

श्री अटल बिहारी वाजपेयी : संसदीय कार्य मंत्री ने क्या कहा ? क्या हरियाणा की घटनाओं पर केन्द्रीय गृह मंत्री वक्तव्य नहीं दगे ?

डा० राम सुभग सिंह : मैंने यह कहा है कि जो माननीय सदस्य ने कहा है वह हाईपोथिटिकल है ।

MR. DEPUTY-SPEAKER : The hon. Minister has taken note of it and has said what he wanted to say. What else can he say ? On behalf of the Home Minister, he could not give an assurance. No, that is not possible.

SHRI NAMBIAR (Tiruchirappalli) : This is a clear case of the failure of the Home Minister. So, the Home Minister must resign.

SHRI N. K. SOMANI (Nagaur) : It is not a hypothetical matter.

MR. DEPUTY-SPEAKER : The Constitution is in force everywhere. And this House is the custodian of the Constitution.

SHRI N. K. SOMANI : What they did in Rajasthan they must not be allowed to do in Haryana.

SHRI NAMBIAR : There is a failure of the machinery there in Haryana. The whole thing was mismanaged. It is the failure of the Government, and so, the Home Minister must resign. If he does not resign, he must be dismissed. Either he must be dismissed or he must resign very honourably.

MR. DEPUTY-SPEAKER : Now, hon. Members have exhausted their time on the amendments. Those who have participated in this discussion will not get any time on the amendments. They have forfeited their time on amendments. I shall not be calling them.

14.12 hrs.

INSURANCE (AMENDMENT)
BILL—contd.

MR. DEPUTY-SPEAKER : We shall now take up further clause-by-clause con-

sideration of the Insurance (Amendment) Bill. We were on clause 20. I think Shri N. K. Somani has exhausted his time already.....

SHRI N. K. SOMANI : How am I responsible for it if something urgent comes up before the House ?

SHRI ATAL BIHARI VAJPAYEE : (Balrampur) : It is beyond our control .

SHRI N. K. SOMANI : We are not deciding the issues in Haryana. How can we do ?

Before speaking on the amendment to clause 20, I would like to be assured through you that the continuity of these discussions would be maintained. It is somehow felt that there is an alternating current of presence between the Deputy Prime Minister and Shri K. C. Pant as far as this Bill is concerned. We have nothing against Shri K. C. Pant as a person. But we would like to be assured that while all these discussions are taking place, the continuity will be maintained. How does Shri K. C. Pant know what has happened and what the background of the discussions was before lunch ? This is not the way that the House should be treated on an enactment like this.

MR. DEPUTY-SPEAKER : I must say that Shri K. C. Pant is most accommodating.

SHRI N. K. SOMANI : If he is more accommodating, we welcome him.

Regarding clause 20, I would submit that the insurance agent is supposed to do one signal service to his clients, and that is in the matter of the provision of expert service. I am sure that Government have realised that insurance is a very a highly professional, legal and technical matter. When a large number of my own amendments had been approved at the joint Committee stage, I had thought and taken it for granted that this innocuous and eminently suitable amendment would also be accepted.

There are two points of view. One is that we require professionally qualified,

[Shri N. K. Somani]
competent people as insurance agents so that they can serve as a useful link between the insurance companies and the client, because actuarial calculation, accountancy, engineering and legal things are involved. It is not like a broker in the share market when any one can function as a broker or a dala].

The second thing is that there is considerable rumour that most of these BENAMI transactions involving black money take place because any Tom, Dick and Harry is allowed to act as an insurance agent, including housewives and even minors. I see no reason why Government should have turned down this useful suggestion from me that if you want to become an insurance agent, you must qualify. One has to aspire to be a qualified insurance agent. If some of the trade malpractices including avoidance of income tax have got to be curbed, I would appeal to Government that they should make it compulsory in future, at a certain future date I do not say from midnight tonight—for people to qualify in an insurance examination and course of study.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT) : First of all, may I say that the only reason why I had to absent myself in the morning from the consideration clause by clause of this Bill was because I had something else in the other House? In any case, someone better than I substituted for me. Therefore, there can be no objection.

SHRI N. K. SOMANI: We welcome him.

SHRI K. C. PANT: As for this amendment, I fully appreciate the purpose behind it. But even LIC agents who are far more in number are not required to be qualified.

SHRI N. K. SOMANI: That is no argument.

SHRI K. C. PANT: Therefore, we feel this should not be done by law.

SHRI N. K. SOMANI: Two wrongs do not make one right.

SHRI K. C. PANT: It should be left to insurers to take steps to see that this purpose is achieved. So we cannot accept the amendment.

SHRI N. K. SOMANI: Then why social control?

MR. DEPUTY-SPEAKER: I shall now put amendment No. 46 to vote.

Amendment No. 46 was put and negatived.

MR. DEPUTY SPEAKER: The question is.

"That clause 20 stand part of the Bill".

The motion was adopted

Clause 20 was added to the Bill.

Clause 21 was added to the Bill.

Clause 22—(Insertion of new section 52I, 52J, 52K, 52L, 52M, and 52N.

MR. DEPUTY-SPEAKER: I will allow only SHRI KOTHARI to move his amendment. I was going to guillotine all amendments. At the request of those present, particularly Shri Nambiar, some importance amendments were allowed to be moved.

Shri Fernandes can speak later. I had asked Government whether keeping in view the importance of it, they were prepared to accommodate. But it was not possible.

• SHRI S. S. KOTHARI; I beg to move:

Page 32.—after line 19, insert— "Provided further that notwithstanding anything contained in this Act, no undertaking of an insurer shall be acquired by the Central Government unless the express sanction of the Central Government has been obtained and the Central Government shall take such action as may be necessary for obtaining such sanction". (10)

When accepting social control, the Deputy Prime Minister stated that nationalisation would not be desirable in the interest of the country. But by this clause it is provided that insurers may be acquired by Government under certain circumstances. My submission is that there should be no back-door nationalisation; if any undertaking is to be acquired by Government, the latter must come before Parliament for its Sanction. Then the acquisition may take place. I think this is a perfectly reasonable proposition and in accordance with the policy enunciated by the Deputy Prime Minister himself.

I appreciate Government may have a little difficulty in coming before Parliament with the necessary legislation framed for the purpose. But then we are in a democracy. How could Government nationalise an undertaking without the express sanction of Parliament? Therefore, I press for acceptance of my amendment.

SHRI K. C. PANT: This sec. 52H empowers the Central Government to take over an undertaking of an insurer in case it is grossly mismanaged, or it is required in public interest etc., circumstances which Shri Kothari spelt out; it is only in those circumstances we are going to acquire it. To come forward to Parliament everytime we want to acquire an undertaking is tantamount to deleting this particular clause. Hence I cannot accept it.

MR. DEPUTY-SPEAKER: I shall put Amendment No. 103 to the vote of the House.

Amendment No. 103 was put and negatived.

MR. DEPUTY-SPEAKER: The question is :

“That Clause 22 stand part of the Bill”

The motion was adopted.

Clause 22 was added to the Bill.

MR. DEPUTY-SPEAKER: The question is :

“That Clauses 23 to 28 stand part of the Bill.”

The motion was adopted.

Clauses 23 to 28 were added to the Bill

Clause 29—(Insertion of new Parts IIB and IIC)

SHRI NAMBIAR: I beg to move:
Page 39,—

for lines 27 to 31 substitute—

“(d) not more than four representatives of Parliament of India and two representatives from among the employees of the Insurance Company.” (53)

Mine is a very simple amendment and I think the hon. Minister will be pleased to accept it. I agree to his proposals of a Tariff Advisory Committee etc. It is good that he is bringing a certain amount of control in the absence of nationalisation, that is the compromise which he wants us to agree to. He is forming an Advisory Committee consisting of the Controller who is the Chairman, a Vice-Chairman, ten representatives of Indian insurers and four representatives of foreign insurers. I suggest that instead of these four representatives of foreign insurers there should be four Members of Parliament to represent various groups in Parliament.

SHRI N. K. SOMANI: Four is enough?

SHRI NAMBIAR: There can be one from the Congress and three from the Opposition because after all the controller is there and he has got all the powers, and this is only an advisory body. My objection to the foreigners is this and I made it quite clear in my opening speech. Foreign insurance business in India is mostly in marine insurance which has got a very bad reputation because of various malpractices. These foreign representatives in our advisory body will be there to safeguard only their own interest. We do not do marine business abroad. Therefore, instead of these four foreign representatives I suggest there should be four Members of Parliament who know something about insurance and also two representatives from the employees of the insurance company.

In his reply to me earlier he asked why there should be representatives of employees. He says that the representatives should have actuarial and other technical knowledge and since the employees of the company do not have this knowledge they should not be there. My submission is that the employees concerned with general insurance know every detail of its working. It is they who do the actual business. After all in these insurance companies the top management are not the people who do the whole work, it is the underdogs who do it and these people know how it should be done. Therefore there should be at least two of them in this committee to

[Shri Nambiar] give the other side of the picture because, after all the picture given by the management is known.

Therefore, my plea with him is that he would not treat it with contempt saying that the employees do not know anything about it. Kindly accept these proposals.

SHRI N.K. SOMANI: We are discussing about the composition and the terms of reference of the Tariff Advisory Committee. As the whole House knows the controller has been clothed with disproportionate and sometimes demonic powers that he can hold to ransom any insurance company or subject under his control. We find here that the Advisory Committee will have its Chairman, the Controller of Insurance and then the Government want its Vice-Chairman also to be an officer of the same Department. The Government would want that the Secretary should also be out of the officers of the office of the Controller. Then the Controller can also veto the decision in terms of tariff and also other important decisions of this Advisory Committee. My purpose in moving this amendment is simple. If you would like a representative body whose consultative and curative counsel should prevail not only on the Government but also upon the insurance companies, then this innocuous office of Vice-Chairman should go to some person other than the Government officials. There may be matters where the controller may veto a unanimous recommendation of this Committee. I would, therefore, recommend that at least as far as the Vice-Chairman is concerned, he should be somebody elected from the insurance companies.

SHRI S. S. KOTHARI: You would appreciate that it is provided in the Bill that the surveyors must have worked for 7 years if they are to have their licences renewed. I would submit, let not the Government deprive the people of their livelihood. I have given my amendment No. 104. I have suggested that those surveyors who are practising at present should be given licences. Their licences should be renewed. Let us not repeat the case of goldsmiths here. I think it is a reasonable amendment and I would submit

to the hon. Minister that he must at least accept this one amendment. Otherwise, what is the use of our giving amendments. Is there anyone in this House who is against this amendment?

MR. DEPUTY SPEAKER: I have taken the sense of the House and I was about to guillotine the amendments. But some hon. Members represented that they had certain specific amendments which they want to move. All the others are not to be moved. If I admit yours I have to admit several others and later on I will guillotine all the other amendments. This is the final thing. If you want to press for it, I will guillotine all the other amendments.

SHRI HIMATSINGKA (Godda): I have suggested that in place of "(a) has been in practice as a surveyor or loss assessor for a period of not less than seven years immediately preceding the commencement of the Insurance (Amendment) Act, 1968, or", the following "(a) has been in practice as a surveyor or loss assessor on the 26th day of October, 1968, or" may be substituted. I think the Minister will accept it perhaps. It is very unfair that those who are practising and who are doing that business, should be deprived.

I beg to move:

Page 49,—

for lines 26 to 29, substitute—

"(a) has been in practice as a surveyor or loss assessor on the 26th day of October, 1968, or" (87)

श्री जार्ज फरनेबीज : उपाध्यक्ष महोदय, मेरी दो तरमोंमें हैं। 84 नम्बर की तरमीम में मैंने यह प्रार्थना की है कि जो बोर्ड है उस में पार्लियामेंट के सदस्यों के अलावा दो कर्मचारियों के प्रतिनिधि भी होने चाहिये। मंत्री महोदय की इस बारे में राय कुछ भी हो, फिर भी मैं उनसे प्रार्थना करूंगा कि वह इस सुझाव को स्वीकार कर लें। इस सुझाव का सभी माननीय सदस्यों ने समर्थन किया है।

मेरा अगला संशोधन 86 नम्बर का है। यह मैंने पेज 46 पर जो एक्सप्लेनेशन है उसके बाद जोड़ने के लिए दिया है। आप देखेंगे कि 64 यू. एच. 1 और 2 में जो टैरिफ कमेटी के और रिजनल काउंसिल के कर्मचारी हैं उनका जब सरकार इस नए कानून के अन्तर्गत समावेश करेगी तब उनके जो वेतन हैं उनको कैसे तय किया जाए। इनके बारे में लिखा गया है।

मैंने यह संशोधन पेश किया है कि अगर सब कर्मचारियों के वेतन समान करने की प्रक्रिया में कुछ कर्मचारियों के वेतन में कोई कमी की जाती है, तो उन्हें उस मामले को इंडस्ट्रियल डिस्पूट के रूप में उठाने का हक होना चाहिए और अगर वह मामला कानसिलियेशन मशीनरी के द्वारा ऊचित रूप से हल नहीं होता है, तो उसको एडजुडिकेशन के लिए ट्रिब्यूनल के सुपुर्द कर दिया जाये। मैं सरकार पर कोई जिम्मेदारी नहीं डाल रहा हूँ। मैं यही चाहता हूँ कि कर्मचारियों को अपने वेतन सम्बन्धी मामले को त्रिपक्षीय कमेटी के सामने पेश करने का अधिकार दिया जाये।

I beg to move. :

page 46,—

after line 23, insert—

"Explanation No. 2 -In case the remuneration of the employees are reduced or the terms and conditions of service of the employees or of a section of employees are altered to their detriment, it would be open to such of the employees who are affected adversely by such reduction in emoluments or alteration in service conditions to raise an industrial dispute as to the justification of such reduction or alterations and in case the dispute is not settled amicably or through the conciliation machinery, the same shall be referred to a Tribunal for adjudication."

(86)

SHRI S. S. KOTHARI : I beg to move :

Page 49, line 27,—

for "seven years" substitute "three years or he has assessed and surveyed not less than five hundred cases" (36)

Page 50,—

after line 8, insert—

"(EE) The Controller shall take immediate steps to institute and conduct periodical qualifying examinations for assessors and surveyors." (38)

SHRI N. K. SOMANI : I beg to move :

Page 39, line 22,—

Omit "who shall be the Vice-Chairman." (47)

Page 39,

after line 31, insert—

"(c) The Advisory Committee shall appoint its own Vice-Chairman out of the representatives of Indian insurers." (48)

SHRI S. S. KOTHARI : I beg to move
Page 49, lines 27 and 28,—

for "for a period of not less than seven years immediately preceding"

substitute—

"at the time of" (104)

SHRI K. C. PANT : Sir, so far as Shri Nambiar's amendment is concerned, I would only say that I would not like to take the time of the House by repeating all that I had said in reply to the debate. I had gone in to this question at great length and I had explained the purpose of this Committee. It is only to fix the rates and it is a technical function. It should be left to the technical men. There is certainly no question of having any contempt for the employees. Since the function is such that it requires technical knowledge and expertise, we want to leave it to the technical men. That is what I had said.

(SHRI K. C. PANT)

I had also explained why foreign insurers were represented in proportion to their business in the country. I cannot accept the amendment.

Regarding licence to the surveyors, I shall take up the amendments of Shri Himatsingka and Shri Kothari together. So far as Shri Somani's amendment goes, it is a matter of administrative convenience. If the Chairman cannot attend a meeting, the Vice-Chairman presides at the meeting. Therefore, we want the Vice-Chairman also to be a person from the Controllers office.

SHRI N. K. SOMANI: Have a co-Vice-Chairman.

SHRI K. C. PANT: There is no amendment for a co-Vice-Chairman, and therefore I cannot possibly consider it at this stage. I cannot possibly go on embroidering the bill at this stage when an amendment is not before me.

So far as Shri George Fernandes' amendment Woes, when the LIC was nationalised there were as many as 243 insurers and yet it was never said that any action was taken to the detriment of the employees. Why does he not have more faith in the Government? I do not think I can accept his amendment.

SHRI NAMBIAR: The LIC dispute is still hanging fire.

SHRI K. C. PANT: The Government will perhaps never be honest in his eyes, but so long as he is sceptical about it, it is on safe grounds. Now, I accept the amendment of Shri Himatsingka.

SHRI S. S. KOTHARI: That is because he is a Congress Member: it is very clear.

SHRI K. C. PANT: I think he is entitled to a reply. His amendment and Shri Himatsingka's amendment are very similar to each other. The only difference is that Shri Himatsingka's amendment has a particular date, and the significance of that date is that it was the date on which this matter came up before the Joint Committee. We feel that from the Joint Committee the surveyors and loss assessors may have

got some idea that the Government may accept such an amendment, and therefore some new people may have come up after that date to take advantage. Therefore, we accept his amendment. I accept the spirit of what Shri S. S. Kothari says. I think he is much happier than what he is showing to be. I have gone far beyond what Shri C. C. Desai wanted himself, and there is no question of the hon. Member feeling aggrieved.

MR. DEPUTY-SPEAKER: I will first put amendment No. 87 of Shri Himatsingka which has been accepted by Government.

The question is:

Page 49, for lines 26 to 29, substitute

"(a) has been in practice as a surveyor or loss assessor on the 26th day of October, 1968, or" (87)

The motion was adopted.

MR. DEPUTY-SPEAKER: I will now put all the other amendments to vote.

Amendments Nos. 53, 86, 36, 38, 47, 48 and 104 were put and negatived

MR. DEPUTY-SPEAKER: The question is:

"That clause 29, as amended, stand part of the Bill"

The motion was adopted.

Clause 29, as amended, was added to the Bill

Clause 30 to 36 were added to the Bill.

MR. DEPUTY-SPEAKER: Is the Government thinking of accepting any amendment to the other clauses?

SHRI K. C. PANT: There is a Government amendment to clause 40.

MR. Nambiar is keen on that point and I have accommodated him there.

SHRI NAMBIAR: So far as clause 40 is concerned, when the taking over takes place, the condition in the Bill is

that compensation must be paid at the market rate or face value, whichever is higher. I want it to be "whichever is lower". But now the minister is accepting an amendment saying that it shall be market value. He has removed the words "face value" and also "whichever is higher". I am satisfied. I am not pressing my amendments to clause 40.

MR. DEPUTY-SPEAKER : All right. Now, we are on clause 37.

Clause 37—(Insertion of new sections 110D, 110E, 110F, 110G, and 110H.)

SHRI BENI SHANKER SHARMA : I beg to move;

Page 60, lines 12 and 13,—

omit "(who shall be the Chairman thereof)" (11)

SHRI S. S. KOTHARI : I beg to move: Page 60,—

for lines 11 to 15, substitute—

"110G. (1) The Central Government shall constitute an Advisory Board of Insurance consisting of the Controller and not more than four other members having special knowledge and experience of the business of insurance, provided that a member other than the Controller shall be nominated by the Central Government to be the Chairman of the Board." (39)

SHRI NAMBIAR : I beg to move:

Page 60, line 15,—

add at the end—

"but having no direct or indirect financial interest in the said business." (54)

My amendment is very simple. The clause in the Bill says :

"The Central Government shall constitute a Consultative Committee consisting of the Controller (who shall be the Chairman thereof) and not more than four other members having special knowledge and experience of the business of insurance."

Here I want to add,

"but having no direct or indirect financial interest in the said business."

Otherwise, my fear is, through the backdoor, in the name of the consultative committee, those who are representing the interests of the business will come in. I want a ban on such entry. I hope he will accept this amendment.

SHRI BENI SHANKER SHARMA : I have a very important question to ask, namely, whether the Government is competent to change the recommendations which we make in the Select or Joint Committee. So far as I remember, in the Joint Committee, it was only agreed that there will be a consultative committee or advisory committee and there was no talk of any Chairman.

Now I find that after the words 'after the Controller' the words 'who shall be the Chairman thereof' have been added. is my first question.

My amendment therefore is this.

MR. DEPUTY SPEAKER : You are suggesting that what was not agreed to in the Joint Committee has been put in.

SHRI BENI SHANKER SHARMA : Yes Sir.

MR. DEPUTY SPEAKER : He will take note of it.

SHRI BENI SHANKER SHARMA
It was not discussed in the Joint Committee as to who shall be the Chairman. And so, I want that the words 'who shall be the Chairman. thereof should be deleted. In the Joint Committee we said that the Controller should be controlled by the Consultative Committee or the Advisory Committee. But, here, we find that the Advisory Committee is going to be controlled by the Controller himself. That is very curious.

So, the Chairman should not be the Controller who is to be advised and who should be controlled for his injudicious acts. That is the only amendment that I have suggested. My

suggestion is that 'any other member other than the Controller should be the Chairman'.

SHRI S. S. KOTHARI: I would submit that instead of the Consultative Committee, there should be an Advisory Board of Insurance. If the Controller is to be the Chairman, it would be difficult. It means he will dominate the Committee and the Committee will endorse what he considers necessary. He will do what he wants to do. In my opinion, the Chairman should not be the Controller but anyone other than the Controller should be the Chairman of the Advisory Board. And it should be known as the Advisory Board of Insurance. I do not know what they will lose by giving a decent name and giving adequate powers so that it can function properly. Secondly, there is the question of appeals to the Central Government. I would say that the appeal should be to the Appellate Tribunal. The functions of the executive and the judiciary should not be combined. This is a very important point. There should be an independent appeal against the decision of the Controller. There should be an Appellate Tribunal as in the case of Income tax there is an Appellate Tribunal for appeals.

SHRI K. C. PANT: So far as Mr. Nambiar's amendment goes, I would like to tell him that the Government is aware of this aspect of it. He referred to the procedures to be followed. I have given him an assurance that I shall keep this aspect in mind and I hope he will not press for the amendments, as it will create difficulties. I have asked the law people to look into it if there are certain difficulties. But, we shall keep this aspect in mind.

SHRI NAMBIAR: Then I would withdraw this amendment.

SHRI K. C. PANT: So far as Shri Sharma's amendment goes, I had gone into this matter at great length. The function of the Board is to give a second opinion to the Controller. It is not a Board of Appeal. Appeal is provided for separately to the Central Government. In case of a difference of opinion between the Controller and the Board Members, all this will go to the Central Government.

Therefore, there is no question of having an Appellate Tribunal.

SHRI S. S. KOTHARI: At least the Minister should accept the name 'Board of insurance'.

SHRI K. C. PANT: What is there in the name? It is the functions that are important.

SHRI S. S. KOTHARI: Why should not the Committee go by the name—Board of Insurance.

SHRI K. C. PANT: I know that you are anxious to go into the functions rather than the name, Name is not important. The main thing is that once the second opinion is obtained by the Controller, he will be assisted by this in discharging his functions. This will be placed upon his shoulders and nobody can deny at least his responsibility in this regard. So, I think I have covered this.

श्री जार्ज फरनेन्डीज : अध्यक्ष महोदय, इनका जो प्रश्न था कि कमेटी ने बिल जिन प्रकार से रैफर किया था उसमें बुनियादी परिवर्तन है, उसका जवाब नहीं आया। यह मामूली परिवर्तन नहीं हैं। हम तो इस पर व्यवस्था चाहेंगे।

MR. DEPUTY-SPEAKER: That is a different matter. Here it is a fact. I want to know.

SHRI K. C. PANT: The draft of the amendments was circulated to the Members. I cannot say anything more than that.

SHRI BENI SHANKER SHARMA: At that time there was no decision that 'We shall be the Chairman'. The Joint Committee had said that there should be a Consultative Committee consisting of five members including the Controller. It was never decided that the Controller shall be the Chairman.

SHRI K. C. PANT: I was not present.

MR. DEPUTY-SPEAKER: There was no discussion and no decision. The Minutes were circulated prior to the submission of the report and so, I don't think there is any serious mistake.

SHRI S. S. KOTHARI: You must give your cogent arguments for not having an Appellate Tribunal.

SHRI NAMBIAR: In view of the assurance of the hon. Minister, I would like to withdraw my amendment No. 54.

MR. DEPUTY-SPEAKER: Has the hon. Member the leave of the House to withdraw his amendment?

SOME HON. MEMBERS: Yes.

Amendment No. 54 was, by leave, withdrawn

MR. DEPUTY-SPEAKER: I will now put amendment Nos. 11 and 39 to the vote of the House.

Amendments Nos. 11 & 39 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 37 stand part of the Bill."

The motion was adopted

Clause 37 was added to the Bill

Clause 38 and 39 were added to the Bill

Clause 40th Insertion of (Eighth Schedule)

Amendment made.

Page 61,—

omit lines 35 to 40 (92)

Page 62,—

for lines 6 and 7 substitute—

"encashable value as on the appointed day" (93)

(Shri K. C. Pant)

MR. DEPUTY-SPEAKER: The question is:

"That clause 40, as amended, stand part of the Bill."

The motion was adopted

Clause 40, as amended, was added to the Bill

Clause 41 was added to the Bill

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI K. C. PANT: I beg to move:

"That the Bill, as amended, be passed"

MR. DEPUTY-SPEAKER: Motion moved:

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

श्री काजं करनेइजीज: यहाँ मेरा एक व्यवस्था का प्रश्न है 93(2) में।

मुझे इतना ही कहना है कि व्यवस्था बिलकुल साफ है। अभी पिछले हफ्ते में एक दूसरा विधेयक भी सदन में आया था तो उस पर भी मैंने यही प्रश्न उठाया था और आप ने जो व्यवस्था दी थी वह बिलकुल ठीक दी थी। मैं चाहता हूँ कि नियमों का पालन हो और 93(2) के मुताबिक इस पर बहस आज स्थगित हो।

MR. DEPUTY-SPEAKER: I would request you to read it for the benefit of the House.

SHRI GEORGE FERNANDES: I will first read rule 93(1) and then 93(2).

"93. (1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member in charge may at once move that the Bill be passed.

(2) Where a Bill has undergone amendments the motion that the Bill as amended be passed shall not be moved on the same day on which the consideration of the Bill is concluded, unless the Speaker allows the motion to be made."

MR. DEPUTY-SPEAKER: That last portion is very important.

श्री काजं करनेइजीज: अद्यत्त महोदय, इस मामले में कुछ परम्पराएँ हैं। यह परम्पराएँ इस सदन में पिछले १७ वर्षों से चली आ रही हैं और अब तक यह निबन्ध

(श्री जार्ज फरनेन्डीज)

रहा। पिछले हफ्ते में मैंने यह प्रश्न रखा था कि जब विधेयक में कोई भी परिवर्तन हो जाता है तो परिवर्तन होने के बाद उसी दिन उस विधेयक को नहीं लिया जाता। मैं मानता हूँ कि यह बहुत महत्वपूर्ण बिल है। इसीलिए हम लोगों में से कई एक ने इसमें तरमीमें पेश की हैं और काफी सेलेक्ट कमेटी में भी और यहाँ भी जो कुछ कहना था वह कहा है। लेकिन अगर वह यह कहें कि यह आज शाम तक पास नहीं होता तो कल बीमा घन्घे में बड़ी गड़बड़ी हो जायगी तो यह मैं स्वीकार करने को तैयार नहीं हूँ। इसीलिए मेरा अनुरोध है कि जो नियम है उसका पालन हो और ऐसी कोई वजह नहीं है कि जिसको लेकर यह जो आपका अधिकार है अनलेस दि स्पीकर एलाऊज् दि मोशन टु बी मेड, इस अधिकार का इस्तेमाल करने की आवश्यकता पड़ती हो, ऐसी कोई परिस्थिति नहीं है। इसलिए आप नियमों को भंग न होने दें और मंत्री महोदय को यह प्रस्ताव कल आप पेश करने की इजाजत दें, यह मेरा अनुरोध है।

श्री अटल बिहारी वाजपेयी: उपाध्यक्ष महोदय, मेरे मित्र श्री फरनेन्डीज ने जो आपत्ति की है वह ठीक है। मगर उसका एक पहलू है। वह यह है कि मंत्री महोदय ने संशोधन स्वीकार किया। कहीं ऐसा न हो कि भविष्य में बिल को जल्दी पास कराने की चिन्ता में वह संशोधन न स्वीकार किया करें।

श्री कृष्णा चन्द्र पंत: हो सकता है।

श्री अटल बिहारी वाजपेयी: ऐसा नहीं होना चाहिए। आप विचार विनिमय कर लें। अगर जल्दी होती तो मैं प्रस्ताव रखता कि जिस नियम का हवाला श्री फरनेन्डीज दे रहे हैं उसको स्पष्ट कर दिया जाय लेकिन विधेयक को पास करने की कोई जल्दी नहीं है तो कस तक के लिए स्पष्ट किया जा सकता है।

MR. DEPUTY-SPEAKER: I have patiently heard what Shri Fernandes said on the other occasion and today. There is a basic difference. This measure has come after scrutiny by the Joint Committee. That makes a fundamental difference in the Chair's approach to any measure. In this case Members had one opportunity of going through and deliberating upon almost everything in the Joint Committee. When the other measure had come up before the House there were a number of amendments and the House was interested in further scrutiny. So I thought that it would be proper for me not to exercise the power which is with the Chair. On this occasion even Shri Vajpayee is not clear in his mind whether for the sake of procedural reasons it should be postponed. Therefore I overrule the point of order.

SHRI S. M. BANERJEE: You should say that you are overruling your own ruling.

MR. DEPUTY-SPEAKER: No, I am not over-ruling myself. You are making a mistake. There is discretion left to the Chair. That day I readily agreed. But that was a different occasion when the Bill needed further scrutiny.

श्री अटल बिहारी वाजपेयी: उपाध्यक्ष महोदय, यह सिलेक्ट कमेटी को गया या नहीं गया, इस नियम पर विचार करते समय इस को विचार नहीं किया जा सकता। आप अनुमति दें या न दें यह दूसरी बात है।

MR. DEPUTY-SPEAKER: The hon. Member will appreciate that this rule is there to see that we do not hurry and hustle anything and the House should scrutinise every measure very quietly. There should be an ample opportunity for a reasonable debate according to this procedure. If a reasonable debate and opportunity for scrutiny are there, I do not think hon. Member, Shri Vajpayee, is right in saying that. I am not doing anything that would detract from what I said.

श्री शिवचन्द्र झा (मधुवनी) : उपाध्यक्ष महोदय, इस इन्शोरेन्स बिल के मुताल्लिक बहुत तरह की बातें आई हैं और वे बातें उसी तरह की हैं जो बैंकिंग अमेंडमेंट बिल के मुताल्लिक थीं। समाज का और देश का तकाजा है कि जिस तरह से बैंकों का राष्ट्रीयकरण हो, उसी तरह से जैन्टरल इन्शोरेन्स का भी राष्ट्रीयकरण होना चाहिये। इस सरकार ने पहले भी वायदा किया था, कांग्रेस बैंकिंग कमेटी ने भी पास किया था कि यदि इन्शोरेन्स का बिजनेस ठीक से नहीं चलेगा तो आखिर में इसका राष्ट्रीयकरण करेंगे। राष्ट्रीय आन्दोलन के जमाने से यह बात आ रही थी और इधर हाल में परिस्थितियाँ ऐसी हुई कि खुद कांग्रेस कमेटी को इस तरह का फैसला करना पड़ा तथा समाज में आज इसका तकाजा है कि जैन्टरल इन्शोरेन्स का राष्ट्रीयकरण हो। यह जो टिकरिंग बिजनेस चल रहा है, मंत्री महोदय जो पैचिंग-वर्क चला रहे हैं—कभी यहाँ तोड़ते हैं, कभी वहाँ तोड़ते हैं—इससे काम नहीं चलेगा। जो कंसल्टेटिव कमेटी आप बनाने जा रहे हैं, कन्ट्रोलर की जो पावर्स दी गई है—हकीकत में सब पावर्स कन्ट्रोलर को हाथ में चली जाएगी और जिन मीलप्रैक्टिसिज को दूर करने के बारे में आप सोच रहे हैं, वे इन ब्यवस्था से दूर नहीं होंगी, वे खराबियाँ फिर भी कायम रहेंगी।

जिस रूप में आज इस बिल को हमारे सामने गया लाया है—इसको ये सोशल कंट्रोल कहते हैं, लेकिन हकीकत में यह सोशल कंट्रोल नहीं है। जिस तरह से आप बैंकिंग में सोशल कंट्रोल लाये हैं, फिर भी वहाँ पर बैस्टेड इंटरेस्ट का कंट्रोल कायम रहेगा, उसी तरह से यहाँ पर भी वह कायम रहेगा। हमारा आदर्श सोशललिस्टिक पैटर्न आफ सोसायटी है, उसको देखते हुए आपको रेडिकल कदम उठाना चाहिये, इस किस्म का टिकरिंग-वर्क का पैचिंग-वर्क छोड़ देना चाहिये, बर्ब ब्यवस्था को सीधे रास्ते पर

लाने के लिये आपको क्रांतिकारी कदम उठाने चाहिये।

SHRI LOBO PRABHU : This morning, I tried to impress upon the Finance Minister that this Bill fails to implement the purpose of social control. He replied to only one point which I made that in reducing commission from 15 to 5 per cent, he was not injuring the agents but was preventing them from having black-market transactions with the insurance companies. So, it means that he wants the insurance companies to have the whole amount of difference between 5 to 15 per cent to themselves. That is not a socialistic measure. I would like to make the point to Government that this bill does not serve the purpose of social control but will be suspected to serve the purpose of Congress control. It is the control over Rs. 80 crores, through the Controller who is unfettered. That is not regarded as a social control but party control, control for the purpose of donations and control for the purpose of elections.

I would urge upon the hon. Minister even at this stage to accept one single amendment and that amendment is in respect of Section 110F which permits an appeal to Government. Instead of 'Government', I would support the proposal of my learned friend, Shri S. S. Kothari, that these should be an appellate tribunal. That will create confidence in the minds of the people that this Bill is not inspired by any partisan motives but for the good of the country.

श्री मृषुंजय प्रसाद (महाराजगंज) :

उपाध्यक्ष जी, यहाँ पर कई ऐसे क्रिटिसिज्म हुए हैं, जिनके बारे में कहना पड़ता है कि बिना कागज पढ़े, बिना समझे उन बातों को कह दिया गया है। उनमें से बहुत सी बातों का जवाब हमारे पंतजी ने दिया है, इसलिए उन सब को दोहराने की जरूरत नहीं है, मैं सिर्फ दो-तीन बातों की तरफ ही आपका ध्यान खींचना चाहता हूँ, जिनसे कि बात स्पष्ट हो जाय या यों कहिये कि आपका रिकार्ड सीधा हो जाय।

सबसे पहली चोट तो नैशनलाईजेशन को लेकर हुई है। हमें नैशनलाईजेशन करना

श्री (मृत्युंजय प्रसाद)

चाहिये या नहीं करना चाहिये—यह अलग बात है, लेकिन पहली चोट विरोधी पक्ष के मित्रों की ओर से यही हुई कि हमने कांग्रेस की नीति को ही नहीं माना है। मैं आपको याद दिलाना चाहता हूँ कि 8 अप्रैल 1968 को यही बात श्री बनर्जी ने कही थी, उसके जवाब में श्री मोरारजी ने कहा था—

“May I say that the objection raised by the hon. Member has no validity so far as this Bill is concerned? If he thinks that the Government is not carrying out the policy of the All-India Congress Committee, it is for the All-India Congress Committee to tell us and not the hon. Member to tell us.”

श्री जाजं फरनेन्डोज: यह कोई तर्क है ?

श्री मृत्युंजय प्रसाद : आप ए० आइ० सी० सी० की बात मत कहिये। चूँकि आप ए० आइ० सी० सी० का नाम लेते हैं, इस लिये कह रहा हूँ।

“This Bill has been approved by the A. I. C. C. both in regard to banking and general insurance. The Hon. Member said that we have neither courage nor conviction, Well, we have rational courage and rational conviction. Therefore, our courage and conviction will never appeal to him.”

अब मैं आन—मैरिट्स की बातों पर आने की कोशिश करूँगा। एल० आइ० सी० का नेशनलाइजेशन हुआ—मैं बहुत कड़वी बात कह रहा हूँ, लेकिन पूरे अनुभव और जिम्मेदारी के साथ कह रहा हूँ—वहाँ का स्टाफ, कर्मचारियों का स्तर, खराब नहीं था, लेकिन आप लोगों की कृपा हुई और अब कोई भी बतला दे कि वहाँ के किसी भी डिवीजन का काम जैसा होना चाहिये, वंसा हो रहा है ? क्या एक भी डिवीजन के पॉलिसी-होल्डरों, एजेंटों की सेवा ठीक तौर से हो रही है और उन्हें सन्तोष मिल रहा है ? ऐसी हालत में श्री विक्रम चन्द महाजन ने बिलकुल सही कहा है—जब तक हम अपना

स्टाफ न सुधारें, कर्मचारियों की मनोवृत्ति न बदलें, नेशनलाइजेशन झंझट का घर हो जायगा।

दूसरी बात मैं कहना चाहता हूँ कि लाइफ इंशुरेन्स और जनरल इंशुरेन्स में बहुत बड़ा अन्तर है। वह अन्तर यह है कि लाइफ इंशुरेन्स लांग-टर्म कांट्रैक्ट है, इस लिए लाइफ इंशुरेन्स में प्रोग्राइटरी इंटेरेस्ट और प्रोग्राइटरी राइट्स पालिसी होल्डर्स का भी आ जाता है जब कि जनरल इंशुरेन्स में यह बात नहीं है।

कोई भी किसी तारीख का आप हिसाब लगाइये, किसी जनरल इन्श्युरेन्स कम्पनी का, तो उस तारीख से 12 महीने के भीतर उसकी सभी पोलिसीज पूरी हो जाती हैं और उन 12 महीनों के भीतर ही क्लेम होना चाहिये, उसके बाद क्लेम का कोई सवाल नहीं रह जाता है। इसलिये इन 12 महीनों का क्लेम देकर तथा और सभी खर्च की मदें पूरी करने के बाद जो कुछ अतिरिक्त धन बचता है वह दूसरे खर्च में चला जाता है। वह पोलिसी होल्डर्स का धन नहीं रहता है। हाँ कम्पनी का धन रहता है और कम्पनी उसको आगे के लिये अपने रिजर्व्स को बढ़ाने के लिये जमा करती है।

15 hrs.

एक बात और भी कही गई है कि कंपनियों को जितना मुनाफा या प्रॉफिट होता है वह बहुत ज्यादा होता है, यह राशि बहुत बड़ी लूट है। यह लूट नहीं है असली लूट कहां है वह हम जानते हैं, आप नहीं जानते। और जहां लूट नहीं है उसको आप लूट कह रहे हैं। (व्यवधान) मैं बतला रहा हूँ आप सुनिये। हाई प्राफिटेबिलिटी में लूट नहीं है, वह कोई ऐसी चीज नहीं है जिसके लिये हमको शर्म हो और सर झुकाना पड़े। वह तो एक हद तक तारीफ की बात है। मगर साथ-साथ हाइ प्रॉफिट्स में से लेकर बहुत ज्यादा रुपया सेयर होल्डर्स को दे देना यह लूट की बात है।

'The bulk of the surplus money should go to the strengthening of the reserves ; only a reasonable amount out of it should go to the shareholders.'

लूट की जगह है कौल्यूसिव क्लेम आफ पौलिसीज । उसका जिक्र तो आपने किया नहीं । इस प्रकार की लूट को कतई बंद करने के लिए इस कानून में क्लेम्स को बहुत कुछ सम्हालने का उपाय किया गया है । आज तक जितने आपके क्लेम अमेसर्स और सर्वेयर्स थे बिना किसी क्वालिफिकेशन के थे । माननीय जार्ज फरनेन्डीज के सामने सर्वेयर्स के प्रतिनिधियों ने सेलेक्ट कमेटी में स्वीकार किया था कि सर्वेयर बनने के लिये क्वालिफिकेशन की कोई जरूरत नहीं थी, कोई एक्सपीरियन्स की जरूरत नहीं थी । आज तो हम आगे के लिये सर्वेयर्स के लिये क्वालिफिकेशन बना रहे हैं और यह बड़ाई कर रहे हैं कि अगर कोई सर्वेयर गलत सर्वे करे तो आगे के लिये उनके लाइसेंस कंसिल हो जाये तथा 20 हजार से ऊपर का एक क्लेम भी बिना सर्वे के न रह जाये । इसके अलावा कन्ट्रोलर को यह अधिकार दिया गया है कि वह क्लेम की जांच शुरू में तो करे ही और जहां तक शुबहा हो जरूरत समझे, दावा भुगतान के बाद में भी उसका रीओपिन कर सकता है ।

अभी प्रोफिटैबिलिटी की बात हो रही थी तो मैं देख रहा था कि प्रोफिट चाहे जितना हो मगर सभी भारतीय बीमा कंपनियों का नेट प्रीमियम इन्कम 76 करोड़ होने पर भी डिवीडेन्ड 1966 में 37 लाख 88 हजार दिया गया, जो पेड-अप कैपिटल 11 करोड़ 65 लाख रुपयों पर 3 परसेन्ट से थोड़ा ही ज्यादा पड़ा है । बहुत सी कंपनियों को घाटा हुआ है इसलिए कई कंपनियों को 3 परसेन्ट से जरूर ही अच्छा डिवीडेन्ड मिला है ।

माननीय श्री जार्ज फरनेन्डीज और श्री राम अच्युतर शास्त्री कमेटी में बैठकर

स्टाफ की भलाई के लिये ऐसे सुझाव दे सकते थे जिसकी कुछ गुंजाइश थी और उनके लिये कुछ किया जा सकता था तथा उनके लिये मनेजमेण्ट पार्टीसिपेशन का कोई रास्ता बनता । सो तो उन्होंने किया नहीं । जहां मनेजमेण्ट से कोई वास्ता नहीं है, जहां केवल टेरिफ, अपील, कम्पेसेशन देना है, वहां आप कहते हैं कि स्टाफ को भी मेम्बर बनाओ इससे काम नहीं होगा सिवाय इसके कि आप प्लेइंग टु दि गैलरी दुनिया को दिखाने के लिए कर रहे हैं कि आप को ही स्टाफ की चिन्ता है और किसी को नहीं है । मगर वहां सुझाव देना चाहिए था जहां थुप रह गये ।

आपने एक बात कही जो मुझे अच्छी लगी और मैं उसकी तारीफ करूंगा कि जहां दो कंपनियों का एमेलगेमेशन हो, वहाँ जिन कर्मचारियों का ऊंचा वेतन दर हो उसके लिए एडजुडिकेशन भी गुंजाइश रहे । लेकिन यहाँ एक बड़ी कठिनाई आ जाती है । कंपनी खराब होती क्यों है, जिसके लिए कम्पसरी एमेलगमेशन का सवाल उठ सकता है, क्योंकि उसका मनेजमेण्ट खराब है और हाई एक्सपेन्सेज होते हैं । तो एक कंपनी जिसका वेतन दर बहुत ज्यादा है, और जिसके साथ एमेलगमेट कराना चाहते हैं, उसके स्टाफ का स्केल कम है तो नतीजा यह होगा कि 100 का मुणाहरा बढ़ेगा 10 के लिये या 10 का घटेगा 100 के लिये । यह झगड़ा है और इसका नतीजा होगा कि एमेलगमेशन सहज नहीं होगा । कंपनी को टेक अप करना होगा और उसके लिए सरकार के पास आना होगा ।

मेरे पास ज्यादा समय नहीं है लेकिन एक अपील करूंगा कि इस बिजनेस को बढ़ाने के लिए जो सबसे बड़ी चीज है वह एजेन्ट्स हैं । उनको आपने एक तरह से खत्म कर दिया । 5 परसेन्ट कमीशन करने से गरीब एजेन्ट्स मारे गये । मैं मानता हूँ कि रिबोर्टिंग-

श्री मृत्युंजय प्रसाद

क़ब चलता है मगर वह फायर इन्श्योरेंस में चलता है क्योंकि वहाँ पर बैंकों, कारख़ानों के मैनेजर्स की ओर से डमी एन्जेसी होती हैं और प्रिमियम की रकम भी बढ़ी होती है, तथा कमीशन की राशि भी अच्छी निकलती है। कमेटी में भी कहा गया और मैं भी याद दिलाऊँ कि मोटर इन्श्योरेंस में 100, 150, 200, 400 रुपयों की प्रिमियम के ऊपर 15 परसेंट के हिसाब से 60 रुपये तक रिबेटिंग होता था लेकिन अब होगा 15, 20 रुपये ही। पहले जो फायर इन्श्योरेंस पर कमीशन रिबेटिंग होता था उसको कम्पनियों के मैनेजिंग एजेंट्स खाते थे। इसलिए अगर आपने फायर इन्श्योरेंस में उसको कम किया है तो ठीक ही किया है। मगर सभी में और खासकर मोटर, प सनल ऐक्सीडेंट इत्यादि में 5 परसेंट तक कमीशन घटा देना ठीक नहीं है। इसको अगर आप अभी नहीं सुधार सकते, तो दो चार महीने की वक़िफ़ देखकर आप इसमें फिर से सुधार कर सकते हैं।

SHRI N. K. SOMANI: Even at this late stage I would like to remind the Government of India that there is a certain move to arm the office of the controller of Insurance with an over-abundant supply of power and authority. I suspect, this is sought to be given because probably the Minister here is thinking in terms of individuals. Granted we may have a very competent and nice controller of insurance today, a very nice Minister or DPM, but we cannot build our case around individuals. I dare say that not even the Reserve Bank Governor or any parallel institution anywhere in the world has got any such power as is sought to be given by this Bill. In respect of senior officers or managing directors, if somebody comes to recognise that he cannot be removed, he cannot be penalised, he cannot be questioned by the management he knows that with the passing of the Bill as in Clause 34A nothing can be done to these senior officers—then, nobody can question them if they are incompetent or inefficient or proceed against them.

You would see that the powers sought to be given to him are so ? disproportionately out of tune with the requirements of the situation that in many cases the persons who are affected have been denied the opportunity of going to a court of law. I do not know how then several provisions will stand the test of law when taken to a court. But this is something which I think is a retrograde step that whether in the matter of removal or in the matter of appointments etc. a person can only appeal to the Central Government. I for one do not wish to arm the Central Government with such superior, mature status of judgment which other courts of law are denied. A person may be declared afterwards by a court of law to be guilty of anything, but as far as the executive arm of Government is concerned, it is not its business to uphold finally to withhold the sanction that a person can go to a court of law in any matter what so ever under any circumstances.

So, I would appeal that there may be some moderation as far as this is concerned, and all legal arms and facility should be given to anybody who is affected in this matter.

SHRI BENI SHANKER SHARMA: Some Members have expressed their disgust and displeasure at the way horses are being changed in mid-stream. I join them. We spent five days, five laborious days at the Joint Committee stage, and Shri Morarji Desai was all along sitting with us from 10 a. m. to 7 p. m. and herking assiduously. I wanted to thank him but he is not here to receive my thanks. I find Shri K. C. Pant instead.

SHRI S. KANDAPPAN (Methur): He can convey his thanks through the Chief Whip Shri K. C. Pant.

SHRI BENI SHANKER SHARMA: I wish Shri Morarji Desai were here. I want to draw your attention to the fact and I feel a little sore about it that there was no discussion whatsoever about the controller being made the chairman of the consultation Committee and he has been brought in through the back-door in this legislation. If Government had any such intention, they should have brought it to

our notice by a special letter or by some other manner. The Minister of State in the Ministry of finance has taken shelter under the technicalities of the thing. But I would request you in future to see that some rules are made whereby such important things cannot be pushed through the back-door at the Government's and by way of an amendment in this manner.

SHRI S. KANDAPPAN : Back-door is the normal door in our country today.

SHRI BENI SHANKER SHARMA : Now, the controller has been made the chairman of the advisory committee. At the stage of discussion in the Joint Committee we wanted that the powers of the controller should be curbed, and after a lot of discussion, his powers were watered down a little. But again, we find that he has been armed with greater powers.

I am reminded of a story. There was a faqir in a locality, and his desire was that he should ride a horse. So, every day he used to pray to God, saying 'Ya Allah, Ek Ghora de, Ya Allah Ek Ghora De', that is, 'Oh Merciful God, give me a horse'. Just then, a nawab was passing that side, and his mare gave birth to a colt. The colt could not walk and the nawab looked round and he found the faqir. So, he called him and asked him to carry the colt on his back. The faqir was very happy that Allah Tala was very merciful and he had heard his prayers and given a horse. But then he reclaimed God is very merciful but sometimes He acts in a reverse way. I wanted a horse to ride upon but now the horse is riding on me. Sir, we wanted the controller to be controlled, but we find that again the controller is controlling the whole thing.

So far as the controller was concerned, originally he had such wide powers of which even a Tughlak would have been ashamed but at the Joint Committee stage, thanks to the sense of understanding displayed by Shri Morarji Desai, many of the powers were watered down. But again, we find that what we had done has been undone by the officials or the bureaucratic machinery.

In regard to agency commission, much has been made out that the rebate is being given to the big business tycoons. I have got the figures with me here. There are about 3,28,786 insurance agents in India. All of them cannot afford to give rebates to the insurers. They have got to earn their livelihood and they have got to carry on. The number of people who earn about Rs. 2,000 to Rs. 10,000 only is very large, and is about 3 Lakhs.

Those persons about whom our Deputy Prime Minister has talked and said that they were indulging in rebating will be hardly 4,000 to 5,000. I know here are wives, daughters and daughters-in-law of big businessmen and even of Ministers who are acting as agents. If the measure is to prevent such malpractices, I am one with the hon. Minister. But we should not take the bread out of the mouth of those people who depend on this for their bread. We should not throw them into the streets and take away their bread from them. I still expect some good sense to dawn on Government.

In the garb of stopping rebating, the Deputy Prime Minister will be putting on the verge of starvation 20-25 lakh people. The same fate which overtook the goldsmiths will overtake them. Let this be taken as a warning. The whole insurance business will collapse. It seems the intention of Government is again to help the bigger industrialists, the bigger companies, whom they are accusing of monopoly. Instead of helping the medium-size and small industries, they are indirectly helping the bigger industries. If they retain 15 or 10 per cent as commission to agents, I think the medium-size companies will be saved and the whole industry will not pass into the hands of a few big people, about whom our friends have been saying so many things.

SHRI S. M. BANERJEE : My hon. friend, Shri Mrityunjaya Prasad, mentioned that Shri Morarji Desai, once replied in this House to a question of mine that I should not have mentioned the AICC and the promises made there about nationalisation of banks or general insurance. After all, this Government at the Centre is run by the AICC. So naturally

whenever any decision is taken by the AICC, right from Avadi where the socialist pattern of society was adopted for our polity, then to Jabalpur, we expect it to be implemented faithfully.

I was told that when a decision regarding nationalisation of banks and general insurance was about to be taken, folders were distributed to members of the AICC by the general insurance magnates urging that nationalisation of general insurance will be suicidal. I have no grouse against the ruling party. But let them not talk to the people like this. They should not have given so much assurance to the country that they are going to nationalise banks and general insurance.

From nationalisation, it has come to social control. I do not know whether this will work. But I have a right to say that they have not kept their word. I would like to ask Shri Bhagwat Jha Azad and the other so-called Young Turks. They were pleading here for nationalisation. Where are they today when the funeral procession of nationalisation is going from this House.

I am opposed to this Bill only because it is no nationalisation. If they had nationalised banks and general insurance, that would have been the beginning of socialism in this country. But they are not prepared to do that. It really reflects their character. From nationalisation they have come down to social control. It shows that in reality they are still wedded to those business houses and are attached to them.

I oppose the Bill.

SHRI NAMBIAR : I tried my best to persuade the hon. Minister to improve upon a very bad case.

MR. DEPUTY-SPEAKER : You have partially succeeded.

SHRI NAMBIAR : After all, we wanted nationalisation and they have given us what is known as social control, and it is reduced to this that the entire power of control is given to the Controller. My hon. friends on the right are very much

apprehensive that this Controller may not be able to discharge his duties properly, but I have my own fears not of this particular Controller but because I know the bureaucracy of this country. It is a thing that the Britishers handed over to us and we are preserving it. One day we will have to break it, otherwise there will be no hope for India.

AN. HON. MEMBER : Who will break it ?

SHRI NAMBIAR : We will, the people of India.

Anyhow, power is now being given to the Controller. Let us hope that the new Controller will behave well. It is only a pious wish and hope.

The small mercy that he has shown is not all enough. Even if he feels that there is not much money to be brought out of this general insurance for the purpose of the common good, there is a lot of malpractice going on in this industry which has to be brought to an end. My friends on the other side were talking about profitability, dividends and all that. After all in the present day world profitability of the capitalists is exploitation. From where does this profitability come ? I enter into a business and I get a profit to the tune of Rs. 10 lakhs and people say I am very efficient. But where am I getting it from ? I sit in my office and do business on paper and I accumulate wealth. That is exactly what is known as exploitation. They are practicing this exploitation and it is legalised by our putting a seal on it. Therefore, this so called profitability, dividend being paid, good business etc., are only a misnomer to fool the guillible.

So my submission is this that nothing short of nationalisation will solve the problem. Though it may not bring forth as much money as we want for the purpose of the common good, at least it will put an end to the malpractices in the industry. That is why even at this late hour I appeal to the Government to reconsider this.

श्री लिखारे (पंजिम) : उपाध्यक्ष महोदय, मुझे खेद के साथ कहना पड़ रहा है कि

विधेयक जिस रूप में पास हो रहा है उससे मेरी अपेक्षा भंग हो गई है। मैं तो अपेक्षा करता था कि इस विधेयक का स्वरूप सम्पूर्ण बीमि के राष्ट्रीयकरण का होगा।

मैंने इस बिल पर बहस के पहले ही दिन देखा कि स तत्र पार्टी के श्री सी० सी० देसाई ने इस विधेयक पर एकदम गोलाबारी की। लेकिन आज मैं इसके विपरीत देख रहा हूँ कि सदन में मियाँ, बीबी सभी तो इस पर राजी हैं। अभी मेरे जैसा निर्दलीय काजी क्या करेगा? जैसा मैंने कहा हम तो बिल के मौजूदा स्वरूप के विरोध में हैं लेकिन बाकी सभी क्षेत्रों में उनका समर्थन हो रहा है। मैं पुनः इस बात को कहूँगा और इसकी अपेक्षा करूँगा कि आज नहीं तो कम से कम 6 महीने के अंदर एक विधेयक गवर्नमेंट की तरफ से आ जायगा जिससे कि यह इन्श्योरेंस का राष्ट्रीयकरण हो जायगा।

इस विधेयक पर बहस के दौरान बीमि के राष्ट्रीयकरण का जो विरोध किया गया था वह इस बिना पर लिया गया था कि हमारी जो भी पब्लिक अंडरटेकिंग्स हैं वह सब अनसक्ससफुल हों गयी है लेकिन मेरा कहना है कि अगर वह नाकामयाब हुई है तो आगे के लिये उन्हें ठीक करना होगा, आवश्यक उनमें सुधार करना होगा और इस दिशा में पिछले अनुभव से हमें लाभ उठाना होगा ताकि राष्ट्रीय क्षेत्र में जो हमारे नये नये उद्योग धन्धे व कारपोरेशन आदि हैं वह कान्याब हो सकें। लेकिन यह कारपोरेशन की अवस्था ऐसी न हो जो कि एल० आई० सी० की हुई।

एल० आई० सी० की कारपोरेशन बन गयी, पब्लिक अंडरटेकिंग हो गई और करोड़ों रुपये के फंड्स जमा हुये, लेकिन उन फंड्स का बहुत बड़ा भाग प्राइवेट फर्म को दिया गया। मैं चाहूँगा कि एल० आई० सी० या अलग कारपोरेशन के फंड हमारी पंचवर्षीय योजनाओं की सफलता प्राप्त हो। एल० आई० सी० के करोड़ों रुपये प्राइवेट प्रोजेक्ट्स दिये जायेंगे। तो मैं चाहूँगा कि एल० आई० सी० जैसे संस्थाएँ या जो कारपोरेशन हों वह हमारा जो फोर्स इयर प्लान है उनके लिये वह फंड दे सकें। मैं चाहूँगा कि कारपोरेशन ऐसी हो जोकि हमारे राष्ट्रीय उद्योगों के लिये फंड्स देने वाली हो और जाहिर है कि यह तभी संभव हो सकता है जब इस बीमा व्यवसाय का सम्पूर्ण राष्ट्रीयकरण हो जायगा।

श्री आर्ज फरनेन्डीज : उपाध्यक्ष महोदय, इस इन्श्योरेंस (अमेंडमेंट) बिल पर जब वह ज्वाएंट कमेटी में गया था तब भी मैंने इस सम्बन्ध में कई संशोधन दिये थे व सुझाव प्रस्तुत किये थे लेकिन हमारे उन सब संशोधनों व सुझावों को अस्वीकार कर दिया गया खास तौर पर ऐसे संशोधन जिनमें कम्पनियों को आप किसो हालत में अपनी तरफ लाना चाहेंगे तो उनके कर्मचारियों के बारे में पहले से कोई व्यवस्था करनी चाहिये। जो बोर्ड आप बनाने जा रहे हैं उसमें कर्मचारियों को प्रतिनिधित्व देना और कर्मचारियों की जो भी शिकायतें हों उन्हें ठीक ढंग से सुलझाने के लिये एक आरबिट्रेशन की व्यवस्था इस विधेयक के अन्तर करनी चाहिये। यह बिलकुल ही बुनियादी बात थी लेकिन मेरे सुझावों को सरकार ने मानने से इकार किया और ऐसी हालत में हमारे लिये इस विधेयक का समर्थन करना बिलकुल असंभव हो जाता है।

मैं आपके सामने जब यह बिल ज्वाएंट कमेटी में डिस्कस हो रहा था तो उसकी प्रोसीडिम्स में से एक अपने एक सवाल और जो उसका जवाब दिया गया था वह मैं यहाँ पर पढ़ कर अपनी तकरीर को खत्म कर दूँगा। उससे यह बात साबित हो जायगी कि जो लोगों की मांग थी कि इन्श्योरेंस का राष्ट्रीयकरण हो और जिस मांग को कुछ आल इन्डिया काँग्रेस कमेटी ने भी उठाया था उस मांग को

[श्री जार्ज फरनेन्डीज]

सरकार ठुकरा कर यह एक नकली विधेयक यहां पर ला रही है और जाहिर है कि ऐसा वह हिन्दुस्तान की बड़ी बीमा कंपनियों के दबाव पर कर रही है . . .

SHRI NAMBIAR: On a point of order, Sir. The hon. Minister cannot read newspapers in the House.

Several hon. Members rose.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI K. K. SHAH): My hon. friend can see. This is a bout criticism on Loksatta and Janasatta.

MR. DEPUTY-SPEAKER: As far as possible such things should be avoided.

SHRI S. M. BANERJEE: He can get Information but not Broadcasting.

MR. DEPUTY SPEAKER: You are now broadcasting his reading.

श्री जार्ज फरनेन्डीज : मुझे यह बात खेद के साथ कहनी पड़ती है कि जिस मांग को हम पिछले कई सालों से करते रहे हैं और जिसको कि आल इण्डिया कांग्रेस कमेटी ने भी उठाया कि बीमे का राष्ट्रीयकरण हो उस मांग को जैसा मैंने कहा सरकार ने बीमा कंपनियों के मालिकों के दबाव में आकर कैसे खत्म किया उसका एक सबूत रख कर मैं अपनी तकरीर को खत्म कर दूंगा ।

ज्वाइंट कमेटी में जो एविडेंस दी गई उस पुस्तिका के पेज 19 से मैं अपने पूछे गये सवाल और श्री पटेल ने जो उनके उत्तर दिये उन्हें मैं कोट कर रहा हूँ ताकि सदन के सामने यह बात साफ हो जाय कि इस विधेयक की कहीं शुरुवात हुई और कहीं आज इसका ख़ात्मा हो रहा है । पेज 91 से मैं पढ़ रहा हूँ ।

SHRI GEORGE FERNANDES: You are the Chairman of the special committee on general insurance.

SHRI PATEL: Yes.

SHRI GEORGE FERNANDES: Under what circumstances was this committee set up ?

SHRI PATEL: The committee was set up in the Indian Merchants 'Chamber Hall after the Congress Working Committee had passed a certain resolution. One of the ten recommendations was the possible nationalisation of general insurance business. At that time the insurers got together and appointed this committee.'

SHRI GEORGE FERNANDES: The objective of the committee was to campaign against nationalisation.

SHRI PATEL: I will not put it like that. The objective was to give a clear picture to the entire public of the role the insurance has to play."

SHRI GEORGE FERNANDES: Do you think that the objective has been served to a great measure ?

SHRI PATEL: So far as I am aware government has decided to have this Bill instead of nationalisation."

जिस मकसद को हासिल करने के लिये वे लोग खड़े हुये थे उनके उस मकसद को आपने पूरा कर दिया है । हिन्दुस्तान के पूँजीपतियों ने आपको दबाया और आप उनके दबाव में आ गये और तमाम उन बेईमानियों को जो आज तक वे करते आ रहे हैं, उनको करते रहने के उद्देश्य से आप इस विधेयक को यहां ले आये । इसलिये मैं इस विधेयक का पूरा-पूरा विरोध करता हूँ ।

SHRI K. C. PANT: My hon. friend SHRI NAMBIAR has paid me a lefthanded compliment for having shown little mercies, but I wish I could say the same for my hon. friend SHRI GEORGE FERNANDES. He never shows any mercy, and once again he has raised this point of order, of deferring consideration of the Bill to the next day, because I have accepted some amendments; he did it last time also. But I think it is going to continue

until one day I accept his amendment; that alone will change his frame of mind, I think. But the only trouble is, suppose, I agree with him and accept an amendment; then he will read out from the proceedings and say *dabav me a gayi*, because whenever we do something according to our lights and we agree with somebody else, he presumes that it is under pressure. Therefore it is very difficult even to agree with him. He will presume that it is under pressure that I have agreed!

My hon. friend Shri Beni Shanker Sharma has given me a through drubbing, because he has said something has been included which was not discussed in the Joint Committee. Here is a Minute of Dissent by Shri Humayun Kabir which says:

"In clause 37 of the Bill....it is proposed to constitute a Consultative Committee with the Controller as the Chairman."

Obviously, if Shri Humayun Kabir has mentioned it in the Minute of Dissent, it must have been before him, but what is far more interesting is that in the Minute of Dissent, Shri Beni Shanker Sharma himself has made the following observation:

"But what sort of advice and guidance a Consultative Committee could give to the Controller, who himself happens to be its Chairman."

I am rather amazed. I thought that my hon. friend Shri Srinibas Misra specialised in springing up with traps but I find that Shri Beni Shanker Sharma has taken this thing from him (*Interruption*)

SHRI SRINIBAS MISRA (Cutback): You are not paying a compliment. I do not make such false remarks.

SHRI K. C. PANT: There have been a couple of occasions to which I would not refer here. Anyway, if Shri Beni Shanker Sharma, being a senior Member, takes a leaf out of his book, he should feel complimented.

So far as the other arguments are concerned, let me only say this. About the argument in regard to nationalisation, we have gone into it at great length, and

I need not repeat it here. There is this question whether to accept an appellate tribunal instead of an appeal to the Government. I had explained that this would delay the whole process so much that it would defeat the very purpose we had in mind. I could not accept it.

I am grateful to Shri Mrityunjay Prasad for his short but very significant speech. (*Interruption*) I hoped and wished that he had got more time in the first reading, because he displayed a deep understanding of the subject. I may not agree with all that he said but at least he has a thorough understanding of the subject.

So far as the Controller's powers go, once again we have had two opinions expressed in the House; some Members said that the powers are too drastic; some others said that in spite of these powers the Controller would not be able to do much. Therefore, these two arguments which we heard all along in the debate cancel each other out.

So far as the contribution of Shri S.M. Benerjee is concerned, he has sought to divide us on this question, very clever as he always is. But I can tell him that after having had differences of opinion, we ultimately arrive at some compromise or some decision and then we come here and place the views here. And after that, at any rate, he should not try to divide us. That is my request to him.

SHRI S. M. BENERJEE: Birds of the same feather,

SHRI K. C. PANT: I think I have done with all the other comments. So far as Mr. Nambiar is concerned, my reply is this. When he refers to profitability, he must agree that given a certain system of functioning, a person who is more efficient and who adds to the profitability is to be preferred to one who does not. He may disagree with the system, but he must agree that within the system, this difference is legitimate. It is this difference which Shri Mrityunjay Prasad sought to make out.

MR. DEPUTY SPEAKER: The question is

"That the Bill, as amended, be passed"

The Lok Sabha Divided.

Division No. 23

AYES

15.40 hrs.

Bajpai, Shri Vidya Dhar	Master, Shri Bhola Nath
Barua, Shri Bedabrata	Mishra, Shri G. S.
Bhakt Darshan Shri	Mrityunjay Prasad, Shri
Bhattacharyya, Shri C. K.	Orson, Shri kartik
Chandrika Prasad, Shri	Pahadia, Shri Jagannath
Chaudhary, Shri Nitiraj Singh	Palchoudhari, Shrimati Ill
Deoghare, Shri N. R.	Pandcy, Shri Vishwa Nath
Desai, Shri Morarji	Pant, Shri K. C.
Deshmukh, Shri B. D.	Parthasarathy, Shri
Dhillon, Shri G. S.	Patil Shri Deorao
Dixit, Shri G. C.	Raj Deo Singh, Shri
Ering Shri D.	Ram Dhani Das, Shri
Gajraj Singh, Rao, Shri	Ram Subhag Singh, Dr.
Gandhi, Shrimati Indira	Ram Swarup, Shri
Girja Kumari Shrimati	Ranc, Shri
Gupta, Shri Lakhan Lal	Rao, Shri K. Narayana
Himatsingka, Shri	Rao, Shri J. Ramapathi
Kamble, Shri	Rao, Shri Thirumala
Kamala Kumari, Kumari	Roy, Shri Bishwanath
Kasture Shri A. S.	Saha, Dr. S. K.
Kripalani, Shrimati Sucheta	Sapre, Shrimati Tara
Kushok Bakula, Shri	Sen, Shri Dwaipayan
Lakshmikanthamma, Shrimati	Shambhu Nath, Shri
Lutfal Haque, Shri	Shinde, Shri Annasahib
Mahadeva Prasad, Dr.	Siddheshwar Prasad, Shri
Mahajan, Shri Vikram Chand	Virbhadra Singh, Shri
Mandal, Shri Yamuna Prasad	Vvas, Shri Ramesh Chandra

NOES

Abraham, Shri K. M.	Mukerjee, Shri H. N.
Banerjee, Shri S. M.	Nair, Shri N. Sreokantan
Chakrapani, Shri C. K.	Nambiar, Shri
Daschowdhury, Shri B. K.	Pate, Shri J. H.
Devgun, Shri Hardayal	Patil, Shri N. R.
Gowd, Shri Gadilingana	Saboo, Shri Shri Gopal
Jha, Shri Shiva Chandra	Santosham, Dr. M.
Joshi, Shri S. M.	Sen, Shri Deven
Kandappan, Shri S.	Sharma, Shri Beni Shanker
Khan, Shri Ghayoor Ali	Shastri, Shri Sheopujan
Kothari, Shri S. S.	Singh, Shri J. B.
Lobo Prabhu, Shri	Somani, Shri N. K.
Madhukar, Shri K. M.	Sondhi, Shri M. L.
Mangalathumadam, Shri	Tyagi, Shri O. P.
Meghachandra, Shri M.	Vajpayee, Shri Atal Bihari
Misra, Shri Srinibas	Viswambharan, Shri P.
Molahu Prasad, Shri	

MR. DEPUTY-SPEAKER: The result* of the Division is: Ayes: 54; Noes: 33.

The motion was Adopted.

SHRI DHIRSWAR KALITA (Gauhati): My vote is not recorded.

MR. DEPUTY-SPEAKER: It makes no material difference to the result. That will be corrected.

15.40 hrs.

FOOD CORPORATIONS (AMENDMENT) BILL.

MR. DEPUTY SPEAKER: Now, we

shall take up the Food Corporations (Amendment) Bill.

We have two hours for this. I shall give one hour for general discussion and one hour for Clause by Clause discussion.

SHRI S. M. BANERJEE (Kanpur): One hour is not sufficient.

MR. DEPUTY SPEAKER: You should have gone to the Business Advisory Committee for this. Let the hon. Minister begin.

*The following Members also recorded their votes:—

AYES: Shri Mahant Digvijai Nath

NOES: Sarvasbri S. M. Krishna, K. Ramani, K. Anirudhan, Dhirsvar Kalita, K. Halder and S. A. Dange.