

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Estate Duty Act, 1953."

The motion was adopted.

SHRI JANARDHANA POOJARY :
Sir, I introduce the Bill.

RAILWAY PROTECTION FORCE
(AMENDMENT) BILL*

[English]

THE MINISTER OF RAILWAYS
(SHRI BANSI LAL) : Sir, I beg to move for leave to introduce a Bill to amend the Railway Protection Force Act, 1957.

MR. DEPUTY-SPEAKER : Motion moved :

"That leave be granted to introduce a Bill to amend the Railway Protection Force Act, 1957."

PROF. MADHU DANDAVATE
(Rajapur) : Sir, I rise to oppose the Bill at the introduction stage itself. I do not know whether the Minister has carefully gone through all the aspects of this Bill and its implications. I know the Minister very well. Generally he has not got the bureaucratic temperament, but sometimes the Minister gets trapped into the bureaucratic formalities. He refuses to keep pace with the changing concepts of life and various organisations. I think this Bill is one like that.

Sir, I do concede that as far as the Railway Protection Force is concerned, more powers are needed to be given to the Railway Protection Force. For instance, the RPF^a is engaged in defending the installations, protecting them. Sometimes

if they are required to fire and the culprits are trying to play mischief, they are not given those powers because as far as law and order position is concerned, it is in the hands of the Home Departments. Then they are also not having those powers which the armed forces have got and as a result of that, they are somewhere in between the Railway employees and other categories and as a result of that they suffer sometimes. But by retaining the identify of RPF as a railway organisation—I am very clear about it—the Railway Protection Force must retain its identity as the employees of the Railways, as an organisation of the Railways, and within that ambit of Railway organisation they should be given more powers, more law and order powers, so that they will be able to do their duties properly. Unfortunately, Sir, in the Bill that is sought to be brought in, fortunately in the Statement of Objects and Reasons itself they have made their intention very clear.

One of the features that they have mentioned is declaring the Railway Protection Force as an armed force of the Union and the consequential changes. Sir, what will be the consequential changes coming? Those of us who have been consistently opposing out of power and in power, the conversion of RPF into regular armed force of the Union Government, have been opposing it because they will lose their identity as railway employees. They will lose certain rights as an organisation. They will be over-powered by certain rules and regulations of the armed forces though they are not performing 100% as the armed forces. As a result of that, the latitude that is available to them will be lost.

Even as it is, because they happen to be a Railway Protection Force, in matters of bonus and other benefits, they are not treated on par with the railway employees. I am glad that the Railway Ministry discussed the problem with RPF and they have been able to find out some via-media by which some ex-gratia payment and other benefits will be made available to

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[Shri Janatdhana Poojary]

RPF which will compensate whatever they lose in the form of bonus.

Sir, there are a number of other aspects, a number of rights, a number of laws, under whose jurisdiction they have to function regarding their disputes. Now they will be taken away from the jurisdiction of those safety walls. Therefore, whatever security and rights the RPF people have, they will be losing them as a result of this. I will give an illustration.

In the Statement of Objects and Reasons, Part (c) of Para 3 reads :

“Restrictions have been proposed on the right to form association on the lines of similar restrictions in other Armed Forces of the Union”

Sir, I am not among those who feel that as far as Army, Navy and Air Force are concerned, they should not be treated on par with the trade unions, they should not be treated on par with the industrial workers. No doubt greater safety is required of them, greater restrictions are necessary, because they are concerned with the defence of the country. But as far as RPF is concerned, the moment you put them completely, 100%, on par with Armed Forces in the country, a lot of liberties and a lot of rights in the form of organisational rights that they have got, will be lost. Sir, keeping in mind, on one side the need for the RPF to have some forum where they can discuss their welfare and other problems, even the problems regarding benefits and facilities, some sort of a via-media has been brought out. A beginning is made at the zonal level. They have been allowed some sort of welfare associations with which the railway authorities can discuss the problems and solve them out. The stage has not reached where some organisation could have been given, some benefit, at the Board level *i.e.*, at the Central level. But the process has already begun. Instead of taking the process forward, the new Railway Minister is trying to take it backward. I am one among those who feel that since the experiment at the zonal level has succeeded, that can be

taken at the Board level *i.e.*, the Central level also and they should be given the liberty with certain restrictions to see that those associations that they form should not be a trade union organisations. But they can be set up even at the Central level to sort out various issues regarding their difficulties and problems.

Therefore, instead of going a step forward, they have gone a step backward and as a result of this, these changes are being introduced. Now, what will be the direct consequences? I will take you to Section 19.

MR. DEPUTY SPEAKER : Please be brief. It is only the introduction stage.

PROF. MADHU DANDAVATE : Only a few seconds Sir. This is very important. At the introduction stage itself if he applies his mind, he will not be required to go to the consideration stage at all.

Sir, look at Section 19. I would like the members of the House who are working in peoples' movement and working-class movement in various departments of the Government employees to realise this. The original Section 19 itself was wrong, in the sense that it had to be slightly modified. But instead of modifying it in the forward direction, our Railway Minister has modified it in the backward direction. He likes the reverse gear very much! Let all the Members of this House listen to me. The newly constituted modified Section 19 reads :

“Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947, or the Factories Act, 1948, shall apply to members of the Force”—

This was there originally.

“or any corresponding law relating to investigation and settlement of industrial dispute in force in a State shall apply to members of the Force”.

Now this becomes an armed force which was formerly a Railway Protection Force. So they will lose in terms of their rights

to negotiate their wages and other benefits and now even if there are certain laws for settlement at the State level, even those laws will not be applicable. So, instead of freezing the old Sec. 19, they have tightened Sec. 19. I am sure those in the administration who want to deal with the railway employees with an iron rod and call it an iron discipline, they probably have recommended to him that these changes should be there and, therefore, as a result of that, this entire approach to the of the Bill to take the RPF at the level of the armed forces of the Union itself is a very retrograde step and I will request the hon Minister not to get trapped up in these bureaucratic approaches which are inconsistent with the changes of the modern times. Let him apply his mind and at the introduction stage itself let him withdraw this Bill. Of course, in spite of that, if he introduces the Bill and if the House inadvertently allows the introduction of the Bill, in that case, I will have to fight it tooth and nail at the time of consideration. But I do not want to put the Minister into that trouble and he can save his energy and time and mine also and see that the Bill is withdrawn at the introduction stage itself.

SHRI BANSI LAL : The Railway Protection Force came into existence in 1957 and prior to that it was the Watch & Ward Department of the Railways. When Prof. Dandavate himself was the Railway Minister in 1979, there was some sort of an agitation in the Railway Protection Force. So when you are making it an armed force of the Union—you are now making it an armed force of the Union—and at the same time, if you give them the right of association or union, it is not correct. Prof. Sahab himself had to deal with them at that time when there was an agitation in June 1979. So I do not want that to come back.

So far as their being railway employees is concerned, I would like to remind Prof. Sahab to kindly see Sec. 10 of the Act which says :

“The Inspector-General and every other superior officer and every member of the Force shall for all purposes

be regarded as railway servants within the meaning of the Indian Railways Act, 1980, other than Chapter VIA thereof, and shall be entitled to exercise the powers conferred on railway servants by or under that Act.”

So I think the fears the Professor has in mind are misconceived and an armed force of the Union cannot be given the right of association or union.

PROF. MADHU DANDAVATE : I would like to incidentally remind him that this demand was there also when I was handling the Ministry but I resisted that pressure. Thank God, I resisted, but you please do not succumb to that pressure now.

MR. DEPUTY SPEAKER : The question is :

“That leave be granted to introduce a Bill to amend the Railway Protection Force Act, 1957.”

The motion was adopted

SHRI BANSI LAL : I introduce the Bill.

12.48 hrs.

MATTERS UNDER RULE 377

[English]

- (i) Need to take measures to ensure speedy trial of cases pending in Supreme Court/High Courts.

SHRI KAMAL NATH (Chhindwara) : There are nearly one crore legal cases pending to-day before the country's courts. Assuming that each case involves 5 people, there are 5 crore citizens seeking justice from courts. According to a survey conducted by the Law Ministry, 60% of the 9 lakh cases pending before the High Courts are more than 2 years old. In the Supreme Court alone there are 45,000 hearing cases pending.