in time for building up huffer stock of the order of 25,000 MT before the onset of the ensuing monsoon. It is, however, reported that there is a stock of 1,400 MT boiled rive in transit which is likely to reach Tripura shortly. Earlier, the State had received an intimation regarding diversion of two BG rakes of boiled rice bound for Tripura by the Senior Regional Manager (FC1) based at Gauhati.

(ix) Setting up of cardamom Board in Kerala

SHRI K. KUNHAMBU (Cannanore). Kerala is in the forefront in respect of cardamom. Cardamom produced in Kerala is of the best quality and it enioys pre-eminent position 8 the world in market. Moreover. Kerala's share in the overall production of cardamom is the biggest. The House might recall that, when there was a proposal to pool cardamom of different varicties having different qualities, the Government of Kerala and the cardamom growers had opposed it on the ground that such a step would result in our losing the world market. The opposition to pooline was also based on the fact that Kerpla was producing the best quality cardament, This being the case, one would naturally expect that the Cardamom Corporation would be set up in Kerala. But, according to press reports, a decision has now been taken to set up the Corporation in Karnataka. While I have all sympathics for the Karnataka farmers, a decision of this nature will do injustice to Kerala. Both in respect of quantity and quality. Kerala occupies the first position with regard to cardamom production. The Cardamom Corporation with its headquarters in Kerala will be able to serve the interests of cardamom growers better than anywhere else.

Therefore, I would request the Government to reconsider its present decision and set up the Cardamom Corporation in Kerala. 12.40 hrs.

#### PENSIONS' (AMENDMENT) BILL --Conid.

MR. DEPUTY-SPEAKER: Now we take up the further consideration of the Pensions' (Amendment) Bill. Shii Samar Mukherjee.

SHRI SAMAR MUKHERJEE: (Howrah): I do not want to speak much. While supporting the Bill I want the Government to consider the problems of the pensioners who have made several representations and had to go into agitations for getting remedies. One thing that they want—this Bill does not cover, is that the pension should be more liberalised as in to-day's conditions the cost of living is very high and with the pension they get they cannot make both ends meet.

The first thing that they want is that though there has been some liberalisation in the rules passed in 1979, but they have excluded the old pensioners. So they want that both the old and new pensioners should get the advantage of the liberalisation rule.

There are some other demands also. The main point I am reading from a letter which was sent to me. The main point at issue is that whatever benefits have been given to the pensioners should be given to all of them irrespective of their dates of Some of the Central Govretirement. ermnent Pensioners' Organisations, Eastern Zone held a convention in which again they drew the attention of the Government that pending change of the pension structure, the existing disparity and discrimination\_between pension of one section of pensioners and another should be immediately removed by granting pension to all pensioners on the common basis of the latest formula irrespective of their dates of retirement. All pensioners, therefore, who retired from service prior to 1st April 1979 be given pension at the rate of 50 per cent of their pay worked out on the basis of the said formula together with other dues as applicable in the case

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[Shri Samar Mukherjee]

of those who retired on or after 1st April 1979.

Last month there was a *dharna* before the Boat Club on these very demands and in 1981 their deputation met the Prime Minister and submitted a memorandum. Their publication is with me—where they have stated that the Prime Minister gave a sympathetic hearing but their manu demands have not been conceded

Another demand they have raised and which is related to this Bill is nomination by th pensioner to receive moneys outstanding on account of pension. This is the resolution they have passed in a convention held in Calcutta where they have demanded this—and I am reading out their demands. I am reading out their demands:

"Appointment of two nominees for payment of dues of the deceased pensioners and widow pensioners.

Every pensioner should be asked to give the names of two nominees who, in the event of the death of the pensioners, will be paid all sums due or lying deposited in account, in banks or post offices, treasuries, the department's disburing offices etc. Z

"On the date of death, there should be two preferences of the first nominec over the second nominee."

Though there is some provision in this Bill that if the first nominee dies before the pensioner, another man can be nominated, they want that from the very beginning there should be two nominees. I have received one form for the M.Ps. There the provision is to submit two nominees.

SHRI RAMAVATAR SHASTRI (Patna): It is more than two.

SHRI SAMAR MUKHERJEE: Others are witness to it. In their case also, the question of two nominees should be considered

Then, there are other demands. One is for setting up of Pension Commission because they are very much agitated. They feel that their case is very much neglected. If the retired men are forced to go on an agitation, it is a very sad thing for the country. After all, they are retired after giving the service for the whole of their life. Why in their old age, they should go in for an agitation to get some things done in their pension? This must be put an end to. Their demand should be sympatheti-. cally considered.

Then the question of payment of DA comes due to rise in the cost of living. As the existing employees are entitled, the pension holders too should be given this DA in order to get full neutralisation in the cost of living. The machinery thould be set up whereby they could get their payments without much difficulty.

A proper machinery should be set up so that the difficulties of the Central Government pensioners may be presented through them to the Government. There is a demand for restoration of commuted portion of pensions. I am not going to read all this because a copy of the memorandum has been sent to the Government by me also. These are the longstanding demands and I think that Government should give due consideration to them.

With this, I support this Bill.

M. DEPUTY-SPEAKER: Shri Girdhari Lal Vyas. I think he never "specied that,

SHRI BAPUSAHEB PARULEKAR: It is too early.

MR. DEPUTY-SPEAKER: The time allotted for this Bill is one hour. Therefore, every hon. Member shall not take more than five minutes each. Mr. Girdhari I al Vyas, you must make the beginning. We have got so many other Bills.

Mr. Girdhari Lal Vyas.

भी गिरधीरी साल स्थास (भीत्वाड़ा) : उपाध्यक्ष महादेव, इस पोसन मंहर्गधन विश्वेयक का में ममर्थन करना हु ।

इस के इन्होंने साम तौर पर दो नए संबोधन बोड़े हैं। एक भारा 12 भें

बौर एक धारा 1 में । इन में कड़ा बन्द इन्होंने ओड़े हैं। कौन पेंशनर का नामीनी हो स्कता है' अपरि कितने होने बाहिए, इ.स. संयंध में इन्होंने कुछ व्य-बस्थाकी है। पंजनर्सकों जो नियम है बाँर जो कानन बनाया जा रहा है, उस ऋ बारो में हमारों माननीय मुलजी ने जो बातो कही हैं जौर कास तौर पर पोंझन को लिब-रोसाइटज करने के संबंध में जो कहा है, उसके बार में मैं भी यह निवंदन करना बाहता हू कि जिस प्रकार की पोछन अभो मिल रही हैं, उस में लोगों का गुजारा नहीं होता है और ठीक प्रकार में वे वपनी व्यवस्था नहीं कर पाने । सारी उम् जिन्होंने सौकरी की है, अगर आखिर में उन को पर्याप्त मात्रा में पैमान मिले, और परिवार का बर्चन चल सके, तो निविचन तरीको संउन में बड़ी निराका आती है। इसलिए इस सर्वभ मां को छ न को छ एमें ने व्यवस्था की जानी चाहिए जिस सं पंचानर अपने पारवार का गुराराठीक प्रकार संचला सके । अपने बाल बच्चों का भरण-पांपण कर सक्ते और उन्हें किका, दीका ठीक प्रकार से दें सके।

बाप जच्छी प्रकार से जानते है कि स्टंट गवर्नबाट में 55 वर्ष की आयु में और भारत मरकार में 58 वर्ष की आयु में लोग रिटायर हो जाने हैं। उस प्रायु में उनके उत्तर अपने बच्चों की पत्राई-निमाई या झार्या-ज्याह के आद्नीपंशन रहन है जिनको कि वे रिटायर होने के बाद निभा नहीं पानं। एसे समय में उबकि उन पर पूरा बुद्रापा नहीं आना है और थे एसी बबस्था में होते हैं जर्दकि दूमरा धंधा झर के कमा भी नहीं पाने इसलिए उनके लिए पंछन की एसी व्यवस्था होनी बाहिए जिसमें वे ठीक प्रकार में गुजारा कर सको। पंछनर्स को सभी प्रकार के बोनिफिट्म दिए जाने बाहिए ।

एक मैं यह कहना चाहता हूं कि पंझनर्स मं किसी प्रकार का डिस्किमिनेशन नहीं होना चाहिए । मैंने पहले जब प्राइवेट मेम्बर्स बिल लाया वया था तो उस समय भी यह कहा था कि जो 1979 से पहले के लोगों को पंचन मिल रही है, वह चहुत क म ही । 1979 के बाद वालों को जो पंशन मिल रही है वह ज्यादा है। उन दोनों की पंकान में बहुत अन्तर है। एसे। डिस्किमिनेशन पंशनर्स के लिए नहीं होना चाहिए । 1979 के बाद वाले पॅछन के नियम 1979 के पहले वाले पॅछनर्स पर भी लागू होने चाहिएं और इनके कीच में जा भेदभाव है उसको दूर किया जाना धाहिए ।

इसी तरह से गहली श्रेणी, दूसरो श्रेणी, तनीय श्रेणी और चतुर्थ श्रेणी के लोगों की पंशन में बहुत अधिक अंतर नहीं होना चाहिए । इस में ज्यादा अच्छा यह होगा कि गतुर्थ और तृतीय श्रेणी के लोगों को पिंशन का ज्यादा लाभ मिलं बजाए दूसरी कर प्रथम श्रेणी के लोगों को । चतुर्थ और नृतीय श्रेणी के लोगों को । चतुर्थ और नृतीय श्रेणी के लोगों की पेशन इतनी होनी चाहिए कि जिस्से कि उत्का इस मंहगाइं के जमाने में गुजारा हो सके ।

अपोइट मेट आफ नोमिनी के संबंध में मैं कहना चाहना हुं। उभी पार्लियामेंट के नदस्यों को भी फार्म दिए गए हैं जिसमें उन्हों नोमिनी का नाम दोना है। फार्म मे एक नोमिनी को जा व्यवस्था है उसमें उस नोमिनी को उत्तर अगर कोई दूसरा नोमिनी नॉमिनेट करना पड़ता है तो उस स्मय सारी व्यवस्था गड़बड़ा जानी है। इस-लिए में कहना चाहना हा कि पहले ही आप दो नोमिनी नामिनेट करवाने को व्यवस्था कर दोडिए जिसमे कि यह एक बड़ो कठिनाई दूर हो सकनी है।

पंछनमं को क्या क्या कठिनाइयां है, इनके बारें में पेंशनर्सने कई प्रकार को मेमोर**ंण्डम मेम्बर आफ पार्लियामेंट, राज्य** सरकारां और गवर्नमेट आफ इडिया के पास भंज हैं। उन्होंने कमीशन बनाने को गर में भी कहा। मेरा सुफाव है कि एक एंसा कमीशन बनाया जाए जो उनकी कटिनाइयों को ठीक प्रकार से देखें – सक कौर उनके बारे में निर्णय ले सके । इस-लिए एँमा कभीशन दिठाया जाए जो उनक≹ मंडिकन या अन्य सुविधाओं के संबंध में पुरी तरह से आंच पड़ताल करें और अपनी रिपोर्ट दें कि क्या कया सुविधाएं पेंझेनर्स को उपलब्ध होनी चाहिए । अगर यह सारी व्यवस्था हां सके तो इ.स. में भी पेंचनर्स को बहुत बड़ा लाभ मिलेगा ।

ीश्री गिरधारी लाल व्यास

पेंशन के पेमेंट की मधीनरी भी इस प्रकार की होनी चाहिए ताकि उनको मिलने वाली पेंझन में देरी न हो । कई कई जगह देखा है कि दो-दो, तीन-तोन महोने लग जाते हैं। इस मंहगाई को यूग में उन्हें तनम्बाह या पेंदन न जिल्ने में बडी कठिनाई हाती है। इरालिए एंसी मकौ-नरी कायम की आए जिससे उन्हें पेशन मिलने में कठिनाई न हो और यह उन्हें रुमें पर मिल जाए । जाम एमी व्यवस्था कोजिये जिस से कि पॅक्षन उर्हु हर महोन भनीआ डर या डाकघरों के बरिए घर परें ही मिल जाता करां।

आप इन सब बातों को ध्यान में रहते हुए गह जो जाप पोंशन का कानन लाए है इसमें एँछा प्रावधान कोजिए जिससे पंशनसं का पंचन मिलने में कोई कठिताई न हो और वे अपनी जिन्दापी ठीक प्रकार सं चला सक ।

इन कर्ब्दों के साथ में इस बिल का समर्थन करता हु ।

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Mr. Deputy-Speaker, Sir, I rise to support the Bill that has been precented to this House. Sir, I am very happy that at least one of the long standing demands of the Pensioners has been accepted finally by the Government, Many demands have been made repeatedly and for years together. But only one, as has been mentioned in this Bill, has been accepted. This subject was debated in detail only a year back, when one of the hon. Members of this House, Shri Gadgil, had introduced a Bill to repeal the old Act of 1871. Many promises were given by the hon. Minister for State Shri Venkatasubbaiah. I very much wished, he should have been here, so that we could have asked him as to what steps he has taken to implement the assurances which he gave at that time on the floor of the House.

What governs the problems of the pensioners from the legal point of view in this country is an old Act of 1871 about 109 years old. You will agree with me, if I say that this is an obnoxious law and a legacy of the British. There are many provisions which are outdated and it is absolutely necessary that the Government takes immediate steps to amend or repeal that particular Act.

In order to highlight the points, a Bill was introduced in the Rajya Sabha by Shri Gadgil, an hon. Member of this House now. That was objected to at the time of introduction stage, that being a money Bill.

MR DEPUTY-SPEAKER: I am myself a pensioner.

SHRI BAPUSAHEB PARULEKAR: Therefore, I hope you will not put that restriction of five minutes on my speech because it is a very important point,

In order to highlight the problems of the pensioners, that Bill was sought to be introduced, but as it was a Money Bill, It could not be introduced in the Rajya Sabha. Moreover, Shri Gadgil became Minister later and, therefore, that particular Bill lapsed. You will be knowing that, Sir.

Some time in 1979 when this Bill was again introduced, there was an ussurance given on the floor of the House in Rajya Sabha, and I quote;

"I assure Mr. Gadgil that the Government is thinking of amending this old Act with reference to the several pension rules for the people at the Centre, and we will request the State Governments and will give a piece of advice to them that they should also follow suit,"

That was sometime in 1979.

After this Government came in the jest 1980, again this Bill was introduced and it was debated. But before that I would like to invite the attention of this august House to what the party in power had said in their manifesto:

"Congress (1) will examine the quettion of welfare of pensioners with 5 view to making their life more secure and comfortable. Suitable conursation will be devised in this behalf."

I need not repeat all those arguments, because we have made our submissions in f detail only a year back.

There was a report of the Petitions Committee wherein many suggestions were made. In the 72nd Report of the Law Commission, certain suggestions were also made, but unfortunately, none of the suggestions mentioned in the report of the Petitions Committee, nor the suggestions made in the Law Commission's report, nor the undertaking given to the people by the party in power in their manifesto have been implemented.

Coming to the suggestions, the first and foremost suggestion which has been repeatedly made by various associations of pensioner, or penioners, by the Members of Parliament is that the pension should be a justiciable right; it should not be a bounty, it should not be left to the mercy of the Goverment. As the law stands today. Section 4 mentions that no civil court has jurisdiction to entertain any claim, but the court can entertain a claim provided the District Collector or the Commissioner gives the certificate to that effect, and ultimately it is mentioned that even if you go to the court after taking a certificate from the District Collector or the Commissioner, the court has no power to pass a decree in favour of the pensioner. What is the use of this draconian measure? Is it not necessary that this should be changed?

#### 13.00 hrs.

This was brought to the notice of the Government last year, and an assurance was given and the bon. Minister agreed with this. It would be necessary to mention what Shri Venkatasubbaiah said on this particular point;

"It is the constant endeavour of the Government to treat this not a bounty, not as a mercy. That is why the Govornment agrees with the views expressed. We are also feeling that pension is not a charge, but a social right. Keeping this in view, Government has taken various steps and Government will take steps in this connection."

Not only this, the Minister was not agreeable to amend Sections 4, 5 and 6, so that the right should be given to the court to consider as to whether a person is entitled to a pension and to what quantum of pension. But the Government assured on the floor of the House that they would be setting up tribunals for this and I quote from his speech:

"The recommendation has been considered by the Government and the present thinking is that the question of redressal of grievances relating to interpretation of pension laws and plarifications thereof should be entrusted to the administrative tribunals which are proposed to be set up very early. That is the advantage of the tribunals. Government have taken a note of these things and we are coming forwerd with apropriate action to set up these administrative tribunals to gave all the benefits to the pensioners."

I would like to ask a question, as to what steps the Government has taken during all these 13 months to set up these tribunals. Why did not bring forward a proposal for the setting up of tribunals in the very Bill? Why have you restricted yourself to what has been indicated in the Bill? If this was an assurance, I would like to know as to when you are coming to this House with the measure for the institution of these tribunals.

The second point that I would like to place before the House is with regard to the disparity of pensions. It was brought to the notice of the Government last year, when we were debating this Bill, that the Secretary of the Government who retired prior to 1972 and the Assistant who retired after 1972 got equal pension. So also is the case with reference to the family pension to those who retired prior to 1954 and after 1964. At that time also it was promised and an assurance was given that something will be done in this connection. Here also, I would like to quote for the

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benefit of the Members what Shri Venkatasubbaiah said on this particular point:

"He and some other Members also particularly have pointed out specifically the plight of pensioners who retired before 1976, or families having become entitled to family pension, and suggested that this disparity should be removed. The Government has considered this question several times in the past, but has not found it possible to accept the domand. There are administartive difficulties in locating and assessing the number of beneficiaries, particularly because most of the beneficiaries would have died, and there are practical difficulties in tracing the old records. This is our difficulty,"

MR. DEPUTY-SPEAKER: Pension is not asked for dead persons.

SHRI BAPUSAHEB PARULEKAR: You are absolutely right, Sir. I need not add anything to that. This is the administrative difficulty experienced by the Government that the persons are dead, but in the question of family penion, it is highly improbable that the Government of India may not be possesing the records to trace out the family membmers. If you make an announcement in the press, the family members will rush to you.

MR. DEPUTY-SPEAKER: If the Government makes an announcement in the newspapers that the relations of the pensioners who died before 1964 should apply for family pension, and those who apply only will be eligible for the pension, they will all apply. Why should the Government go in search of the records and all that?

SHRI BAPUSAHEB PARULEKAR: That is exactly what I am saying. That is not the genuine difficulty which has been told by the Hon. Minister for Home on the Floor of the House.

PROF. MADHU DANDAVATE (Raiapur): Sir, give a direction from the Chair. SHRI BAPUSAHEB PARULEKAR: In fact that amounts to direction.

Another question arises out of the inflation and the increase of prices. There is a positive direction given by the Committee as far as this is concerned. It is mentioned at page 35 of the Report, 2.9 para:

"That Committee are of the view that the Government owe moral responsibility to provide adequate relief to its retired employees, including pre 1st January 1973 pensioners who actual value of pension has been oroded by phenomenal rise in the prices of essential commodifies. In view of the present economic conditions in India and constant rise in the cost of living due to inflation, it is all the more important even for purely humanitarian considerations, if not from the standpoint of fairness and justice, to protect the actual value of the pension to enable the pensioners to live their declining years with dignity and in reasonable comfort."

When this point was again brought to the notice of the Hon. Minister, unfortunately the Hon. Minister told us after hearing our speeches that he was under the impression as if he was the Finance Minister. That is what he had said, otherwise I would not have referred to this. But at some other stage, he has said even if it is the Finance Ministry I am taking care of that; I will look into it. I would like to know what steps have you taken during this last one year to consider this particular aspect with reference to inflation?

In other countries, to which reference was made, specially England, there is a system under which the pension will increase in accordance with the increase in the cost of living index and a recommendation was made about setting up of the Pension Commission to which the earlier Speaker, Shri Vyas referred to. Even to that they say the conditions in UK and the conditions in India are different and that they are not in a position to set up a Pension Commission. In my respectful submission this is not a satisfactory reply from the Government. Therefore, 1 would request the Government to tell us what are their difficulties in setting up this Pension Commission in order to consider all these points.

Apart from that, we have Article 309 in the Constitution which empowers the Parliament to legislate for recruitment, for fixing up the conditions of service and conditions of the retirement. Why, during years, since Independence in all these 1947, has the Government not taking any steps to bring forward a legislation by virtue of the power conferred under Article 309 in the Constitution? I would like to have an answer to that also. If that is done, automatically a law will come which will repeal this old Draconian law, 109 years old. And I think the time has come when these steps have to be taken.

I may also invite the attention of the Hon. Minister to the report made by the Institute of Public Administration. They have suggested that when the pay-scales and grades of Government employees were revised and increments were given thrice why not the same yardstick be applicable to the pensions? The pensioners have to go to the same shops to which the present employees go they have to pay the same price for the articles which they purchase, but I don't understand, much less appreciate, this disparity. The only answer which the Government gives is that they have no money.

MR. DEPUTY-SPEAKER: That is the fault of the Third Pay Commission. They have recommended for every rise of 16 points to the pensioners and 8 points rise to the actual employees.

SHRI BAPUSAHEB PARULEKAR: Unfortunately, the first Commission reiected it outright, but the Second Pay Commission was a little bit more sympathetic, but they did not give any direction.

Now, the time has come to consider. specially when the prices have gone skyhigh whether the relief should be given to them.

There is also a demand for lixing the minimum pension for the pensioners and the Government should consider whether this is a legitimate demand of the pen-There is one more demand sioners. and I feel, Sir, it is a just demand legitimate demand it ie a and that is the question of housing. The housing is not a personal problem; it is a social problem. Government servants who have had their quarters for all those years when they served the Government, go practically on the street when they retire. So, why not make some arrangement, at least why not make a provision for the housing allowance?

These points were highlighted during that particular debate. There are many other points which have been brought to the notice of Government througn various petitions and representations which were addressed to the Home Ministry, and also to Prime Minister. But unfortunately, nothing has been done. I may also say that many of the representations have not even been acknowledged. If we read the speech of the Home Minister in the last rebate, we find it is all lip sympathy. He agrees with everything; but he says he is helpless. He is not in a position to do anything. At the end be said:

"With these remarks, I would make a request to Mr. Gadgil to withdraw his Bill and allow the Government to take such appropriate measures as they deem necessary to safeguard and to meet the legitimate grievances of the petitioners."

This is on 30th April 1981. (Interruptions) The words "Appropriate time" are not there. It may be implied.

I would like to know what steps Govt have taken since 30th April 1981 upto this date, except saying that we have all sympathy for these persons who have worked hard and served Government for more than 30 or for 40 years.

The days of lip sympathy are going Something concrete requires to be done. We would like to know what concrete steps Government propose to take. (All these questions are brushed aside on the

#### [Shri Bapusaheb Parulekar]

ground that we have no money. But with reference to one point, I would ask: why not make this right justiciable? Why not repeal sections 4, 5 and 6 of this draconian law? The law says "you cannot go to court; if you want to go to court, take the permission of the collector or Commissioner." And if you go to the court, the law says: "The court shall take cognisance, but the court shall not pass a decree." I am unable to understand this provision of the law. It is a legacy of the British, and it is a draconian measure. I would like to know whether there is any difficulty in giving this right to the pensioners.

In my respectful submission, these suggestions may be considered; and I would request Government to come forward with a comprehensive legislation, instead of coming to this House with a piecemeat legislation. After one year, they have come forward and are conferring the right of nomination. In 1983, they will come with the amendment of Section 4. It will take years. By that time--these persons who have served Government for so many years would not be alive. We have many cases, which were quoted in the last debate.

One pensioner is getting Rs. 67: he had retired in 1952. That is the position, there is no relief.

So, though I support and welcome this particular measure, I feel it is an incomplete measure. It requires many changes; and I would again request Government to come forward with a comprehensive legislation. With these words. I thank you.

SHRI RAM SINGH YADAV (Alwar): I rise to support the Bill which has been introduced by Mr. Venkatasubbaiah

As a matter of fact, the legislation was awaited since long; and it has been delayed for long, and has caused misfortune to so many pensioners in the country. Now the law which is being repealed, was framed in 1871; and there was an incessant demand for its amendment; and from time to time, Government has tried to amend it, but not Act, but through regulations or rules which are meant only for the Central Government employees.

As a matter of fact, the law is to go according to the pace of the society, according to changing circumstances of the society and according to the needs of the society. I may quote the present Prime Minister Shrimati Indira Gandhi, about the definition of a law. She says:

"Laws are made to serve the people. As the circumstances are changing, laws should change to meet the changing circumstances."

We have to see, in view of the views of the Prime Minister, whether the present. law on pension is meeting the needs of the society, the needs of the human beings who are living in the present society. I can say obviously and frankly that the present law i.e. the Act of 1871 does not meet out the challenges, needs and requirements of the present society and of the present pensioners. There have been several legislations. I also thank Mr. Gadgil who is a Member of this House.... that he tried two times: first in the Rajya Sabha secondly in the Lok Sabha and also. Mr. Parulekar was telling that Mr. Gadgil, when he introduced the legislation in the Rajya Sabha, then there was the Janata Party Government at the Centre and that legislation was withdrawn at the instance of the then Government with the \_ assurance that they would bring forward a suitable legislation to amend the existing law. But I am sorry to say that Mr., Parulekar was one of the constituents of that Government; he could not dare to do or to bring forward the legisation which: was promised by his friends, colleagues or by his government. Now he has quoted that the present Government, or the party in power, that is Congress I, has given an assurance by way of election manifesto that we shall do all and we shall change the law to give more suitable comforts or to make the life of the pensioners more comfortabe and to meet out this requiremen's I may mention have that, as a matter of fact in the present circumstances there was a need to bring radical changes ir the present Act by cause in a case which

has been decided by the Supreme Court, in Devkinandan vs. the State of Bihar, it has been decided by the Supreme Court that this question of pension or the right of pension is an inherent right of the pensioner; this is not a grace by the Government. And I think after the judgment Supreme Court, there was no of the option with the Government but to bring forward the legislation and to recognise it Now I may remind the hon. Minister that the Supreme Court has held in that case that this right of pension comes within the definition of Article 31 of the Constitution; and they have also mentioned that this right also comes within the definition of Article 19, sub-clause 1, clause 5 of the Constitution of India meaning thereby that this right has been recognised as a legal right, as a constitutional right and, therefore, anyone or the pensioner cannot say that he is at the mercy of the government; rather he can claim that right through the court. When the Supreme Court judgment is there, in view of the judgment of Devkinandan vs. the State of Bihar, as you know, there are so many wings to enact the law. The Supreme court has also got the power to enact the legislation; and any pronouncement, judicial prouncement given by the Supreme Court also assumes the shape of a law, assumes the form of law and that law is as good as the law passed by Parliament. Therefore, in view of that judgment, it was obligatory upon the government to bring forward the legislation, to amend section 4, to amend sections 6, 9, 10 and 11 because sections 6 and 4 dehars a pensioner to sue, to seek the relief in the legal court. Only with the permision of the Collector or the Deputy Commissioner or the p mon authorized by the government, the pensioner can only file his suit to redress his grievance in the court. Therefore, this legislation or this snag which is still existing in the present law, should have been removed by your amendment, because your intention is that you want to give relief to the pensioner. But when a pensioner cannot exercise his right by way of a judicial course or he cannot seek his redress of his grievance from the court, then that right does not become justiciable; you should make this

right justiciable. When the Supreme Court has recognised that it is a fundamental right, it is a right of the pensioner. then the legal conception is that every fundamental right сап be enforced through the court of law. Therefore, this is the lacuna with the present law which is not in confirmity with the judgment of the Supreme Court.

Whatever the rules have been framed by the Government of India from time to time, they are discriminatory; and that discrimination is to such an extent that between an employee, the Defence employee, who has retired on 31st January, 1979 and the person who has retired after that, there is a difference.

I and a Major-General who retired on 31st January, 1979, shall get the pension equal to the pension of the Major who retired after 1st January, 1980. So, in view of these discrepancies, you should think over it again and remove those discrepancies. These have been created since the very inception of the law of pension.

As a matter of fact, when this law was framed, the Britishers took it as if it was a law by way of grace. They did not make this law as a right given to the citizen. It is the right of the human being to get pension when he has served the country and the nation. As a mutter of fact, this right should be recognised in the law.

Section 6 provides that even an order or decree obtained from the court cannot be executed with regard to the amount of pension, in respect of the liability of the Government to pay any such pension. Why do you not amend it? When one pensioner is at the stage of starving, he has got the verdict of the legab court in his favour but cannot execute that order and cannot have any source of subsistence through the aid of the court, then what is the use of that law? If the law is lame, helpless and cannot help the person in distress and is not in accordance with the needs of the society, it is obligatory upon the Government to amend that law.

[Shri Ram Singh Yadav]

Therefore, I will request the hon. Minister to take steps to amend sections 4, 6, 10, 11 and 12 as they are existing today.

There are other factors which are to be taken into consideration. Since there is no association of the pensioners, you do not link DA with their pension. You give DA to the employee who is serving the Government. The moment he retires from service, you do not recognise that he is also living in the same society in which the serving employees are living. Therefore, the right of dearness allowance should also be recognised and this should be linked with the pension.

I will give some suggestions which are very necessary. First of all, you should create some sort of a ratio in the pension. The Central Government should make a provision for payment of 50 per cent of the last emoluments drawn by an employee, as pension. This should be the ratio.

The pension laws are different in different States. When you are going to amend the law, your law should be a model for all the States. Therefore, it is very necessary that you should adhere to some criteria, a sound criteria according to which a citizen can live honourably in his retired life.

My second suggestion is that medical facilities or medical allowance is very necessary because in the old age a man suffers from one ailment or the other. As a young man he may not need any medical assistance. In the old age or at the asc of retirement, he needs medical assistance. In all countries whether socialist or capitalist, social security scheme and other health schemes are prevailing. But in India there is no such Therefore, you have to make scheme. some sort of a provision for the retired employees and provide them medical facilities also.

MR. DEPUTY-SPEAKER. The present position is that the penvioners can register their names with the CGHS in all the States. SHRI RAM SINGH YADAV: This will be correct in regard to the Central Government employees. But I am talking of the State Government employees also. It is now at the discretion of the State Governments. Some of them are giving and some are considering. Even after a long agitation, these facilities have not been provided in all the States. Your observation is very correct so far as the Central Government employees are concerned.

Then the ceiling on pension amount in some cases is fixed at Rs. 1000/- and in some other cases it is fixed at Rs. 1500/-. But it should be equal. As I have referred to earlier, some of the employers who had retired on 31st March 1979 will be entitled to a pension of Rs. 1000 as the maximum and those who have retired later on will be entitled to a ceiling of Rs. 1500. There must be a parity in the ceiling of pension.

The pensioner sometimes is disallowed or he is not given the payment of pension because the papers are not ready. Therefore, in such cases there should be a provision that if the pension 'amount is not paid within one month or two months or three months after retirement, then there should be an interest on that amount and the prosioner is cotified to have the interest. The interest may be determined by you; it may be 9 per cent or 10 per cent or 12 per cent according to the circumstances, but it should be obligatory on the Government to pay the interest. I have seen the pensioners. I had attended the State Pensioners' meeting held in the last three months and these are the genuine difficulties, that some of the pensioners for the last three or four years are not getting pensions. Sometimes they say that the Service Book is not available and sometimes they say that there is discontinua tion of service and those papers are lying in the Bikaner State or the Jodhpur State. Like this excuses are made. Therefore, it is obligatory that he is entitled to interest at a particular rate.

I would also submit that as a matter of fact, the pensioner should not be commelled to go to the civil court because if he chooses to go to the civil court, then he has to affix court fee and the poor fellow cannot afford to pay the court fee. Therefors, I suggest that there should be a tribunal or an authority so that it can deal with the cases of pensions and that authority can be given some time limit within which cases should be disposed of positivel.. Moreover, a proviso should be made that if there is any bons fide delay, there should be a case of provisional pension. If it takes more time, there should be some provision whereby provisional pension can be paid.

Sir, last but not the least, the Government should also see 'p an Advisory Committee of pensioners and that should consist of at least 11 persons-some of the pensioners, some persons of the Finance Department and some other persons who are quite eminent so fat as economics or commerce is concerned. So, my submission is that the Committee should advise the Overnment from time to time and the Government should revise the rate of pension after every 5 years since 1980 because in 1980 we had given an assurance by way of election manifesto to the pensioners and after that we are bringing this legislation. It should be obligatory on the Government that after every 5 years the pension matter should be reviewed and that review shoud be in the interest of the pensioners.

With these suggestic 3, I thank you.

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भी राखेझ कुनार चिंह (फिरांगवाद) : मान्वर, यो संसाधन सरकार द्वारा थेन किया गया है, यह एक बच्छा संसोधन है । इस के द्वारा सरकार ने जाहिर किया है कि वह उन लोगों को भी बाद कर रही है कि वह उन लोगों को भी बाद कर रही है कि वह उन लोगों को भी बाद कर रही है कि वह उन लोगों को भी बाद कर रही है कि वह उन लोगों को भी बाद कर रही है कि वह उन लोगों की सेवा की है । यद्यपि यो रकम वचती है वह बहुत कम है, फिर भी सरकार ने ऐसी स्वसंधा को है कि वह नामिनी को बिना किसी कठिनाई के मिल नके । लेकिन इस संखोधन में यह सो ठीक है कि कर्मचारी नॉमिनेट करोगा, परन्त् कि कर्मचारी नॉमिनेट करोगा, परन्त् कि का नामिनेट किया दाएना, उन्न के मरने के बाद कॉन उन्न का नामिनी होगा, इसका प्रावधान साफ झब्दों में होना चाहिए कि वह कॉन व्यक्ति हो सकता है जिस को

नामजद किया जा सकता है। अब इ.स के साथ-साथ एक प्रस्न और उठता है । सव-सेवन सटींफिकेट लेने का बड़ा भगड़ा है तरै काफी दिनों तक वह चलता रहता है। हम ने यह दोबा है ळि अगर कोई मर गेया और उस का जो वारिश्व है, उस को कोर्टके और कचहरी के बहुत चक्कर लगाने पड़ते हैं और तब कहीं जा कर वह बारिख बनता है। उस में जो इतनी ज्यादा डिले होती है, उस के लिए सरकार को कोई रास्ता निकालना चाहिए, जिससे इस में ज्यादा दरेन लगे। जिन लोगों ने एक तम्बे समय तक सरकार की मंवा को है और उसा सेवा को बाद जो उन्हें कुछ मिलने वाला है भविष्य में बौर जिसंसे उन के भावी जीवन पर प्रभाव पड़ने वाला है, उस में डिले नहीं होनी चाहिए ।

जैसा माननीय सदस्यों ने कहा, एक प्रश्न तो यह है कि कुछ लोग जो फिक्स्ड डेंट है, उस के पहले ही रिटायर हो जाते है, तो उन के लिए जो पेंझन का प्रावधान है, उस में कुछ फर्क है और जो एक निश्चित तारीच के बाद रिटायर होते ह, उन के लिए दूसरा प्रावधान है। ये बातें नहीं होनी चाहिएं क्योंकि ऐसा देखने में आया है कि कुछ लोग निश्चित तारीच के बाद अपने को रिटायर कराने का प्रयास करते है, जिस से उन को कुछ सूविधाए उप-लब्ध हो बाएं। इन दोनों में जो फर्क है, वह समाप्त किया जाना चाहिए।

इस के बन्दर एक बात जौर है । यह नोकतंत्र का जमाना है और कहीं-कहीं स्ट्राइक भी हो जाती है । जब जिस ने सारे जीवन सरकार की सेवा की है, जब रिटायर होने का समग जाया, एक दिन के तिए वह उस स्ट्राइक में शामिल हो गया जौर वह स्ट्राइक इल्लौगल है, तो इस का बसर उस की पेंसन पर पड़ता है । तो मेरा कहना यह है कि जो यह क्लाज 28 की सब-क्लाज 1 है, इस में भी संशोधन होना चाहिए और पार्टी सिपेसन इन स्ट्राइक जो है यदि वह लीगल स्ट्राइक है या इल्ली-गल स्ट्राइक है, उस को भी साफ कर देना चाहिए । लीगल स्ट्राइक में भी जगर वह पार्टी सिपेंट करता है, तो वह विक्टो मटाइज

# [श्री राकेश कुमार सिंह]

हो जाता है। इस तरह की कोई बात नही होनी चाहिए और इस बिल के माध्यम सं थोड़ा सा संशोधन किया जाए और कोई मौडीफिकेशन लाया जाए । पेंकन देने का जो एक मोटिव है, सरकार का इरावा है और जिन्होंने यह कानून बनाया है, उन का इरादा भी यही है कि जो लोग ईमान-दारी संदेश की या सरकार की सेवा करते है, भविष्य में उन को कोई तकलीफ न हो, जब उन की ब्जुमीं का वक्त आएगा 🛛 और जब वे रिटागर हॉगे, तो उन्हें एक आत्रयामन है कि एक निश्चित निधि उन्हें रिटायर होने के बाद प्राप्त होगी और उमे प्राप्त करने के बाद वे अपना जीवन गला सकांगे और जिन्दा रह सकांगे । अगर यही मोटिव है, तो उन कर्मचारियों के दिमाग में यह बात नहीं होनी चाहिए कि मरे साथ एक डिस्क्रिमिनेञन होगा । जगर वह यह सोचता है कि उस के साथ कोई डिस्किमिनेजन वाली बात होगी और एंसी स्थिति पैदा होगी जिससे उमे अपना भविष्य उज्जवल नहीं दिसाई देंगा तो वह गलत तरीके बन्नियार करता है जब वह सर्विस में रहता है। एंसा वह इ.स.लिए करता है क्योंकि वह मोबता है कि मेरो रिटायर होने के बाद एक बड़ी भयानक स्थिति उसके सामने आएगी । इ.स.िए इ.स. चीज को साफ कर देना चाहिए जिन से वह भयंकर स्थिति उस के सामने न आए । बभी हमारां एक दोस्त ने कुछ मंहगाई भते कौ बात कही और यह एक बहुत जायज बात है और इ.स. पर सरकार को विचार करना चाहिए । सान लीजिए, आज सँ दस साल पहले एक आदमी रिटायर हुआ था । उस दक्त आटे, घी, तेन के भाव क्या थे और जाज क्या है। आज उन में जमीन आसमान का वन्तर है। जन जिस को 50 रापयं पेंशन मिलती है, वह जिम जमानं में कौसे जिन्दा रह सकता है । आप उस का जीवित तो रखना चाहते है। पेंगन को अन्दर जो मंभा निहित है, उस को बगर पूरा करना है, तो मंहगाई भत्ते वाली बात पर सरकार को गंभीरता मे विचार करना चाहिए। इस में कोई इस तरह से माँडीफिकेंशन लाया जाए जिस से निक्चित रूप से यह साफ हो जाए कि जैसे-

जैसे महगाई बढेगी, इतने पीरियड के बाट उस पर पूनर्विचार होगा और उसी अनूपात में महंगाई भता दिया जाएगा । आप एक अनूप्रात बना दीजिए और उसे-उसे महगाई बढ़े, उसी जनूपात में महगाई भक्ता इतने बर्ष में दीजिए ।

कुछ ट्रिब्यूनल और समिति बगैरह को भी बात कही गई है और यह कहा गया है कि उस के द्वारा कार्यवाही हो, वह भी एक बच्छी बात है। सही माइने में समाज-वादी सरकार का एक जाक्वासन कर्मचारियों के लिए होता है कि जो कर्मचारी काम कर रह है, उन को एक निश्चित बवधि के दाद पोचन मिलेगी और जो समाजवादी मरकार होती है, वह उम बाक्ष्यासन में बंधी होती है।

मुफ्ते एक बात कौर डिलेको बारे में कहनी है। इस मामले में बड़ा हरिममें ट लोगों को पेकन लेने में होता है । आप एक निक्षित अवधि कर दीजिए कि इतने समय में उन को पेंझन मिल जाएगी और उस में उन को पंचन मिल जानी बाहिए । में सेन्ट्रन गतर्नमेंट एम्पलाइंग के **बार** में तों बता नहीं पाऊरंगा। लेकिन मुफ्तें मालम है कि कलक्टरैंट में और कबहरियाँ में जहां से बहां के कर्मधारियों को पेजन मिनती है, दिन भर नोंग नडे रहते हैं और एक तमात्रा सा बना रहना है और उन वेचारा को इ.भर-उ.भर भगाया जाता है। इ.स.-लिए एक ऐसा नियम बना दोना बाहिए कि इतने समय में उन को पेजन मिल आएगी और किमी की जिम्मेदारी यह देनने की होंनी बाहिए कि जिसे में जितने पेंचनस है, उन को ठीक से, समय पर पौंचन मिल रही है या नहीं । उस को लिए किसी वधिकारी की नियक्ति संपरबीबन के लिए होनी माहिए, जो कि इन सोनों के इन्ट्रेस्ट को देन मके ।

बस मुफ्तं इतनाही निवंदन करनाहै।

भी चन्द्रपाल झैलानी (हाभरस) : मान-नीय उपाध्यक्ष महादेय, मैं इस पौंधन संतोधन विभेयक का समर्थन करने के लिए बड़ा हूना हूं । श्रीमन् हमारे दल में पेंचन पाने बाले लोगों की कई कटेंगरीब है। हमारे जो सरकारी कर्मचारी रिटायर हो जाते हैं उनकी पेंचन की व्यवस्था के संबंध में हमारे बहुत से साथियों ने काफी विस्तार सं यिचार व्यक्त किए है।

में यहां पर यह कहना आवश्यक समफता हूं कि मई 1981 में इसी सदन में राननीय गृह राज्य मंत्री श्री वंक्टसुब्बय्धा साहब नं एंसा आश्वासन दिया था कि सरकार श्रीष् ही एंसे कानून बना रही है जिनसे संबा निवृत होने वाले कर्मचारियों को पंजन, भविष्य निधि और क्रेच्यूटी आदि के भगतान करने में बहुत आमानी हो दाएगी । मैं समफता हो कि यह बिल इस दिक्का में बहुत प्रभावी और कारगर सिद्ध होना ।

थीमन, समय समय पर सेवा निवृत होने बाले मरकारी कर्मबारिफों की पेंचन और जन्म सुविधाओं में हमारी सरक।र वदिभ करनी रही है। यहां पर मैं विक्रोग तौर पर इस दंझ को स्तनंत्रता सम्राभ के मैनानियाँ की पंक्षन की तरफ ध्यान आकर्षित करूना । आप अच्छों तरह सं जानते हैं कि इस देश में यदि हमारे म्बतंत्रता संनानी जपनी जान न्यौछावर न किए होते, आ जादी की लड़ाई ने लड़ो होते तो ज्या बाज यह पार्लियामें ट होती, क्या हम लांग बहां पर होते ? जिस समय दंख की आजादी की नडाई जन रही थी, उन्म समय जिन लोगों नं अपनी जानें कुर्बान की, अपनी जवानी को जेलों में यिताया, इन्टिं तरह की यातना और जुल्म महे, उस ममय उनका यह लक्ष्य दिल्कुल नहीं था कि हिन्दुस्तान आजाद होगा और उनको पॅशन झिलेगी या कोई गौर पद मिलंगा । उस समय वे सिर्फ दंश के प्रति वफाद। र थे, दंश के लिए दीवाने थे, दोश की स्थतंत्रता के लिए अपनी जान की राजी लगा रहे थे । यह है उन स्वतंत्रता मेनानियाँ की कहानी ।

बाब धरौः छनैः हमारे देख में स्वतंत्रता मेनानियां की संख्या दिन-प्रति-दिन कम होती चली जा रही है । यहां पर मैं यह कहना जाव ध्यक समभगूंगा कि हिन्दुस्तान के आबाद होने के बाद हमारे देख के कर्णधारों ने यह ठीक ही समभा कि जिन लोगों ने अपनी जिन्धीयां जेलों में बितायी है, उन स्वतंत्रता सेनानियों को जो कि अपना जीवन कथ्ट में व्यतीत कर रहे हैं, पेइन देने की व्यवस्था की जाए और इस प्रकार उनको पेंझन देना झुरू कर दिया गया ।

श्रीमन् जब मैं छोटा था तो मूफे याद है कि बहुत से स्वतंत्रता संनानियों को 30 – •32 रुपए गहीना पेंचन मिलती थी । हमारी नेता श्रीमती इन्दिरा गांधी, जिनका कि मैं शुक्रगुजार हूं, ने स्वतंत्रता सेना-नियों का समय-समय पर सम्मान किया और उनकी पेंचन में वृद्धि की जिससे उनकी पेंचन तीन माँ, चार साँ और पांच कौ रुपय तक हा गईं । अब चूकि स्व-तंत्रता सेनानियों की संख्या कम हो गईं है और दिन-प्रति-दिन बढ़ती मंहगाई और बार्थिक कठिनाइयों को देखते हुए यह बावश्यक है कि उनकी पेंचनों में और बृद्धि की आए ।

,गिमान जब स्वतंत्रता सेनानियों की बात आती है तो मैं सरकार की भूरि भूरि प्रजमा किए बिना नहीं रह सकता । आज तीस करोड़ रुपए सालाना स्वतंत्रता संनानियाँ को पेंझन के रूप में वितरित किए जा रहंहैं । कुछ एंसे मामले भी सामने आए हैं जिनमें कुछ लोगों ने फर्जी प्रमाण-पत्र प्राप्त कर पेंजन प्राप्त कर ली है। इस संबंध में मेरा सरकार से अनुराध है कि ब्सका सर्वे कराए और जो जाली प्रमाणपत्र प्राप्त कर पंजन पा रहं ह<sup>4</sup> उनकी पेंशन को बंद किया आए । रोसे लोग स्वतंत्रता संनानियों के नाम पर कलंक हैं वॉर उनके चिलाफ कार्यवाही होनी चाहिए । जो वास्तव में जेन्यून स्वतंत्रता मेमानी हैं उनको ही पेंकन मिलनी चाहिए। बहुत से एंसे भी जेन्यून स्वतंत्रता सेनानी है जो किसी प्रकार से जपने जेल-जीवन का प्रमाणपत्र प्राप्त नहीं कर पाए हैं। उन लोगों' की बहुत ही दयनीय अवस्था है, वे दयनीय जीवन व्यतीत कर रहे हैं। एंसे लोगों के बारे में भी जांच करा कर पंकान दी जानी चाहिए । जो सही मायनों में स्वतंत्रता सेनानी हूँ, े उन्हें तो पॅक्षन मिलनी ही चाहिए ।

1977 में हमारी पार्टी हार गई थी। और जनता सरकार उत्तर प्रदेश में बनी ।

## [श्री चन्द्र पाल झैलानी]

तब उत्तर प्रदेश में स्वतंत्रता सेनानियों की पैंशनें तक कम कर दी गई। कम ही नहीं की गई बल्कि बहुत से बो जैनुइन को सिस थे उनकी पॉसनॉं तक बन्द कर दी गई। उनको तरह तरह से तब हरिास किया गया । यही नहीं । देख की महान नेता, महान स्वतंत्रता सेनानी श्रीमती -इंबिरा गांभी 13 सितम्बर 1942 से से कर 13 गई। 1943 तक नैनी सँट्रस जेल में रहीं और उसके प्रमाणपत्र भी पेक्ष किए गए लेकिन उत्तर प्रदंश को तत्कालीन जनता सरकार ने उनको तामुपत्र तक देने से इन्कार कर दिया। इसकी मैं भर्त्सना करना हूं, निन्दा करता हूं। एक व्यक्ति जिन ने दंश के लिए अपना जोवन जेल में विताया, केवल राजनीतिक द्वौष के कारण, बदला लेने को गर्ज से उसका तामुगत नहीं देना बहुत गलत है। यही नहीं । करोब साढं छः हजार ताम-पत्रों को शत्तर प्रदेश की जनता सरकार ने नष्ट भी कर दिया और पांच हजार प्रमाणपत्रों को जनादिया और पांच हजार दिया और स्वतंत्रता सेनानियों का सम्मान नहीं किंगा। यह एमेरी बात है जिस की तरफ सदन का ध्यान दिलाना बहुत जावञ्क ह<sup>1</sup>।

बहुत से राज्यों में वृद्धावस्था पौंकन कब प्राविजन है, अपंगों और महिलाओं को भी पेंभन देने का प्राविजन है। कुछ दिन पहले दिल्ली प्रज्ञामन ने बड बड़े माहित्यकारों, कलाकारों, आटिंस्टों के लिए जो धन के अभाव में कष्टमय जीवन व्यतीत कर रहे हैं, पेंझन देने का प्राविजन किया था । कुछ को पंचन मिन भी रही है। मैं समफता हूं कि जो लोग गरोबी को सीमा वें नीचे रह रहे है जिन के घरों में कोई कमाने वाला नहीं है, जो बृद्ध है, अपंग है. महिलाएं है, साहित्यकार है, अन्य कलाकार है, उनको भी जिन जिन राज्यों में पंचन दी जा रही है, वह दें शन उनको भारत सरकार की बोर में मिलनी वाहिए और इस संबंध में भारत सरकार को कानून बनाना चाहिए । उनको नाम मात्र के लिए ही पॉंशन मिल रही है। आज के गहुंगाई के जमाने में बालीस, पंचाम या माठ रज्यए महीना मिले ते उसमे

क्या गुजारा होता है। बुद्धावस्था एँसी ववस्था होती है कि तरह तरह के रोग बादमी को ग्रस लेते हैं। अब इतनी कम , पेंडन में रोटी कपड़ा जुटाए या इत्ताज कराए । इस पें अन की मात्रा में बुद्धि क जानी पाहिए ।

स्वतंत्रता सेनानियों की संस्था दिन-प्रति-दिन कम होती जा रही है। इस बास्ते जैसा मैंने कहा उनकी पेंशने की धनराशि में बदिश की जानी पाहिए । उनको और भी जो सह लियतों दी जा सकती है दी जानी महिएं। जब तक भारत बाजाद रहेगा, जब तक हिन्दुस्तान कायम है, इन स्व-तंत्रता मेनानियाँ की कुर्बानियाँ को लोग भून नहीं मकते हैं। <sup>क</sup>इन्होंने नहाँ बहाया है, यातनाएं सही है। इन सब को देश कभी भूला नहीं मकेगा । जो स्वतंत्रता मेनानी शेष बचे है उनको बधिक से बधिक सुविधाए दी जाएँ, उनकी पेंछन को राजि में वदिभ को बाए, यही मेरा जाप से निवेदन ਨੈ ।

MR. DEPUTY SPEAKER: He spoke so much about the freedom fighters. You are also interested. Follow on.

भी रामायतार जास्त्री (पटना): बमल में स्वतंत्रता संनानियों की बात तो मुफे कहनी चाहिए थी लेकिन में नहीं कहांगा ।

इ.स.पॉंशन संशोधन विधेयक का मैं समर्थन करताहू<u>े</u> । लेकिन इतना ही पेंजन अधिनियम में संझाधन करना गर्याप्त नहीं हैं। पैंशनः अधिनियम 1971 में बड़े पैमाने पर संझोधन करने की बावच्यकता को मैं महसूस करताहूं जिसकी तरफ हमारे कई माध्यों ने सरकार का भ्यान दिलाया । अभी सिर्फ इतना ही है कि अगर पॉकनयाफ्ता व्यक्ति की मृत्यु हो जाती है तो वह नुमाइन्दा किमी को कर दे ताकि उसकी जां पेचन की राघि है या और मिलने वाली रामि है उसका भगतान उस नॉमिनी को मिल गाय । इतनाही इन्होंने रेखा है । तो जच्छी बात है। जभी तक ऐसा नहीं था। वह सक्संबन सटिफिकोट के चक्कर में काफी परोकान रहता था। और जितनी पॅकन मिलती भी उनसे कई। गना उस पेंकन पाने बाले को खर्च करना पढ़ता था

और परेखानी अलग थी । तो उससे मुक्ति मिल गई। लेकिन परेपेंबन कानून में परिवर्तन करना चाहिये ताकि बाज की जो सामाजिक और बार्थिक स्थिति है उसके बनुरूप पॅन्ननभारियाँ को, जिन्होने अपनी जवानी के अच्छे दिनों की सरकारों सेवाबों, बानी जनता की संवाजों में व्यतीत कर दिया उनके साथ बाँर ज्यादा सहृदयता के साथ व्यवहार किया जाना चाहिए बौर उनकी पंचन की राशि में बख़ोतरी तो निदिचित ही की जानी चाहिये। मैं यादव जी का समर्थन करता हूं। अपर किसी को 1,000 रु0 तनस्वाह मिलती है तो कम से कम बाथी पेंछन उसको अरूर मिलं। इसी तरह रोनवें के को रिटायर्ड कर्मचारी है, पी0 एंड टी0 के कर्मबारी है वह बरा-बर हमारे पास जापन भेवते रहते है जिसकी थर्वा समर ब्रुखर्जी ने की । मेरे पास मदास के पॅचन होल्डेंस असोसियंचन, कलकत्ता और पटना में दानापुर रोलवे हैंडक्वार्टंस के लोगों से, इस्टिन रालवे पंछनर्स असोसियंछन की बोर से ज्ञापन बाते रहते हैं जिसके जरिये वह कहते हैं कि पोंधनर्स की तरफ सरकार का ठीक संध्यान नहीं जाता । कुछ करनाहै इ.सलिए कर दिया जाता है। इ.सलिए उनकी पेचन में बख़ोतरी की जाय, साथ साथ उनको महंगाई भक्ता जरूर देना माहियं और बुढ़ापें में इताज की व्यवस्था की जानी बाहिये और उनके रहने की बयबस्था की जानी चाहिये, वानी मकान भत्ता भी मिलना चाहिये । जगर यह तीन बातें कर द तो उनकी हालत में सुधार हो सकता है। बौर किसी भी प्रकार का भेदभाव नहीं होना बाहिये बाहे किसी ने 1979 के पहले या बाद में बबकाश्व ग्रहण किया हो, उसमे कोई भेद नहीं करना बाहिए । कोई अस्टी-**फिको क्षन नहीं है डि**स्किभिनेक्षन का । अगर कांई जस्टीफिको कन है तो बताइये । हम लोग जब बिस मंत्री को उन ज्ञापनों को भेजते हैं तो बह कहते हैं कि वे कमीकन ने यह कहा है। तो पे कमीकन कोई लक्ष्मण रेखा तो नहीं है कि उसके बाथे हम नहीं जा सकते । उपाध्यक्ष जी, बाप लक्ष्मण जी हैं जाप बताइ ये क्या पे कमीचन की सिफारिच के आगे जाना गुनाह होगा ? लोकन यह बहाना बना कर के भ'बन्स को तंग किया जाता है। इसलिये

कोई भेदभाव पेंचनर्समें नहीं रखना बाहिये ।

माननीय राजेश जी ने ठीक ही कहा कि किसी कर्मचारी ने हड़ताल कर दी या रोजिंगने का दे दिया किसी वजह से तो वह कन्डोन नहीं होता है पेंशन जोड़ने में । उ सको भी कन्डांन करना चाहिये क्योंकि हड़ताल करना संवैधानिक अधिकार है। उसके लिये दंडित नहीं किया जाना चाहिये बार तरह तरह के दंड दंते हैं, लेकिन पॅश्वन में कोई फर्क नहीं पड़ना चाहिए। बौर पेंचन एक्ट का निवरेनाइज कोजिये। इसको जितना ज्यादा लिबरंलाइज कर सकों, उतनाठीक होगा। यह ठीक कहा गया है कि पेंेेेेेे कि में 3, 3 और 6, 6 महीने और कभी-कभी तो एक साल बीत जाता है, पेशनर दौड़ते दौड़ते तबाह हां जाता है। फौरन पंशन मिलने की व्यवस्था होनी चाहिये । कर्मचारी के रिटायर ह्येने पर महीने, दो महीने में पंचन की रामि उसे मिल जानी चाहियं ।

अभी आपने संसद-सद स्यों के लिये नामिनी के फार्म भेजे हैं, वही बात आप इनके लिये भी कर रहे हैं।

भी मूलपन्द डॉंगाः आपने किस को नामिनी किया है?

भी रामादतार झास्त्री : मंगी पत्नी को और उसके बाद मेरी बेटी को । मेरा परि-वार तो सबसे छाटा है, इससे बादर्झ परि-वार हो नहों सकता । बापको तो पता नहीं कितने है, मेरा परिवार तो तीन का है, भौथे का नहों ।

**एक मातनीय तदस्य**ः एक ताम्पत्र और मिलना चाहिए ।

भी रामावतार झास्त्रीः तामपत भी मिलना वाहिय, पंचन भी मिलनी चाहिये। फौमनी पैंझन को बात मैं बता दूं स्वतंत्रता सेनानियों को फौमिली पैंझन दने में बड़ी वासानी है । फर्ज कीजिए मैं स्व-तंत्रता सेनानी हूं, मेरी मृत्य हो गई, तो मेरी मृत्यु का सिर्फ डैभ सीटिफिकेट और पत्नी का एफिडोविट, यही दो चीजें देनी हॉगी। यह देने के बाद महिलाओं को पैंछन मिल जाती है । यह स्वतंत्रता सेनानी पैंछन [श्री रामावतार बास्त्री]

नियमां में लिखा हुआ है। यह सही है और एसाही होना चाहिए। एफीडॉबिट इसलिए चाहिए कि नीयल पत्नी है या नहीं।

यह मैं अनुभव की बात बता रहा, हू, इसमें कही भी गोलमान नही हो रहा है और सासकर स्वतंत्रता मंनानियों में नहीं हो रहा है। कहीं कही कोई-कोई स्वतंत्रता में जाती 3 वीवियां तैयार हां जाती है, वहीं दियकत हो जाती है। अफसांस और शमंकी बात यह है कि कोई - कोई जपनी लड़की को भी थोबी बनालेता है। एमी वात भी हुई है और ये वही लोग है, जो सचमूच में स्वतंत्रता सेनानी नही है, जाली लोग हैं। स्वतंत्रता सेनानी इ.स. तरह का क.-कार्भ और गलन बान नहीं कर सकते । इ.स.-लिए ज्यादा में ज्यादा इन्तकों सहात्मियत र्वीच्ये और मरकार को पं कमीकन को घंगबन्दां में निकलकर महानुभूतिपूर्वक तमाम भूतपूर्व सरकारी कर्मचारियों के लिए एक माइल कोन्न बेरूर बनाना चाहिए ।

13.53 hrs.

(SHRI CHINTAMANI PANIGRAHI *in the* Chair.)

एक जादर्श कानून बने नाकि उस के अन्तर्गत राज्य सरकारं भी कानन बना सकें। मंरा इस विधंयक का गमर्थन करते हुए यही निवंदन है कि इसको आदा में आदा तिबरांलाइज कर के अधिक मं अधिक महालियतों दींजिये । पॅंशनर्ममं किमीभी प्रकार का भेदभाव करना, उनमें फुट पैदा करना, एक दूसरों के प्रति इंच्या का भग्रव भरता, यह जनता तिक व्यवस्था, उसके म्यास्थ्य आरे उसकी अच्छाई के लिये कदापि उचित नहीं। कहा जा सकता । मंहरगई मब के लिये वराबर है, बाजार सब के लिये एक समान है, आवश्यकता मन के लिए है, इ.मलिये उनकी न्यूनतम आवश्यकताए पुरी हां सकें, इ.सके लिये आपको पंजन की व्यवस्था करनी होगी ।

श्री धौरानी जी अब भाने गये हैं, उन्होंने एक फिगर यहां रसी, में उसे

दुरूस्त कर दूं। उन्होंने इस बिल से अलग जाकर स्वतंत्रता संनानियों के बारे में बात कही, जो मुभ्ठे कहनी भाहियेथी। फरार स्वतंत्रता मेनानी मांजना एक चल रही है जिसमें 1-8-80 से 31-4-82 तक कई लास दरस्वास्तें आ गई है, मुझ्किल से उसमें हजार, दों हजार दर-न्यास्ते सही होंगी। ज्याबातर जानी है। उनकी ठीक संजाच-पड़ताल कारने की व्यवस्था सरकार को करनी बाहियं। बहां तक छः महीने तक जेल में रहने वाले स्वतंत्रता-संगानियों का सम्बंध है, उन्हें 1979-80 में 23 करोड़ रापर, 1980-81 में 32 करोड़ रज्पए और 1981-82 मं 33 करांड रुपये की 'राजि मिली। उनमं भी कुछ गलत लॉग हैं, लेकिन ज्यादातर लोग सही है। यह जान-कारी श्री विजय कुमार यादव के प्रध्न को उल्तर में 21 बप्रेन, 1982 को दी गई है।

जनता पार्टी के कुछ सदम्य यहा पर मौजूद हैं। शायद जनता पार्टी न स्वतवता-मनानियों की पंचना को बन्द करने का बीडा उठा लिया था । उनका नारा था कि यें पोंधने बन्द कर्या। मनत नोगों को लिए बन्द कारां, वह तो ठीक है और मैं उस नारंका समर्थन करता हू---आज भी करता हु जोर उस समय भी करता था। लेकिन उन दक्त मही लोगों की पंन्शन भी बन्द कर दी गई। जाज जनता पार्टी के लांग विरांभी दल में जा गए हैं। जाज वे कहते हैं कि पेन्सन मिलनी बाहिए । दल का सिद्धान एक होना बाहिए। उस समय उनको नौति गलत थी । स्वतंत्रता-संनानियों को पंन्यन दंनी बाहिए और मन्त्र लोगों का पता लगाना बाहिए। लंकिन सारो लॉग गलत हैं, यह कह कर सब की पंन्झन को ममाप्त कर दिया जाए, यह किमी मर-कार के लिए उचित नहीं है।

में इस संघोधन का स्वागत करता हू, लॉकन सरकार का सरकारो रिटायर्ड कर्म-चारियों पर ज्यादा से ज्यादा भ्यान दोना चाहिए। यह नहीं होना चाहिए कि केदल स्वतंत्रता-सेनानियों की तरफ उसका भ्यान बाए, क्योंकि उन्होंने बाबादी के लिए कर्बानिया की थी। जिन लोगों ने सरकारी नौकरी करने में पूरी जिन्दगी बिता दी, जिनमें हमारे सदन के वधिकारी बौर कर्भवारी भी है, जा रोज रिटायर हो रहे है, सरकार को उनकी तरफ भी ध्यान देना बाहिए । सरकार को इस बारे में एक बहुत बढ़िया कानून दनाना थाहिए, ताकि ये लोग महसूस करों कि हम सबमुब एक जनतात्रिक ब्यदस्था में रह रहे है और हमारी समस्याओं की तरफ सरकार का ध्यान है।

भी भूलजन्द डागा (पाली) : सभापति महो-दय, फोडरोझन आफ पंन्झनर्ज एसोसिये-झन्ज, मदास के जर्नल ''पंन्झनर्ज एडवोकेट'' मॅलिमा ही :---

"We are yet to receive justice. The plaintive cry of the frail pensioners, will it be heard in the citadel of the Parliament?

झान्ती जी ने बातें कही है, वे उन्हें कहते कहते थक जाएगे, और शायद थक भी गए हैं। श्री परालंकर ने भी इस बारो में बहुत सी बातें कही है। में समध्यता हु कि 112 वर्ष पुराले इस एकट को बत्म कर दोना चाहिए, जला दोना बाहिए। यह एकट कोर्ट में टिक नहीं मकता, क्योंकि इसके प्रावधान सविधान के प्रतिदाल है। सरकार इस लाघ दबे क्यों को रही है? जीटिकिन 13 में कहा गया है -

Article 13 of the Constitution:

"All laws in force in the territory of India, immediately before the commencement of the Constitution, in so far as they are inconsistent with the provisions of this Part shall, to the extent of such inconsistency, be void."

मरकार बिस एक्ट को चला रही है, उसके मताबिक कोर्ट बार्डर तो दे संकता है, लेकिन उसे एनफार्म नहीं किया जा सकता, वह कारिनजें म ले मकता है, लेकिन डिका नहीं दे मकता । इस एक्ट के चिलाफ कोई कोर्ट में नहीं जा मकता, हालांकि बार्टिकल 14 कहता है :-- Article 14 of the Constitution:

"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

समभुमें नहीं आता कि गदर्नमेंट कुछ मोचती भी है या नहीं। आज वह 112 साल पुराने एक्ट में एक लाइन को एमेंड करने के लिए आई है।

14.00 hrs.

वह अमंड करने के दाद हम चार, पांच या तीन घंटो डिस्काशन करते हैं। डिस्काशन के बाद होता हैं? इसी सदन में डिस्-काशन हुआ और जैमा आप ने किया था, प्राइम मिनिस्टर ने एश्यॉर्स दिया जिस में उस स्मय जो डिस्काशन हुआ था गाडगिन साहय ने जो प्राइवेट मेम्बर्स दिन पंश किया था उस के सम्बन्ध में कहा कि:--

"Mr. Suraj Bhan has raised the point of commuting pension. He has said that a person who lives longer is at a loss under the present scheme. Restoration of a part of the pension commuted after a specified time is one of the points which the Prime Minister has suggested. Government is actively considering that aspect of the matter."

यह कब होगा ? 13 महीने तो हो गए । किसी चीज का करिंडरोशन किंतने दिन तक करते हैं ? 13 महोने के बाद भी कोई कोस-डरंघर नहीं हुआ तो कभी-कभी हम लोग सांचतं है कि हम लोग जो इतनी कसरत करते हैं और इतना जो गला फाड़ते हैं, उत्त्वी जादाज में बांसते हैं इस सारे का कोई जगर भी होता है गवर्नमेंट पर या नहीं या कभी-कभी संकोट सिएट भी कुछ माचता है या नहीं ? एक रूत्स मेकिंग को भी पाबर दंदो । मैं उस कमंटी का, मबार्डिनेट लेजि-लेखन कमेटी का चेयरभैन हूं, मैं समभाता हुं कि यह उन्होंने दुसरा गुनाह किया। 1955 में उस ने लिसा था कि आप फौरन से फौरन इस को अपने एक्ट में इन्कल \* कर दीजिए और आप बब यह कर रहे हैं 30 माल के बाद गा पचास माल के बाद ।

# [श्री मूलचन्द डागा]

कमेटी बान सवार्डिनेट लेजिस्लेशन जो रेक-मेंड करती है उस की रेकमेंड छेव का कोई लाभ नहीं । कानून बनाना तो बलग रहा, जो कमेटी रेकमेंड करती है वह भी बाप नहीं करते है । प्राइम मिनिस्टर ने कहा, उजेसचन दिया कि इन की हालत पर सोचना चाहिए और इतने साल के बाद बब आप कह रहे है कि एंक्टिव कॉसिडरेशन में है । तां यह क्यों आप सब्ज बाग दिचा रहे है ? बाखिर मिनिस्टर बोलते है तो यह सोचने के बाद बोलते है कि क्या बाल रहा है ? मेरा यह कहना है कि इस एक्ट को ते जा कर कहीं बत्म कर दीजिए या इस को पानी में डाल दीजिए । यह कानून को बिलाफ है, संविधाय के बिलाफ है ।

एक माननीय सबस्य : एकटभी कानून के सिलाफ होता है ?

भी भू**लवन्द डागाः** आप जरा इ.से.पद कर तांदी सए ।

दूसरी बात में यह कह रहा था। के पेंचनर्म की जो बाद हानत है बार यो बाज मंहगाई बढ़ रही है उस महंगाई की हालत में बह उस से वपना गुजारा कर सकते हैं या नहीं ? उन को जिन्दा रहना है या केवन घास फूम को तरह वह जीवे रहे, यह आप भाहते हैं ? बाज वह कौसे बपना निर्वाह इ.स. से कर सकते हैं? यह छोटी सी बात बार-बार कही जाती है, इस सदन में डिस्कजन हाँ चुका है। जाप ने एक अमें डमेंट किया और अमेंडमेंट के बंदर भी रूल बनावे की बात कह दी। जब यह रूल कम बन जायगा? यह कमंड मेंट तो हो गया और पावर डेलीनेट कर दी । मैं कहता हूं कि अब बाप एकट बनाए उस के साथ ही रूल बन जाने वाहिए । मालूम तो हो कि बाप कैसे इम्पलीमें ध करमे ? यह कई बार इस सदन में चर्चा हो चुकी है कि मेहरवानी कर के एक्ट के साथ ही उस के रूल्स बन जाने वाहिए ताकि मालूमु हो बाए कि सरकार की नीति, उस कौ इच्छा क्या है । इन रूस्य नो वनते हुए 6 महीने लगेंगे और एक ताल में वह लागू होगा वा भगवान वानें कव लागू होगा। छोटा ता एक्ट और उस में जाप लिब ते है कि इट विल वी डेलीगेटेंड । सरकार ने यह काम इस के बंदर किवा है । इस-लिए जाप एक्यांर्स दंतां ऐसा दंकि इम इस ऐक्ट को जत्म कर देवे और नया एक्ट उस की जनह लाइए जो पेडनर्स के हित ने हो । बाकी जो लोगों ने कह दिया उस को मैं रिपीट नहीं करना चाहता ।

भी धर्मपत काम्भप (बांबला) : मान-नीय सभापति जी, पंचन सं सराकार रखने वाला यह जो दिल है इसका क्षेत्र वहुत ही विकसित होना चाहिए । पंचन, प्राविडन्ट कड, रिटार्वमन्ट के बाद कर्मचारियों के लिए वावास की सुविधा, मेडिकन फौटिलिटीव तथा उनके बज्यों के लिए कोई राजमार या नौकरी - इन सारी चीजों को सेकर एक ही एंक्ट बनाया जाना चाहिए क्योंकि अभी बलग बसम एंक्ट्स बने हुए हैं उन सं वही दिक्कत होती है, उनका इप्लीमेन्ट-बन करने में बौर रिनीफ देने में ।

बहां तक रिटार्यमेंट की बात है, में हमंबाही इ.स. बात का हामी उहा हू कि दंच में चुकि वेर्यवगरी है इसलिए पुराने लांगों को जन्दी जाना चाहिए बौर नये लोगों को नवसर जिनने पाहिए । बहा पर बनर रिटार्यमैन्ट को एंच 52 या 53 साल कर दी नाए तो नहुत जच्छा रहुगा, वेरांचनार पीडी को कुछ काम मिल सकेगा। लेकिन रिटायर होने वाने कर्मचारी तभी इ.च वात को स्वीकार करने विवकि उनको वेचन तथा जन्म सुविधाए सुविधाजनक हो बायेंगी। पेंचन ले लेने के बाद भी उनमें यह बहसास नहीं जाना चाहिए कि वे काम से बसन हो रहे हैं या काम करने के तायक नहीं रह ग्ए हैं। बाद में भी वदि वे कोई रोव-नार करना चाहरो हैं वा कोई छोटा कार-बाना थोलना पाहते हैं वा कोई परंतु थंशा थलाना महत्ते हैं तो बासके लिए विक्येय म्यनस्था की जानी पाहिए ।

रिटायर होने के बाद पेंचन लेने के लिए यो उन्हें हर महीने भागना पड़ता है इनकों भी बन्द किया चाना चाहिए । यदि उनकों वर वर ही हर महीने चैक चला जाए या मनी-बार्डर पहुंच जाए बौर इस प्रकार उनकी पेंचन को भुगतान की व्यवस्था हो चाए तो बहुत अच्छा रहेया । इसको लिए आपको मौजूदा प्रकिया और प्रोमीजर को बदलना होवा । बाज का प्रोसीजर बड़ा कप्टदायक है।

इसके बलावा आज रिटायर होने के बाद, जैसा कि घास्त्री जी तथा जन्य सदस्यों ने बताबा है, उनको बहुत परेखानी होती है, कई महीने तक वे भागते हैं, कई बार तो साल भी लग जाता है, फिर भी उनकी पेंछन तय नहीं हो पाती है। जाज भी हजारों मामले एंसे पड़े है जो निपट नहीं बाए है। इन मामलों का निपटारा तुरन्त किया जाना बाहिए।

इसके साथ-साथ पेंकन में जितनी बधिक सुविधा दौने उतनी ही कमी भुष्टावार में बाबेनी । जब किसी कर्मवारी को अपना भविष्य बंधकारमय दिखाई देता है बौर बह सोकता है कि उसका घर कोसे कलेगा तब भुष्टावार भी बढता है । यदि पॉछन के ब्वारा उसे उचित मात्रा में धन उपलब्ध स्रोबे की सुविधा रहोगी तो भुष्टावार में भी कमी बाएनी बौर उसमें एक विश्वास भी बागेगा ।

बन्त में मेरा आपसे यही बन्रांभ है कि बाप पोचन के मामलं को सरल से सरल बना दीविए ताकि कोई दिककत सामने न बाए। साथ ही बदि कोई कर्मचारी वपने सर्विस काल में बहुत अच्छा काम कर तो उसे कुछ पुरस्कार दने की व्यवस्था भी होंगी पाहिए । सर्विस करने के बाद पेंचन पाने का अधिकार तो उसका है ही लोकिन यदि किसी ने बहुत अच्छा काम किना है, उसको कांडक्ट बहुत वच्छा रहा है तो उसको कुछ पुरस्कार दोने की व्यवस्था भी होनी भाहिए। इन सब्दों के साथ ही में इस बिल का समर्थन करता हूं और मंत्री बी से बनूरोध करता हूं कि वे एक व्यापक बिल इ.स. सम्बन्ध में यहां पर लायें साकि पोंचनर्स को सुविधा मिल सके।

SHRI N. K. SHEJWALKAR (Gwalior): Thank you for giving me some time.

Actually I want to bring out a few points in this connection. As already expressed by quite a few hon. Members, the scope of the Bill is very limited and it is just for the nomination of the person who will be entitled to get the amount. Here I would suggest to the hon. Members to consider one aspect. There is a little difference between nomination and assignment. Just I was discussing this matter with my learned friend. In a case before a High Court-it has not yet been decided-a point has been raised that there is a diffe ence between assignment and nomination. But, if nomination is made, then no doubt this amount can be withdrawn by that particular person but one does not get any right to that amount and real claimant can always sue for getting it. From this point of view, this aspect may be examined.

Quite a few points have been raised and I do support most of them. Of course, I support very much that it is hightime that a full-fledged Pension Act, after considering various points raised here, is brought before the House. This Pension Act is the act of 1871 111 years have passed in between. Mr. Daga raised a few points. Under the Constitution, the poor pensioner cannot go to the High Court to fight out his case or even to the Supreme Court to enforce his rights under Art. 30 of the Constitution of India. It is true that this is a very old act and it has to be re-considered. There are several points that have been raised which, according to me, are not very much connected with this Act. For example, somebody raised a point in regard to the pension to freedom fighters and all that. I do not say anything about it. I remember-I come from Gwalior State, the old erstwhile princely State-fnat, in Gwalior there was a law under which, if a person or an employee retires, his retirement order will be given to him later on, the first thing is that his pension payment order will be handed over to him.

#### [Shri N. K. Shejwalkar]

Sir, I am submitting an important thing. The minister is not interested in hearing me.

What I was telling was that in Gwalior, if any person retired, his retirement order was given fater but, at the same time, the pension payment order was given to him immediately. In many cases, I know that for preparing the pension payment order, there are lots of difficulties in calculation of the pension payment, what are the dues and all that. I remember about the case of a person who died after retirement. After 10 years of death his leave was sanctioned and it was published in the Gazette. Thereafter, I do not know what happened to his pension and who claimed his pension and who got it. So, the first thing that should be done is that on the date of retirement-there was also a suggestion that interest should be paid to him but I am not in favour of that; by paying interest for non-payment, or interim pension will not help-if the proper purpose is to be served, the pension payment order should be delivered on the date of 'nfs retirement. Secondly, what is the purpose of pension. It is, after all a kind of social security for the retired person after serving so long. His family should not be thrown on the street. I cannot understand why there should be such discrimination as between different а cadres. For an employee of the higher cadre if you fix a ceiling I can understand it. He had been living in a different atmosphere and he had that status. Why not fix up the minimum pension to these prons, lower grade Class IV and Class III people, the karamcharis who did not get this at the time when they were in actual service.

It is not enough if you pay 1/3 or 2/3rd to him. For the Class IV and Class III employees minimum pension may be fixed and that should be such as would suffice for them to live. After all this is a matter of social security. Rs. 30 crores are being spent by Government on that. It does not matter for them to spend Rs. 10 more crores. So, the minimum pension to Class IV employees should be fixed. I shall give a few more points and then I shall wind up. Secondly, for inflation, you must take some provisions, some formula should be evolved and that formula should be part of the law so that every time the pensioners need not go and approach the Government for increase in their pension, according to rise in the cost of index number of something like that. There should be some formula worked out so that automatically the pensioners get the increased pension and are able to mert the rise in prices of the essential commoditions due to inflation.

Sir, on 30th April. 1981, that is, last year, when this Bill was under discussion now one full year has elapsed--a lot of promises had been given by the hon. Minister, There was the removal of Section 4 and other things. I would again draw the attention of the Government to consider those promises which they had given last year and execute them. Thank you.

भी रोतआल प्रसाद वर्मा (कांडरमा): सभा पति महादेव, मैं आप को भन्धवाद दंना चाहता हू कि आप ने मूफ़ो डम पर बोलने का गमय दिया है।

पोलन अभिनियम, 1871 का ही आपेर अग्रा । । । कर्षां के बाद फिर । 1982 में यह आया ही और इस में इन्होंने एक बहुत महत्वपूर्णव्यवधान, जंकर्मचारियाँ के पंकन लंगे में उपरिथत होताथा, को रुमाप्त किया <mark>है और यह बह</mark>त ही सराहनीय कार्य है जेकिन पंचन प्राप्त करने में कई और भी कठिनाइगा है और पंकन की सात्रा और जो दूसरी समस्यांग् ह पंकरभागियां की, उन पर मरकार ने बभी यिवार नहीं किया है। इस विश्वेयक में जो पोकन से सम्बरिधत जानपंगिक बहुत सी आवश्यकताए हैं, उन पर भी विचार करना चाहिए क्योंकि यह बधिनियम उस मध्य बना था जब यहां पर बब्बेज लोग थे और उस समय जावश्यक बम्तुजों के मुल्य इतने नहीं बढ़ रहे थे जितनं जाज वस्तुकों के मूल्य बहुत तेजी म बढ रह है। एसी परिस्थिति में कर्म-बारियाँ के जीने के लिए, उन के परिवार की सरका के लिए तथा उन्हें बाबान तथा मैडीकन फौसीनिटीज दोनें के लिए जो प्राय-भान मरकार को करने पाहिए थें, वे इस

मॅ गहीं हुए हैं। पेजनर्स एसोसियेधन जाफ इन्डिया पारों तरफ से सार सांसदों और सारे विधायकों को बराबर ज्ञापन भंजती रही है और उन की अपनी जो समस्याए है, उनके बार में सभी विधान बनाने वालं गोगों का ध्यान आकर्षित करती रही है। इस संदर्भ में सरकार ने एक वर्ष पहले, जैसा कई मित्रों ने कहा है, आ इ-कासन उन लोगों का दिए थे। यह एक अच्छी बात है कि सक्सी का मटीं फिकोट लेने के लिए कर्मचारियों को जो बहुत सी कठिनाइयों का सामना करना पड़ता था और बड़ा बड़ी न्याया-नयों के दरवाजं बटबटाने पड़ते थे, जिसमें उनका काफी पैसा कर्च होता था, उस कठि-नाई कां दूर किया है लेकिन साथ ही साथ में यह कहना बाहुंगा कि परिवार की मौमा के बारं में जां मरकार का कहना है ''हम बों धौर हमार' बो'', उस के बनुमार पैंधन के लिए जो नामजदानी लोगों की होती है, उनके लिए भी कम मंकम दांलोगों का नाथ रमना चाहिए और पहले के भरने के बाद दूसर को उ'तराधिकारी का हक जाना बाहिए । इसलिए दो नामिनी को जो मांग है, उसको मान लेना चाहिए और इस में कोई एंसी विश्वेष बात नहीं है, जिस सं इस का न माना जा सके।

लॉक प्रजामन संस्थान ने यह कहा है कि बढ़ते हुए मूल्यों को बन्सार, जिस तरह से कर्भचारियों को बाप महमाई भक्ता देते हैं, उसी तरह संपंचनर्म के लिए भी कुछ एसी व्यवस्था करनी बाहिए, जिस से उन का जीवन अच्छी तरह से चल सके क्योंकि ये वही कर्मचारी है जो काज करोडों की संस्था में मारे दंझ का प्रमामन चलातं हैं। चाह बौधे वर्ग का कर्मबारी हो या मचिव स्तर का शीरकारी हो, वो आस इस व्यवस्था को बहा पर चाल रखे है, कल वे सेदा मुक्त हॉग, तो उन्हें भी इन परि-स्थितियां से नुजरना पड़ना। एनी हालत भा जाज जो मुल्य बढ़ते हैं और उन का जो असर होता है, उस को तुलनात्मक दण्टिकोण से जगर देखा जाए, ताँ पंछन बहुत कम मिल्ती है। इस दिखा में मंत्री जी ने कोई प्राष्ट्रधान नहीं किया है।

यह ग से हमारे मित्रों ने भी इस की मांग की है और पोंकनभोगियों की तरफ में मंत्रिगों और सांसदों के पास बहुत से ज्ञापन भी आ रहे हैं, इ.स. पर भी सरकार को विचार कारना चाहिए और उग्तका प्रायधान कारना चाहिए ।

बहुत से मित्रों ने स्वतंत्रता सेनानियों की बात की । उन्हें भी पेंझन मिल रही हैं। नौकन बहुत से एसे लोग हैं जो राजनीतिक कारणों में अनुचित लाभ उठा रहे हैं। वं लोग एमे ही सटिफिकेट प्राप्त कर तते हैं और फिर उनके आधार पर पेंझन प्राप्त कर रहां हैं। इस से सरकार का बनात्स्यक खर्च बढ़ रहा है। मैं यह मानता हू कि जिनका पूर्ण अधिकार है, उनकों तो पेझन मिलनी चाहिए लेकिन एमे लोगों को नही फिलनी चाहिए ।

हमारं सरकारी कर्मचारी जो वैधानिक अधिकार मांगते हैं उनका वे अधिकार मांगना उचित है। इसी तरह से जो स्वतंत्रता मेनानी पेंझन पाने से वंचिन रह गए हैं उनको पेंझन दोने के वारों मों दो मत नहीं है।

मैं यह भी कहना चाहूंगा कि पोंझन पान में भी लोगों को बात तो अलग है, एक वैफोबर कमिश्तर लराबर दो साल तक लडते रहे, तीमरों वर्ष में जाकर उनको पंदान मिल सुकी । इसलिए पंदान कानूनों को सरल बनाया जाना चाहिए जियस कि पंदान पाने वालों को पाँझन प्राप्त करने में दोरी न हां । इसका भी इसमें प्रावधान होना बाहिए ।

SHRI T. R. SHAMANNA (Bangalore South): Mr Chairman, Sir, Some hon, friends have complimented the Government, but I am sorry, it would be difficult for me to give full compliments to the Government, because only a small portion of the benefits due to the pensioners has been taken care of, Something bigger, legitimately due to him, has not been given.

There is one drawback in this Bill: this Bill deals only with the relief that is given to the family members, but a

## (Shri T. R. Shamanna)

pensioner, who is hungry and is driven to difficulties in these hard days, has not been given the full benefits; it is all the more necessary particularly for those who retired long back. My grand father was a pensioner and he retired as Revenue Inspector. He took pension for 35 years, and the amount that he was getting as pension was Rs 10/- only. Even then it was easy for him to live at that time, because for one rupee you could get ten kgs, of rice, or 12 kgs, of wheat. But now, nearly the prices have gone up twenty times; the value of the rupee has fallen tremendously as compared to that time. Something will have to be done substantially to give relief to those pensioners who retired particularly long ago. Of course, the amount of the pension has been enhanced now, but that is not enough.

Yesterday, when the Bill was introduced, the hon. Minister mentioned that the system of nominations etc. was not perfect, and in order to facilitate matters, and to bring clarity, the proposed amendment has been brought forward. However, I find that this is not sufficient, and hence I have given notice of two amendments with a view to make it more comprehensive. My amendments are:

Page 1, ---

after line 21, insert-

"Provided that the pensioner shall have power to cancel the first nomination and nominate any other person," 38.

Page 2, —

after line 12, insert-

"Provided also that if the deceased pensioner has not made any nomination, all amounts due to him shall be given to his wife; if the husband has more than one wife the amounts shall be given to the first wife; if the wife is not alive the amount shall be given to the youngest daughter; in the absence of a daughter the amounts due shall be given to the eldest son. If the pensioner is a lady the amounts due to her shall be given to her unmarried daughter and in the absence of an unmarried daughter the amounts due shall be given to her youngest son."(4)

I find there are a number of cases where there is dispute between the first and the second wife as to who will receive the benefit due to the deceased, To avoid that it is generally said that the second wife will be favourite of the husband so that the first wife may be neglected. With this view if there ìs more than one wife, it has to be given to the first wife, and if there is the youngest daughter, who is not married, for her benefit pension should be given to her or if there is the youngest son he may be having education. So on this basis this amount has to be given. I think with the view to give greater clarity, it is necessary to add these amendments.

Furthermore in the case of; the pensioners it is better to give them full powers to change the nomination, if and when they feel to do so. In the olden days the sons used to take care of the old father and mother. Now a days the sons after their marriage set up separate family and the pensioner is not provided better care by his children.

Then the pensioners who have communted their pensions, some of them will have paid more than the amount commuted plus the interest. In such cases once the government has received the full amount with interest, the commutation may be cancelled and he should be given the full pension at a future date.

Therefore, I say a comprehensive bill should be brought forward and that these suggestions of mine should be considered in that.

I once again appeal that the pensioners who have retired earlier long back and who were getting losser salary, should be given some more benefit. In these hard days it is very difficult for them to sustain their families. Therefore, I just say my amendments are quite necessary and I request the Hon. Minister to accept my amendments.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NIHAR RANJAN LASKAR) : Sir, at the outset I must say I am thankful to all the Hon. Members who have participated in the debate of this Amending Bill. Sir, usually just one hour was allotted to such a very small amending bill, but as Members have shown interest, it has gone beyond the limit of one hour.

Anyway, Sir, one thing is there that all the Members who have participated have given their wholehearted support to the amending portion of the Bill. In the course of their participation they have given some valuable suggestions. Of course, most of them are common. I will come to them a little later. As this House knows while introducing this amending Bill yesterday, my colleague has already said that we are bringing forward this Bill mainly to provide for the nomination by pensioners so that any unpaid pensions dues at the time of the death of the pensioner the dues can be received by the nominees without anv difficulties. This will avoid the present difficulties where succession certificate etc. has to be produced by the families. So, this is proposed to be achieved by Clause 3 of this Amending Bill.

The Pension Act of 1971 did not extend to the erstwhile part B States. This is there. So, we are trying to avoid this by amending Clause 2. We have provided in Clause 2 and therefore all over the country it will be applicable uniformally.

The Act is also proposed to be amended so that it will apply to the Union pensioners.

It will be left to the States to adopt this Central legislation model for separate legislations.

SHRI BAPUSAHEB PARULEKAR . Not for Defence services. SHRI NIHAR RANJAN LASKAR: This is proposed to be achieved by our proposed Section 12-A in this amending Act. This Act is also proposed to be amended to provide for Central Government to make rules regarding the manner in which nominations may be made by pensioners, as also the form in which such nominations may be cancelled or varied by another nomination. A new section 15 is, therefore, proposed to be introduced for this purpose.

Hon. Members made various demands. You will agree that these are matters which concern the Ministry of Finance, Definitely; I am helpless in this. I can only assure the hon. Members that some representations. ... (Interruption) There was an allegation by Mr Mukherjee also that we have not cared to reply to many of the representations. It is not a fact. In fact, I can assure all the hon. Members that some representations received from various associations of pensioners are under examination. in consultation with the Ministry of Finance. We are on the job; we are constantly in dialogue with the Finance Ministry to see whether we can do anything for them.

SHRI BAPUSAHEB PARULEKAR : Amendment of sections 4 to 6 is not a n atter for the Finance Ministry.

SHRI NIHAR RANJAN LASKAR : I will come to it. Mr. Mukherjee had suggested that there should be two nominations. But I can say that this purpose will be served by the proposed amendment which provides for a second nomination in case the nominee predeceases the pensioner. So, it is already suggested in this amending Act. I think it will take care of the suggestion.

Then again, he has mentioned about the equality of pension for all groups of pensioners. I don't think it is possible. However, Government has already prescribed a minimum pension. Pensions will necessarily have to depend on the pay drawn at the time of retirement and the number of years of service the employee has put, etc.

## (Shri Nibar Ranjan Laskar)

Another point was also made by hon. Members — most of them — about timely payment. About timely payment, Government is constantly giving its thought; and a certain improvement has been effected. Some procedure has also been adopted recently, to see that pensions are given in time. The position is constantly kept under review, so that delays in payment of pensions are avoided.

For improving the lot of pensioners, dearness relief is being sanctioned by Government from time to time. It will be appreciated that such liberalisations will have financial implications, and will have to be considered by Ministry of Finance. Nevertheless, any liberalization of pension can have only prospective effect. The matter is also presently subjudice. So, what the hon Members are saying, viz. that everybody should have these liberalization benefits, is not possible under the circumstances.

Another point was also made, about the setting up of administrative tribunals. I think most of the hon. Members have spoken on this subject. The possibility of such tribunals also going into the redressal of grievances of pensioners is under the consideration of Government. Certain details are being worked out in regard to the introduction of administrative tribunals also.

These details are under discussion in consultation with the Ministry of Law. Government hope to finalise this matter shortly. On this point also, we are looking into and are in constant touch with the Ministry of Law; and very soon, we hope to do it.

A point was raised about the setting up of a Pension Commission. This is a matter which has to be decided by the Ministry of Law. So, here also what we can do is that constantly we should be in touch with the the Finance Minisry so that this can be possible.

As regards increase in pension to keep up with the rise in prices, I can only tell that the D.A. slab is being allowed even at present. Roughly, there are about 35 lakh government employees; on an average. 3 per cent of these employees retire every year. This works out to be about 10,000 retirements every month. Therefore, it will be very difficult to give financial benefit to such an ever increasing number as the financial implication will be very heavy on this.

SHRI N. K. SHEJWALKAR: At least you give to class III and IV employees.

SHRI NIHAR RANJAN LASKAR : One point was made regarding freedom fighters pension and the old-age pension, etc. This is, of course, beyond the scope of this amending Act. But I can only say that the matter which is now under consideration relates only to Central Government pension. These are the few points which the hon, members made in the course of their speeches.

Mr Mool Chand Daga raised a point regarding the archaickness of this Act. 1 can only mention that this is only a protective Act and is in no way inconsistent with the Constitution of India and other Acts. Pension is protected under this Act and not sanctioned under this Act. Pension is sanctioned under this Act. Pension is sanctioned under the Central Civil Service Pension Rules 1972 which are statutory rules notified under Article 309 of the Constitution. As already stated by me, these rules are justiciable.

As regards increase in the quantum of pension, etc. such matters are considered by the Finance Ministry. With these words, I would like, once again, 40 thank the bon, members for showing their interest in this and I also assure the House that the demands of pensioners will be considered by the government sympathetically, whatever is considered reasonable within the resources of the government.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Will you permit me to ask a very pertinent question that refers to the object of the Bill. A very important point was raised by one of the members, Shri Shejwalkar regarding the word used in the Bill about the nomination. Nomination does not give the right the nominee to the property or to the money. He only gets the right of collection and the assignee gets the right to the property. I have lost a case on this point in the District Court, Your purpose will not be served. A girl before marriage was insured and nominated her mother. After marriage she died: and the husband filed a suit for the amount of Rs. 15,000 against the mother The mother said, "I am the nominee." The court held that the nominee gets the right of collection, but so long as there is no assignment, the husband got the money. Therefore, I would request the hon. Minister to consider whether along with the word 'nomination' you should include the word 'assignee'. Of course, we could not give the amendment at proper time, but this is a proper stage when you yourself can consider this. Otherwise, your entire object will be frustrated if there are two wives and the nomination is in favour of one wife and he does not want to give the money to the other wife. She will get 50 per cent. Kindly consider this. Otherwise, your entire object is going to be frustrated.

SHRI NIHAR RANJAN LASKAR : Since nobody has given amendment it is Jifficult.

PROF. N. G. RANGA (Guntur): If the hon. Minister is convinced with the argument put forward by my friend, Mr Parulekar, then it is not necessary for him to simply say that there is no amendment. If there is no amendment given by any hon. Member, it is open to him to take the initiative and move an amendment and the House will accept that This is a simple thing. Why do you not neces an amendment?

MR CHAIRMAN: I hope, he will accept your suggestion.

The question is:

"That the Bill further to amend the pensions' Act. 1871, as passed by Rajya Sabha, be taken into consideration." The Motion was addopted.

MR. CHARIMAN: Now, I will take up clause by clause consideration. There is no amendment to clause 2. The question is:

"That clause 2 stand part of the Bill."

The Motion was addopted

Clause 2 was added to the Bill

Clause 3 - Insertion of new section 12A,

SHRI T. R. SHAMANNA: I beg to move:

Page 1. ---

after line 21, insert-

"Provided that the pensioner shall have power to cancel the first nomination and nominate any other person,"(3)

Page 2, ----

after line 12, insert-

"Provided also that if the deceased pensioner has not made any nomination, all amounts due to him shall be given to his wife; if the husband has more than one wife the amounts shall be given to the first wife; if the wife is not alive the amounts shall be given to the youngest daughter; in the absence of a daughteer that amount due shall be given to the eldest son. If the pensioner is a lady the amounts due to her shall be given to her unmarried daughter and in the absence of an unmarried daughter. the amounts due shall be given to her youngest son." (4)

The Minister has not replied to these amendments.

SHRI NIHAR RANJAN LESKAR: We cannot accept the amendments proposed by Mr Shamanna because this will be taken care of at the time of finalising the rules. As regards the first amendment, if you see Section 12A of the amending Bill, you will find that the provision has been made that a person may nominate any other person to receive after the death of the pensioner, all moneys payable to the pensioner on account of such pension which remain unpaid immediately before the death of the pensioner. So, this has been provided.

If we accept the second amendment proposed by him, the very purpose of nomination will be defeated.

MR. CHAIRMAN: Now, I will put Amendments Nos. 3 and 4 moved by Shri T. R. Shamanna to vote.

Amendments Nos. 3 and 4 were put and negatived.

MR. CHAIRMAN: There is no amendment to clause 4. So I shall put both the clauses together. The question<sup>4</sup> is:

"That clause 3 and 4 stand part of the Bill."

Tee Motion was adopted.

Clause 3 and 4 were added to the Bill Clause 1—Shrot Title

MR. CHAIRMAN: There is one Government amendment to clause 1.

#### Amendment mude.

Page 1, line 3-

for "1981" substitute "1982" (2)

SHRI NIHAR RANJAN LASKAR:

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill "

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula

Amendment made

Page 1, line 1,-

for "Thirty-second' substitute "Thirty-third". (1)

### (SHRI NIHAR RANJAN LASKAR)

MR CHAIRMAN: The question is:

"That Enacting Formula as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill The Title

MR. CHAIRMAN: The question is:

"That the Title stand part of the Bill."

The Motion was adopted

The Title was added to the Bill

SHRI NIHAR RANIAN LASKAR: Sir, I move:

"That the Bill, as amended, be passed."

MR CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The Motion was adopted

### 14.48 hrs.

STATUTORY RESOLUTION RE. MAXI-MUM AMOUNT FOR ASSAM STATE ELECTRICITY BOARD ON LOAN

THE MINISTER OF STATE IN THE MINISTRY OF ENERGY (SHRI VIK-RAM MAHAJAN): Sir, 1 beg to move:

"That in pursuance of sub-section (3) of section 65 of the Electricity (Supply) Act, 1948 (54 of 1948), read with clause (b) of the Proclamation issued on the 19th March, 1982, by the President under article 356 of the Constitution with respect to the State of Assam, this House accords approval for fixing under the said sub-section (3) the sum of one hundred and