

handicapped children and that they are going to set up five national institutes. May I submit that they have not been able to deal with this subject on a massive scale? At the most, they can make slight change here and there. It requires a larger effort. I agree that financial constraints are there, the Government cannot do it alone and the responsibility also devolves upon the people, the voluntary organisations and the society. It is our job to co-operate with the Government in this great endeavour for the welfare of the children and for the proper growth and development of the children so that they become good citizens.

Therefore, I would say that in this year which is a national year for the children, Government should launch a programme by which you can create a national consciousness and awareness among the people which will assume the shape of a national movement backed by the Government so that people could come forward to take upon themselves the responsibility for looking after these children.

I know that the country is moving on the road to progress. We are going ahead. The Government is also aware of the problem of slum areas. They are also aware of the problem of the landless population which is one-third of the entire population. Naturally, they have to initiate programmes in which they could get people's cooperation with enthusiasm.

The hon. Minister cited the example of his district, how he initiated the programme whereby without governmental support, he has been able to fight the scourge of whooping cough, diphtheria and tetanus. Similar efforts have to be made elsewhere and on the same popular front. Then alone we can fight this challenge, meet this challenge posed by the gigantic problem.

Once, again, I would submit to the hon. Minister that while replying to the debate in the next session, whenever it takes place he may consider

these suggestions, how he is going to enlist the support of the people, how he is going to create national consciousness and how he is going to create national movement so that the child welfare work is considered as the responsibility of the entire population and the entire nation.

With these words, I thank the hon. Minister for giving us an opportunity to discuss the National Policy for children.

MR. SPEAKER: The debate will continue later on.

17.57 hrs.

STATEMENT RE:

PAYMENT OF BONUS TO L.I.C. EMPLOYEES

MR. SPEAKER: The statement to be made by the Finance Minister, Mr. C. Subramaniam.

SHRI S. M. BANERJEE (Kanpur): Sir, before the Finance Minister makes a statement, I would like to say that the point raised by me and by Mr. Somnath Chatterjee was that on 21st of this month, Calcutta High Court gave a judgement declaring that the reduction of bonus was illegal and *mala fide*. Whether it is the Government or the LIC, we do not know, they asked for a stay order before the Division Bench of the Calcutta High Court and the Division Bench disallowed it.

THE MINISTER OF FINANCE (SHRI C. SUBRAMANIAM): The hon. Member may be more up-to-date with regard to the information. I am giving whatever information I have.

Mr. Speaker, Sir, Hon'ble Members are aware of the policy decisions taken by Government in regard to payment of bonus. Employees of the LIC/GIC and Banks are not covered by the Payment of Bonus Act, 1965 and

[Shri C. Subramaniam] are to be paid *ex-gratia* in lieu of Bonus. Government took a decision to fix the maximum *ex-gratia* amount at 10 per cent of salary and the maximum deemed salary for the purpose as Rs 780/- p.m. Only employees drawing upto Rs 1600/- p.m. are eligible to receive such an *ex-gratia* payment. On this basis, for the year 1974 the employees of GIC and nationalised banks have already been paid *ex-gratia* amounts varying from 6 to 9 per cent of their salaries. However, according to subsisting settlements, Class III and Class IV employees of the LIC are entitled to payment at the rate of 15 per cent of their salary and that too without any monetary ceiling. In order that the LIC employees are brought on par with those of the banks and the GIC, Government decided to enact a law for modifying this Settlement.

As hon. Members are aware, the Life Insurance Corporation (Modification of Settlement) Bill, 1976, was passed by the Lok Sabha on 20th May, 1976. The Bill has been transmitted to the Rajya Sabha and is coming up for consideration tomorrow. After it is passed by the Rajya Sabha and receives assent of the President, it will become law.

In the meantime, the LIC had been advised not to make payment of bonus as per terms of the settlement. The All India Insurance Employees Association thereupon filed a writ petition in the Calcutta High Court praying *inter alia*, for a declaration that the settlement dated the 24th January, 1974 which was entered into by the LIC with the Associations of its employees, was lawful and binding on the LIC and that LIC be directed to pay bonus in terms of the settlement to its Class III and Class IV employees. According to information available, the Court has ruled that LIC should pay bonus to its employees for the year 1975-76 as per terms of the settlement.

The LIC has filed an appeal before a Division Bench of the Calcutta High

Court, which has been admitted. It is coming up for final hearing on 1st June, 1976. Hon'ble Members will appreciate that since the matter is now before the Division Bench of the Calcutta High Court, it would not be appropriate for me to say anything further in the matter with regard to the judgment.

18 hrs.

SHRI S. M. BANERJEE: I want to raise a point of order. The hon. Minister has clearly stated that this matter is before a Division Bench of the High Court and he has also stated that the High Court gave a ruling or judgment on 21st May, in favour of the employees, that it should be paid. They directed the LIC to pay it. Now, the bonus was due on 1st April, 1976. I want a ruling whether in view of the fact that it is pending before the High Court—of course, I understand that the rule of *subjudice* does not apply to this case because the Lok Sabha is sovereign, but the question is whether a judgment which has already been delivered should be implemented or not. The whole question is this. You may get a stay—and I am told a stay has not been issued—but I want a ruling whether in this matter, it should be referred to the Attorney General as to whether bonus should be paid. This House had passed it, but it has not become an Act.

SHRI C. SUBRAMANIAM: This is another important issue. The hon. Member always proclaims that Parliament is the sovereign authority to decide and not the High Court. Now he seems to be rethinking that a decision of the High Court—and that too, of a single Judge—should have precedence over a decision which this House has already taken.

SHRI S. M. BANERJEE: But it is not a law, it has not yet become law. The LIC may take a wrong decision but the fact remains that the High Court directed it to pay it. (Interruptions)

SHRI DINEN BHATTACHARYYA (Serampore): I want a clarification. The LIC had filed a petition before the High Court for a stay of the orders for payment as per the notice that was existing, and now this stay order has not been granted. So where do we stand? An appeal is pending, no doubt, but the stay order has been refused. If the Minister takes the onus on himself that, in spite of the judgment of the Calcutta High Court, he has no obligation to pay the amount to the LIC employees, I have got nothing to say. But the country should know that this is the position in regard to Government and that in spite of the judgment of the Court, they are still hesitating—I don't know why. On the 1st of June the Court had given a direction that you must pay.

MR. SPEAKER: Do you want to reply to this?

SHRI C. SUBRAMANIAM: I am not supposed to enter into a controversy. Let the law take its own course. If they can take action against Government through the High Court, let them do it. I thought Parliament was supreme.

18.05 hrs.

MATTERS UNDER RULE 377—contd.
(REPORTED DEATH OF THREE WORKERS IN
BHANORA COLLIERY (ASANSOL)—contd.

THE MINISTER OF ENERGY (SHRI K. C. PANT): When I was not present in the House this morning, Shri K. C. Halder raised a matter regarding an accident in the Bhanora Colliery. It is true that there was an accident in 5 and 6 incline of Bhanora Colliery under the Eastern Coalfields Ltd., on the 20th May, 1976 at about 10.00 a.m.

due to roof-fall. I regret that three persons including a mining sirdar died in this accident. I am sure, the House will join me in conveying our deep sympathies to the bereaved families. The officials of the Directorate-General of Mines Safety and the Eastern Coalfields Ltd., are enquiring into this accident. I would like to assure the House that suitable action would be taken on the basis of the findings of the above enquiry.

An *ex-gratia* payment of Rs. 500 each has been made by the company to the dependents of the deceased and the amount under the Workmen's compensation Act will be paid to them shortly.

I would like to reiterate that both the Government and the coal companies are anxious to maintain the highest safety standards in coal mines. Amongst the steps taken to ensure safe working of mines is the setting up of internal safety organisations in the coal companies, directly under the Managing Directors. This is to supplement the efforts of the Directorate-General of Mines Safety. You are also aware that a high-powered committee, including two senior trade union leaders, constituted by the Government is already examining the whole question of safety in coal mines.

MR. SPEAKER: Before we adjourn. I must express my thanks to the hon. Members for the kind cooperation they have extended to me during this long Session.

Now, the House stands adjourned *sine die*.

18.07 hrs.

Lok Sabha then adjourned sine die.