act will prevail. Now, I have to put my question in this respect. They have accepted the Supreme Court's directive of yesterday. Does the Government accept the basic premise of the Supreme Court that the

Industrial Disputes Act will prevail and all industrial relations will be decided on the basis of the Industrial Disputes Act meaning thereby that all agreements made under the provisions of Industrial Disputes Act should be honoured by the Government, not only in respect of LIC, but also in respect of public sector undertakings or wherever the Government is the employer? Would the Government clarify its position with regard to this particular point regarding the LIC, that is, the Industrial Disputes Act? This is my first question.

My second question is this. The trend is very clear. The position of the Government of India in this particular litigation has all along been to confront the Supreme Court. They have chosen the path of collision and as a matter of fact I do not like to go to other things. Even the Presidential reference has been a subtle device to scuttle the decision or the directive of the Supreme Court.

SHRI JYOTIROMY BOSU: Derail.

SHRI CHITTA BASU: Derail, scuttle, negate, put obstacles on the Supreme Court's decision in regard to LIC. Is it justified on the part of the Government, and is it moral on the part of the Government to take shelter under the Presidential reference under Article 143 to just scuttle a decision or a directive of the Supreme Court? But this Article 143 is not invoked or taken recourse to when very important issues are made before the Government to refer to the Supreme Court under this Article to seek advisory opinion. Incidentally, I want to mention that the West Bengal Government rather requested the Government of India to refer the dispute between the Agriculture Ministry of the Government of India and the West Bengal Government in regard to the allotment and delivery of wheat and foodgrains for the food-for-work programme. The Government in their wisdom did not consider it necessary to refer

the matter under Article 143. But here, the Government within a few minutes decided to refer the matter under Article 143. The object is clear. The intention is not *bona fide*, the intention is *mala fide* I would say, to scuttle the directive of the Supreme Court in this respect. Is it moral? Therefore, the entire trend of the Government is evident in this particular litigation concerning LIC. The Government has consistently taken a course of collision against the Supreme Court. This is a dangerous portent. Would the Government assure that while they uphold the rule of law they should also uphold the independence of the judiciary and shall not take to collision course and shall refrain from taking recourse to that dangerous path? Would the Government assure that?

My last question is regarding certain clarification on D.A. That is very simple. The case is about the Notification of the Government dated 2nd February 1981 affecting both the bonus and the dearness allowance. According to that Notification a ceiling on D.A. was imposed with effect from February 2, 1981. But the increase of D.A. was to be given effect to from February 1, 1981 as per the settlement of 1971. I want to get it clarified whether the Government has so far given or issued instructions to grant the increase of D.A. which was due from February 1, 1981, while the notification was to take effect from February 2, 1981. Therefore, ceiling on dearness allowance as per Notification which has been stayed does not relate to that increase in D.A. which has become due for the employees on February 1, 1981 as per settlement. Has the Government given necessary instructions for the release of the same? That is my last clarification which I want to have from you.

SHRI R. VENKATARAMAN: With regard to Chitta Basu's long and learned discourse of collective bar-

gaining, I have nothing to add. So far as the Government is concerned, Government have accepted the direction of the Supreme Court to pay bonus under the terms mentioned in that Order viz., if the law is upheld, it can be recovered from the employees.

SHRI CHITTA BASU: Again you are taking up the past.

SHRI R. VENKATARAMAN: This is the Order. This is what we have agreed to and what we have accepted.

SHRI CHITTA BASU: Say, will you accept?

SHRI R. VENKATARAMAN: Then the next point is.....

MR. DEPUTY-SPEAKER: You are putting words in his mouth.

SHRI R. VENKATARAMAN: He may say anything.

SHRI CHITTA BASU: That is a clear indication. (*Interruptions*).

SHRI R. VENKATARAMAN: The next point which he raised is, is there any confrontation? I say totally 'no'. If Shri Chitta Basu wants to read into something, I cannot help. After all I am not responsible for the vagaries of imagination of Shri Chitta Basu. How can I say that he should not have ideas on this? So far as I am concerned, so far as Government is concerned, it has no such intention. It does not want to have any confrontation. Especially this question has arisen because according to me there is a conflict which has developed either intentionally or un-intentionally. There are two things before us. One is the law which attracts in a particular way and the other is an Order which attracts in a different way. I want that thing to be resolved. It is only by reference. Under 143 it can be done. I may also tell Shri Chitta Basu that I do not act or the Government does not act on its own. It takes advice from its competent Legal Advisers. It is on the basis of legal advice it acts.

Third point that he has raised is about Trade Union's rights for dearness allowance. This is not a forum to negotiate dearness allowance. I cannot give any answer to this. If they have any claims about dearness allowance, they will have to take it in the usual course with the LIC and then come to some arrangement with them.

MR. DEPUTY-SPEAKER: Shrimati Geeta Mukherjee.

SHRIMATI GEETA MUKHERJEE: (Panskura): The hon. Minister in his reply said that yesterday he made a statement on bonus and he has agreed to pay bonus. I would like to record that this could have been made much earlier with grace. He has not done voluntarily. Thanks to the L.I.C. employees and above all thanks to the Supreme Court that this has been done. This whole thing has really raised issues which are more serious and have graver implications than those of just making payment of bonus. Already this question has been referred to—unilateral violation of Agreement of 1974 and the violation of the principle of collective bargaining. I do not know why the Minister cannot reply to Shri Chitta Basu on the point as to what will be the policy of the Government in future? Secondly, another most important issue involved is the persistent refusal of the Government to implement the orders of the court and even of the Supreme Court. It was a violation of the assurance given to the Supreme Court by the Government, through the Attorney-General. There was just now some debate on this.

I would like to draw your attention to the order of April 15. By that time, the Act had long been passed; the Act was passed already, on March 17. When the 15th April order was passed, it took into account the position with regard to the Act also. All these grounds were debated. Not only that. That order made a very categorical reference, categorical declaration—I quote:

"We direct the Life Insurance Corporation to implement the order of this Court dated November 10, 1980 requiring the Life Insurance Corporation to give effect to the terms of the settlement of 1974 relating to bonus and to pay the amount of bonus with interest at the rate of 12 per cent per annum from the date it became due. We have by order dated April 2, 1981 already suspended the implementation of the Notification dated February 2, 1981; we recorded the undertaking given by the petitioners through their counsel that in the event of the writ petitions failing the Corporation would be entitled to make adjustments from the future emoluments payable to them in case any other payment is made to them in terms of the settlement of 1974. We direct the Life Insurance Corporation to make the payments within one week from today. This payment is, of course, subject to the final result of the writ petitions."

Now, the Attorney-General was shown the draft of this order, at draft stage, by the Chief Justice. After seeking the draft, the Attorney-General agreed to pay within one week. This is the position. Would the hon. Minister say that the Attorney-General said, "We shall not pay"? Is it his contention? He was shown the order and he agreed to comply with the order. So it is a persistent case of refusal to obey the Supreme Court order.

After that, 22nd April was the date for payment of bonus to which the Government had agreed, as I have already said. About this reference under article 143, this is really a dishonest and a mean step. Actually, it is nothing but a subterfuge to disobey the Supreme Court. If the reference was made, how did that come in the way of implementing the order? This is also violation of article 144. The Government is supposed to help in implementing the court order.

Now, I would like to draw your attention to the latest judgment of the court where they have made it clear that all the grounds raised now have been covered before the last order. No new grounds were there. Actually, it was nothing but a subterfuge to disobey the court order.

In view of this performance of the Government, I would like to know whether the Government would apologise to the LIC employees and the LIC policy-holders also for imposing a strike on LIC employees without any reason and causing concern to the public. May I also know whether the Government will apologise to the Supreme Court by dishonouring this order and violating the court order. Lastly, I would also like to know whether the Government will apologise to Parliament. For filing the last petition, they could not rely on their Attorney-General and they took hold of hon. Ashok Sen who was leading a "revolution" in West Bengal to file the petition. He went without any papers, reached there in the greatest hurry. And after all these dismal performances the Finance Minister has now agreed to pay bonus as a compulsion thereby. By these performances this the Government has denigrated the Parliament to which Cabinet is responsible. I would like to know whether you would apologise to the Parliament.

13 hrs.

I would also like to know whether the Government would give up confrontation with Public Sector employees and give them an opportunity to contribute in setting right what is lost in the public sector.

SHRI R. VENKATARAMAN: Mr. Deputy Speaker, Sir, the Hon. Member has used some very strong language. I am a chivalrous person. I do not repeat it.

Now she has raised only two points. The first point she made was that I should give an opinion as to the vali-

dity of the collective bargaining vis-a-vis legislation and so on. So long as I am a Member of Government, I cannot do that. It must be left to the court. If Smt. Geeta Mukherjee wants to consult me privately as the Editor of the Labour Law Journal, I will give some advice to her. (*Interruptions*).

MR. DEPUTY-SPEAKER: Mr. Venkataraman reads some other journal.

SHRI R. VENKATARAMAN: She does not read my journal.

The second point is that there was a violation of an undertaking. I repeat once again that there has been no violation of any undertaking given by either the Attorney-General or the Government.

The third point she made is that Government under Article 144 must enforce.....

SHRIMATI GEETA MUKHERJEE: If Government would not comply with the order, what did you say that for?

SHRI R. VENKATARAMAN: I do not know if Shrimati Geeta Mukherjee was present in the court or not. The Attorney General did not say anything. He was instructed not to say anything and he did not say anything.

SHRI JYOTIRMOY BOSU: It is a golden rule.

SHRI R. VENKATARAMAN: Silence is golden, especially in these circumstances. (*Interruptions*).

The third point which the Hon. Member made was that under Article 144 of the Constitution, you have to carry out the law enacted by the Supreme Court. We do it. We have done it and it does not mean that we cannot file an appeal or a revision. There is a provision that when we are not satisfied with a particular judgment, it is the right of everybody including the Government to file an appeal or a review or take recourse

to some other proceedings. Lastly, she mentioned about Shri. Ashok Sen being engaged. Now an occasion had arisen where we have to engage two different persons, one for the Government and one for the LIC. So long, if they have been appearing, the same person was appearing for both. Now since the stand was likely to be different, therefore, the Government was represented by the Attorney-General and the LIC was represented by a very brilliant lawyer Mr. Ashok Sen who was himself a Law Minister for nearly 10 years (*Interruptions*). He is now the President of the Supreme Court Bar and an acknowledged leader. (*Interruptions*).

I have answered all the points which Smt. Geeta Mukherjee raised.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, this whole thing is nauseating. It not only shows their intense anti-working class attitude but this also reveals another very interesting thing which is of great interest to the Opposition namely that the Government is a leaderless mass. They have no coordination. I know the object, the trick to kill time; they came at 2.00 p.m. on the previous day, on the 21st, when the money was due to be paid to the employees on the 22nd; and they had to call an extraordinary Cabinet meeting to discuss and decide about these things. Now, Mr. Deputy-Speaker, what a difference between, what I asked yesterday, public ownership and private ownership. Private ownership is guided by only the profit motive and public ownership should be meaning the profit and welfare for all concerned. Here is an organisation which is a public sector organisation, and in a public sector organisation, they are not only confronting the judiciary, bypassing the judiciary, hoodwinking the judiciary, but they are taking recourse to immoral methods also. What do they do in certain other areas? They employ people in government offices; and they usually force them to go on a break after 90 days, I think. Why? They want to forfeit the right of those

persons to become permanent. The Government frames laws on the one hand and on the other hand they cheat the law by taking recourse to this cheating method. That is exactly what this Government is. It is not a civilized Government; I am using a very strong word; they are not worth being called a civilized government; if the Government is a civilized Government, they have not only to care for the rule of law but they have to see that they are not called immoral. Here is a case where they have not only been doing illegal things but they have been immoral. Credibility is something which is not to be seen on their door-plate; that has been given a go-by. No credibility. In a democratic set-up—you claim to be in a democracy—if you do not enjoy the credibility, you should not be in the Government. I am surprised that a person like you, Mr. Venkataraman, although you are surrounded by...**, you have been a party to this sort of nefarious activity....

MR. DEPUTY-SPEAKER: You should not use that word. It will not go on record. (Interruptions)

SHRI CHIRANJI LAL SHARMA (Karnal): The use of such words must be deprecated.

MR. DEPUTY-SPEAKER: I have said.

(Interruptions)

SHRI R. VENKATARAMAN: I can answer.

SHRI JYOTIRMOY BOSU: Is the law and order situation in the country not such? When he travels by the G.T. Express, does he not pass through dacoit-infested areas? All right. I can understand it.. (Interruptions)

SHRI R. VENKATARAMAN: I can take care of myself.

SHRI RANA VIRSINGH (Kaiser-ganj): Have you only said that it is not to be taken down? Will you ins-

*Not recorded.

**Expunged as ordered by the chair.

truct the senior Member like him not to use such words?

MR. DEPUTY-SPEAKER: That is all right. I have already said.

SHRI JYOTIRMOY BOSU: What do they do in the process? In order to please the private sector, the master-contributors and people sitting nearer Reagan, what did they do? They compelled the LIC employees to take recourse to strike. What is the quantum of economic loss? And who will bear the responsibility Mr. Venkataraman, you, amongst yourselves in the Cabinet, be honest enough to fix the responsibility, and the man who has been responsible for compelling the LIC Employees to go to court and take recourse to strike should resign. Let us see that you set a good example in that.

And what more have you done? You have dragged the** Rashtrapati to confront the judiciary**... (Interruptions).

SHRI R. VENKATARAMAN: Whatever the President does is the act of the Government. It is only done in the name of President. Therefore, all your attack can be on the Government. Please save the President.

SHRI JYOTIRMOY BOSU: I have not named him. I have not named him. Please listen.... (Interruptions)

MR. DEPUTY-SPEAKER: Why do you hear all that?

SHRI JYOTIRMOY BOSU: Mr. Venkataraman, why do we debate on the President's Address?.... (Interruptions)

AN HON MEMBER: You call Member as*.

MR. DEPUTY-SPEAKER: No, no. That word has not gone on record.

SHRI JYOTIRMOY BOSU: While debating on President's Address, don't we criticise?...

SHRI R. VENKATARAMAN: I am surprised that a senior Member like you should say that. All acts of the Government are done in the name of the President.

SHRI JYOTIRMOY BOSU: Agreed.

SHRI R. VENKATARAMAN: Therefore, your attack should be on the government and not on the President.

SHRI JYOTIRMOY BOSU: So, the question is... (*Interruptions*) Why don't you ask your chaps to do a little more home work and come her?... (*Interruptions*) Oh, oh, we have seen many such** like you... (*Interruptions*)

Now, they are confronting the Judiciary. Sir, I must congratulate these three Judges, Mr. Justice S. C. Gupta, Mr. Justice Pathak and Mr. Justice Chinnappa Reddy, for giving a judgment befitting the Supreme Court of this great country. But they are confronting. Why? Sir, why are there vacancies? Because they want Judges to be commanded by the executive. So they are not getting such persons so easily and there are vacancies and 6½ lakhs of pending cases in the High Courts.

Mr. Ashok Sen, when he appeared at 2 O'clock, said, 'I am the Special Attorney-General'. I knew under what provision a Special Attorney-General is appointed. This is what I have been told and I do not go to the Supreme Court. He comes and says, 'Since the President is going to make a reference to you, therefore, you stop the implementation of the order of 15th April.'

Now, Sir, this is a serious breach of trust and betrayal of the working class and scant regard for the agreements which they have signed themselves.

**Expunged as ordered by the Chair.

(C.A.)

Fortunately the Supreme Court has given a slap on their face and if they have any shame, they will restrain themselves from doing this sort of thing in future. It is not only that they lose credibility but they do not deserve credibility. They are draining the country's economy—the strike period and the legal expenses—fantastic legal expenses.

What do they say in the order of 22nd?

"The prayer made in this application for suspension/vacation of the interim order that was made on 15th April 1981—these are really applications for review of the aforesaid order. The grounds urged before us to-day are the same that were argued before we made that order. Pendency of the President's reference constitutes no sufficient ground for reviewing the order."

What more insult can a Government have?... What more insult can a Government have? This is how things happen and how it has come to this stage.

In a nutshell, in 1974 they entered into an agreement in which they settled about all the terms and conditions of service—DA, salary, allowances, gratuity, leave and hours of work. Everything has been included. That came to be known as a bilateral agreement. It is not a unilateral agreement. You agreed. Then suddenly a cut was imposed and the LIC employees had to go to the Calcutta High Court and then to the Supreme Court and then the judgment of 10th November 1980 came. It was not implemented. And, to circumvent that judgment of 10th November 1980, this Government promulgated the ordinance of 31st of January 1981 when the House was due to sit within a short time. Now, you have said, Mr. Venkataraman, one thing—that you had a law of Parliament, by passing a law by your brute majority on the floor of the House. What was the ordinance meant for? Did not the ordinance

have the same power as the law has? You enacted the law yourself—from behind. When this debate on L.I.C. business took place, it was clearly pointed out—my friend, Shri Indrajit Gupta will bear me out—“As this matter is pending before the Supreme Court, please do not bring this Bill for an enactment; let us wait and see what the Supreme Court judgment says”. But, it was bulldozed (we opposed it and said that this Bill should not be enacted till the Supreme Court pronounced its judgment. But, that was not done.

Now, on 15th of April, the Supreme Court ordered you to give effect to the terms of the settlement of 1974 relating to bonus—to pay the amount of bonus with interest—etc., etc. but you scuttled that. They got one day before the last date of payment at 2 p.m. when most of the senior advocates had done their filing business and retired to their chamber—what a wonderful way of working! This was done by the village crooks. But, I do not know how the Government of India suddenly started taking that step. The Government of India issued the notification on 2nd February 1981 on the basis of the Ordinance affecting the rights of the L.I.C. employees to receive bonus as per the settlement of 24th January 1974 and the said notification also imposed a ceiling on the D.A. with effect from 2-2-1981. Is this not correct, Mr. Venkataraman? Kindly say ‘Yes’ or ‘No’. The Supreme Court, by its order, dated 15th April 1981, stayed the operation of the negotiations and asked the L.I.C. to continue the implementation of the 1974 settlement. The Government has announced in the Lok Sabha—you have done it yesterday. We are glad that your game, your dirty game, has been exposed. You have given a slap on the face of the working class people and we congratulate the judiciary that at least this time they have been taken a hold and honest stand. (Interruptions).

My specific question to Mr. Venkataraman Avargal is this. What about the bonus for 1980-81 which has become due to be paid by 30th April, 1981?

(2) The D. A. which increased from 1st February 1981, you are holding the priceline according to the election manifesto, the massive mandate, prior to the notification, has not yet been paid to the employees. Why have you not paid it and when do you want to pay it?

I want a clear and categorical reply to these two questions.

SHRI R. VENKATARAMAN: Sir, Shri Bosu is always very pungent. In fact he has used harsh language. Even things which could be put elegantly, he must put very harshly.

SHRI JYOTIRMOY BOSU: I am not used to greasing the palm. That is the whole trouble.

SHRI R. VENKATARAMAN: He thinks that the decision of the Supreme Court or the High Court is a slap on the Government. There are so many decisions given—those in favour and those against the Government—but to say that this is a slap on the face of the Government or some other part of the Government is not a very dignified language. (Interruptions).

SHRI ANANDA GOPAL MUKHOPADHYAY (Asansol): Don't take cognisance of his words.

अमृतम् बाल भाषितम्

SHRI R. VENKATARAMAN: Sir, I would also go further and say that the Allahabad High Court gave a decision upholding the agreement and invalidating this law in 1978.

Then the Government went in appeal against that decision—not this Government but the Janata Government which now pleads so much for the so-called sanctity of collective bargaining.

SHRI JYOTIRMOY BOSU: We opposed it.

SHRI R. VENKATARAMAN: What is the point in saying that now? You were one of the strongest supporters of the then Government. There are people who come with different stories afterwards. In fact, when I confronted Shri Fernandes and Shri Madhu Dandavate as to why as Members of the Cabinet they allowed an appeal to be filed when they were so eloquently pleading for the sanctity of the collective bargaining agreement, they said they did not agree with it. They opposed it. I trust that they are very hon'ble people but the Parliamentary practice is that if you do not agree with Government then you must resign. If you did not resign then it means that you did not protest.

SHRI JYOTIRMOY BOSU: We were not in the Government.

SHRI R. VENKATARAMAN: Therefore, this argument that it is something which goes against the collective bargaining agreement is incorrect because the fixing of dearness allowance without ceiling or fixing of a bonus, contrary to the bonus laws for one particular class of persons is contrary to the national policy with regard to wages. I want to make that very clear.

SHRI INDRAJIT GUPTA: Which section of employees has got ceiling on dearness allowance in this country? There is no ceiling on dearness allowance for any section.

SHRI R. VENKATARAMAN: In the banks we have fixed Rs. 15.80 as a ceiling. In certain other categories we have fixed a ceiling. But this is one class where there is no ceiling

and dearness allowance got by some of the Class III employees is above Rs. 2,000. You may support it. This Government will not support it. We are determined to control it. That is why we brought this legislation.

SHRI ANANDA GOPAL MUKHOPADHYAY: Sir, Mr. Ramamurthy and Shri Fernandes at Bangalore made the formula for value of a point to be 1.30 for rise of every point in dearness allowance and Mr. Indrajit Gupta is also a party to this decision at Bangalore. They wanted it to be a national policy.

SHRI R. VENKATARAMAN: Don't disturb me. If the principle of equal pay for equal work applies to minimum then it must also apply to the maximum. Therefore, Government after very careful consideration has taken this decision that as a matter of national wage policy one or a few areas should not become high wage packet islands. That is why this legislation has been brought and we have not done anything which has brought them fairly down. We have put them on par with the Bank employees and those governed by the Bonus Act. Therefore, we have not done anything which hurts or in any way does any wrong to a particular class. We have brought them on par with other fairly placed employees. This is the position. Government is right if their policy is that they must have a ceiling on these things. They are entitled to bring a law and they brought it.

The Supreme Court also said that this 1974 agreement will be valid until it is set aside by another agreement or an adjudication or relevant legislation. I am reading from the Supreme Court judgement:

"In view of the opinion expressed by the majority, the appeal is dismissed with costs to the first, second and third respondents, and the Transfer Petition No. 1 of 1979 stands allowed in so far that a writ will issue to the Life Insurance Corporation directing it to give effect

to the terms of the settlements of 1974 relating to bonus until superseded by a fresh settlement, an industrial award or relevant legislation."

We have passed this relevant legislation. Therefore, to say that we have done something contrary to what the Supreme Court said is incorrect. We have passed a legislation. They have said it can be modified by relevant legislation.

Then, Sir, Shri Jyotirmoy Bosu said: 'You have passed a law against our wishes. Of course, in every democracy, the majority passes the law.'

SHRI JYOTIRMOY BOSU: Sir, I stand on a point of order.

SHRI R. VENKATARAMAN: I always yield. You can say whatever you want to say.

SHRI JYOTIRMOY BOSU: You are tired. Sir, we do not quote the Committee proceedings on the floor of the House. Sir, that is the convention. I will not quote what is said in the B.A.C. But I would like to submit that the Members who took part in the discussion made certain points. Some of us said clearly that since the matter is pending before the Supreme Court it should not come up on the floor of the House. We repeatedly said this. But the Government bulldozed, because they have got the majority in the Committee.

SHRI R. VENKATARAMAN: Mr. Deputy Speaker, our country's constitution has not given any veto to the opposition. The majority is entitled to bring a law which is within the framework of the Constitution. Merely because Mr. Jyotirmoy Bosu does not like it, we cannot hold it back. And the law is according to the very decision of the Supreme Court and the judgment of the Supreme Court, which says that it can be set aside by another award, another agreement or by a relevant

legislation. I fail to see why they challenge this legislation at all.

I want to make it clear that there is no question of any impropriety involved in it.

Of course, he has used some strong language—immoral, illegal, this, that and the other. I can only say that there is no impropriety involved in that.

Another matter which Mr. Jyotirmoy Bosu raised was about Dearness Allowance. This is a matter for negotiation between the management and the employees. Government cannot be called into such disputes between the Management and Labour.

SHRI JYOTIRMOY BOSU: Sir, I request your permission to seek some clarifications. The hon. Minister has to reply to the questions raised on Calling Attention by Members. My question is: (a) What about the bonus for 1980-81 which has become due on 30-4-81? (b) The D.A. has been increased from 1st February, 1981. My question is, why it has not been paid to them. When does he propose to pay the same? These are my questions.

SHRI R. VENKATARAMAN: These are matters between the Employees and the Life Insurance Corporation and Government does not come into the picture at this stage.

13.26 hrs.

STATEMENT RE: ATTACK ON INCOME TAX OFFICERS ENGAGED IN SEARCH AND SEIZURE IN CERTAIN PREMISES IN SRINAGAR

MR. DEPUTY-SPEAKER: Now the Finance Minister will make a statement on the attack on income tax officers engaged in search and seizure in certain premises in Srinagar.