

17.57 hrs.

# PENSIONS' (AMENDMENT) BILL

MR. DEPUTY-SPEAKER: We take up the Pensions' (Amendment) Bill. Shri P. Venkatasubbaiah.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): Sir, I am glad that this Bill is coming before the House now. It is most unfortunate that during the last 2 sessions it was getting delayed.

Sir, I beg to move:

"That the Bill further to amend the Pensions' Act, 1871, as passed by Rajya Sabha, be taken into consideration."

Sir, the Pensions Act, 1871 (Act No. 23 of 1871) provides for the consolidation and amendment of the Law relating to Pensions and grants by Government of money or land revenue. The Act envisages protection of pensions against seizure, attachment or sequestration of pension by process of any court at the instance of a creditor. Certain infirmities in the working of this Act have been noticed. Government has now taken the opportunity to remedy the defects and to effect improvements in the working of the Act. I propose to deal with the salient features of this Bill.

It is not possible at present for a pensioner to nominate someone to receive payment of arrears of pension undrawn at the time of the death of the pensioner. Government have been receiving representations from organisations or pensioners and from others, on their behalf, asking for the facility of nomination on the ground that undue hardship is caused to already grief-stricken, sometimes helpless and mostly ignorant, families. The heirs of the pensioner are put to undue hardship as they have to obtain succession certificates for the purpose of claiming such arrears. In most cases the time, the trouble, and the expense involved in obtaining

a succession certificate is not commensurate with the paltry amount which the heirs would get. In order to alleviate the distress of such persons, the Government have decided to insert a new section—Section 12A—to enable pensioners to make nominations so that moneys outstanding on account of pension could be received by the nominees.

The nominee shall be entitled, on the death of the pensioner, to receive, to the exclusion of all other persons, all such moneys which have remained unpaid. But, if the nominee predeceases the pensioner, the nomination shall, so far as it relates to the right conferred upon the nominee, become void and will have no effect. Care has, however, been taken to provide in this Bill that where provision has been duly made in the nomination in accordance with the rules made by the Central Government, conferring upon some other person the right to receive all such moneys which have so remained unpaid, in the event of the nominee predeceasing the pensioner, such right shall pass to such other person.

(Interruptions)

AN HON. MEMBER: It is already nearing 6 O' clock.

SHRI P. VENKATASUBBAIAH: I will complete it within two minutes.

SHRI MOOL CHAND DAGA (Pali): Time may be extended by two minutes.

(Interruptions)

MR. DEPUTY-SPEAKER: Now, it is 6 O' clock. There is one more item in the Agenda which is to be taken up at 6 O' clock.

SHRI P. VENKATASUBBAIAH: Sir, before you take up the next item, I would like to complete this item. I think I have the permission of Mr. Daga to continue my speech.

It is also proposed to confer powers on the Central Government to make rules

[Shri P. Venkatasubbiah]

regarding the manner and form in which nominations may be made. The power to make such rules has been provided in the proposed section 15 of the Act. Opportunity has also been taken to incorporate a provision in the Act for laying the rules made under the Act by or with the consent of the Central Government, before each House of Parliament.

One other feature of the Bill is to introduce a provision for amending section 1 of the Act. At present Section 1 of the Pensions' Act, 1871 reads as follows:

"This Act may be called the Pensions' Act, 1871. It extends to the whole of India except that territories which immediately before the 1st November 1956 were comprised in Part 'B' States."

Government has taken this opportunity to make this amendment of Section 1 of the Act so that the provisions of the Act in so far as they relate to Union Pensions extend to the whole of India. This will benefit the Union Pensioners in the erstwhile Part 'B' States. Clause 2 of the Bill seeks to achieve this objective.

I hope that these measures which are being brought forth besides being welcomed by this House, will give protection and much needed relief which we have in mind to all pensioners and their families.

Sir, with these words, I beg to move the Bill for consideration of this House.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Pensions' Act, 1871, as passed by Rajya Sabha, be taken into consideration."

We will take up the next item of the agenda, that is, Discussion under Rule 193.

SHRI RAM VILAS PASWAN (Hajipur): Sir, we can postpone this Discussion

for tomorrow because we have to attend Rangaji's felicitation function.

DR. SUBRAMANIAM SWAMY (Bombay North East): Yes, Sir, we can postpone this discussion.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): I have already made it clear that tomorrow it cannot be taken up. I want to make it clear to the House that I cannot say anything at the moment. Mr. Paswan was also in the Business Advisory Committee. There are some difficulties.

SHRI RAMAVATAR SHASTRI (Patna): Tomorrow it can be taken up.

SHRI P. VENKATASUBBAIAH: I cannot commit myself without knowing the business for tomorrow.

DR. SUBRAMANIAM SWAMY: You can convey to the hon. Speaker the recommendation of the House.

MR. DEPUTY-SPEAKER: If the House agrees, we will postpone the discussion and we will place it before the Speaker.

SHRI RAM VILAS PASWAN: Day after tomorrow the House will discuss atrocities being committed against the Scheduled Castes and Scheduled Tribes and at 3.30 P.M. Private Members' Business will be taken.

MR. DEPUTY-SPEAKER: Then, we will continue this item.

श्री रामावतार शास्त्री (पटना): उपाध्यक्ष महोदय, मेरा मोशन है कि इस मोशन को कल 6 बजे लिया जाए।

MR. DEPUTY-SPEAKER: It has already been fixed. If you want, you can ask for the adjournment of the House.