

[The Vice-Chairman]

and to provide against printing and publication of certain objectionable matters, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

5 P.M.

THE VICE CHAIRMAN (SHRI AK-BAR ALI KHAN) : Now it is 5 O'Clock and we have another item.

SHRI VIDYA CHARAN SHUKLA : There are two minutes to five.

THE VICE-CHAIRMAN (SHRI AK-BAR ALI KHAN) : But there are the amendments also.

SHRI VIDYA CHARAN SHUKLA : You can do both the amendments and the clauses and dispose them of. Nobody is here to move the amendments either.

SHRI RAJNARAIN : No, no.

SHRI LOKANATH MISRA : Sir, it is already 5 O'Clock.

THE VICE-CHAIRMAN (SHRI AK-BAR ALI KHAN) : What can be done even if there is one minute left? There is the third reading also.

Now we will take up the other item.
Mr. Chitta Basu.

HALF-AN-HOUR DISCUSSION ON POINTS ARISING OUT OF ANSWERS TO STARRED QUESTION NO. 209 AND UNSTARRED QUESTION NO. 553 GIVEN IN THE RAJYA SABHA ON THE 30TH JULY, 1969 RE-REINSTATEMENT OF CENTRAL GOVERNMENT EMPLOYEES WHO PARTICIPATED IN THE STRIKE.

SHRI CHITTA BASU (West Bengal) : Mr. Vice-Chairman, with your permission I beg to raise a discussion on points arising out of the answers to Starred Question No. 209 and Unstarred Question No. 553 given in the Rajya Sabha on the 30th July, 1969, regarding reinstatement of Central Government employees who participated in the strike.

Mr. Vice-Chairman, as I am raising this particular discussion, at the outset I like to remind this August House of the solemn pledge or assurance given by the hon. Home Minister in this particular matter. I quote from his, Mr. V. C. Shukla's speech on the 13th March, 1969, in the Rajya Sabha.

"I have already stated that this will apply to all Government employees except those who would be found guilty or who have been charged with active violence, active instigation, etc. I personally suppose there would be very few cases." . . . This is very important.

"I personally suppose there would be very few cases of this sort. There may not be many cases. Out of the 9,900 odd employees, who have been proceeded against, most of them would be covered by the announcement I made, and may be, a few dozens will be left over" . . .

Again, on the 14th of March he said in the Lok Sabha:

"We expect that except a few dozen employees almost all of them, who were suspended/discharged in pursuance of the action taken after the illegal strike on the 19th September, 1968, will be taken back in service after this policy is implemented."

Mr. Vice-Chairman, when in course of another question in this House I drew the attention of the hon. Minister for Home Affairs that these particular assurances have not been fully implemented, again he said in this very House on the 30th July, 1969 :

"Whatever assurances were given by us have all been fulfilled."

Mr. Vice-Chairman, again I emphasise this, "Whatever assurance were given by us have all been fulfilled."

Mr. Vice-Chairman, again I also want to draw your kind attention to a reply to my Unstarred Question No. 553 which has been replied to on the 30th July, 1969 and wherein he has said :

"Information available up to 1st July, 1969, indicated that on the basis of the reviews made till then 2094

employees, both permanent and temporary, had remained to be reinstated.^a

Mr. Vice-Chairman, earlier I have quoted that this hon. Home Minister was pleased to assure this House that only a few dozen employees will be left after the implementation of the liberalised policy announced in this House. But he himself comes to the House and says that about 2,094 still remain to be reinstated. And again he says in the face of this, in the face of his own observations as these, that all the assurances "given by us have all been fulfilled." Mr Vice-Chairman, is it not a travesty of truth? Is it not misleading the House? Is it not a breach of privilege of this House? Is it the way how the hon. Minister should treat this House itself? Mr. Vice-Chairman, without entering into a very long quarrel I simply want to raise certain vital questions on vital aspects in this matter. Mr. Vice-Chairman, why are these 2,094 people still left despite the assurance given by the hon. Minister? According to my information, in the particular statement made by him on the 13th March, this was the policy which was announced.

"Government have considered the question of further liberalisation and have now decided that except where there is a complaint of violence, intimidation or active instigation the employees still under suspension would be permitted to rejoin duty."

Mr. Vice-Chairman, after this policy announcement in this House Government issued instructions on the 29th of April, 1969, to review the cases in terms of this liberalised policy. But there has not been much progress in this respect. Why? Because according to my information, the particular definition of 'active instigation' stood in the way of reinstatement of a large number of suspended and discharged employees. And in this matter the Government of India issued a guideline on the 13th of June indicating what would constitute 'active instigation'. But that instruction was not clear. It

made the whole issue all the more confused. In this connection, Mr. Vice-Chairman, I want to draw the attention of the hon. Home Minister to the fact that the representatives of the Central Government employees approached the Home Minister and suggested to him that in the matter of defining the words or in the matter of giving meaning to the words 'active instigation' the guidelines which were accepted and implemented by the Railway Board in the year 1961, for the implementation of their lenient policy of July, 1960, with regard to the railway strikers, should be applied in this particular case also in the matter of ascertaining as to what constituted 'active instigation'. But, Mr. Vice-Chairman, that very simple and very innocent plea was rejected by the hon. Home Minister. Instead of that they issued an instruction which was quite different from that which was issued and implemented by the Railway Board in the year 1961. But to my great surprise I find that, when some officials of the Railway Board approached the Railway Ministry and pointed out that they could not give effect to the particular meaning or particular definition given by the Home Ministry in the matter of ascertaining as to what constituted 'active instigation', then the Railway Board agreed, or the Railway Ministry agreed to apply, in the case of the railway employees suspended or discharged, the particular criteria of 'active instigation' which were applied in the year 1961. And the result was that the railway employees got a more lenient treatment; a larger number of people, who were discharged in the railways, got reinstated. But the Home Ministry's circular, the Home Ministry's instruction in the matter of active instigation was much more comprehensive, covered a larger canvas, and carried a wider definition which included even the normal trade union activity like holding of peaceful public meetings by the employees or distributing or issuing of leaflets to mean active instigation. Without joining issues with the Home Minister, may I appeal to him whether he would not even at this late stage consider it advisable to give instructions to the Government Departments

[Shri Chitta Basu]

to determine active instigation on the basis of the criteria, on the basis of the guidelines given and implemented and accepted by the Railway Board? If that had been the basis for ascertaining active instigation I think this large number of 2094 employees might not have been rendered jobless even today. A large section of them might have been reinstated by this time.

Mr Vice-Chairman, there are other vital points that the Government in their statement (*Time bell rings*) I want a little more time.

THE VICE-CHAIRMAN (SHRI AK-BAR ALI KHAN) You can have just two minutes.

SHRI CHITTA BASU No, I want more.

THE VICE-CHAIRMAN (SHRI AK-BAR ALI KHAN). No, you cannot have because there are

SHRI BANKA BEHARY DAS Are you not going to give a chance to others to put some questions?

THE VICE-CHAIRMAN (SHRI AK-BAR ALI KHAN) That is why I said two minutes.

SHRI CHITTA BASU Again the Government issued another instruction by their Cabinet Secretariat Order dated 18-10-1968 wherein it has been stated that the Government will take severe action to deal with cases of continuing indiscipline, intimidation and incitement to violence. Under this word 'indiscipline' even holding of public meetings, and distribution of even leaflets to press for the relief to be given to the thousands of discharged and suspended workers has been taken to mean indiscipline. This very circular of 18-10-1968 prevented a large number of employees from being reinstated.

You will agree with me, Mr Vice-Chairman, when I say that the Government of India has violated the promises even in the case of those persons

against whom cases have been withdrawn by the State Governments. In this connection mention of Kerala Government is necessary. The Kerala Government has withdrawn cases against 700 persons so far as I remember and instead of allowing the matter to rest there the Government of India still continues to prosecute these cases. This is true also in the case of West Bengal and in the case of Punjab.

Then there are 4,000 cases pending in the courts involving about 10,000 employees. Mr Vice-Chairman, may I know from the hon. Minister whether they are going to issue instructions to withdraw all cases against employees? Even in the matter of these 4,000 cases after analysis I have found that in more than 30 per cent of the cases Government could not produce or issue any FIR, they could not produce even chargesheets and these innocent employees are being forced to appear in the courts for days without number.

Again, Mr Vice-Chairman, a large number of employees are still suffering from the disabilities of the strike. There has been break in their service, their promotions have been stopped and they are suffering from all kinds of disabilities. Would the hon. Minister even at this stage declare and assure this House that all those disabilities will be removed and normal relations will be established?

Lastly Mr Vice-Chairman, quite a number of trade unions have been de-recognised and instead of those organised representative bodies they have given recognition to mushroom trade unions of Government employees. Now the Government proposes to have a statutory joint consultative machinery. I think in order to make the JCM scheme function properly before bringing forward such a legislation all those de-recognised unions should be allowed to present their views so that after general consultation a good legislation can be framed.

While concluding, Mr Vice-Chairman, I would urge upon the Government those de-recognised unions should

be given recognition immediately so that normal conditions would prevail between the employer and the employees and all the matters can be settled honourably and peacefully. In consideration of the hardship and sufferings of these thousands of Central Government employes may I make a last minute appeal to the hon. Minister to announce more liberalised measures so that all these difficulties could be removed, so that all of them could rejoin their duties and so that all cases could be withdrawn from the courts?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Sir, in the illegal strike of 19th September about 2,91,000 employees participated. After the strike took place we considered this matter from time to time and as a result of these considerations a series of announcements were made on behalf of the Government liberalising the various actions that had been taken against the striking employees under the Essential Service Maintenance Ordinance which was violated by them in the strike. Hon. Members know that it is the policy of the Government to forget and forgive. We are not trying to persecute any employees nor do we want to hold it against them. That is the basis on which we had made these series of announcements which have resulted in the reinstatement of almost all the employees who participated in the strike.

SHRI CHITTA BASU : No, no.

SHRI VIDYA CHARAN SHUKLA : I am giving you the figures. I am not saying all; I said almost all. Out of 2,91,000 employees who participated 12,341 were either suspended or discharged. Out of the 12,341 who were discharged or suspended, 10,662 have been taken back in the service as a result of these various measures that the Government has announced. This is not a small thing particularly in view of the fact that almost all these people or all these people had violated one provision or other of the law. Now

1679 employees according to information available with us at present remain and who have not been reinstated. I am trying to give information as to why these people have still not yet been reinstated. We have laid down certain criteria for reinstatement and as long as those criteria are not fulfilled it, would be difficult for any officer to reinstate those employees. We have said that in the case of those who indulged in violence, intimidation or active instigation, they would not be reinstated. While implementing this policy we said that a liberal view should be taken and to implement this liberal view we also said that all the cases that were pending against the employees in courts of law should be reviewed by the reviewing committees with the intention of terminating the legal proceedings, wherever there was not enough evidence against the employees. In pursuance of this policy a good many cases have been withdrawn and a good many cases will be withdrawn in future. I am not saying that everywhere justice has been done. There could be cases where because of local considerations or some vitiating factor the local head of the department or the local officer may have tried to victimise certain employees, but whenever such cases come to our notice we immediately go into them and try to correct them.

SHRI CHITTA BASU : What about the Railway Board?

SHRI VIDYA CHARAN SHUKLA : I would ask hon. Members to let me have such cases, whenever they come to their notice, so that I can request the respective Ministry to go into them and we shall check upon those cases ourselves to see that the instructions that the Government have issued from time to time are properly implemented.

SHRI CHITTA BASU : Are you prepared to review all the cases?

SHRI VIDYA CHARAN SHUKLA : I do not see any instance where unnecessary harassment has been caused intentionally, but if such cases come to our notice, we shall definitely take remedial measures.

[Shri Vidya Charan Shukla.]

Now, Sir, a lot has been said about the words "a few dozens". When I made the announcement in the other House and said that, when all these measures that had been announced by the Government were finally put through, we expected that only a few dozens would be left, this was our anticipation at that time. It did not mean that there was a commitment on the part of the Government that only a few dozens would be left. That was our anticipation and it is not proper for any hon. Member to say that this is the intention of the Government or it is a commitment of the Government that only a few dozens would be left. It was our hope that only a few dozens would be left. We would be very happy if only a few dozens were left or nobody was left. We do not want anybody to suffer unnecessarily. So, it is wrong to say that it is a commitment that only a few dozens would be left. We have laid down the criteria. We have laid down the procedure, according to which all the cases will be screened and all the cases will be reviewed. Even if they remotely fit in with our criteria, with our liberalised policy, we would be anxious to see that they were all reinstated. That is our anxiety. We do not want them to remain suspended unnecessarily and their cases pending in courts of law. We are very keen that the Central Government employees should feel that their interests are being protected and their interests are being looked after in a motherly fashion by the Central Government and there is no intention on our part to try to teach them a lesson.

SHRI BANKA BEHARY DAS: Is this the motherly fashion?

SHRI VIDYA CHARAN SHUKLA: If that was our intention, we could have stuck to our earlier position and the 12,000 odd employees who were suspended or discharged would have still remained suspended or discharged. So, I would assure the hon. Members that the intention of the Government is to be liberal to the utmost, but

we cannot go beyond a certain point. We want to keep discipline also. So, the persons who have been charged with a gross violation of discipline, active instigation, intimidation or violence will have to face the consequences according to law.

Regarding recognition we have made our position clear from time to time in answer to various questions. This position is not likely to change now. We are going to debate a new Bill, may be in the next Session, when we will consider this matter. As I said earlier, we do not want to go by past history. We will consider the matter afresh and we will see what is necessary to be done. My own idea about this matter is that, after the new Bill is passed, we shall consider this matter of the derecognised unions. Therefore, I would request hon. Members to appreciate the position of the Government and the liberal policy that the Government have followed in the case of their striking employees. They will see that the Government have not been vindictive at all. On the other hand, they have been very liberal. We shall continue with this liberal policy with the co-operation of hon. Members.

THE VICE-CHAIRMAN (SHRI AK-BAR ALI KHAN): There are six names here and they are entitled to ask for clarification. I hope they will be brief and accommodate all the six Members.

SHRI KALYAN ROY (West Bengal): Mr. Vice-Chairman, I think the Minister is aware that the Central Government employees are extremely restive and mass-squatting and "Gheraos" are taking place in many Central Government offices in Calcutta and other places. Now, in view of the changed situation and as he said that he is going to be liberal in his attitude, I think he would accept the position that a worker who has been dismissed at least gets a chance to defend himself. Nearly 2,000 workmen who have been sacked have not been given even the chance to get information as to why they have been dismissed. They

did not get any chance to defend themselves and they are all the time unemployed. No. 2, I think the hon. Minister would agree with me that without recognising the unions, which have been functioning all along, and which can bring peace, there cannot be any peace in the Central Government establishments. Would he want unrest, would he want discontent or would he want healthy relations to develop? I would only ask him whether he is going to consider very sympathetically the case of these temporary 2,000 workers. Secondly, he should restore recognition to Unions in order to bring about a better atmosphere and have a discussion with them to avoid future disturbances.

SHRI NIREN GHOSH (West Bengal): The lower rung of the Central Government employees, I am sorry to say, for long have been the victims of vindictiveness. It has begun from 1960 with the draconian measures. Scores were sacked and it was a cancerous sore. It continued for long. It should be recognised that they were given a raw deal in spite of the pledges of the Government in respect of their service conditions and wages. The recommendations of the Indian Labour Conference and all that were not respected. It is a sort of broken pledges. Now that the Prime Minister herself is seeking the co-operation of the Central Government employees. I would appeal to the Government to reconsider their attitude. I am not satisfied with what Mr. Shukla has just now said. I also know that certain State Governments are prevented by the Central Government and I know that a few days back the Deputy Chief Minister of West Bengal told the Prime Minister to reconsider these cases. So, not only the democratic circles inside the country are concerned and agitated over this issue. I am informed that in a large majority of cases the officers are obstructing the reconsideration of these cases. It is a very bad thing. It is they who are coming in. That is why I would ask straightway if the Home Minister cannot do it—I think he should do it—it is time that the Prime Minister intervenes and all the

employees are reinstated barring any cases of violence pending in the Court, for violence only and not for other reasons. Otherwise all the employees should be immediately reinstated. On the question of recognition I am not satisfied because they will come under certain restrictive practices, and the unions that are now recognised will continue to enjoy recognition, whereas the other unions would be put under a different category. I say that it should not be done. All those unions are mass unions, and this thing cannot go on. So restoration should also be given to them immediately, without any further delay.

SHRI BALACHANDRA MENON (Kerala): In view of the conciliatory attitude of the hon. Minister, may I request him to enquire into the large victimisation in Kerala? I would like to know whether the Government at least will find out the reason for the very huge victimisation in Kerala where, I am told, more than 400 employees are still not taken back to work. Will the Government find out why in that area alone such a thing happened, because that is one place where there was no violence? There has been no shooting, nothing like that happened. It is purely the vindictive attitude of the officers concerned that has created this problem. Will the Government enquire into that position separately? Secondly, on a private complaint a case was taken up to the High Court. The Magistrate said there was no case. The Government withdrew the case. A preliminary enquiry was conducted. Now the Government themselves go against the workers to the High Court. Will the Government give up that attitude especially when the lower Court has found that there is no case and where the Kerala Government's withdrawal of cases was accepted by the lower Court? I would therefore request, firstly, that you would be pleased to enquire why in Kerala there is so much of victimisation when there has been no violence; secondly, that Government will be pleased to see that they do not go in this manner against their employees; thirdly, that they recognise the unions

[Shri Balachandra Menon]

which have the majority in the interests of industrial peace and also for the change we want in the country and that the workers have the correct place in the coming period for the social transformation for which all of us are anxious.

SHRI BANKA BEHARY DAS (Orissa) I thought that after this new posture of socialism on the part of the Government Mr. Vidya Charan Shukla would have come out today telling us that he is now going to take a humanistic attitude about the last strike and will announce that he is bestowing recognition on derecognised unions and also order for the reinstatement of all employees. But I was very much astonished to see that though they claim about this new posture, there has been absolutely no departure in their mind as regards treatment of their employees whose co-operation they have started seeking for building a new era in this country. Mr. Vice-Chairman, I want to draw the attention of the Minister that, leaving out even those 200 odd cases which have not been dealt with properly, there are many cases where the vindictive attitude of the higher officers is definitely discernible in those affairs. I can cite so many illustrations. In the case of one A.I.R. producer in Cuttack Town—you know there was no strike in the A.I.R., not a single union even gave a strike notice—he has been punished and his service was broken. He has been given service on a contract basis for one year and what was his fault? His fault was that on that day because of a heart stroke of his father he sent an application which reached the Director in the noon, and because there was a strike that day throughout India—though there was no strike in the A.I.R.—the person was punished and his service was broken.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Did you ask the Minister concerned?

SHRI BANKA BEHARY DAS : I have asked so many questions, but

they want to support the man who victimised him. I demand here that if any enquiry is conducted, they should have the courage to suspend the officer who has taken advantage of his position to victimise him because there was a heart stroke of his father and his application reached in the noon, and the Minister concerned has given a false reply to the Member of Parliament. These things have been brought to the attention of the Minister concerned in the shape of questions and answers. I was just going to give an illustration. It is not a question of humanistic attitude. It is a question of justice. What was the reason that the Government servants went on strike? Can you say that the Government of India has not enough of money to give proper justice to their employees? Is it not a fact that what the Government employees demanded was a need-based wage? Was it not a just grievance? Was it not proper? I can understand your difficulties but I cannot understand why you carry on this vindictive attitude even now. After all those postures of yours when so many persons have been involved and involved for a cause which is not only just but which even under the prevailing circumstances is equitable. I want to know from the hon. Minister : are you prepare to take a humanistic attitude, leave aside the attitude in motherly fashion? The only humanistic attitude, if you want to seek the co-operation of the Government employees for building up a new type of society that you are claiming, is to give justice to them, and the justice is this that they need a need-based wage which is very proper and fair for anybody. Whatever be the capacity of this Government, will it come forward just now with a new proposal telling that it will recognise the derecognised unions and it will forgive and forget those things even if there is a difference of opinion? As regards your attitude, are you going to punish them for technical violation when the cause was just? Is it not a fact that you yourself along with your colleagues also violated this technical discipline of your organisation because you wanted to uphold a

cause? Are you going to treat now the Government employees for technical violation of an Ordinance by telling them that they violated the discipline of the Government of India? This is a challenge to you because you now talk of a new era. It is a test for the Home Ministry. It is a test for the system for which you claim you must have freedom of conscience to vote. I want to know from the Minister whether he will change his attitude and adopt a humanistic attitude by recognising those derecognised unions and reinstating all those persons who have been victimised either partially or wholly.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): I hope that the hon. Minister will be in a position now to make a categorical declaration that all those Government employees who have been punished for only technical reasons, if they are not involved in any violence,—that all cases will be withdrawn against them and that all of them will be reinstated in their own position. The matter should not be left to the Head of the Department because in many cases, Mr. Vice-Chairman, it has been brought to my personal knowledge that the Heads of Departments are behaving in a very peculiar way which is not the way in which we should indulge in a civilised society. After all these Government employees are co-partners in the great voyage of new social transformation in the days ahead. They have aligned themselves in the new effort or new endeavour of the Government. I think it is high time when the Government of India should take immediate steps, and especially I request my hon. friend, Mr. V. C. Shukla, and his senior colleague, Mr. Chavan, that for technical reasons they have punished these employees for a long time, it is near about a year.

Now, there should be no more victimisation or trouble to these employees and there should be only one instruction from the Government of India or the Home Ministry that except in cases of clear cases of violence, all cases will be withdrawn and the employees will be reinstated. My friend, Mr.

Mitra, just now says that the Railway Board has accepted that inciting to strike will not be taken as a case of violence or something on which the employees will be punished. But the Communications Ministry's and especially the PMG's and the Director General of Post and Telegraphs' behaviour is something funny and I do not know why they are so touchy about all these things. After all, one year has lapsed and they should be a little bit generous. From various quarters, from various regions, of the country I have received information that the attitude of the Postal Department authorities has been far from satisfactory. So has been the case in the case of the Accountant General Office authorities and in the case of certain railways also where high-headed officials are there. Why should the Home Minister leave all this responsibility upon these officers who take decision according to their own whims and fancies. I shall appeal to him—he should make a categorical, clear declaration and issue instructions that all those employees will be reinstated and the cases against those who have not been specifically charged for violence will be withdrawn.

श्री राजनारायण (उत्तर प्रदेश): एक हजार, दो हजार के बीच कर्मचारी इस समय भी काम पर नहीं हैं, चाहे जो भी कारण हो, साल भर के करीब हो रहा है, वे जाव-लेस हैं, दर-बदर घूम रहे हैं, तो सरकार क्या इस बात को उचित समझेगी कि एक आदेश जाये कि जितने कर्मचारी इस समय काम पर नहीं हैं सबको काम पर ले लिया जाये।

तीन कैटेगरी सरकार ने बताई, जिन्होंने तोड़-फोड़ किया हो या जिन्होंने सक्रिय पार्टिसिपेशन किया हो, वगैरह, यह सब शब्द लीगल क्विवाल्स हैं। कौन डिसाइड करेगा कि एक्टिव पार्टिसिपेशन किया है। मुझे ऐसे केसेज की जानकारी है जिनमें लोग कोर्ट्स से छूट गए हैं लेकिन अभी तक उनको जगह नहीं मिली है। क्या सरकार हमको यह बता सकती है कि एक हजार के करीब जो अभी

[श्री राजनारायण]

काम पर नहीं लिए गए हैं उनमें से कितने ऐसे हैं जो अदालत से बरी हो चुके हैं लेकिन फिर भी उनको काम पर नहीं लिया गया ?

दूसरी बात चन्द्र शेखर जी ने कहा कि जिन्होंने तोड़फोड़ की हो उनको छोड़ कर . . .

श्री चन्द्र शेखर : राजनारायण जी, अपने एन्थ्रॉपॉलॉजी में आप कभी कभी ऐसी बात कर जाते हैं। मैंने कहा था कि स्पेसिफिक केसेज आफ वायलेंस। अगर आप किसी का केस प्लीड करे तो बर्बाद ही करेंगे। मुझे दुःख है कि सेंट्रल गवर्नमेंट एम्प्लॉईज ऐसे वकीलों से कहते हैं जो उनका केस बर्बाद ही कर सकते हैं।

श्री राजनारायण : मैं तो बर्बाद नहीं करूंगा। ये पी० एस० पी० को बर्बाद करके आए हैं, अब कांग्रेस को बर्बाद करेंगे। जहाँ गए वहाँ बर्बाद किया। अनावश्यक हमसे भिड़ते हैं, फिर वही पा जाएंगे सेर का सवा सेर।

तो मैं जानना चाहता हूँ कि स्पेसिफिक केसेज आफ वायलेंस का मतलब क्या है ? किसी का गला काट दिया है या कोई बिल्डिंग जला दी है ? चन्द्र शेखर को छोड़ी अक्ल हो कानून की तो क्या बता सकते हैं कि स्पेसिफिक केसेज आफ वायलेंस क्या है ? यह सब अनावश्यक और थोथे शब्दों का प्रयोग है। मैं सीधे सीधे कहना चाहता हूँ कि चाहे वह स्पेसिफिक केस आफ वायलेंस हो, चाहे वह हिंसा का कोई विशेष प्रकार का मामला हो, चाहे वह कोई तोड़फोड़ का मामला हो, चाहे कुछ हो, आज जितने कर्मचारी काम से अलग हैं मैं सरकार से चाहूँगा कि उन सभी कर्मचारियों को सरकार काम पर ले। इसके साथ ही मैं यह भी जानना चाहूँगा कि क्या सरकार के पास आज आंकड़ा है कि बदालत से बरी लोग काम पर कितने नहीं लगे हैं और अगर वे नहीं रखे गए हैं तो क्यों नहीं रखे गए हैं ?

तीसरी बात मैं यह कहना चाहता हूँ कि 'वायलेंस' ऐसा शब्द है जिसका कोई अर्थ नहीं हो सकता। गांधीजी हिंसा और अहिंसा के प्रकाश जानकार थे। अगर हमारा कुर्ता श्री अकबर अली खान पहन रहे हैं और अकबर अली खान के पास दूसरा कोई कुर्ता नहीं है, यदि मेरे मन में यह बात आ गई कि मैं अपना कुर्ता इनसे छीन लू तो उनके कहने के मुताबिक वह वायलेंस हो जायेगा। इसीलिए जब गांधी जी से लोगो ने सवाल किया . . .

उपसभाध्यक्ष (श्री अकबर अली खान) : खत्म कीजिए।

श्री राजनारायण : चर्चा चल गई वायलेंस, नान-वायलेंस की। अंग्रेजों को हटाने की बात हुई। गांधीजी ने स्थूल हिंसा और सूक्ष्म हिंसा, दो शब्द बताए हैं। स्थूल हिंसा यह है कि विद्या-चरण शुक्ल आएँ, छुरा भोंक कर हमें मार दें, हम खत्म हो गए और सूक्ष्म हिंसा यह है कि श्री विद्याचरण शुक्ल के मन में राजनारायण के इस कुर्ते की लालच आ गई, चाहे वे नंगे भी हों। अब शुद्ध अहिंसा क्या है और व्यावहारिक अहिंसा क्या है ? तो मैं यह कहना चाहता हूँ कि श्री चन्द्रशेखर जी ने शब्द पेश किया 'स्पेसिफिक केसेज आफ वायलेंस', यह निरर्थक है। जितने लोग निकाले गए हैं, सरकार कृपा करके उन लोगों को रखे। साल भर के करीब हो रहा है उनको परेशान होते। कितने हिंसा के काम, कितने तोड़फोड़ और मारपीट के काम हुए हैं जो वहाँ के बड़े बड़े अफसरों ने खुद अपने गुंगों और गुंडों को भेज कर करवाए है ? मैं खुद उस दिन बनारस में था। डीवाई० एस० पी० साथ था जब हम जलूस लेकर रेलवे स्टेशन पर गए हैं, एक उचक्का आ रहा था, हमने कहा पकड़ो, पकड़ा गया, एक लौंडा था जो न कहीं का मजदूर था, न रेलवे का, न किसी और विभाग का। एजेंट प्रोवोकैटिवर होते हैं जो इस तरह से साजिश करते हैं और वितंडावाद खड़ा कर देते हैं। इसलिए मैं आपके द्वारा सरकार से यही निवेदन करूँगा कि तकरीबन साल भर के करीब हो गया, आज

तक जो कर्मचारी काम पर नहीं लग हैं उन्हें फौरन काम पर रखा जाये, अदावत में बर्गी होने पर जो काम पर नहीं रखे गए जिन अधिकारियों ने नहीं रखा, उनके विरुद्ध भी उचित कार्यवाही हो और उनको फौरन काम दिया जाये।

SHRI VIDYA CHARAN SHUKLA
Shri Kalyan Roy raised a point I want to say that it is not 2 000 employees, it is only 792 employees, temporary employees, who have not yet been reinstated because of the various charges against them. As far as the temporary employees are concerned they are discharged from service according to the rules applicable to the termination of their service. And as far as the permanent and quasi-permanent Government employees are concerned, they get the opportunity of explaining their conduct in a formal departmental inquiry.

Several Members asked about the recognition of the unions. I have already stated that at present it is our intention to consider this matter after the Government-Employees Relations Bill has been considered by both the Houses.

SHRI NIREN GHOSH : When do you want it to be considered?

SHRI VIDYA CHARAN SHUKLA
We will do our best to bring forward this Bill as soon as possible. I cannot give an assurance as to when it will come up. We are doing our best to bring it before the House as quickly as we can.

Shri Niren Ghosh was saying that we are still adopting a vindictive attitude. He also mentioned about remission. I want to assure him that our attitude is not vindictive. If it was vindictive, then we would not have laid down final and clear criteria on which all the cases will have to be reviewed; if it were a vindictive attitude, people would have taken arbitrary decisions. Then.

SHRI NIREN GHOSH : Reinstate them and close the chapter

SHRI VIDYA CHARAN SHUKLA
We want to reinstate everybody, we would be very happy to reinstate everybody. But certain criteria have been laid down and anybody coming within the four corners of those criteria, they are reinstated. Others who do not come in the four corners of these criteria I am sorry, may not be reinstated. When such a fair procedure is laid down, then there is no question of any vindictiveness. Any allegation of vindictiveness is completely wrong and no hon'ble Member should make any such allegation against the Government.

Mr Balachandra Menon mentioned about certain cases of Kerala and others. Particularly, Mr. Rajnarain, mentioned the cases of employees who have been acquitted by courts but they have not been reinstated. As far as my information goes, employees acquitted by courts on merits have been reinstated. But where cases have been withdrawn by the State Government, without their having gone through the usual procedure in the court of law, or which were not decided by the courts, where it is not a decision on merit, the Government has to take decision on the basis of criteria that are before it. The mere fact that the State Government has withdrawn cases would not affect the decision of the Government or the applicability of these criteria. . . .

SHRI BALACHANDRA MENON : May I ask what about the 50 per cent of the employees. . . .

SHRI VIDYA CHARAN SHUKLA : . . . I am not yielding. I have to finish. I want to complete the answer to questions put by hon'ble Members.

Shri Chandra Shekhar asked whether we are taking into account technical offences. I want to tell him that we have not taken any technical offences into account. Instructions have already been issued that technical offences by the Government employees must not be taken into account, that only cases of violence and active instigation should be examined on the basis of those criteria. Any technical violation

[Shri Vidya Charan Shukla.]
of rules of conduct will not be applicable against any government employee. I again want to emphasise that it is not the intention of the Government to be vindictive; it is not the intention of the Government to punish anybody. We shall again carefully go through the remaining cases and see that wherever our liberalised policy can be applied we will again examine the entire question and see what can be done.

SHRI NIREN GHOSH: Then close the chapter.

SHRI M. M. DHARIA (Maharashtra): He had assured that there will be only few persons. . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He has explained the position.

SHRI M. M. DHARIA: Mr. Vice-Chairman, can the hon'ble Minister give a categorical assurance to this House that within 15 days all the cases will be withdrawn and action will be taken only against those who have committed acts of violence? I want a categorical assurance from the Minister. It was assured on the floor of the House. Why should they not act accordingly?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at fifty-five minutes past five of the clock till eleven of the clock on Tuesday, the 26th August, 1969.