

A STUDY IN SUBORDINATE LEGISLATION
(Staff Regulations of L.I.C.)

By
Trilochan Singh Mann, B.Sc., M.A., LL.M., A.F.I.I.(Ins)
Lecturer in Law, Guru Nanak University, Amritsar.

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An analysis of the staff regulations reveals that the delegate, namely the Corporation, has been able to project itself as all powerful master and the employees seem to have been downgraded from servants to the position of serfs.

In the rules regarding scales of pay and promotions the corporation has taken the powers to itself to change and interpret the regulations to fix scale of pay and issue standing orders regarding promotion etc. It may be observed that the power tends to be an exercise of absolute powers. In practice the result is that majority of employees face perpetual uncertainty as to their service conditions. It may be noted that regulations are not mere procedural ones but they fix and lay down substantive condition of service, such as scales of pay, quantum of leave, travelling allowance, retirement benefits such as gratuity and provident fund and the policy of promotion. The regulations also control employee's time outside office hours and lay down a number of restrictions as to what they should do and what not in their free time. As a matter of fact every condition of service which from the point of view of an employee is of utmost importance and substantive is alterable on the convenience and even whim of those who are at the helm of affairs of those conducting the affairs of the Corporation at various levels.

Nextly, rule 18(2) provides for termination of service of any employee at any time after the expiry of the term of his probation after giving him one month's notice or salary in lieu thereof. The abuse of such power can be seen in harassing an employee who is engaged in legitimate exercise of trade union activities or whose political and social beliefs do not find favour with the power that be. Such cases do not come up for judicial review because of the expensive and dilatory relief affects adversely the rights and interests of the individual employee.

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The rules regarding maintenance of record of service and penalty are shrouded in mystery. A veil of secrecy is put and no employee knows as to what the authorities might be doing with his personal record. It gives a free hand to the employer and leaves the employee guessing whether his record of work has been entered to the mark.

The rules of a disciplinary action against employees for misconduct are of the wide range in as much as discipline is not defined anywhere in the regulations, nor those acts are listed which would constitute misconduct. There is also total absence of the standard of punishment. The rule exposes the employee to discriminatory treatment at the hands of the authorities. The Bombay Industrial Relations Act and also the Industrial Employment (Standing Order) Act provides for listing of misconducts, and thus forewarns the employee not to engage himself in prohibited acts. It is therefore, submitted that such a practice with the Life Insurance Corporation would be desirable as it would eliminate the ambiguity in this connection.

The anomalies in the rules illustrated above are due to the enthusiasm of the management to control the employee without any regard to the basic values which have set in the present society. The wide power of the rule making have always been considered as a danger to the freedom of the individual and is likely to perpetuate inequality unless adequate safeguards are used to put the rule making authorities within their limits.

It may be submitted that the best way to clear out from the above impasse is to consult the interested parties as well as those who are to be affected by these rules. Such a consultation need not be a formal one but genuine desire to listen the view points of the interested parties be incorporated in the final draft of the rules. It is further suggested that the consultations be made a mandatory practice in this matter particularly in the public undertakings and if there be any vital difference with regard to the adopting of any suggestion by the rule making authority it should be decided by referring the matter to a tripartite committee consisting of the representatives of management, employees and the Government.