

Force (Amendment) Bill
(Substitution of new Long Title, etc.)
by Shri Basudeb Acharia

[Translation]

PROF. RASA SINGH RAWAT: Sir, I introduce the Bill.

MR. CHAIRMAN: The question is

"That leave be granted to introduce a Bill further to amend the Indian Medicine Central Council Act, 1970."

15.43 hrs

CINEMATOGRAPH (AMENDMENT)
BILL*

(Amendment of section 58)

[English]

SHRI HARIN PATHAK (Ahmedabad): Sir, I beg to move for leave to introduce a Bill further to amend the Cinematography Act, 1952.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Cinematography Act, 1952."

The motion was adopted

SHRI HARIN PATHAK: I introduce the Bill.

The motion was adopted.

SHRI SHARAD DIGHE: I introduce the Bill.

15.44 hrs

RAILWAY PROTECTION FORCE
(AMENDMENT) BILL

(Substitution of new long Title for long title, etc.)

by Shri Basudeb Acharia—Contd.

[English]

MR. CHAIRMAN: We will now have further consideration of the Railway Protection Force (Amendment) Bill moved by Shri Basudeb Acharia.

Shri Basudeb Acharia to speak

[Translation]

SHRI MOHAN SINGH (Deoria): Sir, he has already spoken for 50 minutes. I hope that he will give a chance to his junior colleagues.

SHRI BASUDEB ACHARIA (Bankura): Definitely.

[English]

15.43 1/2 hrs

INDIAN MEDICINE CENTRAL COUNCIL
(AMENDMENT) BILL*

(Amendment of section 2, etc.)

[English]

SHRI. SHARAD DIGHE (Bombay North central): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Medicine Central Council Act, 1970.

SHRI RAMESH CHENNITHALA (Kottayam): Shri Acharia, will you complete your speech today?

SHRIBASUDEB ACHARIA: I will speak only for fifteen minutes.

Mr. Chairman, Sir, last time I was referring to the assurance given by the hon. Minister of Railways in connection with the reinstatement of dismissed Railway employees. I refer to what he said and I quote:

"I stand by my words".

This is what he said. What were his words? His words were that all the dismissed employees, who were dismissed in 1980 for trade union activities in whose favour the competent court of our country- either the High Courts or the Central Administrative Tribunal- has given a favourable judgement for the reinstatement, would be taken back. He said that even if Special Leave Petitions are pending and or even admitted in the Supreme Court, those Special Leave Petitions would be withdrawn. That was what the hon. Minister of Railways Said. I refer to this assurance and I demand that the Hon. Minister will definitely stand by his words. I hope that the employees who were dismissed in 1980 will be reinstated. There are hardly 200 people left out now.

I may submit that some 74-75 of these are from one zone of Northern Railway and some 3-4 are from South Central Railway.

Sir, I have with me a particular case of south Eastern Railway where some 22 employees were dismissed in 1988 and in whose case the Central Administrative Tribunal, Calcutta Bench gave a favourable judgement quashing the dismissal order issued by the Railway authorities and the Special Leave Petitions have not been admitted. They were still pending. But still these people have not been reinstated.

THE MINISTER OF STATE IN THE
MINISTRY OF RAILWAYS (SHRI K.C.

LENKA): Is it about R.P.F.?

SHRI BASUDEB ACHARIA: I was referring to the assurance given by the hon. Minister.

I will urge upon the Minister of State for Railways to kindly look into those cases.

There are two questions on this R.P.F. issue on which the entire House, not one section of this House, has unanimously express its desire- irrespective of any political party- that this issue should be resolved. They expressed the aspiration of this House.

Sir, there are two questions which are linked with this.

The question is whether Article 33 of the Constitution protects Section 15 A and if not, whether Section 15A is violative of Article 19(1) (c) of the Constitution. Sir, there are a number of cases on this where there are a number of Judgments by the Supreme Court. Article 33 of the Constitution was substituted in 1984 by an amendment.....

[*Translation*]

MR. CHAIRMAN: Acharia Ji, two hours had been allotted for this. You have already taken 52 minutes. Please cut it short.

SHRI SOMNATH CHATTERJEE (Bolpur): He has forgotten the points earlier. (*Interruptions*).

[*English*]

MR. CHAIRMAN: You cut it short.

SHRI BASUDEB ACHARIA: I will cut it short, Sir. (*Interruptions*)

SHRI BASUDEB ACHARIA: I am reminding you.

SHRI P.C. CHACKO (Trichur): We are remembering, but you have forgotten.

SHRI SOMNATH CHATTERJEE (Bolpur): Refreshing the memory.

SHRI BASUDEB ACHARIA: Substitution of Article 33 of the Constitution. (*Interruptions*).

SHRI SOMNATH CHATTERJEE: They have promised to support you; therefore you should cut short !

SHRI BASUDEB ACHARIA: Sir, this is very important. When Article 33 was amended, it was substituted in the following manner: -

" Power of the Parliament to modify the rights conferred by this part in their application etc.— Parliament may by law, determine to what extent any of the rights conferred by this part shall, in their application to

- (a) members of the Armed Forces; or
- (b) the Members of the Force charged with the maintenance of public order; or
- (c) persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter intelligence; or
- (d) persons employed in or in connection with, the telecommunication systems set up for the purpose of any Force, bureau or organisation referred to in clauses (a) to (c)

be restricted or abrogated so as to ensure proper discharge of their duties and the maintenance of discipline among them."

Sir, in the draft Bill this was also included:

" Members of the Force charged with the protection of the property belonging to or in the charge or possession of the State."

But finally when the Act was charged that portion was deleted, that was not included. That means, Article 33 of the Constitution does not apply to the Railway Protection Force. If it is so, then this Section 15 A of the amended Act is definitely violative of Article 19(1) (c) of the Constitution. If it is so, Sir, this Section 15 A of the amended Railway Protection Force Act be deleted.

Sir, in this very House this demand was made a number of times by all sections of this House. The former Railway Minister, Shri George Fernandes, issued an order on 5th November 1990 and in his Order he very clearly and categorically stated that the recognition to RPF organisation which was withdrawn in the year 1985 be restored. The recognition of RPF organisation was not only withdrawn, but even the Fundamental Right to form an association was also withdrawn by amending the Railway Protection Force Act.

Sir, Shri P.R Kumaramangalam, who is now a member of the Union Council of Ministers, sat on a *dharna* in the well of the House, along with Shri Harish Rawat, who is now the Vice-President of the Congress Seva Dal. At that time, we? all have extended our full support to them. Then, there was a demand for their reinstatement when Shri Chandra Shekar's Government was there. It was demand that Shri Janeshwar Mishra, the then Railway Minister should come and tell this House as to what action he had taken on this matter. He came and read out a letter which he wrote to Shri P. R. Kumaramangalam. It says:

" I have indicated the Government's sincere concern about the demand of the said Association. It has been decided

[Sh. Basudeb Acharia]

to grant recognition to the Association subject to prescribed formality."

This is what Shri Janeshwar Mishra had stated on the floor of this House about the Government's decision to grant recognition to the RPF Employees' Association. The Government is a continuous process and the present Railway Minister cannot say that the earlier Government took that decision and we cannot abide by that decision, because a fresh mandate has been taken now. So, when an earlier Government took a decision, the next Government should honour that decision. They should implement that decision now, because that Government could not find time to implement that decision which was taken. But, when the election was held and new Government took over, they have not implemented that decision taken by the earlier Government.

Sir, then there was an agitation and the General Secretary of the RPF Employees' Association Shri U.S. Jha undertook a fast unto death from 7th March, 1992. I, along with Shri Manoranjan Bhakta met the Prime Minister and the Prime Minister said that he would look into the matter with an open mind. Then, there was a demand in this House on the 23rd March, 1992 by all sections of the House and on the assurance of the Prime Minister, Shri Jha broke his fast on the 27th March 1992. But, 11 months have elapsed since then and the assurance has not yet been fulfilled. I do not find any reason for the delay.

Sir, on that day, I said that sometimes, the minister proposes, but the bureaucrat disposes; the bureaucrats are creating hurdles. This is not being implemented in spite of the opinion given by the legal luminaries of our country. A number of legal luminaries have given their opinion that section 15 (a) of the amended Railway

Protection Force Act is violative of the Article 19 (1) (c) of the Constitution. When this opinion is there and when there is a unanimous desire of the House regarding their reinstatement and recognition of the Association, I do not understand the delay in the implementation. Why is this recognition not being given? They are not demanding any money.

16.00 hrs

They are demanding their fundamental right to form association because they had their association earlier and that association was recognised since 1972. And that recognition was withdrawn. So, I do not find any reason why the Government is not restoring the recognition when this is a unanimous desire and aspirations of this House.

I was compelled to bring forward this Bill because we waited for months together and we became impatient.

I would urge upon the Minister that he would accept this Railway Protection Force (Amendment) Bill, 1991 and take steps to delete section 15 A of the Amended Act and restore recognition to Railway Protection Force Association.

16.01 hrs

SHRI PAWAN KUMAR BANSAL (Chandigarh): Mr. Chairman, Sir, I was also compelled to give notice for an identical Bill seeking amendment to the Railway Protection Force Act, 1957 because the subject relating to the right of the RPF personnel to form an Association; to be recognised as an Association and to carry out certain lawful activities for the welfare of its members has been acknowledged from time to time by all shades of opinion in parliament and outside and yet nothing tangible has been done to restore that legitimate right to them. Mr.

Basudeb Acharia has dwelt at length on the merits of this case. But I would seek your indulgence to very briefly recapitulate the facts.

It was the then Watch and Ward Staff of the Railways that was re-christened as the Railway Protection Force by enacting this Railway Protection Force Act of 1957 under Entry 22 pertaining to Railways in Union List of the Seventh Schedule of the Constitution. The primary duty with which this Force has remained charged with all through is to protect the Railway property and not being an armed force of the Union under the Constitution, it has no similarity with any other Central force raised to maintain security of our borders like Border Security Force, the I.T.B.P. or for the maintenance of public order or law and order like C.R.P.F. or Industrial Security Force etc. This status of the Railway Protection Force has been admitted by the Government before the Subordinate Legislation Committee of the Eighth Lok Sabha.

It is also pertinent to mention here that under section 10 of the Railway Protection Force Act, the members of the Force are regarded as railway servants within the meaning of the Railways Acts. Various other provisions of the law also go to show that the R.P.F. personnel are civil servants and not members of any Armed Force. Some RPF Associations at the zonal level and an all-India R.P.F. Association were formed way back in 1971-72 and these were accorded due recognition in 1973. For over a decade, there was no problem whatever. These associations functioned normally the members thereof being always fully conscious of their responsibilities and duties. And this was from time to time acknowledged by the authorities also.

Sir, on the country, in 1979 when certain forces like the Central Industrial Security Force and the Central Reserve Police Force

organised an agitation, the RPF personnel did not follow them and their standard of discipline was highly acclaimed.

In this context, I would like to quote the then Railway Minister who, in his speech at the RPF Security Officers Conference held in August, 1981 praised the RPF men in following terms:-

"In the recent past, when there was considerable agitation in some of the uniformed forces, the RPF had behaved with commendable restraint. I congratulate you and your men for this. It should be your endeavour to ensure that this exemplary behaviour is kept up."

Sir, when that was the situation that prevailed, it came as a matter of great shock to the RPF personnel when amending Act No. 60 of 1985 was enacted and the long title of the Act was also changed to read in a way that the word 'Force' was substituted by the word "Armed Forces of the Union." Certain other amendments brought about by the Amendment Act of 1985 have resulted in abrogation of the Constitutional right of the RPF men to form an Association and discrimination against the non-gazetted RPF men has crept in regarding disciplinary matters.

It is here that I like to air the grievance of the RPF men that some sort of differences between the deputationists in the RPF and the RPF personnel recruited as such have led to a situation like this, and when a situation like this crops up, it really becomes the duty of the administrators, to see as to how steps are taken to ensure that any force entrusted with the important duty as the protection of railway property do not nurse a grievance like this. On the contrary, despite the fact, as narrated by Shri Basudeb Acharia, that members of this House from all sides, represented by political parties, have been

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raising this demand from time to time, yet nothing whatever has been done to do away with the grievance of the RPF men, to call for them and settle the matter with them.

What really worries the RPF personnel is that this Amendment of 1985 was brought despite the fact that when Article 33 of the Constitution was being amended a year earlier to enlarge the scope of this Article and to empower Parliament to restrict or abrogate the fundamental right conferred by the Constitution in their application to members of certain forces, the view of this House was accepted and yet Article 33 was not extended to the RPF. The draft Bill did contain a provision on which could straightway be interpreted to mean that, if enacted, the Constitution would thereafter provide that the rights of the RPF personnel could also be abrogated.

But Shri P. V. Narasimha Rao, who was the then Home Minister, saw a point in the view of the members, saw merit in the submissions made by the RPF personnel and the amendment of Article 33 was so worded as not to include the RPF within its scope and ambit. Somehow, thereafter, this amendment of 1985 was brought about and the long title thereof and certain other provisions including the newly-added Section 15 A thereof make it amply clear that it resulted in a very ambiguous situation, namely, the Railway Protection Force today is declared to be an Armed Force of the Union and at the same time the Members thereof are still Railway employees and civil servants.

It could very well be argued and argued convincingly that Article 33 does not apply to the RPF personnel. But I think if any officer sitting in the Department of the Government somewhere were to interpret the provisions as they exist on the Statute Book, he would

definitely opine that Article 33 is *ipso facto* applicable to the RPF personnel and this is where their genuine grievance arises.

Sir, I would not like to take the time of the House by repeating what has been said earlier. But the functions of the Railway Protection Force are such that it is primarily a Department of the Railways, that it is primarily a civil organisation charged with the responsibility of protecting the property of the Railways. Sir, various Committees have gone into the matter from time to time. There was the Ram Subagh Singh Committee to which I would be referring later. There is also the Kirpal Singh Committee. The recommendations of these two Committees have not been disputed by the Government. In fact, those recommendations, from time to time, were accepted by the Government. But, surprisingly, the net result as far as the Statutes are concerned is what we are faced with today. Here, I would like to quote the observations made by the Kripal Singh Committee. Para 9.11 of the Report of this committee reads:

" The very concept of the Railway Protection Force is for the protection of Railway property and the property entrusted to them for transport. Engagement of this Force in duties connected in any way with the maintenance of public order would distract them from their prescribed legal and legitimate functions. Such powers would also be a definite encroachment on the functions of the Police. I do not, therefore, think it necessary that such powers be conferred on the Railway Protection Force."

With this situation, one did not imagine that the existing RPF associations would be de-recognised and banned. But that is what has happened unfortunately. Despite the fact that the Constitution and the Rules of these Associations, as they are existing, are

not violative of even the stringent provisions of the amended Act. That has happened. What we have seen over the years is that if an enabling provision is brought about on the Statute Book, if an objection is raised about it at that time, we are told that this provision is being incorporated to enable the Government, to enable the Department to take appropriate action at the right time when the situation so warrants.

But what do we see in practice? Invariably those provisions are mis-applied, those provisions are misused to the detriment of the concerned person and that is what happened in this case. I can understand the sentiments expressed by the Members of this House, by the Members of the 9th Lok Sabha, by the Members of the 8th Lok Sabha. Mr. Acharia referred to our Members from the Congress who for once rushed to the well of the House to make a point and the Government of the day saw merit in that and accepted the contention. I will quote only one sentence from the letter which the then Railway Minister wrote to Shri Kumaramangalam who spear-headed the movement, movement to procure the legitimate right of the Members of the RPF. In a letter dated 27th February, 1991 Shri Janeswar Mishra the then Railway Minister said

"It has been decided to bring recognition to the Association subject to the prescribed formalities"

But nothing has happened thereafter. I could understand if our people on this side differed with it on merit as a matter of principle. That being not so, I just fail to understand what has prevented us from doing that. Incidentally in this regard, permit me to say what the British Civil Service says of Ministers who are made to see things their way. That is called 'house training' and when a Minister automatically sees everything from the Civil Service point of view, this is termed in

Westminster that the Minister has gone native. I think, this is a case where all the people responsible for taking a decision have seen things only from the point of view of civil service. We have not considered as to what has been the legitimate demand, what is there in it, what have been the recommendations of the committees from time to time, what has been the unanimous view of three Lok Sabhas. The Subordinate Legislation Committee of 8th Lok Sabha after going into the amendments recommended recognition of this RPF association even by amending the rules and Act, if need be and so did the Subordinate Legislation Committee of the 9th Lok Sabha. You know the situation that prevailed when the General Secretary of the All India RPF Association went on fast unto death. It was of concern for all of us. We all expressed our concern, our anguish over that incident here. I thought for one, that the Government would be moved, that we would take some action in this matter. Once that subsided, we are back to square one. That should not happen in a democracy particularly when we boast of democracy that is participatory in nature.

Because of these reasons the RPF people have genuine grievances, genuine fears because over the years they raised their voice against the deputationists and were able to attain a modicum of success. They are being made the target of those people. This fear has to be removed. We have to allay the fears of those people.

Sir, perhaps, one reason unconvincing for that to deprive the RPF personnel the right to form associations is that under the amended Section 12, a member of the force has the power to arrest without warrant any person suspected of committing an offence relating to railway property. If this argument were to be advanced to treat the force as an armed force and to deprive them of their legitimate right to form associations, I suppose it would be a traversery of truth, I

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would be a traversery of facts because what led to this amendment was not to grant some special status to these people but it was to meet the contingency, it was to meet a situation in which sometimes these RPF personnel found themselves unable to take the right action at the right time, when they found an offence being committed.

MR. CHAIRMAN: Please wind up.

SHRI PAWAN KUMAR BANSAL : Sir, I was one of the persons who moved this Bill. I may be given more time. I will try to wind up at the earliest.

Sir, this amendment giving them more legal powers was necessary to make their functioning effective. And I would say that this is only incidental because the person arrested by them is forwarded by the RPF to the police for investigation and prosecution.

Before concluding, Sir, I would only like to refer to the recommendations made in this regard by the High Powered Committee, headed by Dr. Ram Subhag Singh, to which I made a mention earlier. It says:

" As long as the control of crime on the railways especially theft of railway property continues to be under twin agencies of Government Railway Police (GRP) and Railway Protection Force (RPF), that is prevention under the RPF, investigation and prosecution under the GRP, it will not be possible for either of them to be sufficiently effective."

It was, perhaps, in view of this recommendation and various other recommendations that Section 12 was amended to give legal power to the RPF personnel to arrest persons who are suspected of committing cognizable offence. But as I have just said, that should not be

used as a handle to deprive them of their legitimate rights.

I would take this opportunity to request the Government to look into this matter afresh and with an open mind, not, of course, losing sight of all that has happened during the last few years, not losing sight of the sentiments expressed by Members of three consecutive Lok Sabhas and not overlooking the sentiments of the people concerned. And I am sure, if this subject is approached with an open mind, it will be settled to the satisfaction of all concerned, without compromising with the requirements of discipline expected of the RPF personnel, without having any adverse repercussions whatever on any other force, which have their own laws, specifically enacted under different statutes. And it has again been repeatedly recommended to the Government by these Committees to which I am not now referring by quoting from them, that their are the functions of maintaining public order or law and order and those organizations are specifically under the Ministry of House Affairs, while RPF is a department of the Railways and it should be treated as such.

With these words, I urge the hon. Minister to finally come out with official amendments so that people who have been genuinely serving the Railways for the last so many years- they number over seventy thousand- and who have never taken resort to any agitational approach should not come to nurse a grievance or a feeling that it is only by an agitational approach that things are done.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer): Mr. Chairman, Sir, I fully support the Private members' Railway Protection Force (Amendment) Bill moved by Shri Basudeb Acharia and supported by Shri Pawan Kumar Bansal. There is a specific reason to support

this Bill. The Railway Protection Force was constituted by an Act in the year 1957. Earlier, there used to be a watch and ward staff to protect the railway property. In 1957 the Parliament adopted a Bill which was later called the Railway Protection Force Act. The R.P.F. was reconstituted accordingly and since then this organisation has been serving well. It has been assigned the task of protecting the railway property. All the employees working in different departments/units of Railways are railway employees. In the same way the security or para-military forces working in the Railway Protection Force are also railway employees. In 1972 these people comprising about 75,000 personnel engaged in protection of railway property all over the country set up a welfare organisation on the lines of other such organisation. It looked after the welfare activities of these employees very well. It was not a trade union. It was only a employees welfare organisation. Later for next many years this organisation was doing well. It did a lot for the welfare of these employees. It was constituted in 1972 and was recognised by the Central Government in 1973. Many other facilities were provided to it. This organisation continued to work for 14 years and the officers did never receive any complaint against it. But in 1985, the Government brought forward a black Bill and amended the Railway Protection Force Act, 1957. It shattered the hopes of these security personnel in respect of their welfare organisation which was looking after their welfare activities.

Mr. Chairman, Sir, through you, I would like to say that we talk of protecting the basic rights in the Constitution and claim to be the largest democracy in the worlds. Then how did the Government of this country bring forward such a black Bill and under which law the Railway Protection Force was declared as an armed force. I would like to say that the Bill brought forward in 1985 to amend the Act of 1957 was really a black Bill. It was totally

against all the recommendations that were made by the Kripal Singh Committee or other such committees which made recommendations to provide better facilities to this organisation. There were a lot of shortcomings in the said Bill.

Mr. Chairman, Sir, the amendment has been brought by Shri Basudeb Acharia, and the same has also been supported by Shri Pawan Kumar Bansal, who is one of the movers of this Bill. The amendment intends to made a provision for removing the shortcomings left in the Bill. Besides all these things, the amendment intends to strengthen the Force and make its working more efficient so that it may provide better protection and extend further assistance to the Railways. Further I would like to state through you that the day before yesterday the hon. Minister of Railways presented the Rail Budget here and announced an increase in fares and freight charges and other things. The hon. Minister should have mentioned some special provisions for reducing increasing crimes in Railways, reducing increasing thefts in Railways and protecting railway property from various kinds of thefts. It is a matter of regret that he did not utter even a single word about R.P.F. or about giving recognition to its welfare organisation.

At present, there are two types of arrangements to improve the modus operandi of Railway Protection Force and to prevent the constant thefts of Railways' and passengers' property. Two types of forces are engaged for this purpose. One is Railway Protection Force and the other is Government Railway Police. G.R.P. is responsible for maintaining law and order situation within the peripheri of railway stations and near the railway tracks, but R.P.F. is entrusted with the responsibility of protecting the railway properties and looking after them and preventing the theft of the railway property. But R.P.F. is not vested with the legal powers which may enable it to make an investigation

[Prof. Rasa Singh Rawat]

about the culprits and to file the challan in the court against the culprit after investigation. Such powers are not given to the R.P.F. G.R.P. is vested with such powers. Consequent upon this legal lacuna, R.P.F. is not in a position to prevent crimes effectively even if it intends to do so. The reason is that the legal power and recognition there of which should be vested in it, is not with them. On the other hand, a widespread resentment is prevailing among the 75 thousand personels of the Force in the country because the recognition of their national level organisation, which represents their various types of Association, has been withdrawn by a law enacted in 1985. That organisation had worked very well. After withdrawing its recognition the special privileges given to it as an organisation have also been snatched away. As a result of it, a widespread resentment started to prevail among them.

It is a highly paradoxical situation that the same Government which claims to be veteran champion of democracy and a great protector of fundamental rights has paid no heed to the Memorandum submitted to it with signatures of 400 Members of parliament demanding restoration of recognition to R.P.F. Association which were engaged in the welfare of R.P.F. personels.

This is the supreme institution of democracy. Members of parliament had submitted a Memorandum to the Government cutting across party lines in favour of R.P.F. organisation, which look after the welfare activities of the R.P.F. personels who are devoted to protected the Railway property a national property, but the Government has not taken any action in this regard.

Sir, not only this, a unanimous decision was taken in the Eighth Lok Sabha. Ninth Lok Sabha and Tenth Lok Sabha for the

restoration of the recognition given to this organisation earlier, withdrawal of R.P.F. Amendment Act 1985, and repealed the black rules made in 1987 under the Act of 1985. But the decisions of Ninth and Tenth Lok Sabhas are also having no impact on the Government and in a way the Government is ignoring them. This Government is deaf and dumb. Mr. Chairman, Sir, I would like to request you that it is also your responsibility to protect the rights of the Members. When 400 members of various parties unanimously give a memorandum to a Minister or to the Government regarding the R.P.F. Act, and providing necessary rights to the Association of R.P.F. personels and no proper action is taken in this regard or the Government is not ready to take action in this regard, then what should be said about such a Government.

Sir, we have seen yesterday the face of the Government that lacks of fundamental rights as to what sort of terror it can create even in Delhi through lathi and bullets....(Interruptions) The Government imposes ban even on those who work for the welfare of employees and claims to be the champion of interests of workers. It says that there will not be retrenchment and all facilities will be given to them but in practice it acts otherwise. Is R.P.F. being treated as Armed Forces or B.S.F. for maintaining law and order situation? C.I.S.F is engaged in industrial security which comes under the Ministry of Industry but its controlling authority has been given to the Ministry of Home Affairs. I would like to submit that the laws applicable to the railways employees should also be made applicable to R.P.F. personnel. This Private Members' Bill has been introduced with an intention to do away of the shortcomings created by the black Act of 1985 which was an amendment to Original Act of 1957 and they should be vested with such powers as they may have a right to make an investigation into crimes and may file challans etc. against criminal cases in the Court. I, therefore, strongly support this Bill.

The Committee on Subordinate Legislation of the Eight and Ninth Lok Sabhas had also consecutively made recommendations to this effect and various political parties had also put the same demand on the Floor of the House. There was a difference between the two Governments formed in 1990 and 1991. The Government formed in 1990 realized the feeling of the people and issued orders for the recognition of the R.P.F. Association but it is a matter of regret that the Government formed in 1991, did not implement these orders. It appears that the intention of the Government is not good because it is not honouring the decisions of the previous Government. Discontentment is developing among the thousands of RPF personal and the Government talks of forming a staff council for their welfare. Their organisation is in existence for fifteen years and is duly recognised and was engaged in welfare activities, why then the Government is not paying any attention to their grievances. It is very strange as to how this issue of recognition has suddenly arisen. When the office bearers of their organisation sat on hunger strike and threatened self-immolation, all the senior leaders assured them that they would fight for their cause and would enable them to get justice. The Government has not yet been able to do justice to them. Under which law it has been termed as Armed Forces of the Union. If it falls under the category of armed forces then like Army, Navy and Air Forces it should be placed under the Ministry of Defence. If it is placed under the Ministry of Home Affairs, the laws which are applicable to B.S.F. and C.I.S.F should also be made applicable to R.P.F. Under this Act of Railways it is the responsibility of this Force to protect the railway property. Therefore, through you I would like to submit that it neither guards the borders of the country nor it has been entrusted with ensuring law and order. It is an organisation like other Organisations of the Railways which shoulders the responsibility of protecting the railway property. Therefore, the Railways cannot

treat it like a railway department and provide all facilities accordingly. In the end I would like to say one thing:

[English]

"This RPF Welfare Association is a Service Welfare Association. It is neither a trade union nor has it got any connection with any other union or association."

[Translation]

Therefore, through you, I want to make an appeal to the Government to remove the shortcomings that come into this Act by the black law of 1985 and to repeat it by which recommendations of various committees were utterly disregarded. I would like the Government to accept the amendment brought by Shri Basudeb Acharia and supported by Shri Pawan Kumar Bansal. Through this, Railway Protection Force will get more power and influence to protect the railway property, its workings will become more efficient and the Force will acquire powers to deal with crimes relating to railway property. In this way thefts and the loss of the Railways will be reduced. The present day profit of the Railways will increase through it this Bill is made law and it will be in the interest and welfare of the nation and with this the discontent among R.P.F. personnel will also come to an end. I hope you will also pressurise the Government on our behalf. With these words I thank you.

SHRI MOHAN SINGH (Deoria): Mr. Chairman, Sir, nothing much can be said about the amendment Bill, which is introduced by a scholar like Shri Basudeb Acharia and which is wholeheartedly supported by another scholar colleague like Shri Pawan Kumar Bansal. I would like that everybody should support this Bill rising above the party lines and I also strongly support it.

[Sh. Mohan Singh]

Mr. Chairman, Sir, law and order was placed under the State Governments after independence. The concept of para military forces came much later after the independence. When State Governments were unable to control the emergency situation within the States or on the borders of the country, at that time the Parliament of India under a legislation entrusted the job of setting up of a para-military force in the Home Ministry but R.P.F. association was already in existence at that time. Many colleagues of mine have rightly said that a watch and ward organisation was attached with the Railways from the very beginning to protect the property of the Railways and it was given a new form by changing it to Railway Protection Force in 1957. Earlier it enjoyed the right to a Welfare Form Association. Under a conspiracy, an amendment Bill was brought in 1935, which was illegal and unconstitutional and if it had been challenged in the Supreme Court then such type of amendment Bill could not have been passed by the Parliament. I feel that this Bill should have been challenged in the Supreme Court but I do not know whether the organisation has challenged it or not. Therefore, it is unconstitutional.

Mr. Chairman, Sir, this is something very unfortunate that R.P.F. protects the Railway property but does not have any right to protect its interests. There is a strike in Bihar today. The Military Police is already in existence there, which is an assumed force. It enjoyed right to force association much before 1942 when freedom fight was going on throughout the country. At that time, the armed force of Bihar was agitated along with the freedom fight. Since then, Military Police in Bihar has been enjoying right to form association. Former Home Minister of Bihar Shri Ramanand Tiwari was a veteran leader of that association. Today the police strike in Bihar is being going on

through this association. To say that since these are para-military forces, they have no right to form an association. I feel this is denial of the right guaranteed under the Constitution of India and enjoyed by all officials and employees to form their association. Therefore, I demand that like other Railway employees, R.P.F. should also have a right to form its own association under Trade Union Act. The Railway Police G.R.P. is already there to deal with any sort of crime on railway stations but Railway Police does not come under it. The police department have a control in it but G.R.P. functions under I.P.C. and Cr. P.C. but Railways does not have any control on it. The same thing is with the security of the Railways. You depute there another para-military force known as C.R.P.F. If any incident takes place in other factories of the Railways, the Railway Industrial Security Force and the R.P.F. are the deputed there. Therefore, the functions of R.P.F. and para-military forces are totally different. It is not appropriate to deprive them from trade union rights by applying rules concerning para-military forces to them.

Likewise, the I.P.S. officers working in different States have formed their associations statewise and they fight for their cause in order to get more facilities. Chief Ministers and Governors of different States keep themselves in contact with State Governments from time to time and redress the grievances of officers. It is strange that though the senior officers have a right to form their associations but the subordinates, who want to put a check on the dictatorial rule of their high officers do not have any right to form such union. I feel that this is gross injustice to them. Agitations were held against it in the previous years and this matter was also raised in the House last year. When senior leaders of various political parties raised their voice in support of the association and held dharna they were lathicharged. I remember that when in 1985 this amendment Bill was introduced in the House, at that time

all the parties opposed this Bill. Time and again various Railway Ministers have given assurances that necessary changes will be made in it and a directive to this effect was circulated by the then Railway Minister Shri George Fernandes. Therefore, this amendment should be accepted to fulfill the assurance given by the hon. Minister and keeping in view the sentiments of all parties. The Railway Protection Force should be given a right to form its own association. I strongly support this demand and with these words support the Amendment Bill.

[English]

SHRI RAMESH CHENNITHALA (Kottayam): Sir, this Bill was discussed in the last session also. In the Eighth, Ninth and Tenth Lok Sabhas also, time and again, a view was unanimously expressed with great resolve for the restoration of the right of the RPF to form association and to amend the Act of 1957 and the rules framed thereunder accordingly.

As Shri Basudeb Acharia rightly pointed out here in his speech, the members of the RPF have been demanding for this recognition for quite a number of years. A lot of discussions were held in this august House and outside. Even the ruling Congress Party Members also took part in that discussion. I remember that the Secretary of the Association was sitting on fast and all of us requested for the withdrawal of his fast. Sir, this is their genuine demand. The erstwhile Watch And Ward Department, an integral part of the Indian Railways, was renamed as Railway Protection Force by an Act of Parliament called the Railway Protection Force, Act, 1957. I would like to say that it is not an armed force of the Union. If you go through their duties, you would understand that it is not an armed force. As per the RPF Act, 1957 and also as per the RPF (Amendment) Act, 1985, the primary duty of RPF is to protect the railways property. This

force is not at all related with the security of the border of our country or with the maintenance of law and order. This fact has been admitted by the Railway Ministry.

In the written Statement of the Committee on Subordinate Legislation of 8th Lok Sabha it has been mentioned that as per the servient nature of RPF, it cannot be treated as an armed force. But, unfortunately the Railways Minister has considered it just like an Armed Force. If we carefully examine their functions and their duties we would come to know that they are not performing any duty to maintain the law and order of our country. •

As per Section 10 of the RPF Act, 1957, the members of the Force are the railway servants for all purpose and so they cannot be the members of the Armed Force of the Union. As per Section 9 of the RPF Act, Article 314 of the Constitution is applicable to the RPF personnel. This Article is applicable only to the civil servants. This Article does not at all apply to the members of any Armed Force. So, the RPF men are civil servants and they cannot be the members of Armed Force.

As per Section 8 of the RPF Act, the RPF shall work under the direct supervision of the General Manager of the Zonal Railways.

MR. CHAIRMAN: The time allotted for this discussion was up to 16.53 hrs. Is it the sense of the House to extend the time by two hours?

SEVERAL HON. MEMBERS: Yes, Sir,

SHRI RAMESH CHENNITHALA: So, Sir, they are working under the General Manager of Indian Railways, and hence they cannot be considered as an Armed Force.

Our Prime Minister, when he was the

[Sh. Ramesh Chennithala]

Home Minister, while agreeing to the unanimous sentiments of the House refused to include the RPF into the Armed Force, especially on the ground that this force is not at all related to the security of the country. This force is not performing the duties of the Armed Force personnel. So, our Prime Minister, when he was the Home Minister, did not include this as an Armed Force because of its civil character.

Similarly, the Industrial Force is working in the industrial areas, but it is directly under the supervision of the Home Ministry. Time and again the RPF Association have submitted memoranda; they have given assurances they have met almost all the Members of Parliament and the Government also and they have raised all these issues. If you go through the Memorandum which they submitted to the Prime Minister, they have very clearly mentioned certain conditions. I would like to quote a few. Condition no.2 says:

"RPF Association to be formed primarily with the object of promoting the common service interests of the members." Condition 7: The minutes of the proceedings of every meeting of the Association be submitted without delay to the General Manager. The General Manager, if deem necessary, may depute one or more officer not below the rank of ASO to attend the meeting as an Observer.

So, they are working under the Railways. So, there will be a supervisory authority. This Association is only for the welfare of the RPF personnel and they are not going against the rules and regulations of the Railways. Condition 8: No person who is not a member of the Force is connected with the affairs of the RPF Association. Condition 10: The Association does not engage itself in the activities subversive to the law. Condition 11

(c) The Association shall not maintain any Political Funds or lend itself to the propagation of the views of any political party or politicians.

So, they will not have any affiliation with any trade union. They will not propagate any political ideology. This will only be a service organisation for looking after the interests of the Members of the Association. They will be under the control of the Railway authorities. Condition 11 (f) The Association shall cease publishing of any magazine if directed by the General Manager on the ground the publication is prejudicial to the interest of the Central Government. Condition 11 (g) The Association shall not see affiliation with any other Union or Trade Union, etc.

The conditions which were mentioned in the Memorandum submitted to the Prime Minister, they were ready to accept those conditions. So, from their side, they had given those suggestions. Our only submission is that, this Association should be recognised and they should be given freedom so that they can look after the interests of the RPF personnel who are working in the Railways. Condition 11 (j) Association shall not address any communication to any Foreign authorities except through General Manger who shall have the right to withhold it.

I am mentioning all these only to show that they have a very limited interest. They are demanding the recognition only for the well being of the RPF personnel. Unfortunately, time and again, this request was rejected by the Railways Ministry.

Sir, we had discussed this matter with the Railways Minister also. I do not know why he is not convinced with all our arguments. The Union Leaders and also Leaders of the political parties have met him. Almost all the Members of Parliament have signed a memorandum and sent it to the Railways Minister. There were also a lot

of discussion on this point. I do not know why the Railways Ministry and authorities were not convinced with all these arguments.

Sir, I do not want to take much time of the House and I conclude by saying that recognition may be granted to this association so that they can provide guidance to the members and look after the well being of the members of the Association.

[Translation]

SHRI BHOGENDRA JHA (Madhubani):
Mr. Chairman, Sir, I also support the Bill introduced in the House by the hon. Member Shri Basudeb Acharia. This Bill has two aspects, first that the Railway Protection Force is under the Union Government. It is responsible only for the protection of Railway property and goods transported by trains. Besides, it is responsible for the security of persons. It is also a part of its duty to check any threat to security and apprehend the culprits. But, so far as the power to investigate the matter and submit a report on it is concerned, it does not enjoy that power. It is matter of Uttar confusion as to which of the two Organisations - GRF or RPF should be assigned the work of investigation etc. whenever any untoward incident takes place.

17.00 hrs

The officers of the Railway Protection Force claim that since it is the job of GRPF they had already apprehended the culprits and handed them over to the GRP the GRP investigating into the matter. Whereas the officers of GRPF say that though the culprits have been handed over to them, they would take their statements and investigate into the matter. Therefore, it appears that these two parallel have been formed for the same purpose in the Railways, it becomes difficult to take any one of them into account. The result is that the purpose of the formation of Railway Protection Force remains unfulfilled.

Mr. Chairman, Sir, I would not like to cite many examples. My only submission is that efforts were made to defeat a Railway movement, in Bihar but all in vain since GRPF is under the control of the State Government and the matter is still lying pending. The matter relates to the period when Shri George Fernandes was the Minister of Railways. In such a situation, the Railway Protection Force should have the power to stop the agitation, apprehended the culprits, investigate the matter and not only take action but should also be held responsible to take the culprits into custody, prepare charge-sheet against them and undertake all other jobs for judicial action in the court of law so that they can own all the responsibilities and can be held responsible for any negligence towards the duty, if any.

Mr. Chairman, Sir, there is another point and the House cannot have two opinions about it. It is a matter of pleasure that Organisations engaged in various occupations have been given the right to form their association but I am unable to understand as to what threat would be posed to the security if the Railway Protection Force is given right to form its association. Even when the amendment was made no argument was put forward as to what threat would be posed to the security as a result thereof. I do not think that any risk is involved in allowing these employees to form their association like other All India Organisations.

Mr. Chairman, Sir, this was not the situation in the beginning. This was introduced afterwards. Therefore, my opinion is that the amendment made to it, through which they were deprived of this right, ought to be withdrawn. They have been demanding for it since long. All the Members in this House are in favour of it. If they don't get back this right, they would resort to agitation it would be improper if we lead their agitation. Neither the people of Railway Protection Force nor we are in favour of these things. Therefore,

[Sh. Ramesh Chennithala]

it is necessary for the Government to pass this Bill.

Mr. Chairman, Sir, Shri Pawan Bansal has urged that the Government should come out with the Bill, I feel that if any body has no objection to it, than the bill brought by Shri Basudeb Acharia should be passed. It is not necessary that the Government brings a Bill in this regard. It is not a sin to pass a private Member's Bill. Neither our constitution nor the Rules of Procedure and Conduct of Business in Lok Sabha to an obstacle to it. Therefore, my submission is that there is no need to repeat the same process. The Bill should be passed on the basis of these two points.

Mr. Chairman, sir, I would like to say a few words with regard to the association. Like other organisation shortcomings there in in this organisation too. I personally know that Railwaymen are also involved in breaking the railway wagons. It would be safe if the officers of the concerned department are entrusted with the work of investigation. Because it would avoid confrontation between the Railway Protection Force and GRPF. If this responsibility is entrusted to them, it would certainly discourage the railwaymen from breaking wagons. If this organisation is able to form association on political basis, then there is no better system in a democratic set up than this despite all its shortcomings and this organisation will be able to place its demand properly before the Railways and the Government of India in case this Organisation gets democratic rights. the amendment proposed to Section 4 (1) is contrary to the aims and objects of the Bill, and also unnecessary. We should like to have that too amended if at all the Government intends to pass the Bill. But no attempt should be made to avoid it. We are rather extending our cooperation to the Government to make the Railway Protection

Force more effective through this Bill; and fulfill the aim more successfully for which the force was set up and to ensure that the situation may not take an ugly turn in the future and there is no resentment among the employees. It would be better that their demands are raised only through their organisation and that the organisation works as a shield.

Therefore, I extend my full support to this Amendment Bill and urge upon the Government to pass it and strengthen the convention that Private Member's Bill is not meant for discussion alone but can also be passed.

[English]

DR. KARTKESWAR PATRA (BALASORE) Sir, I am very much grateful to you for giving me time to speak on this Bill. Here, one thing I want to say is that the hon. Minister of State for Railways has come with a suitable amendment of the Act which was amended in 1985. Certain lacunae were there in that amendment. That is why I fully support my colleagues Shri Basudeb Acharya and Shri Pawan Kumarr Bansal.

I am very much astonished that these two powers are only pointing at a point, i.e. giving recognition to the Association. But the amendment that they have brought in this House is certainly different.

Apart from giving recognition to the Association, there are so many points, so many amendments in this Bill. Those speakers who have earlier spoken, I have heard them and I have soon that they are only on that point. But the point is different. In the last meeting of the Consultative Committee of the Ministry of Railways, I have raised certain points, like protection of the passengers, protection of the railway property, law and order problem, etc. It is quite different.

17.07 hrs

amendments have been suggested. First, it has been suggested that—

(MR. DEPUTY SPEAKER *in the Chair*)

SHRI SOMNATH CHATTERJEE: you cannot refer to consultative Committee.

DR. KARTIKESWAR PATRA: Sorry, I withdraw my words. But one thing is there. There is very much danger to the property of the passengers, to the lives of the passengers and to the property of the Railways. That is why we have sought for this amendment.

They have stated in the Statement of objects and Reasons two vital activities or parts played by the RPF and GRP.

RPF has been assigned the work to look after the protection of railway property only and nothing more. And GRP has been assigned to take over the charge of law and order problem and nothing more.

Here, in this amendment certain vital amendments have been placed so we should support this amendment. That is why I am requesting the hon. Minister to come with a detailed amendment.

In 1957 when this Act was adopted in this House, at that time the recognition of Association was there and later it was withdrawn.

That apart, we should look after the interests of the whole country, of the railway passengers who are travelling and those who are sending their goods by rail to different parts of the country. That is why it has been categorically stated here that this is not an Armed Force of the Union. This is part and parcel of the Railway and so this organisation, the RPF, should be strengthened.

There are some proposals. some

"The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspectors-General, Additional Inspectors-General, Deputy Inspectors-General-cum-Chief Security Officer, Deputy Chief Security Officers, Security Officers and Assistant Security Officers of the force."

Definitely, it is obvious that this should be in the form of a structural body. The RPF people alone cannot do anything. They should be given certain powers. That is why the powers have been categorically mentioned here. The RPF people will investigate crimes like robbery, murder or death cases or any other criminal offence.

It has been proposed in clause 12A

"When any person is arrested in accordance with clause (ii) or (iii) of section 12, the officer of the Force shall proceed to inquire into the charge against such person and for this purpose an officer of the Force may exercise the same powers and shall be subject to the same provisions as he may exercise and is subject to under the Railway Property (unlawful Possession) Act, 1966, when inquiring into a case and/or the officer-in-charge of a Police Station may exercise and is subject to under Code of Criminal Procedure, 1973, when investigating into a cognizable offence."

Here it is found that certain powers will not be given. I have already apprehended it. I had discussed the matter with the Minister and he had replied to me also. I had cited an occurrence which had taken place somewhere else. In the Neelachal Express mass rape and molestation of women took place in Muri station, between Gomo and

Bokaro Railway Stations. This incident was inquired into and the hon. Minister stated that the IG, GRPF had been asked to take necessary action. He has also categorically mentioned that the GRPF people were very much reluctant to come to duty when they were involved in such cases. This is what is happening. In some cases the GRPF people also created some nuisance. I have mentioned that part also.

In my constituency, one Shri Vishwanath Pradhan was travelling from Delhi to Balasore in the Neelachal Express. During the travel his attaché case was searched completely and during the search a sum of Rs. 2500 was snatched by the GRPF people. This was brought to the notice of the Railway Police also.

Similarly near the Amardah Road station between Howrah and Kharagpur, they demanded a sum of Rs. 100 from a passenger. That gentleman could not give Rs. 100/. He was taken into the GRP custody, where he paid Rs. 250/-. He was released.

The ex-Minister when he was travelling could not be helped by the railway people when he was attacked by some goondas. This is the thing. That is why, in order to safeguard the interests of the passengers, some sort of organisation should be built up. The RPF should be the main instrument for this and it should be strengthened. The recognition should be given to their association.

This is my humble submission. I support this Bill again and I thank the mover of the Bill.

SHRI P.C. THOMAS (Muvattupuzha)
Mr. Deputy Speaker, Sir, I support the Bill which has been brought for amending the Railway Protection Force Act, 1957.

Though the Act was initially giving protection for the workers also to make their demands, the present amendment, which was brought in 1985, has brought very serious restrictions to the right of the workers to assemble, to form association and to make their genuine demands and to get redress their common grievances. Now, the amendments sought will clarify the position. It is mainly with that intention that the nature of the armed forces which have been given to this Railway Protection force is to be removed.

I think that the amendment which has been brought is broadly supported by all parties, all Members not only of this House but also of earlier Houses which had opportunities to discuss the matter. The series of undertakings which were given by the different Railway Ministers and the Ministry are also to the effect that the right to form associations for the Railway Protection force will be given.

So, I strongly support the Bill. I would urge upon the Government to bring proper amendments to suit the policy and I do not think that any delay should occur in this respect.

I am sure the hon. Minister is also going to support this Bill. I have no doubt about it. The Bill is not in any way, going to be opposed or restricted and I am sure that the official amendments are in the papers.

I would also suggest that while giving more protection to Railway Protection Force, the powers which they could exercise as a force or as personnel who are always available with the railways, within the railway premises as well as within the trains should be made more positive and more clear so that the may offense which are increasing in trains as well as in the premises of the railways concerning the properties could be curbed and could be dealt with immediately

and effectively. I would thin that the arms of the law should be made stronger and longer enough to catch the culprits at the very point of the crime and to act immediately.

SHRI SOMNATH CHATTERJEE (Bolpur) Mr. Deputy speaker, Sir, This is one of the rare Bills which has received the unanimous support of all sections of the House and I am sure that although the track record of the Congress Party is not good because it is they who have taken away the trade union rights of all these associations, but then let us hope for the best that with the support of all sections of the House and with the added strength of the Seva Dal now behind the RPF, the Government will pay heed to this.

This is not a mere charity from the Government. this is not going to be bounty from the Government. Our Constitution contains certain rights as the basic human rights. When we are now facing the vilest of forces which are trying to divide the country, when we are trying to be taken back to the middle ages, I cannot imagine why the Government should consciously take away the minimal rights which the working class in this country has obtained by their struggle and their fight against the British imperialism, against the monopoly capital, against the exploitative capital, of having a right of association which our founding fathers recognised by incorporating as one of the basic human rights, my described as a Fundamental Right in our Constitution. This is a country with the utmost potential. We are proud to be Indians because with our great ancient culture, with our modern minds, with our opportunities for development, although the pitch is queered by Rameshwar Thakur and others... (Interruptions). We have got the immense potential to develop. But I find these attempts to put restraints on people, to impose restrictions on them, to take away their Fundamental Rights, as if some people in this country are not loyal, not patriot and

the monopoly of patriotism is only in Rail Bhawan or in the Home Ministry in the North Block. That is why we are glad to notice that every section of the House realised that a very grave injustice is being done. We cannot give employment to everybody in this country. Even we cannot give living wages in this country to those who have got employment, although those are the Directive Principles of our State Policy. Even those people who have been able to get some employment, who are loyal to their country, who are patriotic citizens, there is an attempt to take away their rights. For whose benefit? Who is benefited by this? I would like the hon. Minister to take the House into confidence and tell the people of this country what benefit has been achieved by taking away the right of recognition or right to form association of RPF employees. I would like to know, since 1985, when this Draconian law was made, how have you benefited... (Interruptions). By you I mean the country, the Railway administration. Railway administration is the biggest public utility service in this country. Of course, the utility part is gone. I do not know what is the definition of public nowadays. With Jaffer Sharief, with K.C. Lenka combine, where we shall land, we do not know. This the biggest public utility has declared a war on the public. This is the trouble in this country. Why don't you trust your own people? Let the hon. Minister tell us because we did not get those figures. I was here in 1985. We did not get those figures, we did not get those particulars, we did not get any information as to how RPF has been acting against the interests of the country because they have been given the right of forming an association. I cannot but appreciate the spirit with which some of the Members of the Congress party- and I admire them; some are still here and some are not here: I hope they will at least fight in their Garhwal area and defeat the opponents and come back- have fought inside the House for their cause. I cannot forget that they sat in the well of the House, not for any benefit; not

[Sh. Somnath Chatterjee]

for any perquisites to Members of Parliament. Some have become Home Ministers; some have become Sevadai chiefs and some have become Parliamentary Affairs Ministers. This is all right. I admire. We deeply appreciate that they fought for the benefit of certain people in this country who are doing their best.

Sir, there are infirmities everywhere. Everybody must look at himself in the mirror everyday as to what is happening. There is no body, no service, no establishment which is as pure as gold, as if gold is pure which I do not know.

Therefore, just do not blame them like this. You cannot paint everybody with a black paint. Therefore, I am respectfully suggesting to the hon. Minister not to ignore the unanimous feelings of this House. Heavens will not fall or the Railways will not be derailed or the punctuality will not improve. As it is, it has been thrown to the winds.

SHRI PAWAN KUMAR BANSAL: In Railways the brakes are elsewhere.

SHRI SOMNATH CHATTERJEE: Very good. Sometimes you speak so sensibly; I do not know what happens on other occasions.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRIP.M. SAYEED): Have you understood him now?

SHRI SRIBALLAV PANIGRAHI (Deogarh): The blessings of Lord Jagannath are required.

SHRI SOMNATH CHATTERJEE: yes, nowadays Lord jaggnath's blessings are important. Why do you not advise the others to have Lord Ram's blessings?

Anyway, I do not want to take the time of the House further.

I believe that this House should make a commitment to discharge its duties and responsibilities, should see that the fundamental rights of the citizens of this country are not taken away in the slide and that the minimal rights of the working people in this country are preserved.

This country is not so powerless. This Parliament has got the authority. The Government itself is prone to take actions.

I shall be very happy if you do some other work except compromising with these forces of communalism. You do some other work. You try to run the Railways properly. But please tell us as to how this R.P.F. issue has hindered your progress. I would like to know.

Therefore, I take it that the Government, realising the sense of this House, will respond suitably. If it is not, if it does not, then it will show intransigence, cussedness, anti-people attitude and this will be nothing but insult to Parliament as a whole. Therefore, I demand the hon. Minister should- here and now- say, that he is accepting it. If you have any allergy to Private Member's Bill, you bring it yourself. I know. Therefore, I said half of the credit will go to the Congress party and half will come to us because it is a CPI (M)- Congress combination: That shows also. so far as this Bill is concerned, there is no difference of opinion.

SHRI P.C. CHACKO (Trichur): Is it for this Bill only?

SHRI SOMNATH CHATTERJEE: if occasionally you behave properly we shall be with you.

Therefore, Sir, through you, I am sure you will also agree...

MR. DEPUTY SPEAKER: Yes.

SHRI SOMNATH CHATTERJEE: I am thankful that you have said 'yes'. With the added imprimatur of the Chair of this House.

SHRI SRIBALLAV PANIGRANI: Sir, he is putting words into others' month. (*Interruptions*)

SHRI SOMNATH CHATTERJEE: I say that with the further imprimatur of the Chair of the great Parliament of India, I demand the Minister to accede to this Bill.

Thank you

PROF. K.V. THOMAS (Ernakulam): Sir, this amendment brought by our good friend, Shri Acharia has the support from all sections of the House. I think, Sir, this is a rare occasion when the entire House stands united on an issue. This issue has been debated in this House in the Eighth, Ninth and Tenth Lok Sabha. So, I think the Government will understand the spirit of the House and either accept this Bill or Government itself will bring its own legislation.

Sir, while participating in the discussion, of course, I am personally concerned with the security of the passengers in trains.

Sir, Keralites are the few people who travel long distances from Trivandrum to Now Delhi, from Trivandrum to Calcutta and from Trivandrum to Bombay. Our people are very often looted in the trains and when a complaint has to be given, it cannot be given to the RPF, it has to be given to the State Police. so, after looting when the train stops at the nearest railway station, the passenger gets down, given the complaint and goes, and no action is taken. So, I feel the RPF should be given better teeth so that if a passenger has got a complaint, then the RPF itself can register the case, investigate it an proper action can be taken.

Another suggestion I make is that women are being recruited in all the three Forces— the Army, the Navy and the Air Force. I think in the RPF also women should be recruited so that the women passengers will also get proper protection.

With these words, I support this Bill and I request the Government to bring its own legislation so that Government accepts the feelings of this House on this demand.

[*Translation*]

SHRI VIRENDRA SINGH (Mirzapur): Mr, Deputy Speaker, Sir, despite political differences, I support the Bill, on recognition of R.P.F. association, that has been brought forward by Acharia ji and Bansal Ji. The Bill has a humanitarian approach and is meant for the good of the people. There are, however, people who find politics even in humanitarian issues. I am an exception to it. That is why I rise to support this Bill.

During discussion on this Bill there was a reference that communal forces disintegrate the country. It has become a fashion with people today to issue certificates of communalism and patriotism from South Block, North Block and Writers' Building. I do not want that certificates of patriotism should be issued from these buildings. It would be sufficient when people of the country themselves give these certificates to true patriots. It is not at all necessary that certificates of patriotism should be issued from the Writers Building of West Bengal, from North Block or from South Block.

We are at present concerned with the R.P.F. association. This association was constituted with the aim of safeguarding their fundamental rights. Mr. Chairman, Sir, when this association raised voice against the atrocities and exploitations being perpetrated by the I.P.S. officers working on deputation

[Sh. Virendra Singh]

basis in the R.P.F., the I.P.S. officers then presented such a report to the Government that they sent a proposal that there should be no elections in protection force and that the said association should be derecognised. The Government ultimately derecognised the association. The fact, however, remains that this association has nothing to do with the protection force, rather it is there to provide protection to railway property. The I.P.S. officers, however, reported like this. Presenting such a report to the Government is absolutely like the act of a person who is committing theft and performing the duty of a police officer. The I. P. S. officers were committing theft and the R.P.F. association exposed them.

The present Prime Minister also used to be the Home Minister during 1984. At that time he had explained why an attempt was made to being in section 33 and he shared the general feeling of the Members of the House that the right to run the R.P.F. association should not be withdrawn. This Private member's Bill calls for an explanation as to why the R.P.F. association is not being given full recognition. This matter dates back to the year 1984 when the present hon. Prime Minister was the Union Home Minister. This has, therefore, necessitated to raise this question once again Hundreds of hon. Members had raised their voice in favour of this issue strongly inside the House and outside as well. The General Secretary of the R.P.F. association went on fast unto death. Several leaders including Shri George Fernandes, Shri Atal Bihari Vajpayee, Shri Basudeb Acharia, Shri Somnath Chatterjee, Shri Saifuddin Choudhury, Shri Bhogendra Jha and the leader of the opposition, Shri Lal Krishna Advani made a lot of efforts to persuade him to call off the hunger strike. Those leaders got the strike called off with the hope that Shri Jha would receive full cooperation from the association and the

recognition to it would also be restored. The Government has accepted this proposal twice in the past. I, however, fail to understand as to why the Government is delaying in giving recognition to this association. why the R.P.F. were denied the facilities that are enjoyed by the railway employees? On the other hand the I.P.S. officers misused their fund.

The fundamental right to run an association should not be snatched away. The I.P.S. officers sent a report to the Government that the R.P.F was a protection force. So no association having the provision of election should be given recognition. The associations attached to the R.P.F. hold elections every year and there is never any report of irregularities resulting into uncalled for consequences. Submission of such a report by the I.P.S. officers is, therefore, totally wrong. This report violates fundamental rights.

I would like to submit with all humility that the Government should recognise this association. I presume that certain doubts about this association may be raised. In this regard I would, therefore, like to say that certificates of patriotism cannot be issued from South Block, North Block or from the Writers building. Certificate of patriotism is, however, issued for the good acts done in the interest of the people of the country. If the Government really does such a good act as the present one, it would then really be a justice done to people who have been suffering from injustice. By giving recognition to this R.P.F. association the Government should try to bridge the gap that has been created between the bureaucrats and the workers. I would like to submit to the hon. Minister of Railways that if at all he has regard for what was said by the hon. Prime Minister in the past when he was the Minister of Home Affairs, then he should soon give recognition to the said association, and if he does so, I fully support this proposal and

conclude.

[English]

SHRIBHOGENDRAJHA (Madhubani): Mr. Deputy-Speaker, Sir, the hon. Minister of Parliamentary Affairs has to make a statement regarding Government business for the next week today. I want to know whether it has been taken to be made or will be made or it has been made or it will not be made.

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Deputy Speaker, sir, I rise to support this Bill. Well, I am a bit ashamed when I rise to speak on this issue. I am sorry that we could not solve this issue even during the tenure, whatsoever short, of our Government. When I assumed the office in the Ministry of Railways I had before me several important issues concerning the Organisations of the employees as also concerning the fundamental and democratic rights thereof. One of those several issues was to give recognition to the Organisations of the employees. I do not confine myself to the recognition of the R.P.F. association alone, rather the point was to consider the recognition of all other organisations. At the moment I am concerned with the issue of giving recognition to the R.P.F. association. I am raising the other issues along with the present one chiefly because it is a matter of fundamental as well as constitutional rights. I am sorry to say that all of us suffer from one common weakness, that is, we are not ready to accept a common yardstick to measure justice and injustice. The Members of the Bhartiya Janata Party sit here. I also sit among them. They are our colleagues. The Members of that party also spoke in favour of the issue. The speeches made by them in this House were not only liked but also appreciated. Notwithstanding, they did not apply the same yardstick in Madhya

Pradesh when their party was in power there. We took up this issue with the former Chief Minister of the State as also with the national leadership of that party. On this recognition issue alone firing was ordered in Chhatarpur which resulted in the death of nine workers. What I want to emphasise is that maintaining double standards, with regard to democratic rights fundamental rights and constitutional rights in and outside the House will not yield good result. This makes our point of argument weak and whatever strong logic we put, will not work. That is why I told at the very outset that I am myself ashamed. Soon after I assumed the charge of the Railway Ministry I tried to find a solution to this issue, but the Ministry of Home Affairs put certain hindrances during the time when we were in power. That is why the matter was dropped there itself. Today a discussion on the recognition of the R.P.F. association and the fundamental rights thereof has been initiated by the Members from that side. Here I would like to know as to what happened to recognise the locomotive staff association and what happened to their democratic and fundamental rights. The same is the case with all the organisations in the railways. So, if our weakness comes to the fore on all the occasions, then this will surely lead to another discussion and that way we will not make any headway. I warn you against this trend because there is too much politics played by the politicians of the transient governments. There are certain members who are sitting this side and there are other who belong to that side. In this way the Governments come and go and they view these basic issues from their narrower political angles. That is why justice is not meted out when we talk of fundamental issues. This time the congress party is supporting this Bill. I would, therefore, like to know whether Government also proposes to raise the issue of recognition of other organisations of railway employees along with giving recognition to the R.P.F. association or whether the basic questions

[Sh. George Fernandes]

as to how the officers and employees would work and what is the duty of the R.P.F. would be confined to mere talks. If the Government thinks that the R.P.F. should get justice, then it must also bear in mind that justice is not being meted out to the other associations of railway employees. Their fundamental rights is linked with only recognition of their organisation. If you ask the leaders of the Bharatiya Mazdoor Sangh or the leaders of any other railway employees union, they would say that this is the largest organisation. Now somebody may say here that let us raise the issue of R.P.F. alone and not of any other organisation. Why does the Government maintain different norms for different things? The same approach is not being adopted with regard to other organisations that are otherwise being called departmental organisations. The Government is not ready to give recognition to these organisations.

Mr. Deputy Speaker, Sir, when I was totally disappointed in September, 1990 over the issue of giving recognition to the railway organisations, I took the initiative. I said that the Government is transient. Where the bureaucrats call the either within the railways or outside. I was really fed up with the situation, so I started issuing orders on my own. Moreover, I took a decision explaining the modalities as to how the labour unions of the Railways could be recognised and what should be the rights to be given to the employees as also what should be the basis thereof. You will wonder, I am not going to divulge any information before the House that could be called state secret. It has been clearly written in the file of railway staff that the Government supports the existence of two railway organisations so that they may always be on a war path against each other and then a balance could be maintained. Now when a Government, which calls itself to be a permanent Government thinks in this

way, then how a solution could be found to the issue of giving recognition.

Mr. Deputy Speaker, Sir, the hon. Minister of state in the Ministry of Railways is sitting here. We support this Bill and would expect that the hon. Minister would not confine himself to the recognition of the R.P.F. association alone, rather we would like to hear his views as to how he thinks to check the tendency of violating fundamental and constitutional rights of constituting various organisations in the railways. The Government extends patronage to various labour organisations to create clash among them. Government allows neither the movement nor the trade union to run. This way the Government can never find a solution to any of the problems. If the Government thinks that by causing rivalry among them it would be able to make any institution stronger and would also be able to achieve its prosperity, then I would like to remind that nowhere in the world has a weak labour movement served any purpose. A weak movement of workers can neither solve any problem of the workers nor can it be of any help to the institution that divides them to fight among themselves.

This is, however not a new problem in the Railways. This practice in the Railways has been continuing under the patronage of the people on the top level. Their policy is that there should be as many Organisations as possible. They want that those organisations should fight with one another and they actually create clash among them. This is the reason why the strongest organisation of the railway employees in the country has become the weakest organisation. It is in a state of utmost desperation. The Railway Administration might have found a solution by oppressing the employees' organisations but I would like to warn once again that this will not solve the problem. The Government will have to solve the problem honestly. I would like the hon.

Minister to accept the Bill placed by Bansal ji and Acharia ji seeking abrogation of Section 15 (A) from the Act. There are people in the present Council of Ministers who staged Dharma lan the House and who did not allow the business of the House to run. They did not allow to run the business of the House on the issue of giving recognition to the R.P.F. association. If the hon. Ministers thinks that they would give credit to the Government by suppressing the voice of those people, then it would not only be an insult to those persons but would also tantamount to an insult of the Government itself. The hon. Minister should, therefore, try to save the Government from this insult. With these words I support this Bill.

[English]

SHRI SRIBALLAV PANIGRAHI (Deograh): Mr. Deputy- Speaker, Sir, after so many learned speakers have participated in the deliberations on this Bill, there is hardly anything left for me to deal with.

At the outset, I would like to say that I rise to support this Bill. As you know, it is a rare, a new development, a new thing. It may not be absolutely new but a rare thing that the Bill has been sponsored jointly by two Members one belonging to the Opposition Party and another belonging to the Ruling Party- Shri Basudeb Acharia from the CPI (M) and Shri Pawan Kumar Bansal from the Congress(I).

Sir, Shri George Fernandes, while concluding his speech, was referring to one aspect, that is, in the last Lok Sabha and even in this present Lok Sabha, some hon. Members of our Party did support this or support this contention of formation of a Union by the RPF to the hilt and they also went to the well of the House and they gave their support because it concerns the fundamental rights of a citizen. Naturally when they are in service also, about their

right to form association etc. it is covered under Article 19(c) of the Constitution. As Shri George Fernandes was referring to, some of them are today Ministers also. There is no peculiarity. He need not take any exception to that because it was sponsored by a Congress Party Member also and so many Members from the Treasury Benches are supporting this Bill today.

I would request the Government, particularly the Government represented by the Minister of State for Railways here that sometimes on some considerations, there are certain actions taken, certain measures taken which ultimately prove wrong. This Government is a responsible Government. Naturally judging the situation, it is rather correct on the part of the Government to analyse and to admit something if, for some reason or other, anything has been done which is considered irrelevant today. Naturally, there should not be any hesitation on the part of the Government to accept it. The Government should not sit on it as a matter of prestige and it should not make it a point of prestige and should correct the situation. In that light, I would request the Government that they should analyse the situation and come forward with necessary corrective measures.

Naturally, I am pained to observe that although our democracy is about more than four decades old now, yet the bureaucracy is quite strong in certain areas. And railways is definitely one area where bureaucracy is very strong and sometimes it rides roughshod. The political authority in the Railway Ministry should be conscious of this.

About multifarious unions, more than one union, it was also referred to by some of the hon. Members who took the floor earlier to me that these bureaucrats encourage formation of more than one union and they try to set one union against the other and they merrily observe it. They make them

[Sh. Sriballav Panigrah]

dance to their tunes and also they go on doing what they like according to their own sweet will. This is not only true of railways but of other departments also like coal.

I would like to remind the hon. Minister in this connection what Gandhi thought about the trade unionism. As you know, initially Gandhiji started his movement with the trade union work. He championed the cause of textile labourers in Ahmedabad and he also had to offer dharna, *satyagraha* and had to organise strike etc. He was of confirmed opinion that there should be a single union in an industry. One union one industry was the concept of Gandhiji about trade unionism.

As I said, I will not take much time. One thing is, whatever might be the circumstances when there was an amendment in 1958, by that time the members of the RPF, the Railway Protection Force had already enjoyed this benefit, this facility, this privilege to form union for more than 12 years. You know in the Civil Procedure Code, if somebody occupies someone's land for more than 12 years by way of adverse possession..

MR. DEPUTY-SPEAKER: Panigrahiji, you can continue next time.

17.58 hrs

TRANSFER OF PROPERTY
(AMENDMENT) BILL*
(Amendment of Section 2 etc)

SHRIMATI SUMITRA MAHAJAN (Indore): Sir, I beg to move fore leave to introduce a Bill further to amend the Transfer of Property Act, 1982.

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Transfer of Property Act, 1882."

The motion was adopted.

SHRIMATI SUMITRA MAHAJAN: I introduce the Bill.

15.58 1/2 hrs

CODE CRIMINAL PROCEDURE
(AMENDMENT) BILL*
(Amendment of Sections 125 and 127)

SHRIMATI SUMITRA MAHAJAN (Indore): I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1973.

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1973."

The motion was adopted.

SHRIMATI SUMITRA MAHAJAN: introduce the Bili.

17.59 hrs

INDIAN PENAL CODE (AMENDMENT)
BILL*
(Omission of Section 479, etc.)

SHRIMATI SUMITRA MAHAJAN (Indore): Sir, I beg to move for leave to