

to see that 80 per cent of the budget allocation of the various sectors, whether it is for industries, or railways or transport or power, will be incorporated in one single agency and the money allotted by all the financial institutions should percolate through that one single agency and it should be streamlined to meet the challenge. Therefore, I would request the hon. Minister to give a categorical assurance. Then only I may be able to withdraw the Bill. Unless he gives such an assurance I cannot withdraw the bill, because it is appreciated by one and all and there are no politics involved in this and even the Opposition is agreeable to these things. Our Government has taken many steps. Our Government has got abundant faith in the small farmers. Lot of schemes are envisaged for allocation of funds.

Therefore, this agency should be created to meet the challenge. I had brought this Bill on these principles and I hope and trust the hon. Minister would give not only an assurance but see that it is implemented in letter and spirit of these principles.

SHRI BALESHWAR RAM: I have already replied to most of the points raised by Mr. Lakkappa in my speech. I had mentioned earlier that Rs. 5,000 crores have been provided for rural development and Rs. 6,000 crores for the agricultural sector in the Sixth Five Year Plan. So, he did not notice that I had mentioned that Rs. 5,000 crores were allocated for the small farmers.

SHRI K. LAKKAPPA: I had mentioned it.

SHRI BALESHWAR RAM: I have noted down the points. I must appreciate the sentiments expressed by Mr. Lakkappa.

I have replied to most of the points raised by him and I have noted down the rest. All the points raised by Mr.

Lakkappa will receive due attention of the Government. With these words, I would request Mr. Lakkappa to withdraw the Bill.

MR. CHAIRMAN: I hope you are withdrawing. Mr. Lakkappa, are you withdrawing?

SHRI K. LAKKAPPA: I beg to move for leave to withdraw the Bill to provide for the grant of loans and various subsidies to small farmers.

MR. CHAIRMAN: The question is:

"That leave be granted to withdraw the Bill to provide for the grant of loans and various subsidies to small farmers."

The motion was adopted.

SHRI K. LAKKAPPA: I withdraw the Bill.

17.15 hrs.

PENSION BILL

SHRI V. N. GADGIL (Pune): Sir, I beg to move:*

"That the Bill to provide for the grant of pension, gratuity, dearness and other allowances and benefits, payable by the Central Government to its employees or their dependents on retirement, voluntary or otherwise, or on the death of the Government servant and for other matters connected therewith, be taken into consideration."

Sir, this Bill has a chequered history. An exactly similar Bill was introduced by me when I was a member of the other House. It was Bill No. 28 of 1973—word for word, the same Bill. Subsequently it lapsed on my becoming Minister of State. After the Janata Party came to power, again an exactly similar Bill was introduced by me in the other House. But the attitude of the Janata Party was

*Moved with the recommendation of the President.

[Shri V. N. Gadgil]

that they objected to the introduction of that Bill on the ground that it was a Money Bill and could not be considered by the Rajya Sabha. Ultimately the matter was referred to the then Speaker of this House and he upheld the contention that it was a Money Bill and therefore could not be considered or even introduced in that House. Therefore, fortunately that I am a member of this House now, I took the opportunity of introducing this Bill as soon as I became a member of this House.

PROF. MADHU DANDAVATE (Rajapur): It was on that ruling that you were elected to this House!

SHRI V. N. GADGIL: Prof. Dandavate can advance any argument on any subject, I know. That is why I have always been saying that he has been in the wrong profession. Instead of being a Professor, he should have been an Advocate!

It is a little odd that when I was a member of that House, I raised a number of issues of jawans and I came to be called in my part of the country as "Jawans' M.P.". When I was a member of the House of Elders' I was regarded as "Jawans' M.P." Now that I have become a member of this House, by bringing this Bill, perhaps I may be known as the "Pensioners' M.P.". Prof. Dandavate just now mentioned to me that I come from a city which was at one time—not now—regarded as a city of pensioners, namely, Poona. But I must assure him that it is not with any consideration of constituency that I have brought this Bill. I have brought this Bill to deal with a humanitarian problem, as an aspect of social security, as an aspect of what maybe called a Welfare State. It is in that perspective that I request the House to look at this Bill.

You will be surprised to know that in our country there are only two small aspects of law which govern the

pensioners' rights or absence of rights. There is a reference in the Transfer of Property Act that pension cannot be transferred. There is also a reference in the Civil Procedure Code that pension cannot be attached. What governs the problem of pensioners from the legal point of view in this country is an Act passed in 1871, more than 109 years old, and as I shall presently point out, one of the obnoxious laws you will find on the statute-book of this country. But since this is a legacy of the British, I started making a little bit of research and although it may not be directly relevant, some part of the history, I found quite interesting. Therefore, I would first like to deal with how the concept of pension arose in England itself and how it was subsequently followed in this country. As it happens in many cases, the good idea of pension came out of many evil things. It was corruption which ultimately led to pension. That is the historical background. Perhaps the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana, will find it interesting—in his earlier life he was a member of the customs department—that is was corruption in the customs department in England that ultimately led to the idea of pension! Although the word 'pension' is derived from the latin word 'pensio' which only means payment, earlier in the history of England it did not have that meaning. Dr. Johnson in his dictionary of 1755 observed:

"In England it is generally understood to mean pay given to a state hireling for treason to his country."

Then another historian, Sir, Lewis Namier, who incidentally was to be my tutor, did lot of research in the politics of earlier days, in the eighteenth century, and he found "in the lists not only retired officials but also some of 'the first dukes of the Kingdom to whom a pension was a welcome and useful recognition of their importance' and 'a necessary

help to keep up the appearances of strength and splendour required from men placed so near the 'Throne', this was in addition to the many women, parasites and foreigners' of a less dignified character' who received lesser pension". In those days, it was not a part of social security, not a recognition by the State to the faithful services rendered by the employee but it was some kind of a patronage.

It is interesting to find that the abuse that went on in the Customs and other Departments was so widespread that ultimately an inquiry had to be held as to how to curb the abuse. There it was found—it may interest some of us politicians that—

"A striking example was unearthed by the Commissioners in the case of William Fraser, Under Secretary of State in the Foreign Department, who was granted a pension on going out of office in 1761 and had continued to draw it although in 1785 he had been back in office 'upwards of 22 years'!

So, for 22 years he got the pension although he was in office! So, this kind of abuse went on. Ultimately some device had to be found. On the one hand, there were the people who were old, who had no support in their old age and on the other hand, there were people who were anxious to get into service. And a peculiar method developed. That development was consistent with the values of those times that offices came to be sold, offices came to be transferred on consideration, offices came to be auctioned. One of the methods devised was that a young man would come and say: "I want a job". And the man on the spot, the person actually serving, if he is an old man, will say: "all right, I will quit and you will get my job provided you give me pension". That is how the first idea of pension was developed. Somebody wanted to retire, some new entrant wanted to come. The liability was

fastened on him that if he agreed to give pension to the man retiring, a part of salary that he would get, he would secure the job.

Since according to Mr. Dandavate, I represent the pensioners' constituency, he will be interested to know that the first pensioner was not from Poona but the first pensioner in history perhaps was one Mr. Martin Horsham in 1684 according to this particular book 'Pensions and Public Servants' written by Marios Raphael. He had succeeded in unearthing many documents. This particular document—a photostat copy is in the book. In very old English, in old spelling, in a very quaint style, it mentions that this particular person, Martin Horman, he was given pension for this reason, not so much for as old age, but because he wanted to retire. Therefore, he was given this pension and the order was passed, a copy of which is available. Perhaps, this *Adi Manushya*, or Adam, the first pensioner in the world was born in 1684! In those days, it appears that even the spelling of pension was different; it was spelt 'pention'; then it was spelt 'penson'.

The next development was, a fund as created when it was found that new entrants will come and agree to pay the pension of the man retiring, but sometimes they may not pay. So, a fund was created after a few years.

The next important development is the Act of 1810 and 1859. Most of the law that we have in India is essentially based on these two British statutes. After that was the famous Beveridge Report. After the Second World War, it became a part of the social security system, the family pension was introduced, widows were paid and then the old age pension was raised. So, this is the history.

MR. CHAIRMAN: History has taken 12 minutes.

SHRI V. N. GADGIL: It was agreed that I shall speak till 6 O'Clock. (*Interruptions*).

I will straightway come to the 1871 Act. I will read my Bill backwards, from the last clause in my Bill. The last clause says:

"The Pensions Act of 1871, in so far as it applies to the Central Government employees, is hereby repealed."

What is the rationale? As I said at the outset, this is one of the most obnoxious provisions you will find in the statute-book, it is the most unacceptable face of the British legacy that is left in India. What is that Act? I am reading this, with your permission, because I find, when I talked to many persons, a large number of people were not aware of the existence of such an Act. This is the Indian Pensions Act of 1871. What does it say? Section 4 says:

"4. Except as hereinafter provided, no Civil Court shall entertain any suit relating to any pension or grant of money or land revenue conferred or made by the Government or by any former Government, whatever may have been the consideration for any such pension or grant, and whatever may have been the nature of the payment, claim or right for which such pension or grant may have been substituted"

So, you do not have any right to go to the court of law if you want to raise any question in respect of pension. Further, if you will kindly see section 5, it says:

"Any person having a claim relating to any such pension or grant may prefer such claim to the Collector of the District or Deputy Commissioner or other officer authorised in this behalf by the appropriate Government, and such Collector, Deputy Collector or other officer shall dispose of such claim in accordance with such rules" as may be made.

So, in the first place, you cannot go to the court. If you want to go to the court, you have to obtain the permission of the Collector. If one stops here, one feels there is some justice, that you go to the Collector, the Collector gives you permission and you proceed. But see the next section, section 6. It reads:

"A Civil Court, otherwise competent to try the same, shall take cognizance of any such claim upon receiving a certificate from such Collector, Deputy Collector or other officer...but shall not make any order or decree in any suit whatever by which the liability of Government to pay any such pension or grant as aforesaid is affected directly or indirectly."

That means, it completely destroys what Section 5 says. In the first place you cannot go, but if even you go with the permission of the Collector, the suit can proceed, the trial can proceed, but the court cannot pass a decree, if it fastens any liability on the Government directly or indirectly, that means the court is *functus officio*. It cannot function. When you find such a provision in the Act and how it came about, then you will know from the history—I am dealing with Indian history, not the British history—from what honourable Cockerell moved. This is from the history of that Pensions Act of 1871, which was passed in September 1871. He, in the Council of the Governor-General said that 'there was on the Statute-book at the present time a considerable number of regulations and Acts relating to this subject. These enactments contained much that was now obsolete, and much in the nature of administrative rules and instructions etc. and therefore, this Bill is brought'. And what is the principle which is most obnoxious? I quote him as follows:

"The leading principle of the main provisions of the law was, that as the bestowal of pensions and

similar allowances was an act of grace or State policy on the part of the ruling power, the Government reserved to itself the determination of all questions affecting the grant or continuance of these allowances".

Therefore, the principle is, it is a bounty, it is a grace, it is a mercy shown to you, it is not your right. You may serve the Government very loyally and honestly for 30 years and retire, but you do not get any right to pension. You may claim it as a mercy, you may claim it as a bounty, it is a grace shown by the sovereign. What is the basis? Historically the basis again is the legacy of the British. In England, as you know, there was a legal doctrine that a civil servant could not sue the Sovereign. Not only that, the further doctrine was, 'The King can do no wrong and there was no liability on the part of the Sovereign'. You are familiar with the campaign launched by Prof. Laski about the famous Benbridge Vs. Postmaster-General case. The decision of the court at that time was like this. Mr. Benbridge was killed in a motor accident. His wife claimed compensation. The Court gave a decision saying, 'You proceed against the driver, you proceed against anybody else, but since the Postmaster-General represents the Sovereign, you cannot get anything from the Sovereign'. The same doctrine was adopted in this country in the form of 1871 Act and it still continued after more than 100 years. This is the obnoxious part of it. This was examined not only by the Petitions Committee of this House, but also by the Law Commission. And the Law Commission also recommended in 1972 that this Act requires to be changed and particularly Section 4 must be deleted because it is unjust in principle, it is anachronistic, it is out of date, it is unfair, it destroys the dignity of the individual. After 30 years of service the civil servant is going to be told: 'No, you will not get anything as a right maybe mercy will be shown to

you.' That is the dignity that is accorded to the civil servant or the employee who worked faithfully for 25 or 30 years. Therefore, the first important clause of my Bill is the last clause which seeks to delete and repeal completely this Act of 1871.

I shall come to the other provisions which are in respect of various problems of civil servants. I must make it clear that my Bill does not seek to govern Defence employees, nor does it seek to govern members of the All-India Services like the IAS. It is confined to others. Secondly, it deals with the problems that arise in respect of these pensions for which I have made a provision in my Bill, in the first place, with regard to disparity. I will not go into the details and the figures. They have been submitted by various associations to the Government, to the Finance Ministry and even to the Petitions Committee. I want to give one illustration. To day the position is a Secretary to the Government of India who retired before 1972 and an Assistant who retired after 1972, the pension that they get is almost equal. This is the disparity. 1-1-1973 you said to be the crucial date. If you retired, unfortunately, before 1-1-1973 you get much less than the one who retired after 12-1-1973.

Same is the case with family pension. There are pathetic cases. I know myself where an employee served Government for several years. He died. Before 1964 there was no family pension. Sometimes children do not support the surviving parents. I know a case. That may be an extreme case. But I know of a case of a person who retired and he got only Rs. 67 as pension. I took up his case. I found that he was in service during the war. During the war he suddenly learnt that his brother died in the war. He was very much disturbed emotionally. He gave up that job and started searching his brother all over the places because he was told that his brother died somewhere in the North East. He could not trace him. After

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a few years he came back again. He was taken back in job. When he retired he was given Rs. 67.00 as pension. He was told that there was break in his service. Since there was break in service he could not get anything more. Can anyone survive with Rs. 67.00? The poor fellow had no children. He had no real relation to support. His wife was handicapped. He had no remedy. He could not go to court. He could come to Government/he could seek mercy. It may be an extreme case. It is an illustration of the problems that arise in old age. If the idea of pension is, that it is society's response to the problem of poverty in old age, then certainly I would submit with great humility that the provisions that I have made in my Bill are such that the problem can be tackled to a very large extent and there should be no difficulty for the Government to accept those provisions. The other problem is—it was examined by the Committee on Petitions—with regard to inflation and rise in prices. To-day, the serving Government servants get Dearness Allowance. The first two Commissions refused to consider the case of pensioners. Third Pay Commission at least made some observations with regard to the cost of living index, inflation and other problems that affect pensions. But it went no further.

A study was made by the Indian Institute of Public Administration, in regard to the problems of pensioners. The study was made by two economists. What they found in regard to the effect of inflation was that. That since independence thrice the pay scales and grades of Government employees had been raised, but no proportionate and commensurate benefit is given to pensioners.

There is an illustration given by the economists. It is given on page 118—

"To illustrate it can be said that those who retired in 1940s, their fixed pension income, purchasing power has eroded almost by 94 per cent."

For those who retired in '50s, the erosion in pension income, purchasing power, is almost, 75 per cent; for those who retired in 60s, the erosion is 70 per cent and for those who retired in '70s, it is 36 per cent. So, a person whose pension, say, was, Rs. 100, when he retired in 1950s. If the erosion is 70 per cent or 75 per cent, that means, he today gets only Rs. 27 with which he has to manage. This is the state of affairs with regard to how pensioners are affected by inflation and the rise in prices.

It was pointed out to the Petitions Committee that according to the Survey which was conducted, you find a number of provisions in various countries. For example, in England, there is now a statutory provision—I will not go to various provisions of the Act—and there is an automatic increase in pension linked up with the cost of living index. The Report of the Committee on Petitions contains an appendix. I would not go into all the details. It gives various provisions in various countries. I also found that there is a recent study made by Thomas Wilson called "Pension, Inflation and Growth" It is a study of all countries in the E. E. C., Netherlands, Germany, Belgium—of course, they are affluent countries with which we cannot compare ourselves completely—and I find in all these countries as well as in Canada and other countries, pension is linked up with either cost of living index or the wage index or there is some formula by which any increase in the cost of living or rise in prices can be cushioned in the case of pensioners by giving them some additional advantage in some form or other.

Again, in America, there is a President's Commission on Pensions Policy. They have also made a survey and a study of various countries in the world and this study also finds that in Canada, France, Germany, Italy, Netherlands, Sweden and various countries that they studied and what they have found is that every country has made some provision for this pro-

blem. As I said earlier, in this country there is no such provision. If you retired in 1950, if your pension is Rs. 100, today with the rise in prices, the cost of living index going up, what is left with him is hardly Rs. 25.

Apart from this, this study shows that in the case of age also—I am not advocating that retirement age should be increased; that is not my case—what I am saying is that the kind of benefits society gives in those countries, there continuously retirement age is being increased. In some cases, in some countries, the study shows that, in about 29 countries, retirement age is very high. In some countries, retirement age is now 70 years and they do not have the problem of too much of old population. The society there can absorb almost all people and they have increased retirement age even to 70 years. In the case of Belgium, what I find is that if you are in Government service and if you go to a college to improve your qualification, those three or four years are also counted for the purpose of your pension.

Further, in Germany, for example, the pension facilities are very generous so much so that you get anything between 75 to 80 per cent of your salary as your pension. I am not advocating or saying that we can compare ourselves with such affluent countries. But certainly some adjustment is necessary in the case of at least a class of Government servants whose pension is very much less. Incidentally, unless I am very wrong, there is no minimum pension prescribed in this country. In all other advanced countries, there is a minimum pension prescribed. Below that, nobody is said. Society takes the responsibility of paying minimum pension. Here we do not have any such procedure, in our country. After all, there is one difference.

MR. CHAIRMAN: What is the minimum pension in other countries?

SHRI V. N. GADGIL: It varies from country to country. But, I have said that there is minimum and maximum prescribed. In Germany, nearly 75 per cent of the salary is given as pension and salary does not mean the salary at which one retires but the pay scale at that time, comparable to the pay scale of the present day on that basis upto 75 per cent or 85 per cent. Minimum is also prescribed. Or course, in fairness, I must give the other side also that in most of these countries, except England, all pension schemes are contributory.

It is only in England and in New York State, I find only these two examples, where there is non-contributory pension scheme. Government servants do not have to contribute anything. It will perhaps be interesting to Members of this House to know that it came about as a result of a Private Member's Bill. History shows that. (Interruptions) The basic Act was brought about in the year 1810. Then in the year 1859 before passing of that Act, a Royal Commission was appointed and it was going into the question. But the civil service was very powerful. It did so much of lobbying that there was a Bill introduced by a Private Member called Lord Naus and according to this book to which I have made reference earlier, it so came about that six weeks later, by 30th June, at 11.15, he moved for leave to bring in a Private Member's Bill with a single article repealing Section 27 that is contributory section. What then happened was that there were four successive divisions, voting for adjournment of debate in which Government was defeated. Finally, after containing the sitting for 14 hours, by half-past 3 in the morning, the Bill passed the Committee stage and finally on August 4th, despite another unsuccessful attempt by the Government to adjourn the debate, the Bill was passed with a majority of 68 and became an Act in 1857 and the civil service was so powerful that when the Bill became an Act, one of the spokesmen of the Government said that

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he must complain of the undue haste with which the Bill was pressed forward and the extraordinary zeal which civil servants have exhibited in soliciting hon. Members to support it. The measure, in short, was the result of an organised conspiracy on the part of the public servants, was unjust in its provisions and was based on erroneous statements.

AN HON. MEMBER: This will not be repeated here.

SHRI V. N. GADGIL: But historically, there is a precedent of what a Private Member's Bill can achieve in the case of the pensioners to the extent that contributory provisions were destroyed, repealed and the British Government became the first Government whose employees have a pension scheme which is completely non-contributory even to this day.

The other provision, as I said, New York State, that also is a part of the historical accident and this is mentioned in a book called Retirement System for Public Employees published by Pension Research Council. It seems that there is a Pension Research Council in America where all problems of pensioners are considered and, according to this book, New York is the only State which also out of historical accident or historical reasons introduced the non-contributory pension scheme but, in the rest of the cases, 90 per cent of the employees are governed by pension schemes which are contributory.

Then I will hurriedly go through some of the provisions of my Bill. It seeks to make pension a right. The whole thrust of my argument is—I am not so much interested in whether it is two rupees more or three rupees less—that this must become the legal right of the employees and no longer be bound to your grace. Therefore, in Clause 3, I have provided that it

should be as a matter of right and, therefore, I have said:

"Every government servant who who retires or is retired from service..shall be entitled to receive gratuity....and pension...."

As of right, he must get them.

In Clause 4 I have said that if he has served for 20 years, he shall have the right to retire from service and get the pension. Here I have made a distinction. Suppose a person is compulsorily retired; there may be cases of that type. Therefore, I have said in Clause 5:

"A Government servant who is made to retire compulsorily from service may be granted pension.."

There, he may not be given the right. But as far as the other government servants who retire voluntarily are concerned, they must get gratuity and pension as a right.

'Then I come to the other benefits which they must get as of right. I have first spelt out 'dearness allowance'. I have already mentioned from the Report of the Indian Institute of Public Administration how rising prices and the cost of living index going up affects them. Then I have come to 'house rent allowance'. Here we are all familiar with the incongruous situation that arises—with regard to house rent allowance. Housing is not only an individual problem but it has become a social problem. Therefore, I have suggested in Clause 7 that he should get house-rent allowance as of right. Then, medical facilities and educational facilities. I was persuaded to do this because I thought that, when we have voted for ourselves pension and also the benefit of CGHS, why should these facilities not be extended to the pensioners who have served the Government. If we have served the country by becoming Members of Parliament and, therefore, are entitled to pension and CGHS, then surely the government servants who

have served this country and this Government loyally and faithfully for 25 or 30 years should be entitled, as of right, to the same benefits. That is the provision contained in Clause 7 of my Bill.

Clause 8 deals with commencement of pension and interim pension. There is considerable delay in getting pension. This is something very odd which I have come across. Recently some innovations have been made that, before the man retires, his pension papers should be ready. But you come across hundreds of cases where pension has been delayed. What surprises more is the fact that government servants themselves cause delay without realising that a government servant of today is a pensioner of tomorrow, he does not realise that he will have to meet with the same situation after a few years. We have come across many cases, whether in Collector's office or in the Treasury, where unnecessarily papers are delayed and the poor fellow does not get the pension.

Clause 10 is about nomination. I am surprised why this simple suggestion has not been accepted by the Government so far. In the case of Life Insurance Policy, you can nominate. In other cases also, you can nominate as to who should get it. But in Government it is not allowed. It so happens that a person is old, he becomes invalid, he cannot move about, for 3 or 4 or 5 months his pension remains in arrears and he does not collect; after four or five or six months, he dies; and his widow or relative or dependent goes there and finds that there is no question of nomination; he or she has to go to the court and get a succession certificate which will involve court fee and lawyer's fee—pay lawyers like me or other lawyers; all these increase the expenses, with the result that it is not felt worthwhile to claim the arrears.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI

VASANT SATHE): It takes six years to get it.

SHRI V. N. GADGIL: Therefore, my simple suggestion is to allow the Government's Servants to make a nomination. In case he is unable to claim it and subsequently, he dies, the person nominated by him should be entitled without any further difficulties to get the arrears of pension.

Then again, as I have told you already, in the case of family pension, the situation is very bad for those who retired before 1964 since there was no family pension at all. And for those who retired before 1973 and those who retired after that, there is a complete disparity. So much so, I am not pleading the case of any top official. I have just mentioned this as an illustration. The Secretary to Government of India draws a pay of Rs. 3500 but his pension comes to Rs. 1500.

MR. CHAIRMAN: Mr. Gadgil, we have to adjourn at 6.

SHRI V. N. GADGIL: If you want, I may continue next time.

MR. CHAIRMAN: Still there are two minutes. You may continue.

SHRI V. N. GADGIL: I shall continue next time.

MR. CHAIRMAN: You carry on.

SHRI V. N. GADGIL: I would like to mention that the Secretary to the Government of India draws a pay of Rs. 3500 but his pension comes to about Rs. 1500. If he dies, his widow or dependent gets the family pension only upto Rs. 250. In the case of smaller people, proportionately lower down, you will see the position. Therefore, this Section 12 is with regard to the family pension.

If you permit me, I shall continue next time.

SHRI M. RAM GOPAL REDDY (Nizamabad): I propose to confer the Doctorate on him.

MR. CHAIRMAN: Still there are two or three minutes more. If you want, you may continue.

THE MINISTER OF STATE IN THE MINISTRY OF SUPPLY AND REHABILITATION (SHRI BHAGWAT JHA AZAD): We may persuade him to withdraw the Bill.

SHRI V. N. GADGIL: Then, Sir, there are other provisions in this Bill. With regard to clause 16, it may be said that this is contradictory to what I have said earlier.

I had pleaded that Pension Act, 1871 should be repealed. How is it that this Act provides for the jurisdiction of the Civil Court? I do not want the cases of pensioners to be delayed. Today, the position in the Civil Court, as you know, is perhaps quite difficult, as Mr. Sathe said, if you file a case to get justice or at least legal justice, you will get it after six or seven years. So, the situation is not very much changed. When the Privy Council was here in the old days it used to say that in India if a person filed a suit, most probably,

his grand-son would get the decree. So much time it takes. The situation has not at all improved very substantially.

So, what I am suggesting is that instead of a Civil Court, there should be a speedy tribunal or some authority by which these cases should be decided quickly and pensioners should get relief. That is the provision in Section 16 of my Bill.

My submission is that this does not contradict what I have sought to provide in Section 18, namely, the repeal of Pension Act, 1871. Also I have made provisions for the rule-making power under Section 17.

MR. CHAIRMAN: I hope you will continue next time.

SHRI V. N. GADGIL: All right. I shall continue next time.

MR. CHAIRMAN: The House stands adjourned to meet again on 20th April, 1981 at 11 A.M.

18 hrs.

The Lok Sabha when adjourned till Eleven of the Clock on the April 20, 1981|Chaitra 30, 1903 (Saka).