

The Lok Sabha re-assembled after Lunch at Twenty-four Minutes Past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair.]

PAPER LAID ON THE TABLE

JUTE (LICENSING AND CONTROL) AMENDMENT ORDER

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI MOHD. SHAFFI QURESHI): On behalf of Shri Dinesh Singh, I beg to lay on the Table a copy of the Jute (Licensing and Control) Amendment Order, 1968, published in Notification No. S O 3893 in Gazette of India dated the 30th October, 1968, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Place in Library, See No. LT-2312] 68].

DEMANDS FOR SUPPLEMENTARY GRANTS (RAILWAYS), 1968-69.

THE MINISTER OF RAILWAYS (SHRI C. M. POONACHA): I beg to present a statement showing Supplementary Demands for Grants in respect of the Budget (Railways) for 1968-69.

14.25 hrs.

STATUTORY RESOLUTION RE: INDIAN RAILWAYS (AMENDMENT) ORDINANCE AND INDIAN RAILWAYS (AMENDMENT) BILL—contd.

MR. DEPUTY-SPEAKER: The House will now resume further consideration of the following resolution moved by Shri George Fernandes, on the 25th November, namely:—

"This House disapproves of the Indian Railways (Amendment) Ordinance 1968 (Ordinance No. 10 of 1968) promulgated by the President on the 14th September, 1968."

The House will also take up further consideration of the following motion moved by Shri C. M. Poonacha on the 25th November, 1968, namely:—

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration."

SHRI S. KUNDU: (Balasore): I rise to oppose this Bill with all the force at my command. I feel that this Bill appears very innocent on the face of it and to be innocuous, but surreptitiously and indirectly, it is going to crush the trade union rights for even, which the workers have achieved after long years of struggle. If anyone were to read carefully the provisions of this Bill he will arrive at this irresistible conclusion that the Bill has been brought forward only to do away with the trade union rights and the rights of arbitration and the right to go on strike, once and for all. Therefore, I would call this Bill a black bill, a Bill which is anti-people and which is a draconian piece of legislation.

When I see this Bill and I look at Shri C. M. Poonacha, I am reminded of a legislation which was passed in 1800 in England, known as the Combination Act. There a similar provision was made whereby strike was declared illegal and to organise a Union was declared illegal and workers had to undergo a lot of suffering and had to wage a series of struggles for nearly 20 years, till in 1820 another Bill was passed after which the Combination Act was repealed.

SHRI R. D. BHANDARE (Bombay Central): Anti-combination Act.

SHRI S. KUNDU: Let not my hon. friend try to show off his knowledge and call it Anti-Combination Act. It was called the Combination Act.

SHRI R. D. BHANDARE: I withdraw my remark.

SHRI S. KUNDU: So, 1820 is a landmark in the struggle of the trade union workers throughout the world.

Let us not go back now by a hundred years and let us not turn the wheel of change hundred years back, and let us not be told that collective bargaining is necessary to get a bulb or a flush-out latrines.

Collective bargaining is the most important right which the trade union workers have achieved through organised struggle. This should not be whittled down in any way. The Railway Minister may say 'How do I take it away by passing this legislation?' I would submit that collective bargaining inevitably gives the light to strike. When I have a right to strike, I have a right to abandon the work, and when I abandon the work, Shri C. M. Poonach's sword, which this Bill is, would hang on my head. Therefore, I call this Bill as anti-people and anti-worker.

The Ordinance which this Bill seeks to replace was issued a few days before the strike was announced. Giving the reasons for the promulgation of the ordinance, this is what the hon. Minister has stated in the statement placed by him on the Table of the House:

"In the context of the strike which was threatened on the 19th September, 1968 by certain organisations of the Central Government employees including a section of railway servants, large-scale incidence of concerted action as mentioned above was apprehended."

In the context of the strike, this Ordinance was promulgated to check disturbances. On the contrary today history will show that large-scale firing, lathi charge and teargassing were resorted to by the railway police on the innocent workers, and by the different State police which led to loss of 10 valuable lives of railway workers, injury to hundreds of people and imprisonment of many. The Minister's statement has been completely falsified. On the contrary, the railway with all their force swooped on these poor workers and tried to

crush them. The Bill is *malafide* in the sense that it does not do or purport to do what it says in the Bill.

Before I go further, I would give a little history of the reasons for bringing this Bill now or the Ordinance as it was at that time. The reason was to crush a popular demand for a need-based minimum wage. I do not want to go into details. What are we going to decide here? Some members have brought in the name of democracy. They contend that democracy will be in peril if the workers resort to strike or create disturbance. I would remind them: you cannot keep democracy unless you give a fair deal to the struggling workers, those do not have a house, do not have a tap or well for drinking water, do not have any reasonable facilities for medical help and so on. Democracy will not remain and will not be meaningful unless the basic minimum amenities are afforded to the people. Today freedom is there, to die, to starve. There is no real freedom to organise themselves for bringing about betterment for large sections of our people, i.e., workers and peasants.

Therefore, this demand which was pinpointed by the ILO and other conferences concerning the need of a need-based minimum wage was reiterated and focussed through the railway workers and the Central Government employees. Behind it was a great purpose of building an egalitarian society, of giving a boost to the stagnant social, economic and political moras in which we find ourselves today. 19 September, 1968 will go down in the history of the trade union movement of India as a red letter day.

In this perspective, the Railway Ministry and Government ought to have considered this demand. They ought to have welcomed it because sometimes there are different and dangerous forces which thwart the expression and deter Government for doing their duty. They should have welcomed this movement of the

[Shri S. Kundu]

workers and accepted their demand of a need-based minimum wage if they really stood for a socialist society.

The JCM was created with the concept that the principle and forum of arbitration in-built in it should be able to settle questions on which there are differences when referred to it. It was inbuilt in it because it was decided that strike should not be resorted to capriciously. But the Government made a mockery of the JCM. Long-pending demands of the workers, demand pending for years and years have been put in cold storage, completely frozen. When there was a demand for invoking arbitration according to the provisions of the JCM, it was refused. What alternative, I ask, was there for the workers to bring to a fruitful conclusion the principle of arbitration than to resort to a token strike? Government was so much annoyed and afraid at this. Would the heavens have fallen if Shri Poonacha would have arrived late at Delhi being late by 24 hours? The other day the entire ministerial team was absent from the House for more than half an hour as a result of which we had to break our business and adjourn for half an hour. Thereby we incurred a loss of thousands to the national exchequer. How did it happen? Heavens would not have fallen if there was a delay of 24 hours. It is unfortunate that the Government looks at the democratic movement of the trade union workers in such a silly way. It is strange to find while the attitude of capitalist governments has changed towards the workers, this so-called democratic socialist Government are thinking of cutting down the workers' rights.

During the last year and this year in Japan wages have increased by more than 13 per cent, and the most interesting point is that during the same period their expenditure on essential items like cloth, food, medicines etc., has gone down by 1.5 per cent. And there is a capitalist sys-

tem there. So, the modern capitalists are thinking that unless they give a fair deal to the workers, productivity would not increase, but Mr. Poonacha and others in this so-called socialist, democratic Government want bit by bit to reduce the rights already enjoyed by the workers.

I would like to read out to you the resolution passed by the Asian Regional Conference of I.L.O. which took place from 2nd to 15th September in Tokyo this year. It says:

"The development of strong, independent, responsible and democratic organisations of employers and workers which can engage in collective bargaining, participate in joint, tripartite bodies for consultation or co-operations on economic and social questions and perform other useful functions in the improvement of the economic and social life constitute a basic condition for the establishment of a system of labour-management relations."

But our Government comes out with this legislation to cut down the rights of workers. They have accepted this resolution in principle, but they are not going to implement it. The I.L.O. has also passed a resolution against it.

Somebody raised the question of Mahatma Gandhi. It will be my proud privileges to draw the attention of this House to what Gandhiji did in 1917. In Ahmedabad there was textile workers strike at that time. The Ahmedabad textile workers wanted a raise in their wages. The management agreed and when backed out, Gandhiji said the management had to give a 35 per cent rise in wages, but the management did not agree, and Gandhiji went on a hunger strike and he said, "I shall not take any food nor use a car till you get a 35 per cent increase or all of you die in the fight for it." That is what he prescribed for the workers at that time because he felt the demands of the trade union workers and their

rights were very much genuine. I do not know what we are going to prescribe to the Congress people.

Now I would refer to some of the provisions of this Bill.

MR. DEPUTY-SPEAKER: Please conclude. That can be done when we discuss the clauses.

SHRI S. KUNDU: The matters sought to be included in 100A and 100B of this Bill are already there in the various enactments of the Railway Act. As was pointed out, in section 47 the railways can make rules, and there arbitrary powers have been given. A worker can be put under suspension or dismissed if there is dereliction of duty. This was framed by the Britishers, nothing has been changed. Now after 20 years of freedom, this so-called democratic, socialist Government wants to bring this legislation which even the Britishers never thought of. They say 'We are not going to do anything with the strike'. I know many people have been saying that this Bill has nothing to do with strikes. If they are genuine, I have an amendment which says except in case of a strike, let them accept it and prove their *bona fides*.

श्री प्र० सि० महगन (बिलासपुर):
 उपाध्यक्ष महोदय, रेलवे मंत्री ने इंडियन रेलवेज एक्ट, 1890 में जो तरमीम इस सदन में रखी है मैं उस पर अपने विचार प्रकट करना चाहता हूँ। हमने यह देखा है कि सरकार को यह तरमीम करने की जरूरत क्यों पड़ी। इंडियन रेलवेज एक्ट, 1890 के सेक्शन 100 में कहा गया है :

"If a railway servant is in a state of intoxication while on duty, he shall be punished with fine which may extend to fifty rupees, or, where the improper performance of the duty would be likely to endanger the safety of any person travelling or being upon a railway, with imprison-

ment for a term which may extend to one year, or with fine, or with both."

इस समय देश में जा हालत है, जिसको स० जानते हैं, उसमें इस तरमीम को लाना अव्यक्त प्रतीत हुआ है। आज जो लोग रेलों के चलने में रुकावट डालते हैं, वर्तमान एक्ट के अधीन सरकार उनके खिलाफ कार्यवाही नहीं कर सकती है। इसीलिये सेक्शन 100 के बाद "एवाडनिंग ट्रन एटसेट्टा विट्टाट एषारट्टी" के सम्बन्ध में क्लज 100 ए प्रीर "घान्स्ट्राकिंग रानिग घाफ ट्रन एटसेट्टा" के सम्बन्ध में क्लज 100 बी जोड़ दी गई हैं। ये सीधी-साधी क्लोजिज है प्रीर रेलों को ठीक प्रकार से चलने के लिये उन्हें इस कानून में रखना बहुत जरूरी है।

जो माननीय सदस्य इस बिल का विरोध कर रहे हैं, मैं उनसे पूछना चाहता हूँ कि क्या गांधी जी के जमाने में देश में इस तरह की बातें हुई थीं।

श्री स० कुण्डु : मैंने अभी पढ़कर सुनाया है।

श्री प्र० सि० महगन : मैं कोई नया नहीं हूँ। मैं 1920 से इन कामों में दिलचस्पी ले रहा हूँ। प्रीर उनमें हिन्दू जा रहा हूँ। मैं कलकत्ते में पढ़ा हुआ हूँ। मैं वहाँ से बंगाली कालेज का पढ़ा हुआ हूँ। मैं कलकत्ते को भी जानता हूँ। जिस वक्त हम लोग पढ़ते थे, उस वक्त भी राजनीतिक प्रीर ट्रेड यूनियन घान्दोलन किये जाते थे जिन में हम नंग भाग लेंते थे। लेकिन आज हमें देश में जा एंड आर्डर मेंटेन करने की जरूरत है। आज यह भी आवश्यक है कि हमारी रेलों सुचारु रूप से काम कर सकें। इसीलिये सरकार को यह जरूरत पड़ी कि इंडियन रेलवेज एक्ट में संशोधन करने के लिये जो प्रॉपोजिज जारी किया गया था, उन क. कानूनी रूप दिया जाये।

मैं आपके सामने रायल कमीशन बिल ट्रेड यूनियन एंड एम्प्लायर्स एक्जिक्शनस

[श्री प्र० सि० सहगल]

1965-68 की रिपोर्ट में से, जो कि यूनाइटेड किंगडम की पार्लियामेंट में जून, 1968 को पेश की गई थी, कुछ पंक्तियां पढ़ कर सुनाना चाहता हूँ। इस रिपोर्ट में बताया गया है कि अपने सदस्यों के इन्टरेस्ट्स को प्रागे बढ़ाने में ट्रेड यूनियन्स का क्या रोल होना चाहिये। इसमें "इन्टरेस्ट्स" को इस तरह से डिफाइन किया गया है :—

"Interests" here is taken to mean the interests of the members of a trade union as such members. Such interests will include:—

- (a) Wages and conditions of work;
- (b) Effective consultation with managements at national, district and shop level;
- (c) 100 per cent trade union membership;
- (d) Participation in the conduct of the union's affairs, at all levels;
- (e) Fidelity to union rules and decisions;
- (f) Help in personal problems;
- (g) Help in dealing with grievances;
- (h) Help in legal matters;
- (i) Maintenance of full employment;
- (j) Maintenance of the real value of wages.

जो दोस्त ट्रेड यूनियन्स एंकिविटीज और मार्क्सवाद की बात करते हैं, मैं उन्हें बताना चाहता हूँ कि मैं भी कामशल क्लास एंकोसिएशन, गाइड एंकोसिएशन और एसिस्टेंट स्टेशन मास्टर्स एंकोसिएशन का आफिस-वियरर हूँ। मैं इन शर्तों को अच्छी तरह से जानता हूँ। अगर मेरे दोस्त

ठंडे दिल से सोचेंगे, तो उन्हें पता चलेगा कि जो कुछ मैं कह रहा हूँ, वह ठीक है या नहीं। हमें देश में शान्तिपूर्ण ढंग से, मजदूरों के वास्तविक हितों का ध्यान रखते हुये, एक उचित तरीके से ट्रेड यूनियन मूवमेंट को चलाना चाहिये। (व्युत्पन्न) मैं अपने दोस्त को बताना चाहता हूँ कि यह नक्सलवाड़ी नहीं है और यह नक्सलवाड़ी नहीं हो सकता है। हम इन बातों को खूब समझते हैं। हमारे दोस्त गुप्ता साहब, बिलासपुर गये थे। हमने उनका भ्रमर किया, उनसे मिले और अपने खयालात जाहिर किये।

श्री इन्द्रजीत गुप्ता (भलीपुर) :
 वहां पर जोरों की हड़ताल हुई थी।

श्री प्र० सि० सहगल : मैं उससे इन्कार नहीं करता हूँ। लेकिन मैं बतलाना चाहता हूँ कि कि हड़ताल कैसे हुई। बिलासपुर में असिस्टेंट मैकेनिकल इंजिनियर डिबीजनल सुपर्वाइंटेंट, कलेक्टर और पुलिस कप्तान स्टेशन पर थे। मैं यह दावा करने के लिये नैयार हूँ कि जितनी भी गाड़ियां बिलासपुर गईं, वे सब वहां से पास हुईं। मंत्री महोदय अपने चार्ट से यह बात देख सकते हैं। बिलासपुर से गाड़ियां स्टार्ट भी हुईं। लेकिन शाहडोल में जो लोग लोडिंग और अनलोडिंग करते हैं, उनकी कृपा हमारे दोस्तों पर है, वे उनका रास्ता देखते हैं और उनकी कोआपरेटिव उनके हाथ में है। हमारे दोस्तों ने कहा कि हम लोडिंग और अनलोडिंग नहीं करने देंगे। इसका नतीजा यह हुआ कि वहां पर सब गाड़ियां ठप्प हो गईं, वहां से गाड़ियां चल नहीं सकीं।

इसके बावजूद हमारे दोस्त कहते हैं कि इस एमेंडमेंट को साने की जरूरत नहीं है। बाखिर इस सरकार की कोई जिम्मेदारी है। मैं यह बताना चाहता हूँ कि मूवमेंट

इन्हे हाथों से नहीं चलती है ; गवर्नमेंट चलाने के लिये ल हे के हाथ चाहिये । हम अपनी गवर्नमेंट का हमेशा साथ देंगे, जैसे कि हम अब तक देते आ रहे हैं । हम यह नहीं कहते कि हम हम से गलतियां नहीं होंगी । हमसे गलतियां होंगी हैं और हम उनको दूर करने के लिये तैयार हैं ।

हम चाहते हैं कि टेम्पोरेरी स्टाफ के जिन लोगों को सस्पेंड कर दिया गया है, उनके मामलों पर सिम्पेयेटिकली विचार किया जाये । सरकार की तरफ से यह प्रतिबन्ध लगाया गया है कि जिन लोगों को फिर रख लिया गया है, उनके कन्डक्ट का तीन साल तक देखा जायगा । मुनासिब यह होगा कि एक साल तक उनके कन्डक्ट को देखा जाये ।

साल भर कन्डक्ट को देखने के बाद भी यदि वह कन्डक्ट नहीं सुधारते हैं तो मत लीजिए । लेकिन यदि कन्डक्ट सुधारते हैं और वह लोग ठीक रास्ते पर आते हैं तो उनके लिये आपको विचार करना चाहिये । इसके साथ-साथ जो आपका परामर्श स्टाफ है, बहुत से लोग, यदि आप रजिस्टर को देखें जिसमें कि वह लोग अपना टाइम लिखते हैं आने का तो उसमें बहुत से लोगों ने अपने दस्तखत किये हैं और दस्तखत करने के बाद यदि वे बाहर चले गये हैं तो उनको निकालना कहां तक वाजिब होगा इस पर भी हमें विचार करना होगा । इन सारी चीजों के साथ यह जो तरमीम लाया गया है इसको मैं सहे देल से तार्ईद करता हूं और मैं यह चाहता हूं कि यह जितनी जल्दी हो सके इसको लागू करके कड़ाई के साथ में एडमिनिस्ट्रेशन चलायें । मैं पुनाचा सांहर से कहता हूं कि यह बहुत ठंडे दिल के हैं मैं इनसे ऐसी नहीं करता बहुत सी बातों में । मैं चाहता हूं कि आप कड़े ह इये । यदि आप रेलवे एडमिन ट्रे-शन चलाना चाहते हैं तो आपको कड़ा होना पड़ेगा । ठंडे हाथों से ऐडमिनिस्ट्रेशन नहीं चला सकता ।

श्री सत्यनारायण सिंह (वाराणसी) :
उपाध्यक्ष महोदय, रेलवे मंत्री महोदय द्वारा जो विवेक पेश किया गया है मैं इस का विरोध करता हूं और माननीय श्री जार्ज फरनेन्डीज द्वारा रझे गए प्रस्ताव का समर्थन करता हूं । मैं एक बात कहना चाहता हूं कि इस पार्लियामेंट के अन्दर बहुत दिन से बहस चल रही है और बहस के पहले 19 सितम्बर को जब हड़ताल की बात थी तो सरकार के लिए हमने सोचा था कि विवेक से काम लेनी और अपने भागों के ऊपर जिन के द्वारा सरकार चलती है, जिन की मदद से चलती है, उन की भागों पर सहानुभूतिपूर्वक विचार करेगी । लेकिन अध्यादेश जारी कर और उस को लागू करते सरकार ने यह साफ कर दिया कि सरकार अपने ही भागों के साथ बात करने के लिए और शांतिपूर्ण ढंग से मामले को हल करने के लिए तैयार नहीं है और जिस को देश ने यह समझा कि यह काला कानून है इस के जरिये से जनता को जो वाजब मांग हैं, मेहनतकश की जो वाजब मांग हैं उन को दबाने और उन को अर्थात् करने की कोशिश की जा रही है । मैं यह कहना चाहता हूं कि जहां पर श.वण होता है, भ्रष्टाचार होता है, जुल्म होता है वहां पर सच्ची शांति और स्थायी शांति कायम नहीं हो सकती है । अगर सरकार उन की भागों पर सहानुभूतिपूर्वक विचार करती तो समस्या का हल निकल सकता था और देश के अन्दर जिस शांति को, जिस कानून और व्यवस्था को कायम करने की आप बात करते हैं वह कायम होती, सही मानों में लोगों के मन की भावनाओं पर इस का प्रभर पड़ता । लेकिन यह कानून पास कर के आप उसी भ्रष्टाचार को, उसी दमन को उसी शोषण को और ज्यादा बढ़ाना चाहें हैं जिस से सरकार और सरकार के जो भाग हैं, सरकारी कर्मचारी हैं उन के बीच में बहुत असंतोष और कोष और बढ़ेगा । क्या सरकार यह समझती है कि इस तरह के काले कानूनों को स्थायी रूप दे कर शांति कायम की जा सकती है? अगर ऐसी बात सरकार के विमान में है तो सरकार उस को निकाल दे और हम यह

[श्री मरय गिराय ग सिंह]

कहना चाहते हैं कि पूरा देश मिल कर, डट कर सरकारी कर्मचारियों के साथ ऐसे कानून का विरोध करेगा और ऐसे कानून को हमेशा के लिए स्थायी रूप देने के लिए, स्थायी तौर पर प्रार्थकित करने के लिए जो कोशिश है उस को चकनाचूर किया जा सकेगा। हम यह जानना चाहते हैं आप ने जो प्रॉडिनेंस जारी किया था, उस प्रॉडिनेंस की जो घज्जियां उड़ें और जो सरकारी कर्मचारी अपनी मांगों के लिए लड़ने के लिए मैदान में उतरने के लिए मजबूर हुए, उस के बाद आप ने एक एक कदम पीछे हटने की कोशिश की लेकिन आज भी एक प्रेस्टिज का बवाल बना कर के उन की मांगों पर सहानुभूति-पूर्वक विचार करने के बजाय आप इस काले कानून को स्थायी कानून बनाने की कोशिश कर रहे हैं, ऐसी हालत में मैं साफ समझता हूँ कि आप ईमानदारी के साथ इस पर विचार करें और सोचें कि क्या इस कानून को स्थायी बना देने के बाद कोई रास्ता रह जायगा जिस के जरिए से कर्मचारी अपनी मांगों को अपनी भावनाओं को, जो उन की मुसीबतें हैं उन को आप के सामने रख सकेंगे ? आप क्या सारे रास्तों को बन्द नहीं कर रहे हैं ? संविधान में दिए हुए अधिकारों को खत्म कर के, उन पर आघात कर के उन तमाम रास्तों को जिस के जरिए से शांतिपूर्ण तरीके से वह अपनी मांगों को आप के सामने रख सकते थे, सामूहिक वारगेनिंग के जरिए से जिन का हल खड़ा किया जा सकता था, उन तमाम रास्तों को बन्द कर देने के बाद कौन सा रास्ता बाकी रह जायगा ? किस रास्ते से वह अपनी मांगें आप के सामने रख सकेंगे ? क्या यह कानून पास करने में यह मान्यता नहीं है कि आप तमाम शांतिपूर्ण तरीकों को बन्द कर दे रहे हैं ? जनतंत्र पर आघात कर रहे हैं ? अनैतिक तरीके से अपनी मांगों के लिए खड़े होने का जो उन का अधिकार है उस को छीन करके आप एक दूसरे रास्ते की तरफ लोगों को जाने के लिए मजबूर नहीं कर रहे हैं ? वह कौन रास्ता होगा यह मैं आप से पूछना चाहता हूँ इस को बन्द करने के बाद और फिर आप

यहां बैठ कर चीखेंगे कि कोई प्रशांति पैदा कर रहा है, कोई बहका रहा है, कोई तोड़ फोड़ करने वाले मजदूरों को बहका रहे हैं। क्या रास्ते को बन्द कर देने के बाद आप के ऊपर सारी जिम्मेदारी इस की नहीं जायगी कि आप ने ही शांति के तमाम रास्तों को, संविधान में दिए गए अधिकारों को खत्म कर के तमाम लोगों को दूसरे रास्ते पर चल कर के अपनी समस्याओं का समाधान ढूँढने के लिए मजबूर किया ? मैं समझता हूँ कि इतिहास में आप के ऊपर एक कलंक लगेगा कि आप ने पूरे सेंट्रल गवर्नमेंट के कर्मचारियों को, तमाम मजदूरों को, मेहनतकशों को मजबूर कर दिया ऐसे रास्ते पर चलने के लिए जिस रास्ते को वह पसन्द नहीं करते हैं, जिन रास्ते पर वह जाना नहीं चाहते हैं, उस रास्ते की तरफ आप उन को जबरदस्ती ढकेल रहे हैं। हम यह जानते हैं और इतिहास इस बात का साक्षी है। आप लोग ऐसे नहीं बैठे हुए हैं सरकार में जो इतिहास को न जानते हों, या पढ़े लिखे समझदार लोग नहीं हैं, ऐसी भी बात नहीं है। अपने राष्ट्र का इतिहास है और दुनिया का इतिहास है, क्या ऐसे काले कानूनों को स्थायी बना कर के कहीं दुनिया में जनता की लड़ाइयों को रोका गया ? जिन लोगों ने इस तरह की साजिश की क्या वे धूल में नहीं मिला दिए गए ? ऐसे काले कानून का सहारा लेने वाले क्या इतिहास में टिक पाये ? जनता की शक्ति, श्रमिकों की शक्ति को क्या यह दबा पाये ऐसे काले कानूनों को लेकर के ? नहीं। उस से आप सबक लें। हम आप से कहना चाहते हैं नम्रता के साथ कि आप ऐसी चीजों का सहारा न लें जिस से कि देश के लिए खतरा पैदा हो और उस की सारी जिम्मेदारी आप के कंधों पर आए। इस के बाद भी, इतनी सारी घपीलों के बाद भी अगर आप किसी की बात नहीं सुनते हैं तो साफ प्रकट है कि आप इतने बड़े संकट में फँस गए हैं, आप की जो नीतियां हैं उन्होंने देखा को ऐसी जगह पर ला कर खड़ा कर दिया है कि जहां पर प्राथिक संकट एक राजनैतिक संकट का रूप ले चका है और उस

बंफट को बचाने के लिए घ्राप के पास कोई रास्ता नहीं है सिवाय इस काले कानून को स्थायी रूप में कर देना और जनता को जातकित किया जाय, उन के अधिकारों को छीना जाय और मनमानी की जाय। ऐसी हालत में घ्राज देश की जो स्थिति है उस को संभालने के लिए तमाम पार्टियों के नेताओं, जन-संगठनों के नेताओं से एक साथ बैठ कर राय मसबिरा कर के कोई रास्ता निकालते और देश के सामने यह साबित करते, मिसाल रखते कि घ्राप जाति के जरिए से, बातचीत के जरिए से मसले को हल करने का तरीका जानते हैं। घ्राप कहते हैं कि हम जाति में विश्वास नहीं करते हैं, हम अहिंसा में विश्वास नहीं करते, लेकिन घ्राप तो करते हैं न ? इनलिये घ्रापके ऊपर सबसे सब से बड़ी जिम्मेदारी है कि घ्राप देश के अर्थिकों के दिमाग में यह बात बैठाये कि जाति से इस मसले का हल निकाला जा सकता है, बैठ कर बातचीत के जरिए से मसले का हल हो सकता है। इस बात को साबित करने के लिए घ्राप के ऊपर जिम्मेदारी है। दूसरों के कंधों पर जिम्मेदारी डकेल कर लोग उत्पात करना चाहते हैं, हिंसा करना चाहते हैं, तोड़-फोड़ करना चाहते हैं, घ्राप अपनी जिम्मेदारी से दूर मत हटिये। जहां असंतोष होगा, वह फूटगा और घ्रापके और सरकारी कर्मचारियों के बीच में घृणा और असंतोष बढ़ता गया तो एक भयंकर विस्फोट की शकल प्रकटिबार करेगा और घ्राप, घ्रापकी ताकत और यह काला कानून उस को नहीं रोक सकेगा। इसलिये घ्रापसे निवेदन है कि इंग्लैंड का घ्राप बापस में, संजीदगी के साथ विचार करें और उन की मांगों के हम करने का कोई रास्ता निकालें, जिस के जरिये से घ्रापके और उन के बीच में अछला रिस्ता बने और सहयोग बढ़ सके। लेकिन इस तरह से दबाकर, कुचल कर, उन के अधिकारों को छीन कर, जातक का बातावरण पैदा कर के क्या घ्राप अपने और उन के बीच में एक अछला सम्बन्ध कायम कर सकेंगे? मैं समझता हूँ—नहीं कर सकेंगे। यह सरकार के लिये बहुत घालक नीति

होगी।

15 hrs.

मैं उम्मीद करता हूँ कि सरकार इस पर पुनः गौर करेगी। इन्हीं शब्दों के साथ, उपाध्यक्ष महोदय, मैं इंग्लैंड का विरोध करता हूँ और श्री जार्ज फरनेन्डीज के प्रस्ताव का समर्थन करता हूँ।

SHRI K. N. PANDEY (Padrauna):
Mr. Deputy-Speaker, Sir, I do not know why there is so much of excitement over this Bill. Let us see what the new section says:

"If a railway servant, when on duty, is entrusted with any responsibility connected with the running of a train, railway car or any other rolling-stock from one station or place to another station or place, and he abandons his duty before reaching such station or place, without authority or without properly handing over such train, rail-car or rolling-stock to another authorised railway servant, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both."

Now, the railways is a commercial concern, the existence of which depends upon the running of trains. If the railway employees leave the train in the middle of the stations or before the destination, what happens to the passengers? The opposition members are talking of a need-based minimum wage for railway employees. I concede that demand for a need-based minimum wage. But it is the first duty and responsibility of the railway authorities to take the passengers where they want to go. If because of the default of the railway servants the trains are stopped in between stations and the passengers are put to difficulties or looted, who is responsible? Do my hon. friends opposite want this to happen? If the railway employees want a need-based minimum wage, ultimately it is the passengers who pay the railway fares or freight who have to bear the burden. If you provide

[Shri K. N. Pandey]

such a poor service, do you think that the people are going to pay higher fares or freights in order to enable you to pay more to your employees? Certainly not. Therefore, in order to ensure the proper running of trains there should be some restrictions imposed on the railway employees.

If a railway employee stops a train in between stations deliberately, leaving the passengers to their fate, and refuses to do any work, is he doing his work? It seems that there is some misunderstanding among some of our friends here. In India we believe in democracy. We do not believe in the dictatorship of the proletariat; be he working in a factory or in the railways, he is not going to rule the country as he likes. Of course, he is part and parcel of the country, of the nation. You behave like that, that you are a part and parcel of the country. If you take the entire world over your head, your purpose is not going to be served. Moreover, in the situation created by you, the workers will be put at a loss; they will be put in a disadvantageous position. Therefore my suggestion to you is to make them understand what is the reality, what is the truth.

About the railways a lot of complaints are coming. Is it the Railway Minister who runs the trains? Every day there is a question that the trains are running late by 24 hours. Who is responsible?

SHRI S. M. BANERJEE (Kanpur):
 The Railway Board.

SHRI K. N. PANDEY: There is an accident. On that some people rise and demand the resignation of the Railway Minister. Who is responsible for those accidents?

SHRI S. M. BANERJEE: The Railway Board.

SHRI K. N. PANDEY: Is it the Railway Board or is it those people who are running the trains and are doing the things on the spot (Inter-
 ruption)? Let us not try to hide our own faults. Let us accept the facts.

SHRI S. M. BANERJEE: Accepted.

SHRI K. N. PANDEY: Those people are responsible who are operating everything, who are working on behalf of the Railway Board or the Railway Minister. We are responsible. Therefore we should not shirk the responsibility.

Other things also happen. Whenever there is any commotion, whenever there is any agitation, the first target is the railways. I cannot disclose the name of the party. I come from Padrauna. The name of my constituency is Padrauna. In Padrauna, without any fault, because of the language agitation a train was stopped by some miscreants and two bogeys were burnt.

Here there is a provision which deals with the outsiders. My hon. friend, Shri Biswas, was talking of the Railway Service Conduct Rules. Are the Service Conduct Rules going to apply to these outsiders? Can they be bound by those Service Conduct Rules? They are not going to be bound by that; they are to be dealt with in a proper manner. Naturally, that requires some Act. Therefore this Bill has come. I do not know why there is so much of excitement.

He was yesterday saying that all these things have been defined in the Railway Employees' Service Conduct Rules. If that is so, why should you be afraid of it then?

SHRI J. M. BISWAS (Bankaura):
 See section 128 of the Railway Act.

SHRI K. N. PANDEY: You also want that trains should not be stopped in the middle. You also want that trains should not be obstructed. Then, what is the harm if the Bill comes here? If there is an Act about that, why are you afraid of it?

SHRI S. KUNDU: We are wasting our time with unnecessary legislation.

SHRI K. N. PANDEY: I am not going into the controversy as to how many people went on strike. I feel that every railway employee was feeling that his salary was low and that it should be raised because dearness was

affecting everybody. Whether he went on strike or whether he did not go on strike, that does not matter. Let us see their hearts. They were discontented and dissatisfied because of these rising prices. Naturally, it causes concern. They were right in demanding higher wages. But let us not forget—let us think over this matter very seriously—that we also cannot create classes among classes. There are many people who are getting much less than what the railway employees do and what the other employees do. Moreover, I can separate railway employees from other Government employees because their condition is quite different, but the wages can be increased only up to an extent. Beyond a limit you cannot go. If you go beyond that limit, the burden is naturally going to fall on the general people of the country. Where from is the money going to come? Is the Minister going to pay that from his salary or are the consumers and the people at large in the country going to suffer for it? Naturally, we have to take all those things into consideration with a realistic point of view.

Therefore I am in support of this Bill.

SHRI J. M. BISWAS: Railway officers salaries can go up?

SHRI K. N. PANDEY: I am not in favour of that also.

MR. DEPUTY-SPEAKER: Shri Deven Sen.

SHRI S. M. BANERJEE: Just see, Sir, he is walking out.

श्री बेवेन सेन (भासनसोल) : उपाध्यक्ष महोदय, मैं इस बिल का विरोध करता हूँ। विरोध इसलिये करता हूँ कि इसके जरिये कर्मियों के अधिकार और खास कर रेलवे मजदूरों के अधिकारों को छीना जा रहा है।

उपाध्यक्ष महोदय, ध्यान देंगे कि रेलवे हमारे मुल्क में कोई नई चीज नहीं है। सन् 1853 में इसकी शुरुआत हुई और यह शुरुआत काठे के जमाने में नहीं, ब्रिटिश सरकार के जमाने में हुई। ब्रिटिश सरकार ने

जो कानून बनाया था उसको हम आज धमन्ड करने जा रहे हैं जो कि सन् 1890 का ऐक्ट है। ब्रिटिश सरकार के जमाने का वह ऐक्ट है। मैंने दुनिया के अन्य मुल्कों के रेलवे ऐक्ट्स देखने का प्रयत्न किया। इंग्लैण्ड का जो रेलवे ऐक्ट है उसमें कोई भी ऐसा प्राविजन नहीं है जो कि इतना खतरनाक हो। वह ब्रिटिश सरकार का 1890 का ऐक्ट है लेकिन उसमें भी ये सब बातें नहीं हैं। उसमें 8-10 वर्ष की सजा का विधान है यदि कोई रेलवे की सम्पत्ति को नुकसान पहुंचाये या पसेन्जर्स को नुकसान पहुंचाए। लेकिन उसमें भी पिकेटिंग और स्कैटिंग के बारे में कुछ नहीं है यानि ट्रेड यूनियन्स के विरुद्ध कोई बात नहीं है। ब्रिटिश सरकार ने ऐसा क्यों किया? ट्रेड यूनियन्स के हक के विरुद्ध वे क्यों नहीं उस ऐक्ट में कोई प्राविजन्स रखे? क्योंकि रेलवे के जरिए से हिन्दुस्तान में कैपिटलिज्म का फैलाव हुआ। यह पब्लिक सेक्टर से ही हुआ। अगर पब्लिक सेक्टर छंटे पंगाने पर हों त, उनके जरिए भाँ कैपिटलिज्म का फैलाव होता है। यहां पर जो काटन इण्डस्ट्री, जूट इण्डस्ट्री और दूसरी बड़ी इण्डस्ट्रीज का फैलाव हुआ वह रेलवे के जरिए से ही हुआ। ब्रिटिश इम्पेरियलिज्म ने रेलवे चला कर पब्लिक को लूटा और काफी मुनाफा कमाया। लेकिन इसके बावजूद उन्होंने यह महसूस नहीं किया कि पिकेटिंग और स्कैटिंग को बन्द करने की जरूरत है। फिर कांग्रेस सरकार को इस बात की जरूरत क्यों महसूस होने लगी? इसका भी कारण है। आज दुनिया में कैपिटलिज्म के धन्दर ही काइसिस फैल रही है। इसको तब तक रोका भी नहीं जा सकता जब तक कि वहाँ पर सोशलिज्म नहीं आता। अगर धाय दुनिया की तरफ देखें तो आज सोशलिस्ट कन्ट्रीज, में कई काइन्ट्री हैं। अगर धाय काइसिस है तो वह इंग्लैण्ड में है, फ्रांस में है, बेस्ट जर्मनी में है, अमरीका में है या दूसरे कैपिटलिस्ट कन्ट्रीज में है हिन्दुस्तान में भी सरकार और दूसरे मानोपोलिस्ट्स

[श्री दवे : सेन]

कैपिटलिज्म को चलाने वाले हैं, उसको धागे से जाने वाले हैं, इसलिए यहां पर भी क्राइसिस है। जब ये सोच रहे हैं कि सूती मिल, कोयले की खानें और चीनी के कारखाने जो हैं वे क्यों बन्द हैं, 125 लाख आदमी क्यों बेकार हैं ? इसका कारण यह है कि उनकी रीयल बेजेज घट रही हैं। आज यहां के मानोपोलिस्ट्स इस कैपिटलिस्ट क्राइसिस से बचने का जो रास्ता सोच रहे हैं वह यह है कि मजदूरों का हक छीना। इसके लिए हमारे मन्त्रिमण्डल के तीन मन्त्रियों ने प्रपना कदम धागे बढ़ाया है, एक तो गृह मन्त्री, दूसरे रेल मन्त्री और तीसरे वित्त मन्त्री। गृह मन्त्री ने इण्डस्ट्रियल सेक्योरिटी फोर्स बिल रखा जो कि एक दम खतरनाक चीज है। वित्त मन्त्री बैंकिंग लाज रेगुलेशन बिल लाए और रेल मन्त्री इस वक्त आपके सामने इस बिल के साथ बैठे हुए हैं। हमारी समझ में नहीं आता कि हमारे श्रम मन्त्री अभी तक चुपचाप क्यों बैठे हुए हैं ? मैं जानना चाहता हूँ कि क्या रेलवे मन्त्री ने श्रम मन्त्री से पूछा था कि हम तुम्हारे मजदूरों का हक छीनने जा रहे हैं, क्या गृह मन्त्री ने श्रम मन्त्री से पूछा था कि हम तुम्हारे श्रमिकों का अधिकार छीनने जा रहे हैं और क्या वित्त मन्त्री ने श्रम मन्त्री से पूछा था कि हम तुम्हारे मजदूरों का हक छीनने जा रहे हैं ? अगर नहीं पूछा तो फिर मैं समझता हूँ श्रम मन्त्री को रखने की ही क्या जरूरत है ? क्या सिर्फ ट्राइबुनल बनाने के लिए या वैज-बोर्ड बिठाने के लिए या सिर्फ मोठी मोठी बातें करने के लिए। हमारे श्रम मन्त्री एकदम गायब हैं जबकि इन लोगों ने मजदूरों को दुबलने का काम मन्त्रिमण्डल से करवा लिया है और वह इसलिए कि इनके पास उस क्राइसिस से बचने का और कोई रास्ता नहीं है। इन्होंने सिर्फ यही रास्ता समझा है कि श्रमिकों की रोजी को घटाओ, घाटोमेशन को चलाओ। मैं पूछता हूँ कि 50 करोड़ आबादी वाले देश में क्या कभी घाटो-मेशन घा सकता है ? इंग्लैंड, जिसकी

आबादी साढ़े चार करोड़ है, वहां पर तो घाटोमेशन घा सकता है। रसा जिसकी आबादी 20 करोड़ है वहां पर घाटोमेशन घा सकता है। इमी तरह से घाटोमेशन जर्मनी में घा सकता है, घमरीका जिसकी आबादी 18 करोड़ है, वहां पर घा सकता है। लेकिन हिन्दुस्तान जिसकी आबादी 50 करोड़ है जहां पर लोगों के लिए काम नहीं है, कैपिटल की कमी है वहां पर घाटोमेशन कैसे घा सकता है ? आप देखें कि यह चीज कितनी दूर तक चला गई है। आप घाटोमेशन के जरिए से, छटाई के जरिए से, क्लोजर के जरिए से और कमी बिल के जरिए से मजदूरों को तबाह कर रहे हैं। मैं दावे के साथ कहता हूँ कि यह सरकार मजदूरों को बचाने का कोई रास्ता नहीं निकाल रही है। मजदूर भोचना है कि हम लड़ेंगे, उममें अगर मरेंगे तो भी अच्छा और बचेंगे तो और भी अच्छा। इसलिए मैं इस बिल का विरोध करता हूँ। मैं प्रनुरोध करता हूँ—हालांकि प्रनुरोध तो कोई सुनना नहीं—मैं प्रार्थना करना चाहता हूँ कि इस बिल का वापिस लिया जाये।

SHRI VIKRAM CHAND MAHAJAN (Chamba): Mr. Deputy-Speaker, Sir, I rise to support the Bill. This is one of the most timely Bills. For a change, the Government has brought forward a Bill in the interest of passengers and users of the Railways.

Now, let us see what the provisions of the Bill are. I would like to give a few examples. Let us test the Bill from that angle. According to our friends on the other side if a driver walks off and the train is stopped at a way-side station where there is no water and there are no other facilities, he should be given Padma Vibhushan for stranding a thousand passengers on a way-side station. This is what they want. What we want is that the interest of a thousand passengers should be safeguarded.

श्री आर्च करनैडीज (बम्बई-दक्षिण) :
ये मसल बोल रहे हैं।

SHRI VIKRAM CHAND MAHAJAN: My hon. friend, Shri George Fernandes, says I am not telling the correct facts. I would ask him to kindly read the Bill. It says:

"If a railway servant, when on duty, is entrusted with any responsibility connected with the running of a train, rail car or any other rolling-stock from one station or place to another station or place, and he abandons his duty before reaching such station or place"

He says I am not reading the provisions of the Bill correctly. Would he, for a change, read them and see that what I am saying is correct? If a driver stops a train on a way-side station and walks off stranding a thousand passengers in the train, according to them, what should be done to him is that he should be given Padma Vibhushan.

SHRI J. M. BISWAS: Can he cite even one example where a driver has deserted the train at a way-side station?

SHRI VIKRAM CHAND MAHAJAN: This is the Bill which is brought before the House (*Interruption*)

SHRI J. M. BISWAS: Can he cite an example where a driver has deserted the train at a way-side station? Can he cite just one such example?

SHRI CHENGALRAYA NAIDU (Chittoor): If the driver is such a good man, why are you afraid of the Bill? (*Interruptions*)

SHRI J. M. BISWAS: Can he cite one example, not many, where a driver has deserted the train? Such things have never happened. Can he cite one example to justify his argument? (*Interruptions*).

SHRI DHIRESWAR KALITA (Gauhati): On a point of order.
 2433(A) LSD—10.

MR. DEPUTY-SPEAKER: What is his point of order?

SHRI DHIRESWAR KALITA: Mr. Mahajan was speaking about the intention of this Bill. What is the intention of this Bill? The intention of this Bill is this. The Ordinance was promulgated on the 14th September and in pursuance of that, they arrested thousands of persons and now they want to give it the effect of law. Although the Government says that they would sympathetically consider their cases, through this Bill they want to convict and penalise all those persons who were arrested in connection with the strike of 19th September. This is the real intention of this Bill

MR. DEPUTY-SPEAKER: Please resume your seat. There is no point of order. He is putting forward his argument (*Interruptions*).

SHRI J. M. BISWAS: May I request the hon. Member through you to cite even one example where a driver deserted the train leaving it in the mid-way with one thousand passengers or so?

MR. DEPUTY-SPEAKER: Please resume your seat. His argument is based on apprehensions.

श्री जार्ज करने-दीख : ऐसीहँसन पर क्या यहाँ बिल आ सकता है ?

SHRI RANDHIR SINGH (Rohtak): Have we to show our speeches to them? बोलने से पहले क्या इन की इजाजत लेनी पड़ेगी ?

SHRI DHIRESWAR KALITA: He is harping on a wrong point (*Interruptions*)

MR. DEPUTY-SPEAKER: Please resume your seat. There is no point of order.

SHRI VIKRAM CHAND MAHAJAN: Let us take another example (*Interruptions*)

SHRI J. M. BISWAS: I can say for their information that during the strike time also the running staff, the driver, the fireman, etc., never left their duty-spot. During the strike they refuse to work but they cannot leave the engines for the safety of engine's boiler. That is why the running staff never left their duty-spot. Therefore, I request the hon. Member to give at least one example where they have deserted the train .. (*Interruptions*)

MR. DEPUTY-SPEAKER: Order, order. Let him continue.

SHRI VIKRAM CHAND MAHAJAN: Let us take another example. The next Clause says that, if some railway workers or other persons squat on the railway line or near the Station stopping the train, they will be penalised. Suppose, the train is stopped at a way-side station and 20 persons squat on the railway track and the track is blocked. According to our friends, they should be permitted to sit there for any length of time and those one thousand passengers should get stranded. What the Bill seeks to do is to arrest them, penalise them and allow the train to go uninterrupted. This is the second provision.

Another point was raised that arrests should not be made without warrants. What is a warrant? A warrant is an order of the Magistrate to arrest so and so. If in the mid-night the train is stopped by the picketeers, should be Guard get down, walk 20 miles and get an order from a Magistrate, or should he take the help of 20 persons and remove them? (*Interruptions*) My friends want that the Guard should get down from the train, walk 20 miles, get a warrant from a Magistrate and then arrest them. I have got two more points, Sir. The Act says that one who tampers with the signal is penalised. If a railway worker tampers with the signal, what happens? The light is turned green, because of tampering with the signal. Two trains coming from opposite directions dash

against each other. They say, don't penalise them. For tampering with the signal, they say, 'Don't penalise him; give him a gold medal because he has helped in making two trains dash against each other'. This is the position, Sir. Also, they say that Police is with the States, Railway Police is with the States and therefore the Central Government has no power to legislate. Now, Sir, we have got certain constitutional provisions and I wish they had gone through them. If you turn to the Seventh Schedule, List I, you will find the relevant entries. The Central Government can legislate on certain provisions, which are under it. Entry No. 22 gives the power to the Central Government to legislate on Railways. There is another Entry, namely, Entry No. 93 which gives the power to the Government to legislate about offences against laws with respect to any of the matters in this List.

श्री जार्ज क्ररनेन्डीज : जिस प्रश्न पर बहस नहीं है उस पर क्यों घ्राप बोलने दे रहे हैं? (*बड़बच्चा*)

SHRI VIKRAM CHAND MAHAJAN: So, my submission is this, Sir. This is a perfectly valid piece of legislation. I, therefore, support the Bill.

श्री शिकरे (पंजिम) : उपाध्यक्ष महोदय माननीय काशी नाथ पांडे जी ने अपने भाषण के शुरू में यह कहा कि इस विधेयक पर इतना क्रिटिसिज्म क्यों होता है? मैं उन का उत्तर दे रहा हूँ। इतना क्रिटिसिज्म जो हो रहा है वह इसलिए है कि यह विधेयक जो ध्रा रहा है वह ध्रा रहा है अध्यादेश की जगह। ध्राबिनेंस जो जारी किया गया उस के बाद जब विधेयक ध्राया। इस बजह से यह क्रिटिसिज्म ज्यादा हो रहा है। वह इस बाजू से मेरे दाहिने बाजू से ध्रा रहा है क्योंकि वहाँ बैठने वाले सब दल तो इंटरस्टेज पार्टीज हैं।

घ्राप जानते हैं कि सदन में जब स्ट्राइक के बारे में चर्चा चली तब यहाँ कहा गया कि वह

को स्ट्राइक हुई है वह पोलिटिकली मोटीवेटड नहीं थी : मैं नहीं जानता कि ऐसा कोई है इस सदन में या प्रखिल भारत में जो कह सके कि जो स्ट्राइक हुआ वह पोलिटिकली मोटिवेटड नहीं था। उस के बाद जो ऐक्शन सरकार लेनी है वह भी पोलिटिकली मोटिवेटड होता है। वह तो इलाज करना ही पड़ता है। इसलिये मेरे जैसा जो निर्दलीय सदस्य है उस का दृष्टिकोण ऐसा रहता है कि इस भारत में कोई स्ट्राइक न हो। शान्ति रहे धमन रहे और ऐसा हो कि जो कर्मचारी हैं वह भी सुखी हों। जनता और पैसेन्जर्स लोगों को तकलीफ न हो। तो मेरे जैसे निर्दलीय सदस्य का जो दृष्टिकोण रहता है वह निःस्वार्थ है, वह पोलिटिकली मोटिवेटड नहीं है। तो जब ऐसा विधेयक आता है तो कह सकता हूँ कि मैं इस विधेयक को सपोर्ट करता हूँ क्योंकि मेरा जैसा निर्दलीय सदस्य शान्ति चाहता है। लेकिन वह शान्ति कैसी हो ? वह श्मशान की शान्ति न हो। मैं नहीं चाहूँगा कि वह शान्ति ऐसी पंदा हो कि लाठी चलायी जाये, गोलीबारी हो। ऐसी शान्ति मैं नहीं चाहूँगा। जैसी शान्ति मैं चाहता हूँ वह तभी आयेगी जब कर्मचारियों के प्रश्न सुनाइये जायें, उन की जो कठिनाइयाँ हैं वह दूर हों। तभी ऐसी शान्ति प्राप्त मकनी है।

मेरा जैसा निर्दलीय आदमी ऐसा कहेगा कि सरकार ऐसे कदम उठाये जिस से कर्मचारियों को जो कठिनाइयाँ रहनी हैं वह दूर हो जायें। साथ ही मैं जो ट्रेड यूनियन्स के लीडर्स हूँ उन को भी कहूँगा कि वह इस सरकार पर थोड़ा सा विश्वास तो रखें, आखिर वह इस सरकार के ऊपर इतना विश्वास क्यों रखते हैं। जब दोनों ही इस देश में शान्ति व धमन कायम रखना चाहते हैं तो मेरे जैसे दृष्टिकोण वाले आदमी का बड़ी विचार हो सकता है जो कि मैंने प्रकट किया है।

उपाध्यक्ष महोदय, आप जानते होंगे कि मैंने एक अमेंडमेंट "और ऐनी अदर परसन"

को क्लॉज 2 में से प्रोमित करने के लिये दिया हुआ है। उस अमेंडमेंट के पीछे मेरा उद्देश्य यही है कि कहीं रेलवे मुलाजिम के झलावा दूसरे लोग, प्रवासी आदि, जोकि पिकेटिंग आदि करके अपनी विरोध की भावना प्रकट कर सकते हैं उन के खिलाफ इस विधेयक का इस्तेमाल न किया जा सके। मेरी राय में जनता को और यात्रियों को जो पिकेटिंग आदि कर के अपनी भावना प्रकट करने से रोकना और इस के लिये उन्हें बंदित करना वांछनीय नहीं होगा। लेकिन जहाँ मैं यह चाहता हूँ वहाँ मैं इस खयाल का भी हूँ कि सरकारी अथवा रेलवे कर्मचारियों द्वारा हड़ताले न हों और सरकारी कर्मचारियों को स्ट्राइक करने का अधिकार न हो। लेकिन चूँकि इस विधेयक की शब्दावली जरूरत से ज्यादा विस्तृत हो गयी है और सरकारी और रेलवे कर्मचारियों के साथ ऐनी अदर परसन में यात्री लोग भी आ सकते हैं, जनता के लोग भी आ सकते हैं; चूँकि उनके हक को भी इस के द्वारा कम कर दिया गया है इसलिए मैंने यह अपना अमेंडमेंट दिया है और जब क्लॉज बाई क्लॉज पर डिस्कशन होगा तो मैं इस विषय में विस्तार से बोलना चाहूँगा। इस अवसर पर केवल इतना ही कहूँगा कि तात्वी जो बजनी है वह एक हाथ से कभी नहीं बजनी है और दोनों हाथ से वह बज पानी है।

अब जाहिर है कि एक हाथ वहाँ मेरे बाहूने बाजू में है तो दूसरा हाथ उधर बायें बाजू में और दोनों ही इसलिये इसमें जिम्मेदार हैं

SHRI J. M. BISWAS: On a point of order. May I know whether an hon. Member while he is delivering his speech can be dictated to by another Member? Shri Randhir Singh has been trying to dictate to Shri Shinkre.

MR. DEPUTY-SPEAKER: Nobody has dictated to any Member.

SHRI SHINKRE: I take strong objection to this. He must withdraw this remark.

MR. DEPUTY-SPEAKER: This is not fair. Nobody is dictated to by anybody.

SHRI J. M. BISWAS: I want to know whether such dictation is allowed in the House.

SHRI RANDHIR SINGH: He must withdraw this remark.

SHRI A. S. SAIGAL: The insinuation made by him is not correct. He must withdraw it.

श्री प्रेम चन्द वर्मा (हमीरपुर) : श्री बिस्वास का वह कथन बहुत ही अनुचित है और श्री शिकरे के साथ बहुत ही ज्यादानी करनी है। उन्हें ऐसे शब्द नहीं कहने चाहिये थे और इसके लिये भी बिस्वास के खिलाफ प्रीविलेज का मामला बनता है।

श्री श्रीम प्रकाश त्यागी (मुरादाबाद) : उपाध्यक्ष महोदय मैं भी श्री प्रेम चन्द वर्मा के कथन से सहमत हूँ और मैं समझता हूँ कि ऐसा अधिकार किसी भी मेम्बर को नहीं है जो वह अन्य मेम्बर के ऊपर इस तरह का आरोप करे। अगर यह गलत परम्परा यहाँ पर कायम रहने दी गई तो न जाने इस का अंत कहा जाकर होगा। मैं श्री बिस्वास से प्रार्थना करूँगा कि वह अपने उस आरोप को वापिस ले लें।

SHRI RANDHIR SINGH: This raises a breach of privilege also. The hon. Member is being restrained from speaking of his own free will. He is being restrained from speaking independently what he wants to say. The hon. Member is casting aspersions on Shri Shinkre by his remark.

श्री प्रेम चन्द वर्मा : मैं पुनः श्री बिस्वास के उस आरोप का विरोध करना चाहूँगा जिस में उन्होंने ने यह कहा है कि श्री शिकरे अपनी स्पीच दूसरे मेम्बर के डिप्टेशन पर दे रहे हैं। ऐसा किसी मेम्बर के लिए कहना

उसकी ईमानदारी पर शक जाहिर करना है और मैं समझता हूँ कि यह प्रीविलेज का मामला है। श्री बिस्वास को तत्काल अपने शब्द वापिस ले लेने चाहियें।

श्री शशिभूषण (खारगोन) : श्री शिकरे हमारे इस सदन के महात्मा कबीर हैं और उन पर इस तरह का आरोप सरासर उन के साथ नाईयाफी करना है।

SHRI RANDHIR SINGH: Shri Shinkre is so intelligent that he can teach the entire Opposition. So, this kind of remark is not fair.

SHRI S. M. BANERJEE: On behalf of my group I can say that Shri J. M. Biswas never meant it. He only said that when Shri Shinkre was speaking he was constantly interrupted by Shri Randhir Singh who was trying to influence him, but Shri Shinkre was not influenced.

MR. DEPUTY-SPEAKER: It is very improper for a Member to say that a Member while speaking is being prompted or dictated to by some other member. He is speaking out his own mind. Let him conclude.

श्री शिकरे : उपाध्यक्ष महोदय मुझे इस अवसर पर ईसामसीह का वह वाक्य याद आ रहा है जिस में उन्होंने ने कहा था कि ऐसे कई लोग दुनिया में हैं जो कि जो कुछ बह कहते हैं कि उस की पूरी जानकारी उन को नहीं रहती है और यह कि उन के उस कथन का असर क्या पड़ने वाला है वह भी नहीं जानते हैं इसलिए ऐसे लोगों को क्षमा कर दो। मैं ईसामसीह के उस उपदेश वाले वाक्य का अनुसरण करते हुए कहना चाहूँगा कि अभी मेरे लिए श्री बिस्वास ने जो कहा है और वह जो मेरी ईमानदारी पर बिस्वास नहीं रखते हैं तो उन को भी क्षमा किया जाय।

MR. DEPUTY-SPEAKER: The Minister.

SHRI MADHU LIMAYE (Monghyr): On a point of order.

THE MINISTER OF RAILWAYS
 (SHRI C. M. POONACHA): Is it in
 connection with the Bill?

श्री एस० एम० जोशी (पूना) :
 उपाध्यक्ष महोदय, मेरा निवेदन है कि हमारा
 अभी टाइम बचा रहता है और इसलिए उन्हें
 वो मिनट इस पर बोलने दिया जाय ।

MR. DEPUTY-SPEAKER: He is
 leading your Group. To give him
 just two minutes only is not fair. At
 the final stage, I will allow him.

श्री सीताराम कसरी (कटिहार) :
 उपाध्यक्ष महोदय, हमें इस पर बोलने का
 अवसर नहीं प्रदान किया जा रहा है यह हमारे
 साथ सरासर वेइंसाफी करनी है ।

SHRI RANDHIR SINGH: If Shri
 Limaye is allowed to speak, Shri
 Kesri must also speak.

MR. DEPUTY-SPEAKER: He is
 on a point of order.

SHRI RANDHIR SINGH: I assure
 you there is no point of order.

श्री मधु लिमय: उपाध्यक्ष महोदय,
 आप जानते हैं कि मैं सुप्रीम कोर्ट के आदेश
 से कल रिहा हो गया और आज आप की
 खिदमत में आया हूँ। अब मुझे इस विधेयक के
 ऊपर अमेंडमेंट वगैरह देने का समय नहीं मिला
 है और इसलिए मैं 79(1) के तहत अपना
 प्वाइंट आफ आर्डर उठा रहा हूँ। वह इस
 प्रकार है :

"If notice of an amendment to
 a clause or schedule of the Bill
 has not been given one day before
 the day on which the Bill is to
 be considered, any member may
 object to the moving of the
 amendment, and such objection
 shall prevail, unless the Speaker
 allows the amendment to be
 moved".

अभी अभी मैं ने अपने अमेंडमेंट्स लिख
 कर दिये हैं और मैं चाहता हूँ कि कोई उसके
 लिए भी बजैट न करे इसलिए आप इजाजत
 दीजिये कि कल वह सरकुलेट हो जायें ।

MR. DEPUTY-SPEAKER: I do
 appreciate that he could not do jus-
 tice to this Bill and table his amend-
 ments within the specified period. He
 should be given an opportunity to
 have his say. But my difficulty is that
 immediately after the Minister's and
 Shri Fernandes's replies, we are go-
 ing to take up clause by clause con-
 sideration. The question is of circu-
 lation.

SHRI S. M. BANERJEE: May I
 suggest a *via media*? Some amend-
 ments have been moved right at the
 spot. There are previous instances.

MR. DEPUTY-SPEAKER: If no-
 body objects, I think he should be
 given the opportunity.

SHRI S. M. BANERJEE: In the
 past there has been a practice that
 if a Minister wants to move an
 amendment immediately and he does
 not get time even to circulate it, the
 Speaker reads that out and that is
 accepted by the House, sometimes re-
 jected also. So, I would request that
 since he was in jail and he has come
 here now because of the Supreme
 Court, he should be allowed.

MR. DEPUTY-SPEAKER: With-
 out going into the precedents I have
 said that on this occasion in particu-
 lar he should be permitted. I would
 request members not to raise any
 point. I would read out his amend-
 ment.

श्री प्रेम चन्द वर्मा : अगर आप उन को
 समय देते हैं तो हमें भी देना चाहिये ।

उपाध्यक्ष महोदय : बोलने का अवसर
 है ।

श्री प्रेम चन्द वर्मा : अब वह जेल वाली
 बात कहते हैं

MR. DEPUTY-SPEAKER: He was prevented from attending to his parliamentary duties and therefore I have permitted him.

श्री सीताराम केसरी : उपाध्यक्ष महोदय :
 मैं भी अपने इलाके में एन०एफ० रेलवे का
 प्रेसीडेंट हूँ। मुझे बहुत सी बातें कहनी थीं।
 इसलिए मुझे भी मौका मिलना चाहिये।

MR. DEPUTY-SPEAKER: Let us conclude the debate on clause by clause consideration. At the final stage you can have some time.

श्री शक्ति भूषण : मेम्बर को यह अधिकार
 है कि जब वह जेल में जाये तब उसे विशेष
 सुविधा दी जाय कि वह प्रेसिडेंट भोज सके।
 घाइंदा इस बात का खयाल रक्खा जाय
 क्योंकि इन लोगों को बार-बार जेल जाना
 होता है।

SHRI C. M. POONACHA: I have with care listened to the debate and my own feeling is that probably we missed the central point of the Bill before us and dealt more with, and perhaps laid more emphasis on, the context than the substance of the Bill. The point is that the Bill seeks to regulate certain actions on the part of a citizen and also the railway employee in certain respects so that the operation of the railways is not interrupted. That is the central point and to that effect this Bill has been brought before the House.

The point has been made that the circumstances which led Government to issue an ordinance were based on the fact of certain situation created by the strike threat on the 19th and as such Government has resorted to this measure only to stifle railway employees from using their inherent right of collective bargaining. I, in a way appreciate that point, but the circumstances that led Government to take this measure should not be forgotten.

Before going into that, I would briefly like to refer to the other aspect of the question. Some members had commented on the point that Parliament was in session till the 30th and Government kept quiet and only after Parliament adjourned they rushed to issue this ordinance because that was one of the ways of circumventing the authority of Parliament. This is not fair.

SHRI S. M. BANERJEE: Why did you oppose the ordinance in the Cabinet?

SHRI C. M. POONACHA: If you kindly bear with me, I would try to meet all your points.

The negotiations and discussions were continuously going on and even at the time when Parliament was in session occasion was taken to discuss this very important matter, namely, the threatened strike by the Central Government employees and the Home Minister several times had placed the facts before the House. The Home Minister explained the situation and also made the Government's stand in this regard very clear to the House. Even then it was indicated that Government was willing for negotiations, for discussion and the doors were never closed and before the Parliament could adjourn, discussions were on. My hon. friend Shri S. M. Joshi will bear me out. After that it is only on the 3rd September, I think, that the strike notice was actually served on us and a situation arose as to what should be done and the matter was being considered in the Railway Board and in the Ministry. At the same time the climate around us was unduly being warmed up. I agree with what my hon. friend Shri Shinkre has said. There was so much of political motivation behind the whole thing. That fact I can prove by what my friends had referred to here and quoting from the publications that had issued from the Postal Employees Union, Class III. Here I would like to refer to a statement made by Shri Peter Al-

wares, Joint Secretary, Central Council of Action who is also incidentally the President of the All India Railwaymen's Federation. In that it is said—the statement is dated 26-8-68:

"At the dawn of September 19 at the tick of 6 a.m. tens of thousands of Central Government employees all over the country will walk out from their work spots and will be greeted by lakhs of their brethren on strike."

AN HON. MEMBER: What is wrong?

SHRI C. M. POONACHA: That is to say that they will walk out from the workspot. It is one thing for one set of employees to walk out from their desks. But it is a different thing for an employee who is running a locomotive or train to leave the thing and walk out. The act may be the same but the consequences are different in different sets of circumstances. But coming to that again I want to refer to what was actually indicated. Here is the publication. It says that there is no other alternative except to raise in revolt and end this misrule. This is what was being told to the Government employees as against the Government.

SHRI RANDHIR SINGH: There is a limit.

SHRI C. M. POONACHA: It is not the same thing when I, as a political leader go and speak to the general public. It is a different thing to go and tell the Government employees as to what they should do as regards the Government.

SHRI S. KUNDU: As regards mal-administration (*Interruptions*).

SHRI C. M. POONACHA: Not only that. Here is a bold letter display saying 'Take full charge of Government property'. What is said here is: 'Take full charge of Government property and valuables.' That is what is being told to the Government employees.

SHRI S. M. BANERJEE: I rise on a point of order under Rule 376. The business before the House is the ordinance and disapproval motion of the Indian Railway (Amendment) Bill.

SHRI RANDHIR SINGH: He is mincing matters.

SHRI S. M. BANERJEE: I am mincing the Congress Party. The question is: the hon. Minister has referred to a particular publication which is the mouth piece of the Postal Employees Union (Class III) and he is reading from it certain things which are out of context. The procedure is that whenever he reads a document, either he reads it fully or it should be laid on the Table of the House and we should also know. Of all the persons, Shri C. M. Poonacha, for whom I have the greatest regard, just now quoted a particular sentence from an article or an editorial from that particular magazine just to create confusion in the country....

SHRI RANDHIR SINGH: What is the point of order?

SHRI S. M. BANERJEE: My point of order is this. You should ask Shri Poonacha to lay it on the Table of the House; the entire document should be laid on the Table of the House so that it will be clear, especially when they are trying to mislead the country by quoting it in this House.

SHRI RANDHIR SINGH: You are exposed. (*Interruption*)

SHRI S. M. BANERJEE: That is not a secret document; it is no more a secret document; it should be circulated to all the Members. Since he has read that sentence, that para, without referring to the real issue, and without saying who has written it, I request you to ask him to lay it on the Table of the House. I beg of you that you should ask him to lay it on the Table, and it should be circulated.

MR. DEPUTY-SPEAKER: I have patiently listened to your point of order, and you have pointed out rule 376.

SHRI S. M. BANERJEE: That is for raising it.

SHRI S. M. JOSHI rose—

MR. DEPUTY-SPEAKER: That is true; but so far as the point of substance in the argument is concerned, he is within his right to rebut the argument put forward from the other side that it was not politically motivated and all that.

MR. DEPUTY-SPEAKER: If you are questioning my ruling, then it is not permissible. No more arguments. —What do you want?

श्री एस० एम जोशी : मेरा एक प्वाइंट ग्राफ ग्राइंडर है। पहले इन्होंने श्री पीटर ब्रलवारिस का नाम ले कर कुछ पढ़ा है। दूसरा उद्धरण जो इन्होंने दिया है वह किस का है? जब तक यह नहीं बताया जायगा तब तक यही समझा जाएगा कि यह भी उन्होंने ही कहा है। मंत्री महोदय बतायें कि क्या यह भी उन का ही लिखा हुआ है?

SHRI S. M. BANERJEE: Who has written that? (*Interruption*). You should try to protect those who are not present in the House. The hon. Minister has quoted a particular sentence of Mr. Peter Alvares who is no longer a Member of the House. Whenever any such name is mentioned by us in the House, we are immediately told that we should not mention those who are not able to defend themselves here. Similarly, he must be told that he should not mention the names of those who are not able to defend themselves here.

SHRI S. KUNDU: The Minister has quoted Mr. Peter Alvares as saying that the workers should come out in the dawn of the 19th September, and then he read out the other two lines which has not said.

MR. DEPUTY-SPEAKER: Please sit down. No more arguments. I have given my ruling on this. He is within his right to quote from a statement made by Mr. Peter Alvares who is connected with the Joint Council of Action. He is within his right to put it, to rebut the arguments on this side.

MR. DEPUTY-SPEAKER: Shri Joshi has raised a point. I request the Minister to make it clear because there is one thing. He need not go through it, and there is no question of placing it on the Table of the House. He is within his rights to give a quotation from a publication, but let him not do it without context. If there is any context which is missing, the House might be misled.

SEVERAL HON. MEMBERS rose—

SHRI RANDHIR SINGH: Do not let them disturb the Minister.

SHRI C. M. POONACHA: My effort was to give....

SHRI J. M. BISWAS: He should quote the full text.

SHRI RANDHIR SINGH: Expose them fully.

MR. DEPUTY-SPEAKER: Order, order. It is not necessary.

SHRI S. M. JOSHI: Who has written it: Let him mention the author.

SHRI RANDHIR SINGH: You must make them resume their seats. I am resuming my seat. You must make them resume their seats.

SHRI THIRUMALA RAO (Kakinada): Your observations make it rather ambiguous. The Minister is quite right in quoting from that magazine what the leaders of those unions have openly, publicly, without any mincing of words, have said. So, is he not entitled to quote it? (*Interruption*).

MR. DEPUTY-SPEAKER: I am doing that.

MR. DEPUTY-SPEAKER: I am not entering into that controversy in the House. I am only concerned as to whether it is relevant or not.

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SHRI C. M. POONACHA: My effort was to place all the facts before the House. I am still endeavouring to do so. In the meantime I was interrupted. As I said, there was a statement made by Mr. Peter Alvares, Secretary-General of the Joint Council of Action. Incidentally, he happens to be the President of the all India Railwaymen's Federation. A statement of his is naturally germane to the subject we are discussing. This is an official publication and I can read *in extenso* provided the House has the time. I am only quoting certain relevant facts from this publication. What is the context I can give for headlines like this? Headlines are headlines. There is no continuity about it and there is no context. The headline says "Don't attend office on 9th and take full charge..... (*Interruptions*).

MR. DEPUTY-SPEAKER: The allegation is that you have quoted certain portions out of context, without giving the full context. It is a public document and if you have no objection, you place it on the Table of the House.

SHRI C. M. POONACHA: Yes, Sir; I am prepared to place it on the Table*.

SHRI S. M. BANERJEE: Copies should be circulated.

MR. DEPUTY-SPEAKER: He may continue his speech.

SHRI C. M. POONACHA: The obvious embarrassment of my friends is understandable. I do not know whether my hon. friend, Mr. George Fernandes will contradict this statement which appeared in the press. I am quoting it.

बी चार्ज करनेदीच : ए स० के०
 पाटिल का बखवार होगा ।

SHRI C. M. POONACHA: किसी
 का बी हूँ । Mr. S. K.
 Patil has not put words into his
 mouth. They are his own words.

MR. DEPUTY-SPEAKER: What is the name of that paper?

SHRI C. M. POONACHA: *Indian Monitor*,* Saturday, October 19. He says:

"The railwaymen, for instance, must be told"—

They do not perhaps know what they should do as regards their trade union rights therefore they must be told—

"in simple language that through one united organisation, they possess the capacity to paralyse the country and those with the strength to paralyse the country might as well take on the job of running it."

This is revolt and that is what the Central Government employees are asked to do. Whether the Central Government employees by themselves would have come forth with such a statement, I doubt.

This is politically motivated. The people were interfering to influence; they were trying to create.... (*Interruptions*).

SHRI CHENGALRAYA NAIDU: They were trying to misguide them.

SHRI C. M. POONACHA: So, the Government had to take action (*Interruptions*).

MR. DEPUTY SPEAKER: Mr. Fernandes, have patience.

SHRI C. M. POONACHA: Therefore, the point is that till the 3rd of September, things were not very clear and on the 3rd of September, we got the strike notice. Then, the parleys and negotiations were going on and after that, the situation started developing and these were the indications. We know, by experience, that there have been bandhs, strikes and so on. Political parties, of

[Shri C. M. Poonacha]

course, organise these bands and strikes. But, when the situation gets out of control or out of hands, the very organisers find it very difficult to prevent the serious consequences. And as a result, invariably arson starts; looting starts; vandalism starts. Then follows a variety of disturbances and commotion is set afoot. Then the very organisers find it difficult to control the situation. This has been our experience—bitter experience—in this country. So far as political dogmas and political aspirations are concerned, I admit that there is freedom for everybody. But, unfortunately, when the situation gets out of hand the initiative is seized by unsocial elements, when the unsocial elements come in, naturally, the Government will have to face them and action has to be taken by them. Otherwise Government is questioned as to why they were not able to handle the situation. This is the situation to which the Government is driven times after times and the Government has to take on such occasions a long-range view of things and they have to take certain measures. This Ordinance is as a result of that. This has been taken with due care not that we are feeling very happy about it but we could see the signs around; We could see the unseen hands of politicians binding the government employees.

Therefore, this Ordinance was absolutely necessary and the general public have acclaimed this. They have welcomed this Ordinance and they have appreciated the Government's stand. (Interruptions). Otherwise, there would have been chaos in this country. For example, my good friend asked: 'What about this token strike? Would the Government—democracy—fall to the ground because of this? Would a day's strike smash democracy? I would like to ask only one question. When it lies in the mouth of my good friend, Shri Fernandes, to say that it should be a revolt, do you mean

to say that the Government worth its salt—worth its responsibility—can tolerate rebellion even for a minute? certainly not (Interruptions).

Sir, this democracy can—not tolerate revolt, this democracy shall not tolerate rebellion in this country. And it should do everything that is possible to prevent such upsurges because we are answerable for the safety of the people. Therefore, what has been done has been done in the right perspective; taking the situation and the circumstances—each bit of it—into consideration. If government had not acted in this manner, I think we would have been responsible to the nation for our failures and lapses.

Action has been taken and it is now necessary that we should give it the form of regular law. This must come as a legislation. And therefore, I have come before the House. My good friend, Shri Fernandes often times had reminded us about the satyagraha movement launched by Mahatmaji. Well, I was humble volunteer working under his guidance. I know those days and here are some senior members who guided us. I had my own small and humble part to play during those days.

My hon. friend opposite asked: did not these Congressmen sit on the track and prevent the trains from running? Did they not obstruct railway traffic? My answer is: yes, we did. But it was in a different context, my hon. friend should not try to mislead the people or the country. During those days we had not the power to control the government. We did not have either democracy or the means to change the government. That was not a government established through the ballot box. We did not have adult franchise. Under those circumstances, Mahatmaji taught us satyagraha,

civil disobedience. The moment civil disobedience became uncivil, he immediately said "stop it". That is the central point. It is not disobedience for disobedience's sake; it is civil disobedience. The moment it became uncivil in any manner or shade, he at once said "No. stop it" and we had to stop it. Similarly, it is not *agraha* but *satyagraha* that he preached. The hon. Members opposite are preaching *duragraha*.... (Interruptions). Therefore, the agitation that we had the privilege to take part was of a different type and it was in a different context under different circumstances. To day, having won freedom, having got democracy, having got adult franchise, having got the right to change the government every five years through the ballot box, is it proper to indulge in these things.... (Interruptions). Yet, some people still would like to do it.... (interruptions).

श्री जार्ज फर्नेंडीस : प्राय गांधी जी को नहीं समझते हैं । मंत्री महोदय बतायें कि मार्टिन लूथर किंग जो कुछ कर रहे थे वह ठीक था या गलत । अगर सत्याग्रह पर बोलना है, तो मंत्री महोदय मार्टिन लूथर किंग के बारे में बतायें कि उन का काम ठीक था या गलत ।

SHRI C. M. POONACHA: I know there are some who do not believe in the ballot box.... (interruptions). who do not have belief or faith in the ballot box might probably preach a thing like this. But those people who have faith in democracy know that they have other ways, peaceful ways, open to them. Mahatma Gandhi and others who have taken part in the civil disobedience movement have given this country this democracy, about which we are proud. For achieving these things we had to pay the price by way of civil disobedience, *satyagraha*, and we have done so creditably and we are proud to sit in this House with that power in our hands.

Then a reference was made to the British railways, the 1890 Act and so on. I do not think I need take the time of the House by referring to them. But I will have to refer to one or two other points.

The hon. Member, Shrimati Sucheta Kripalaniji said that this measure was acceptable but what is it that we are going to do for settling the grievances of the railway men in general. She has rightly stated that there are instances where relief or remedy has not been found for years, cases are still pending with the Railway Board and that is causing great hardship to the railwaymen in general.

I would like to give some figures which will be very revealing. In the railways we have got the permanent negotiating machinery at every level—divisional, zonal and board level. We have also recognised trade unions. I would like to give figures of the number of meetings we had with the representatives of the various trade unions at different levels during the period March 1967 to March 1968. At the zonal railway level the number of meetings was 963; the number of items taken up for discussion was 18,754 and the number disposed of by discussion and settlement was 18,006. This is the record of the railways.

At the Board level, that is, at the central level, we had six meetings and had 138 all-India subjects before us. We have settled 111 of these cases by discussion, negotiation and settlement. This is the achievement at the Board level.

Some hon. friend said that railway workmen are made to suffer and that there is a sort of a despotic rule. It is not so. On the other hand, the labour is looked after very well.

SHRI GEORGE FERNANDES: All general managers are nawabs.

SHRI C. M. POONACHA: We have acted very, very sympathetically as regards labour's requirements.... (Interruption). There may be some instances and I will look into it. But as a measure of collective bargaining, we have never hesitated to discuss with our labour. We have treated them with due consideration at every stage and we will continue to do that in all humility, with all responsibility and with all earnest sincerity. Let not our friends try to make out that they alone are the champions of labour and we are not. Certainly not. In that I have taken a personal interest to see that labour grievances are redressed and that we should do our very best, the utmost, as regards the settlement of grievances of labour.

Not only that. There are eight outstanding demands at the Railway Board level. We have not been able to reach an agreement on them. So, we have decided to refer them to a tribunal and are going to refer them to the tribunal to decide. This is as regards our relationship with labour.

SHRIMATI SUCHETA KRIPALANI (Gonda): I had asked one more thing. How many cases have you referred to arbitration when there was disagreement at the PNM level?

AN HON. MEMBER: Eight.

SHRIMATI SUCHETA KRIPALANI: Only 8? That is all.

SHRI C. M. POONACHA: Yes.

SHRI S. KUNDU: The 6,000 cases disposed of are in the nature of disposing of as they disposed of the need-based wage.

AN HON. MEMBER: A very spirited reply.

SHRI INDRAJIT GUPTA: A fighting speech.

SHRI C. M. POONACHA: As regards the Bill itself, what does the

Bill propose to do? My hon. friend, Shri Bhandare, explained it. Shri Kashi Nath Pandey also explained that. It only says that the railwayman who has the responsibility of running the train will have to continue at his post and shall not abandon his place of duty. In regard to this certain observations were made and it was said that if we allow him to go on for hours and hours, what the poor driver can do. That does not happen, because we already have the regulations. No railwaymen, particularly the running staff, is required to work for more than 14 hours per day continuously.... (Interruption). This 14 hours is the outer limit; that is to say, if circumstances so warrant that one may have stances so warrant that one may have to work that long but after 12 hours he can give notice and seek for a relief. This is the regulation.

SHRI S. M. BANERJEE: And get a charge sheet.

SHRI C. M. POONACHA: But this does not happen to everybody. On the express trains, the mail trains, the double line and the trunk routes, they work only as per the link, that is, from X to Y station. They run on the link and there is no question of working for 14 hours. This is played up unfortunately. But such a situation does happen on the single line sections and branch line sections....

SHRI J. M. BISWAS: Goods trains?

SHRI C. M. POONACHA:.... where a passenger or goods train, mostly goods trains, is moving and the passenger train comes, the goods train may be stopped to give path to the passenger train. That way, some of the trains would be halted at different stations for one hour, two hours or three hours and, in total, it might even exceed 14 hours. This is an odd chance. In the total performance of the railway operations,

hardly about 2 per cent might come in that category and, for that, adequate provisions have been made. It is not that every driver is to work for 14 hours. Even that is with a rider, that is, the total hours of work in a week is 54 hours. Subject to that, every time, he gets rest and relief. All the duty time and regulations are laid down in the rules. They are observed. In an operation of this magnitude, it does occur under certain circumstances that there will be a longer period of work in certain sections. It is not as if every driver, every member of the running staff, is made to work beyond a certain limit and we want to take shelter under this legislation to make it incumbent on him and punish him if he fails to do certain work after a certain time. This is not so. There is absolutely no ground at all, no valid ground whatsoever, to say that we will take advantage of this piece of legislation to harass railwaymen. It will never happen. It has never happened.

Coming to the point regarding squatting on the railway lines and preventing the railways to move, now-a-days, in every agitation, big or small or indifferent, whatever it is, there is a tendency to make people come and reflect their grievances by squatting on the railway lines. This is becoming increasingly difficult. Particularly when there are bundhs, strikes and other things incidents of such happenings are increasing. To prevent that and to ensure that the travelling public is not made to suffer because of certain grievances of certain sections of the community, we have provided that anybody interfering with the operations of the railways will be punished under the Act. That is all. It is not against railwaymen only. Of course, if railwaymen commit such an offence they will be answerable and they will come under the mischief of the Act. This is in a limited sense applicable to people who take it into their heads to obstruct the railways and squat on

the railway line. These things are in the interest of the general public and the travelling public.

One hon. Member said that during the strike period 2.5 lakh people went on strike. It is completely wrong. It is not so. Hardly 5 per cent of the railwaymen participated. Even they were misled perhaps. I do not want to take it that they went against the Government. What I want to say is that 95 per cent have stood by the Government, they have our support and we stand by them.

MR. DEPUTY-SPEAKER: Shri George Fernandes.

SHRI J. M. BISWAS: I want to know from the hon. Minister only one case where the running staff deserted the train at a road-side station. I want to know from him whether there has been a single case of that nature.

MR. DEPUTY-SPEAKER: I have called Shri George Fernandes.

SHRI J. M. BISWAS: I want your protection, Sir. I want to know from the hon. Minister whether there has been a single case where the railway staff, particularly, the running staff deserted the train at a road-side station, whether any such case happened on the 19th September or not.

MR. DEPUTY-SPEAKER: Shri George Fernandes.

श्री जार्ज फर्नेंडीस : (बम्बई-दलित) :
उपाध्यक्ष महोदय, मुझे अफसोस है कि जो प्रस्ताव मैंने पेश किया था, न उस प्रस्ताव को स्वीकार करना सरकार ने उचित समझा और न जो मेरी अपील थी कि 133(2) (बी) के अन्तर्गत राष्ट्रपति को यह समाह्वी की जाय कि अध्यादेश को वापस लिया जाय—मेरा यह समाह्वी भी मंत्री महोदय को पसन्द नहीं आया।

[श्री जार्ज फरलैंडोज]

असल में, उपाध्यक्ष महोदय, पिछले डेढ़ साल से, 1967 के चुनाव के बाद से इस सरकार का सब हुकमशाही की धोरण रहा है, जिसका एक नया सबूत आज यह सदन के सामने आ रहा है। प्रनलाफुल एक्टविटीज बिल से उन्होंने शुरूआत की, बैंकों पर सोशल कंट्रोल के नाम से कर्मचारियों के ग्रान्दोलन पर रोक लगाने वाला 36(ए) तथा (डी) का मामला यहां पर आया और पास हो गया। फिर पिछले हफ्ते इण्डस्ट्रियल सिन्धोरिटी फोर्स बिल को ला कर एक नई पलटन, एक नई पैरा-मिलिट्री फोर्स को भेजने का अधिकार इन्होंने प्राप्त किया और अब सरकार के ही कहने के अनुसार रेलवे कर्मचारियों के बुनियादी अधिकारों पर और देश के नागरिकों के बुनियादी अधिकारों पर रोक लगाने वाले इस अध्यादेश को विधेयक के रूप में लाने का काम यह सरकार कर रही है।

मंत्री महोदय ने काफी गर्मी में आ कर आज अपना भाषण दिया। मैं ने पहली बार पुनाचा साहब को डेढ़ सालों में इतने जोशमें देखा और मैं समझता हूँ कि इस गर्मी के पीछे, इस जोश के पीछे बहुत बड़ी परेशानी भी होगी, जो आप की सरकार और जिन की नौकरी आप की सरकार करनी है, हिन्दुस्तान के पूंजीपति, उन दोनों की परेशानी है। वे लोग डर गये हैं, लगता है कि मामला हमारे हाथों से जा रहा है, बहुत जल्दी जा रहा है, इसलिये येन-केन-प्रकारण जो भी हथियार हाथ में मिले, उसी हथियार का इस्तेमाल करके यहां पर बिपके रहना चाहते हैं और उस व्यवस्था को जिस ने पिछले 20-21 साल में इस देश को बरबाद किया है, उस व्यवस्था को और आगे चलाने का मौका हमें मिल जाय, इस प्रयास में जब यह सरकार लड़ी हुई है, तो जिनकी भेहत से, जिनके कर्म की बहीलत यह सरकार यहां बैठी है, उन महात्मा गांधी का अपमान करने से भी वह सरकार पीछे नहीं हट रही है।

मैंने पुनाचा साहब की तकरीर सुनी—सत्याग्रह और दुराग्रह पर उन्होंने बहुत लम्बी तकरीर की। उन्होंने बीच में प्रश्न पूछा था—जब वह कह रहे थे कि प्रजातंत्र में सत्याग्रह का कोई स्थान नहीं है, यहां प्रजातंत्र है, डेमोक्रेसी है, बोट है, यहां सत्याग्रह के लिये क्या स्थान है—बहुत गर्मी में आकर मंत्री साहब ने यह प्रश्न पूछा था। आपका कहना है कि हर पांच साल में एक बार मौका मिलता है, लेकिन मैंसे के जोर पर आप लोग चुनाव सड़ते हैं और बाद में हार कर अदालतों में जाते हैं, हिन्दुस्तान के अखबारों का इस्तेमाल करके लोगों को गुमराह कर के, विरोधी दलों के विचारों को न छापते हुए, अपनी ही बातों को चलानेका प्रयास करते हो—इस तरह से पांच सालके बाद जो मौका आता है, उसका न्याय तुम्हारे ऊपर है, उस का उत्तर देने का काम करो।

मैं चाहता हूँ कि हिन्दुस्तान के राष्ट्रपति, हिन्दुस्तान के प्रधान मंत्री, उप-प्रधान मंत्री और यहां बैठे हुए कई सदस्यगण—इन लोगों ने जब डा० मार्टिन लूथर किंग की हत्या हुई थी, उस वक्त उनके बारे में क्या कहा था, इन की तकरीरों को उठा कर देखा जाय। उन्होंने अपनी कौम पर अमरीका में होने वाले अन्याय को लेकर, नीग्रो लोगों पर ही नहीं, बल्कि अमरीका के गरीब तबके पर होने वाले अन्याय को लेकर उसका मुकाबला करने के लिये जिस हथियार को अपनाया था, उसके सम्बन्ध में इन लोगों के कहे हुए कबन को पढ़ेंगे तो ये कैसे दो जीम वाले लोम हैं, यह बात साफ हो जायगी। क्या आपका यह कहना है कि अमरीका में प्रजातंत्र नहीं है? जब डा० मार्टिन लूथर किंग ने मोंट्यूमरी में बस का बायकाट शुरू किया, बस कर्मचारियों को जाने से रोक दिया, मेम्फिस नगर में नीग्रो कर्मचारियों ने म्मुनिस्पिलटी की हड़ताल की थी, झाड़ू बाले, पानी बाले, सफाई करने

बाले कर्मचारी हड़ताल पर थे, उन के जलूस का नेतृत्व करने के लिये डा० मार्टिन लूथर किंग मेम्फिस शहर में पहुंचे थे, उस डा० मार्टिन लूथर किंग की, मेम्फिस शहर में सबसे गरीब तबके के मजदूरों पर होने वाले अन्याय का मुकाबला करने के लिये जलूस निकालने के मौके पर, किसी ने बोली चलाकर हत्या की, उसकी मृत्यु पर सारी दुनिया रोई थी, आप लोग भी नकली जरूर रोये थे, क्योंकि आप लोगों का गांधी जी के सिद्धांतों से भ्रम कोई मतलब नहीं रहा है। जिस दिन राजघाट में गांधी जी की चिता जलाई गई, उसी दिन आपने गांधीवाद को भी जला दिया—यह बात हम जानते हैं, लेकिन उपाध्यक्ष महोदय, यह शोभा नहीं देता—इस सरकार को—कि सत्याग्रह के बारे में इस किस्म का कयन इस सदन के अन्दर इस सरकार के मंत्री लोग करें।

उपाध्यक्ष महोदय, मैं आपके सामने श्री श्यामलाल जी के एक लेख को, जिसे उन्होंने गांधी जयन्ती शताब्दी के सम्बन्ध में टाइम्स आफ इण्डिया के 2 अक्टूबर के अंक में प्रकाशित किया है, पेश करना चाहता हूँ महात्मा गांधी जी को कोट करते हुए श्री श्याम लाल लिखते हैं—

“Even as early as 1920 he had come to the conclusion that *Satyagraha* was valid at all times as a means of getting a wrong undone.”

A wrong—including in the Railways.

“In his evidence before the disorders inquiry Committee set up in the wake of the martial law terror in Punjab he explained his philosophy in the most forthright manner:

Q: Supposing your own ministers pass any law, would it be open to anybody and everybody to break them?

Gandhi: Will it be open to the masses? I think it will be more open to the masses when India has her own ministers, because whilst English ministers have at least the benefit of ignorance on their side. unintentionally, our own ministers will have absolutely no excuse.

इसके प्राये उनसे पूछा गया—

Q: Is not the remedy to turn those ministers out and not to break the laws?

इसके बारे में गांधी जी कहते थे—

Gandhi: I have known in most democratic countries ministers who have made themselves irremovable somehow or other. In that event what is a poor respectable minority to do? That minority will certainly bring down the tallest minister by offering stubborn civil resistance, and such a position I do anticipate happening in India also.”

(इश्वरबान)

SHRI INDRAJIT GUPTA: Refute Gandhiji now. (Interruption)

MR. DEPUTY-SPEAKER: Let him conclude.

SHRI J. B. KRIPALANI (Guna): May I suggest, Sir, that Gandhiji's name may not be drawn in this controversy by this side or that side. Because, there are many things in this philosophy which cannot be discussed here; and one was that when you break the law you invite upon yourself the maximum penalty that the law imposes. We do not do that. When action is taken we approach the Prime Minister, this Minister or that Minister. And, so far as the Government is concerned, it has no right to talk of Gandhiji because they have violated all his principles.

श्री जार्ज फरनेडीज : तो अध्यक्ष महोदय, रेल मंत्री ने गांधीजी और उनके उनके सत्याग्रह को लेकर हमारे ऊपर दुराग्रह का आरोप लगान की बात की और उसका जो उत्तर मुझे को देना था वह दिया। अब प्रश्न आता है कि रेल कर्मचारियों की हड़ताल का। कल से मैंने यहां पर कई सदस्यों की तकरीर को सुना।

16.3 hrs.

[MR. SPEAKER in the Chair].

उन्होंने रेल कर्मचारियों की हड़ताल के अधिकार पर काफी हमला बोला। श्रीमती तारकेध्वरी सिनहा और भंडारे साहब ने रेल कर्मचारियों के ऊपर काफी हमला किया। जब कर्मचारियों पर होने वाले अन्याय को दूर करने के सभी रास्ते खत्म हो जाते हैं तब हड़ताल करने का जो उनका अधिकार है वह सिर्फ इस देश अथवा दूसरों देशों में ही नहीं बल्कि जो इंटरनेशनल सेबर आर्गनाइजेशन है— जिसका कि यह हिन्दुस्तान एक फाउण्डर मेम्बर माना जाता है— उस आई० एल० ओ० द्वारा भी माना हुआ यह एक बुनियादी अधिकार है। जो बहस यहां पर चलती है कि सरकारी कर्मचारियों को हड़ताल करने का अधिकार न रहे, उनसे इस अधिकार को छीना जाए, मैं इस सदन को याद दिलाता चाहता हूँ कि कन्वेंशन 87 और कन्वेंशन 95, इंटरनेशनल सेबर आर्गनाइजेशन द्वारा राइट आफ आर्गनाइजेशन एन्ड राइट आफ कलैक्टिव बार्गनिंग माना गया है। हर साल हिन्दुस्तान के मजदूर मन्त्री कभी जनेवा पहुंच जाते हैं या आई० एल० ओ० का जहां भी सम्मेलन होता है वहां पहुंच जाते हैं लेकिन वहां पर जो प्रस्ताव होते हैं, जो बहस होती है, उस प्रस्ताव और बहस को धमल में लाने से हमेशा यह नकार इनकार करती है। कर्मचारियों

के जो बुनियादी अधिकार हैं उनके बारे में कांग्रेस दल के सदस्य यहां पर बड़ी मस्ती और मजाक में बोलते हैं। मैं भंडारे साहब से कहना चाहता हूँ कि बिना बानों को आप कर्मचारियों के बारे में कहते हैं, कर्मचारियों की परशानियों और उनके आचरण के बारे में आक्षेप लगाने हैं, आप मेरे साथ चलिए, भुसावल की वर्क-शाप में या बम्बई की परेल में और वहां पर रेल कर्मचारियों से मिलकर उनकी परेशानियों को समझने की कोशिश कीजिए, उनकी शिकायतों को जानिए और उसके बाद आपकी हिम्मत पड़े तो उन बानों को यहां पर सदन में दोहराइये।

SHRI J. B. KRIPALANI: I have never travelled in a train which was not late.

श्री जार्ज फरनेडीज : पसेन्जर्स भी हम लोग ही हैं। मैं आचार्य जी को बतलाऊं कि हिन्दुस्तान में 18 लाख रेल कर्मचारी हैं जिसका मतलब यह है कि हर 80 आदमियों में एक आदमी या तो रेल कर्मचारी है अथवा उसके परिवार का आदमी है। क्या वे पसेंजर नहीं हैं? आज 12-13 लाख कर्मचारी परमानेंट है और बाकी पांच लाख टम्पोररी हैं। रेलवे पसेंजर भी तो गरीब मजदूर हैं। जिस मूलक के अन्दर पक करोड़ सरकारी कर्मचारी अथवा रेल मजदूर हों क्या वे रेल के मुसाफिर नहीं हैं? पसेंजर के बारे में जो बानें यहां पर कही जाती हैं, उसके बारे में भी मुझे बतलाना है और मैं बार बार यहां पर कह चुका हूँ कि पसेंजर्स के बारे में कौन सोचता है? क्या रेलवे मंत्रालय या रेलवे बोर्ड या यह सरकार? आचार्य जी मेरे साथ चलें और चलकर बर्ड क्लास के डिब्बों को देखें कि वहां पर पंखा, बिजली और पानी का क्या इन्तजाम है। इसलिए पसेंजर्स की सुविधा के बारे

में तो किसी को भी हमें कोई बात बतलाने की जरूरत नहीं है। लेकिन केन्द्रीय सरकार कर्मचारियों और रेल कर्मचारियों के अधिकारों पर जो रोक लगाने की बात चल रही है, तो मैं एक बार फिर कहना चाहता हूँ कि यह सरकार का फासिस्ट रास्त पर ले जान का एक तरीका है जिसपर किसी भी हालत में हमें रकावट डालने और रोक लगाने का काम करना चाहिए।

आखिर मैं मैं एक बात कहकर समाप्त करूंगा। एक बात कांग्रेस दल के लोग यहां पर करते हैं कि कैसे गाड़ियों को बीच में रोका जाता है—इस बात पर बड़ा हल्ला बोलते हैं, कह कुछ झांकड़े भी सुनाए गए लेकिन इनको उन झांकड़ों का पता भी नहीं है। मैं इनको बतलाना चाहता हूँ कि इनके कानून मंत्री श्री गोविन्द मेनन केरल में जाकर बोलकर आए फिर दिल्ली में आकर बोले फिर वहां जाकर बोले और फिर चिट्ठी लिखकर बोले कि केरल के अन्दर केरल के लोगों को कानून को अपने हाथ ले लेना चाहिए। यह बात कानून मंत्री ने कही है। मैं पुनाचा साहब से पूछना चाहता हूँ कि आपकी रेलवे केरल में भी चलनी है। अगर गोविन्द मेनन के कहने पर आपके कांग्रेसी लोगों ने वहां रेलवे पर हमला शुरू किया तो फिर आप क्या करेंगे? वहां पर तो यह आर्डिनेन्स नहीं लगाया जायेगा बल्कि वहां पर केरल की सरकार से कहा जायेगा कि तुम रेल की प्रापर्टी नहीं बचा सके सरकारी व्यवस्था को नहीं चला सके। और आज से आठ साल पहले जो वहां पर किया गया था वहां के लोगों द्वारा चुनी हुई सरकार को कांग्रेस पार्टी ने खत्म कर दिया था आज जो प्रधान मंत्री हैं वह जब कांग्रेस पार्टी की सदर थीं तब वहां पर जो नीचता की गई

थी वहीं चीज आप फिर वहां पर करेंगे उनके प्रधान मंत्री रहते हुए।

रेल मंत्री ने हमारे ऊपर कुछ व्यक्तिगत बार्ने कहीं हैं। वे मेरा एक लेख उठाकर बोले:

No Government worth its salt will tolerate this assault on democracy.

मैं दो बातें उत्तर में कहूंगा। एक तो यह कि आपकी यह डिमोक्रेसी भी है इसपर यहां बहस होनी चाहिए। अगर आपकी डिमोक्रेसी का मतलब है एक आदमी का एक वोट तो फिर अभी आपको नया सबक सीखने की जरूरत है। हिन्दुस्तान में डिमोक्रेसी नहीं है पांच साल में एक बार वोट देने का मौका हो तो उसको ही डिमोक्रेसी नहीं कहा जा सकता। पार्लमेन्ट की यह जो संस्था है जिसमें आप कानून को मंजूर कराते हो यहां पर 62 प्रतिशत मतदान के रहने हुए आप उनकी बात को नहीं मानने हो बहुमत के आधार पर काले कानून चलाते हो तो इसको डिमोक्रेसी नहीं कहा जाता है। जिस देश में प्रखबार रेडियो और प्रचार के दूसरे तमाम साधन एक खास वर्ग के हाथ में हों उस देश को प्रजातांत्रिक देश नहीं कहा जा सकता।

दूसरी बात आप यह कहते हो कि तुम सरकार हटान की बात करते हो तो मैंने तो यह कहा था कि रेल कर्मचारी अपनी ताकत को एक बार समझ लें केवल जान लें और मजबूत हो जायें और एक संगठन में रहें तो वे इस देश के सारे काम को बन्द कर सकते हैं, लेकिन जो बन्द कर सकता है वह बंद क्यों करेगा वह तो चला सकता है वह तो सारे देश को चला सकता है। मैंने तो एक बहुत बड़ी बात कही और वह आज नहीं गए 15 वर्षों से कहता था

[श्री जार्ज फरनेन्डीज]

रहा हूँ। मुझे अफमोस है कि रेल कम-
चारी भी उसको नहीं समझ पाए हैं।

.... (व्यवधान)

दुनिया में जिन देशों के साथ आपकी
सबसे बड़ी दोस्ती है उनमें से एक देश के
हैं नासर साहब। मैं पूछना चाहता हूँ कि
वे किस तरह से अधिकार में आए डा०
रामसुभग सिंह उसको बतायें।

MR. SPEAKER: We are going into
theories of democracy and all that.

SHRI INDRAJIT GUPTA: They also
gave us a lecture on democracy

श्री जार्ज फरनेन्डीज : मैं समाप्त कर
रहा हूँ। तो मैं यह कह रहा हूँ कि जब
ये बहस करते हैं तो उसका मतलब भी
समझें। आप मार्शल टीटो को लें, रूस की
सरकार को लें, दस साल जिनके साथ
हिन्दी-चीनी भाई-भाई किया, उनकी बात
लें। क्या आप जानते हो कि कैसे उन्होंने
सरकार बनाई। अभी प्रधान मंत्री साउथ
अमरीका के देशों में गई थीं, शायद टूटे
हुए पुल बांधने या नये पुल बनाने। क्या

आप जानते हो कि वहाँ कि देश कसे
अधिकार में आए? क्या बोट के जरिए?
तो फिर क्यों इस किस्म की बहस चलाने
हो जिसका कि मतलब भी नहीं समझते
हो।

श्री अध्यक्ष महोदय, मैं सरकार से
फिर एक बार अनुरोध करता हूँ कि जो
अभ्यादेश है उसको वह वापस लें और
जो विधेयक वहाँ पेश किया है उसको वापस
लें। और अगर नहीं वापस लेंगे तो यहाँ
उसका विरोध होगा और बाहर भी होगा,
और तुम लोगों के हट जाने तक इसका
विरोध होगा। यह इशारा देकर मैं अपना
भाषण समाप्त करता हूँ।

MR. SPEAKER: Now I shall put
the statutory resolution of Mr. George
Fernandes to vote.

The question is:

"This House disapproves of the
Indian Rialways (Amendment)
Ordinance, 1968 (Ordinance No. 10
of 1968) promulgated by the Presi-
dent on the 14th September, 1968."

The Lok Sabha divided.

Division No. 13]

[16.46 hrs.

AYES

Adichan, Shri P. C.
Banerjee, Shri S. M.
Behera, Shri Baidhar
Biswas, Shri J. M.
Fernandes, Shri George
Gupta, Shri Indrajit
Gupta, Shri Kanwar Lal
Joshi, Shri S. M.
Kalita, Shri Dhireswer
Kundu, Shri S.

Limaye, Shri Madhu
Meghachandra, Shri M.
Mohammad Ismail, Shri
Molahu Prasad, Shri
Patil, Shri N. R.
Ramji Ram, Shri
Setya Narain Singh, Shri
Sen, Shri Deven
Suraj Bhan, Shri

NOES

Ahirwar, Shri Nathu Ram
 Arumugam, Shri R. S.
 Azad, Shri Bhagwat Jha
 Bajpai, Shri Vidya Dhar
 Barua, Shri Bedabrata
 Bhandare, Shri R. D.
 Bohra, Shri Onkarlal
 Chanda, Shrimati Jyotsna
 Chandrika Prasad, Shri
 Chaturvedi, Shri R. L.
 Chavan, Shri Y. B.
 Dass, Shri C.
 Desai, Shri Morarji
 Dhillon, Shri G. S.
 Dixit, Shri G. C.
 Dwivedi, Shri Nageshwar
 Gandhi, Shrimati Indira
 Ghosh, Shri Parimal
 Hari Krishna, Shri
 Jadhav, Shri V. N.
 Kamble, Shri
 Karan Singh, Dr.
 Kavade, Shri B. R.
 Khanna, Shri P. K.
 Kripalani, Shrimati Sucheta
 Krishna, Shri M. R.
 Kureel, Shri B. N.
 Laskar, Shri N. R.
 Lutfal Haque, Shri
 Mahadeva Prasad, Dr.
 Maharaj Singh, Shri
 Master, Shri Bhola Nath
 Mehta, Shri P. M.
 Minimata Agam Dass Guru, Shri-
 mati
 Mirza, Shri Bakar Ali
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mukerjee, Shrimati Sharda
 Nahata, Shri Amrit
 Naidu, Shri Chengalraya
 Pahadia, Shri Jagannath
 Pandey, Shri Vishwa Nath
 Pant, Shri K. C.

Pathasarathy, Shri
 Patel, Shri N. N.
 Patil, Shri Anantrao
 Patil, Shri Deorao
 Poonacha, Shri C. M.
 Rajasekharan, Shri
 Ram Dhan, Shri
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri
 Rana, Shri M. B.
 Randhir Singh, Shri
 Rane, Shri
 Rao, Shri K. Narayana
 Reddi, Shri G. S.
 Reddy, Shrimati Sudha V.
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Saigal, Shri A. S.
 Saleem, Shri M. Y.
 Sambasivam, Shri
 Sankata Prasad, Dr.
 Sapre, Shrimati Tara
 Sarma, Shri A. T.
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sayyad Ali, Shri
 Shambhu Nath, Shri
 Sharma, Shri Naval Kishore
 Shashi Bhushan, Shri
 Sher Singh, Shri
 Shinde, Shri Annasahib
 Shinkre, Shri
 Shiv Chandika Prasad, Shri
 Siddayya, Shri
 Siddheshwar Prasad, Shri
 Singh, Shri D. N.
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Tula Ram, Shri
 Virbhadra Singh, Shri
 Vyas, Shri Ramesh Chandra

MR. SPEAKER: The question is:

MR. SPEAKER: The result* of the
 Division is: Ayes: 19; Noes: 87.

The motion was negatived.

"That the Bill be circulated for the
 purpose of eliciting opinion thereon
 by the 1st February, 1969." (7)

The motion was negatived.

*The following Members also recorded their votes:—

AYES: Servashri K. Lakkappa, Shri Chand Goyal and S. S. Kothari:

MR. SPEAKER: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th February, 1969." (8)

The motion was negatived.

MR. SPEAKER: Now, there is the motion for consideration moved by Shri Poonacha. The question is:

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration."

Those for the motion will say "Aye."

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Those against the motion will say "No."

SOME HON. MEMBERS: No.

Division No. 14]

AYES

[16.51 hrs.

Ahirwar, Shri Nathu Ram
 Arumugam, Shri R. S.
 Bajpai, Shri Vidya Dhar
 Barua, Shri Bedabrata
 Bhandare, Shri R. D.
 Bharti, Shri Maharaj Singh
 Bholu Nath, Shri
 Bohra, Shri Onkarlal
 Chanda, Shrimati Jyotsna
 Chaturvedi, Shri R. L.
 Chavan, Shri Y. B.
 Dass, Shri C.
 Desai, Shri Morarji
 Dhillon, Shri G. S.
 Dixit, Shri G. C.
 Dwivedi, Shri Nageshwar
 Gajraj Singh Rao, Shri
 Gandhi, Shrimati Indira
 Ghosh, Shri Parimal
 Girja Kumari, Shrimati
 Hari Krishna, Shri
 Jadhav, Shri V. N.
 Kamble, Shri
 Kavade, Shri B. R.
 Khanna, Shri P. K.
 Kinder Lal, Shri
 Kripalani, Shrimati Sucheta
 Krishna, Shri M. R.
 Kundu, Shri S.

MR. SPEAKER: The Ayes have it, the Ayes have it.

SOME HON. MEMBERS: The Noes have it.

SHRI S. M. BANERJEE: For this, we must have a division.

MR. SPEAKER: You want the lobbies to be cleared again?

SHRI S. M. BANERJEE: Yes; our men are waiting outside.

MR. SPEAKER: All right. The question is:

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration."

The Lok Sabha divided:

Kureel, Shri B. N.
 Laskar, Shri N. R.
 Lutfal Haque, Shri
 Mahadeva Prasad, Dr.
 Mehta, Shri P. M.
 Minimata, Shrimati Agam Dass
 Guru
 Mirza, Shri Bakar Ali
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mrityunjay Prasad, Shri
 Nahata, Shri Amrit
 Naidu, Shri Chengalraya
 Pahadia, Shri Jagannath
 Pandey, Shri Vishwa Nath
 Pant, Shri K. C.
 Parthasarathy, Shri
 Patel, Shri N. N.
 Patil, Shri Anantrao
 Patil, Shri Deorao
 Poonacha, Shri C. M.
 Rajasekharan, Shri
 Ram Dhan, Shri
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri
 Rana, Shri M. B.
 Randhir Singh, Shri
 Rane, Shri
 Rao, Dr. V. K. R. V.
 Reddy, Shrimati Sudha V.
 Rohatgi, Shrimati Sushila

AYES—contd.

Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Saigal, Shri A. S.
 Saleem, Shri M. Y.
 Sambasivam, Shri
 Sankata Prasad, Dr.
 Sapre, Shrimati Tara
 Sarma, Shri A. T.
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sayyad Ali, Shri
 Shambu Nath, Shri
 Sharma, Shri Naval Kishore

Sher Singh, Shri
 Shinde, Shri Annasahib
 Shinkre, Shri
 Shiv Chandika Prasad, Shri
 Siddayya, Shri
 Siddeshwar Prasad, Shri
 Singh, Shri D. N.
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Swaran Singh, Shri
 Tula Ram, Shri
 Virbhadra Singh, Shri
 Vyas, Shri Ramesh Chandra

NOES

Adichan, Shri P. C.
 Banerjee, Shri S. M.
 Behera, Shri Baidhar
 Biswas, Shri J. M.
 Fernandes, Shri George
 Goyal, Shri Shri Chand
 Gupta, Shri Indrajit
 Gupta, Shri Kanwar Lal
 Joshi, Shri S. M.

Kalita, Shri Dhireswar
 Lakkappa, Shri K.
 Meghachandra, Shri M.
 Mohammad Ismail, Shri
 Patil, Shri N. R.
 Ramji Ram, Shri
 Satya Narain Singh, Shri
 Sen, Shri Deven
 Suraj Bhan, Shri

MR. SPEAKER: The result* of the division is: Ayes: 86; Noes: 18.

The motion was adopted.

Clause 2—(Insertion of new sections 100A and 100B).

श्री मधु लिमये : अध्यक्ष महोदय, मैं एडजोर्नमेंट ऑफ़ डिबेट का प्रस्ताव रखता हूँ। मैं इस पर बहस स्पष्ट करने का प्रस्ताव नियम 109 के मातहत पेश कर रहा हूँ....

MR. SPEAKER: The motion for consideration of the Bill has already been adopted by the House. Now I can consider only your amendment. Now, hon. members may move their amendments to clause 2.

SHRI S. KUNDU: I beg to move:

Page 2, line 3,—

after "servant" insert—

"except in case of a token strike or a strike as the case may be" (1)

SHRI DHIRESWAR KALITA: I beg to move:

Page 2,—

after line 6, insert—

"Provided that no action shall be taken against a railway servant if he for the purpose of ventilating his grievances and high-lighting genuine demands of a general nature stops a train or trains." (2)

*The following Members also recorded their votes:—

AYES: Sarvasbri Chandrika Prasad, Bhagwat Jha Azad, G. S. Reddy, Shashi Bhushan and Shrimati Sharda Mukerjee.

NOES: Sarvasbri Molanu Prasad, Om Prakash Tyagi and S. S. Kothari;

SHRI INDRAJIT GUPTA: I beg to move:

Page 2,—

after line 6, insert—

"Provided that a railway servant shall not be held guilty of abandoning his duty after the train, rail-car or rolling-stock has reached the station or place up to which he was entrusted with the responsibility of running it and if, at the said station or place, there is no authorised railway servant on duty to receive the train, rail-car or rolling-stock at the time of arrival." (10).

Page 2,—

Omit lines 7 to 14. (11).

SHRI DHIRESWAR KALITA: I beg to move:

Page 2,—

after line 14, insert—

"Provided that any railway servant or any other person who obstructs or causes to be obstructed any train in furtherance of demands of general nature, such railway servant or any other such person shall not be punished." (12)

SHRI GEORGE FERNANDES: I beg to move:

Page 2, line 4,—

for "two years" substitute "three months" (15)

Page 2, line 5,—

for "five hundred" substitute—"fifty" (16)

Page 2,—

after line 6, insert—

"Provided that if the railway servant abandons his duty in pursuance of the notice of strike

served by a trade union, the provision of this section shall not apply." (17)

Page 2, line 13,—

for "two years" substitute "three months" (21)

SHRI SHINKRE: I beg to move:

Page 2, lines 7 and 8,—

omit "or any person" (20)

Page 2, line 13,—

for "two" substitute "five" (22). (22).

SHRI GEORGE FERNANDES: I beg to move:

Page 2, line 14,—

for "five hundred" substitute "fifty." (23)

Page 2,—after line 14, insert—

"Provided that this Section shall not apply to any acts done in pursuance of a demand for better amenities to railway servants or passengers." (24)

SHRI LOBO PRABHU (Udipi): I beg to move:

Page 1, line 11,—

for "abandons" substitute—"abstains from" (30).

Page 2, line 12,—

after "otherwise" insert—

"or delaying or denying other services for travel" (34)

SHRI VISHWA NATH PANDEY (Salempur): I beg to move:

Page 2, line 4,—

for "two years" substitute "five years" (31)

Page 2, line 5,—

for "five hundred" substitute "one thousand" (32)

Page 2, line 14,—

for "five hundred" substitute
 "one thousand" (36).

SHRI OM PRAKASH TYAGI: I
 beg to move:

Page 2, line 6,—

add at the end—

"Provided that there is no
 extraordinary situation before
 him to do so or he is legally
 authorised to do so in order to
 ventilate his grievances." (33)

SHRI MADHU LIMAYE: I beg to
 move:

Pages 1 and 2,—

omit lines 8 to 11 and 1 to 6,
 respectively. (64)

Page 2,—

omit lines 7 to 14. (65)

MR. SPEAKER: You can now
 speak on your amendment.

श्री मधु लिमये : मैं नियम 109 पर
 बोल रहा हूँ। मैं चाहता हूँ कि इस पर इस
 समय बहस स्थगित हो जाय। पांच बजने
 में पांच मिनट बाकी रहने हैं इसलिए अभी से
 वह मुंगहली वाली चर्चा प्रारम्भ कर दी
 जाय और कल उसको ले लिया जाय।

MR. SPEAKER: The Bill has al-
 ready been taken into consideration
 and we are on clause 2. You cannot
 move a motion for adjourning the
 whole discussion now. The discus-
 sion has gone on for 2 days. It can-
 not be begun again. On clause 2,
 you may speak on your amendment.
 Do not go into the rules now.

श्री मधु लिमये : उपाध्यक्ष महोदय ने
 कहा था कि बूँकि मेरे अमेंडमेंट्स सरकुलेट
 नहीं किये गये हैं, इसलिए वह उन्हें पढ़ कर]

सुनायेंगे। उनकी मेरे पास नकल नहीं है
 और इसलिए आप मेहरबानी करके मेरे
 संशोधनों को सुना दीजिए। उस के बाद
 मैं अपना वाक्य पूंगा।

MR. SPEAKER: You will be given
 a copy. In the meanwhile, Mr. Kundu
 can speak.

SHRI S. KUNDU: Sir, during the
 debate various speakers from this
 side, including myself, expressed our
 apprehension that this Bill is being
 brought in a manner that it is going
 to take away for ever the right of
 workers to go on strike. While re-
 sponding, Mr. Poonacha said that the
 members need not be agitated about
 it, because this Bill is meant only
 for anti-social people. If that is
 true, Mr. Poonacha must prove his
 bona fides by accepting my amend-
 ment.

Section 100A reads as follows:—

"If a railway servant, when on
 duty, is entrusted with any respon-
 sibility connected with the run-
 ning of a train, rail-car or any other
 rolling-stock from one station or
 place to another station or place,
 and he abandons his duty before
 reaching such station or place, with-
 out authority or without properly
 handing over such train, rail-car or
 rolling-stock to another authorised
 railway servant, he shall be punish-
 able with imprisonment for a
 term . . ."

All these things can be understand-
 able, that is, it is meant for anti-social
 people. After the word 'servant'
 you insert the following:—

'except in case of a token strike
 or a strike as the case may be.'

I have suggested the above amend-
 ment because in that act there is a
 phrase 'and he abandons his duty.'
 In case of a legal strike—in the act it
 is not mentioned—the worker can
 abandon his duty. In the case of such
 a strike—token strike, after my amend-
 ment is accepted, he will not be
 called upon and he will not be liable

[Shri S. Kundu]

for this punishment. If it is not accepted it will mean that you are also prohibiting him to go on strike or a token strike—and therefore there is genuine apprehension in the minds of hon. Members that this Bill has been brought in as a guise to curtail their trade union rights to strike. So, I demand, the hon. Minister ought to accept this amendment

We have all along alleged that this Ordinance has been primarily brought in at a time when the railwaymen or the Central Govt. employees had given a call for a token strike. And at that time it is quite justifiable for all of us to say that it had been brought only to pitch against the trade union workers who were exercising their legitimate and rightful trade union rights.

I have earlier said that this Bill is unconstitutional as it violates the provisions of the Constitution. Shri Poonacha must be knowing that when the N. F. Railway Union was de-recognised, the Assam High Court had declared this order *ultra vires*. And I think that they are now going to give recognition to that Union also. And in different High Courts also, such writs will come up and there will be many such improper orders—improper laws—against which a lot of money will be spent by the Railway defending it and harassment would be done to the workers to drag them from one court to another, ultimately it will be found that the order is quashed. In such circumstances, I plead that if they are genuine on what they say that they are not going to curb the trade union rights to strike or to go in for arbitration, they should, in all fairness, accept my amendment because this is an innocuous and a very simple amendment. Whatever measures you may like to take, if you prove your *bonafides* that you are not going to curb the trade union activities manifested in a call for a token strike—legal strike for which notice has been given

under the Industrial Disputes Act, I plead that the Government must accept it.

SHRI LOBO PRABHU: Sir, I would like to clarify my attitude. I am in favour of 1.3 million railway workers and I am concerned with the welfare of these railwaymen more than anybody else.

AN HON. MEMBER: It is 1.8 million.

SHRI LOBO PRABHU: I stick to this figure. I would not like the Opposition parties to be treated by the public as one who are not united on certain things. The public opinion is against this Bill. I would like to know whether this labour force of the strength of 1.3 millions probably, has no other means of obtaining its rights except by stopping the train in the middle of one station and in the middle even between two stations?

SHRI INDRAJIT GUPTA: How many of them have done that?
17 hrs.

SHRI LOBO PRABHU: I am coming to my amendment. The question is whether this is a right that you should have. I am rather surprised that anyone should plead that a train should be stopped like that. It affects the 50 million people who are travelling every day. Let that figure be noted. Not 1.3 million railway employees but 50 million people travel every day. Not only that, Rs. 2 crores of income is affected when the railway operation is suspended. Not only that, when the train service is stopped, the entire economic life of the nation comes to a stop which costs many crores of rupees. The question is this. Is the public going to support the labour when it causes so much of loss in this way? Therefore, in the interests of the union, in the interests of the workers, I say: do not take the foolish stand that a railway employee has the right to stop a train when he likes or where he likes, whether in the course of a strike or for some other reason.

The amendment which I am proposing is not because I agree with the Congress which has brought forward this legislation. But I agree that all these laws which are repressive are necessary in these circumstances. The amendment that I have brought is to make the law complete. I have suggested the substitution of the word "abstain" for "abandon". That will cover the cases which have been referred to by some of our hon. friends here. Suppose the employees have not left the train, have not abandoned the train, they have stood inside the train but abstained from doing their work. So, I would press that instead of the word "abandon" the word "abstain" may be substituted so that it will cover the kind of *satyagraha* which the employees can perform in a running train, by abstaining from work even though they are not abandoning the train.

17.03 hrs.

DISCUSSION RE. FALL IN PRODUCTION AND PRICES OF GROUND-NUTS

MR. SPEAKER: The House will now take up discussion on groundnuts.

SHRI S. M. BANERJEE (Kanpur): Sir, for the last one and a half years the hon. Member has been pressing for this discussion and like Robert Bruce he has now got the opportunity.

SHRI CHENGALRAYA NAIDU (Chittoor): Mr. Speaker, I want to bring to the notice of this hon. House how the farmers have been exploited by the merchants under the nose of this government. When the cultivators raise crops, the crops are infested with pests for which they use Gamaxene. When the crop is raised, the farmers are still faced with so many insects called parasites against which they have no insecticide or medicine. Only the government could help them from these parasites. The second parasite

is the merchants and the consumers. Both of them want the agriculturist to produce groundnut and supply it to them at a cheaper rate. They are not concerned whether the agriculturist is getting a reasonable price for his produce or not.

I want to bring to the notice of the House how the government is responsible for the exploitation of the farmer. Government is importing soya bean oil from America under PL 480 and sun-flower oil from Russia by paying foreign exchange.

In 1964-65 10,357 tonnes of soya bean oil were imported; in 1965-66 47,993 tonnes were imported; in 1966-67, 31,275 tonnes were imported and in 1967-68 1,12,163 tonnes were imported. Now an order to import 82,000 tonnes from America is pending.

They are importing this oil, they say, to stabilise prices in the country and because groundnut production has fallen. That is the Government's argument. In 1967-68 from our country we have exported groundnut to the tune of 9,962 tonnes for a value of Rs. 1,59,95,000 and from April 1968 to August 1968 we have exported 8,183 tonnes of groundnut seed for a value of Rs. 1,11,71,000. On the one hand the Government says that due to fall in production we are importing soya bean oil from America and, on the other, we are exporting groundnut seed to foreign countries and are earning foreign exchange.

When we were able to export 8,183 tonnes of groundnut from April 1968 to August 1968, is their importing soya bean oil justified? If they import it, it is only to crush the agriculturists and harm them. If soya bean oil is going to be imported like this and the agriculturists are discouraged to grow groundnut in our country, after some time the agriculturists are going to take to some other crops and this country is going to be entirely dependent upon imports of soya bean oil from America and sun-flower oil from Russia. Is it the