[Shri Jagannath Pahadia]

example, part IIA relates to control over management of banks, part III deals with the suspension or winding up of the business of banks. Unless the Reserve Bank has powers in relation to these matters, the Deposit Insurance Corporation which is fully owned by the Reserve Bank will not be able to determine the contingencies in which its liabilities would be attracted. Therefore, the powers given to the Reserve Bank are necessary. With these words, I hope, Madam, the Members will be satisfied. I request the House to pass the Bill.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Deposit Insurance Corporation Act, 1961, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clauses 2 to 14 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI JAGANNATH PAHADIA: Madam, I move:

"That the Bill be passed"

The question was put and the motion was adopted.

THE INDIAN RAILWAYS (AMENDMENT) BILL, 1968

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI PARIMAL GHOSH): Madam, I move:

"That the Bill further to amend the Indian Railways Act, 1890, as passed by the Lok Sabha, be taken into consideration."

The question was proposed.

SHRI N. PATRA (Orissa): Madam, I support the Indian Railways (Amendment) Bill 1968 brought forward in the interest of the railway users and the travelling public. According to the Bill if a driver stops the train *en route* and goes off duty, action has to be taken against him. Clause 2 says:—

"100A. If a railway servant, when on duty, is entrusted with any responsibility connected with the running of a train, railcar 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 punish*able 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, Madam, the Railways are a commercial undertaking and have, therefore, to be run on commercial lines. If the confidence of the passenger is shaken, then whatever goodwill is there it will also be shaken. Railways, once they have issued a ticket, take upon themselves the responsibilities of taking the passenger to the destination. Now before the train reaches its destination if the driver, for some reason or other, whimsically stops the train *en route* and goes away, what will be the effect? The whole confidence of not only the travelling public but the public at large will be undermined and the people will lose confidence in the Railways. Suppose a passenger, after purchasing his ticket, has to attend the High Court or the Supreme Court in response to court summons and because of the stoppage of the train he is prevented from reaching the court, he will lose his case. Similarly a student who has to appear in a supplementary examination will be prevented from reaching his destination, and a person who is called for an interview will also be prevented from attending his interview on account of the misbehaviour of the driver. You should consider all these shortcomings of the Railways. Therefore, some action has got to be taken against the erring driver.

Coming to section 100B under clause 2 of the Bill Now because of so many agitations in the name of language or anything on the face of the earth railway property is being attacked, burnt or looted Railway lines are being removed Therefore, it is essential that this section about causing obstruction to the running of the trains should be added Section 100B of clause 2 says —

"If a railway servant when on duty or otherwise, or any other person obstructs or causes to be obstructed or attempts to obstruct any train, rail-car or other rolling-stock upon a railway, by squatting, picketing, keeping without authority any rolling-stock on the railway or tampering with signal gear or otherwise, 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"

Madam Deputy Chairman, tampering with the signals is a very serious thing, there may be collision Nowadays we find lot of collisions, sometimes every week or several times in the year, obviously, on account of tampering with the signals If a signal showing red light is changed to green it would mean O K no danger, but if it is a case of tampering with the signal it can mean disaster to a whole train. The train coming from the opposite direction, seeing the green signal, collides with another train or goes off the rails causing loss of property and human life and the Railway Department cannot take anybody to task Who will be responsible? This new clause has, therefore, to be supported This clause will be operative only if a driver misbehaves or somebody takes law into his own hands or squats on the rail track, or burns the railway property Therefore, there should be no objection to these innocuous clauses and I whole-heartedly support the new provisions of the Bill.

श्री जगदम्बी प्रसाद यादव (बिहार) : माननीय उपसभापति महोदया, रेलवे मत्री महोदय जी ने सुगमतापूर्वक इस संशोधन विधेयक को रख दिया। मुझे आशा थी कि इतना बडा अधिकार हाथ मे लेने के पहले इसके औचित्य पर वे कोई प्रकाश डालेगे, लेकिन उन्होने इसके औचित्य पर कोई प्रकाश नही डाला। इसलिए नही डाला क्योकि रेलवे कर्मचारियो के ऊपर जो भयावह कुठाराघात इस बिल के द्वारा वे करने जा रहे है उससे बचने के लिए शायद उन्होने सोचा कि सिम्पिल तरीके से इसे रख दिया जाय और इस पर कोई विचार-विमर्श न हो।

मै सरकार से जानना चाहता हू कि सरकार को इस विधेयक मे सशोधन करने की आवश्यकता क्या पडी ? उन्होने देखा कि रेलवे कर्मचारी अनेक बार अपनी यूनियनो के द्वारा, प्रदर्शन के द्वारा, साकेतिक हडताल के द्वारा अपनी मागो को सरकार के समक्ष रख चुके है, सरकार उन मागो को मानने मे सक्षम नही थी, सरकार ने उन मागो को नही माना और न मानने के कारण 19 सितम्बर को सरकार के सभी कर्मचारियो ने सम्पूर्ण देश मे साकेतिक हडताल की। 3 P M और इस हडताल मे हमने देखा कि सरकारी कर्मचारियो के ऊपर कही पर गोलिया चली, कही पर लाठीचार्ज हुआ, कही पर अश्रु गैस छोडी, बहुतो की सर्विस गई, बहुतो को जेल जाना पडा, बहुतो के ऊपर केस भी चल गये है। इसके दर्मियान मे एक ही बात छिपी हुई है कि आज जीवन यापन के लिये जो उन्हे अधिक पैसे और अधिक सुविधा की आवश्यकता है उसको कर्ब करने के लिये, उसको समाप्त करने के लिये सरकार अपने हाथ मे यह अमेडमेट बिल के द्वारा अधिकार लेना चाहती है। इसीलिये मैने कहा था कि उनकी जो कम से कम, मिनिमम नीड बेस्ड वेज वाली जो माग है, जीवन धारण करने के लिये, उस मिनिमम नीड बेस्ड वेज को देने पर सरकार ने क्या विचार किया और जब आज तक बिना किसी सूचना, बिना किसी नोटिस के, रेलवे कर्मचारियो ने किसी भी गाडी को कही नही छोडा, किसी भी गाडी को कही बाधा नही पहुचाई, तो सरकार को इसके ऊपर यह अदाज करना कि रेलवे कर्मचारी नियमित समय पर, नियत स्थानो पर, स्टेशनो पर, गाडी

[श्री जगदम्बी प्रसाद यादव]

नही छोड सकते इसको विभाग की कार्यवाही करने के बदले उन्होंने दंडनीय सहिता का सहारा लेकर उनकी कार्यवाही को दंडनीय बनाने की जो योजना बनाई है उससे ऐसा लगता है कि वह उनके वतन और सुविधा देने की मांग से घबड़ा कर ऐसा हथियार दिखलाना चाहते है जिस हथियार से विवश होकर वह अपनी कोई माग सरकार के सामने न रख सके। मै जानना चाहता हू जो ऊचे तबक़े के अधिकारी है, चाहे वह अन्य विभागों के भी लोग है, क्या आज ऐसी कठिनाई के दिनो मे अनेक प्रकार की मागे अपने अपने नबधित विभागो से नही कर रहे है ? यहा तक कि हमने देखा कि पार्लियामेट के मेम्बरों की भी मागे उपस्थित करने की कोशिश की गई। उसी तरह से और भी लोगों के लिये सुविधाए उपलब्ध कराई गई है। इसी सदर्भ में, जब कि, बड़े बड़े लोगो को प्रत्येक प्रकार की सुविधा है उनका कार्यालय एयर कडिशन्ड है, उनकी मोटी मोटी तनख्वाह है, सवारियों की सुविधा है, सवारियों का पैसा अलग से मिलता है, दूसरी ओर जब निम्न वर्ग के लोगों को सुविधा पहुचाने की, लाभ पहुचाने की बात आती है, तो उनको अपने अधिकार मे वचित रखा जाता है, तरह तरह के इलज़ाम लगा कर, तरह तरह की बाधाएं उपस्थित कर। उसी तरह से जब कोई शिकायते आती है उन शिकायतो की जाच पर बड़े अधिकारी तो छूट जाते है और छोट अधिकारी भी बच जाते हैं लेकिन जो ग़रीब कर्मचारी ह, छोटे कर्मचारी है उन पर दोष मढ कर सर्विस से निकाल दिया जाता है। मै समझता हू इस कानून मे भी जब जाच होगी कि दोष किसका है तो आप पायेगे नीचे के जो कर्मचारी है वही दोषी माने जायेगे, उन्ही को निकाला जायेगा। मै सरकार से पूछना चाहता हू अभी भी कई जगहो पर जो रेलवे के एक्सीडेन्ट हुए है, कही कही सड़कों को, रेलवे लाइनों को उड़ाने की योजना की गई है, जिसमे पंचगामी तत्व सक्रिय है, उनको रोकने के लिये क्या किया सरकार ने ? क्या पंचगामी तत्वों के कारण डिरेलमेंट होगा तो आप रेलवे कर्मचारियो को सजा देंगे ? क्या प्राकृतिक कारणो से कोई गडबड होगी तो आप रेलवे कर्मचारियों को सज़ा देंगे ? मै आपसे जानना चाहता हूं, आपसे पूछना चाहता हू कि आपने इस कानून को लाने से पहले उनकी सुख-सुविधाओं की व्यवस्था के लिये क्या किया है ? अगर आप उनके सुख-सुविधाओ की व्यवस्था नही कर सकते, उनकी मागो पर विचार नही कर सकते, उनके ऊपर जो प्रहार आपने किया है उसका प्रतिकार करके आप उनको पुन: सुख-सुविधा नही दे सकते तो फिर घुमा फिरा कर नाक क्यों पकडतें हैं, सीधा नाक क्यों नहीं पकडते, जो आप इस कानून के जरिये उनको धमकाना चाहते है, टेररा़इज करना चाहते है जिससे वह अपनी मांगें आपके आगे नही रख सकें।

मै सरकार से जानना चाहता हू, जो लेबर कमीशन बैठा हुआ है उसकी रिपोर्ट अभी सरकार के पास क्यों नही आई है, वह मार्च महीने मे आ जाती। उनकी मांगों पर विचार चल रहा है। उन मागों पर विचार को देखते हुए भी तरह तरह का अपना कानून केन्द्रीय सरकार पारित करती जा रही है और सरकार को इतना धैर्य नही है कि वह लेबर कमीशन की रिपोर्ट को देख लेती जिससे यह पता लग जाता कि उनके मिनिमम नीड बेस्ड वेज पर कहां तक सरकार सहमत हो सकती है, कौन कौन से रास्ते निकाले जा सकते है और उस रास्ते को नही निकाल कर सरकार का रेलवे विभाग आज कानून के द्वारा अपने कर्मचारियो को त्रस्त करना चाहता है। मुझे लगता है, आज काग्रेस का वर्चस्व जनता जनार्दन से उठ रहा है। उनको लगता है, विद्यार्थी हड़ताल करने वाले हो गये, उनको लगता है कर्मचारी हड़ताल करने वाले हो गये, जनता हड़तालियों के पीछे हो गई, उनको लगता है उनकी बातें आज जनता में कोई सुन नही रहा है इसलिये आज वह कानून के जरिये या कुछ व्यवस्थाओं के ज़रिये चाहे वह व्यवस्था राष्ट्रपति के शासन के जरिये हो, राज्यपाल के शासन के ज़रिये हो, जनता पर अपना वर्चस्व स्थापित रखना

चाहते हैं । उसी तरह से उनका वर्चस्व अपने ही कर्मचारियो के ऊपर से उठता जा रहा है । अपने कर्मचारियो को सुख-सुविधा देकर उनकी कठिनाइयों को समझ कर, उनके ऊपर उचित विचार कर उन्हे अपने पक्ष मे अपने विश्वास में नही लाने का जो प्रयास किया जा रहा है, यही कारण है कि आज सरकार चाहती है हम एक अंकुश लगाकर, हम एक ऐसे कानून को हाथ में लेकर व्यवहार करे जिससे हम कर्मचारियों को दबाकर उनको अपनी इच्छा के अनुकूल चला सके । यह प्रजातंत्रीय राज्य है, हमने सरकारी कर्मचारियों को प्रजातंत्र के बहुत से अधिकारों से अलग रखा है । आज सरकारी कर्मचारी चुनाव नही लड़ सकता, न विधान सभा का न पार्लियामेन्ट का । जो कुछ उन्होंने अपनी नौकरी मे अनुभव किया है उसके संबंध में आवाज वह नही उठा सकते, अपने कुछ प्रतिनिधियों और नेताओं के पास वह जाते थे लेकिन स्वयं कुछ नही कर सकते थे और उनके इस अधिकार को देने के लिये आपने उनकी यूनियन को, उनके संगठन को स्वीकार किया था । लेकिन 19 सितम्बर 1968 को उन्होंने पूरी सूचना देने के बाद जो एक सांकेतिक हड़ताल की, इसलिये कि आप विश्वासपूर्वक, निश्चयपूर्वक, उनकी मागों के ऊपर ध्यान दे, उलटे आपने उस को डंडे के जोर से दबाने का प्रयास किया और जब वह डंडे के जोर से दबाये जाते हों और प्रजातंत्र के कानून में सरकारी कर्मचारी पार्लियामेन्ट या असेम्बली में नही जा सकता, तब उसके लिये आगे कौन-सा रास्ता रह जाता है जिसके द्वारा आपकी नजर में अपनी मागों को वह रख सकें । क्या आप समझते है डंडे से अधिकार भी हासिल करें । क्या आप अपने कर्मचारियों को जो अपने ही देश के, अपने ही सरकार के अंग है, उनको ऐसा करके दबा सकेंगे, क्या आपका यह कानून उनको आपको ढंग के रास्ते पर ला सकेगा ? या फिर यह कानून ऐसा साबित होगा क्या, कि जहां पर लोग बाध्य होकर व्यवस्था के भीतर अपनी मांगों को रखना चाहते थे वहां पर व्यवस्था के बाहर जाकर उन्हें अपनी माँगों को रखना पड़ेगा । इसलिये मैं रेलवे मंत्री से चाहूगा कि इस अधिकार का औचित्य बताते हुए अपने रेलवे कर्मचारियों की मागों के औचित्य पर भी अपने विचार प्रकट करें कि इसके साथ उनकी क्या मांगे हैं जिन मागों से घबडा कर उन्होंने इस संशोधन का सहारा लिया है । मैं नही चाहता कि वह धोकाधडी का एक मुलम्मा चढ़ा कर देश को बता दे कि हम तो यह कानून इसलिये बना रहे हैं कि रेलवे कर्मचारी जो रेलगाडी को लेकर चला है वह बीच मे न रोक रखे, रेलवे कर्मचारी जो काम करने चला है वह बीच में ही काम छोड़ कर न बैठ जाय । हम तो जनता जनार्दन के लिए व्यवसायिकों की सेवा के लिए और देश के हित के लिए काम करना चाहते हैं । इस चीज़ को हमने इसी रूप में लिया है ताकि जनता और सामान समय पर पहुंच सकें । लोग अपने कामो पर ठीक समय पर पहुच सके और लोगों का सामान ठीक समय पर पहुच सके । जैसे हमारे बंधु ने अभी बतलाया कि अगर समय पर रेलवे कर्मचारी रेल को नही पहुंचाते हैं तो किसी का हाई कोर्ट मे केस डिसमिस हो जायेगा, कोई विद्यार्थी सप्लीमेंटरी इम्तहान में नही बैठ सकेगा और इस तरह से लोगो के जो अत्यन्त आवश्यक कार्य है उनमें नुकसान हो जायेगा । तो मैं इस संबंध में सरकार से जानना चाहता हू कि ऐसा कोई उदाहरण रेलवे कर्मचारियों द्वारा रखा गया है कि जिसकी वजह से जनता को उनके द्वारा नुकसान जानबूझकर पहुंचाया गया हो । गाड़ियाँ जो लेट चलती है उनके कई कारण होते है । मैने खुद देखा कि ईस्टर्न रेलवे मे क्योंकि मुझे वहा पर ज्यादा रहने का मौका मिला है । विशेषकर जो लूप लाइने है उनमें गाड़िया बहुत देरसे चलती है और समय पर नहीं पहूंचती है । मैने इस संबंध में मंत्री को लिखित रूप में दिया कि किस तरह से आपकी गाडिया अनटाइमली चलती है और किस तरह से इसकी वजह से तरह तरह की गड़बड़ी होती है । आप इन गड़-बड़ियों को दुरुस्त करने की कोशिश नही करते है । आज न रेल के इंजन ठीक रहते है, न रेल के डिब्बे ठीक रहते हैं, न लाइट ठीक

[श्री जगदम्बी प्रसाद यादव]

रहती है, न पानी का इंतजाम ठीक रहता है और यात्रियों को जो सुविधा मिलनी चाहिये वह उनको नही मिलती है । रेलवे की जो समय सारिणी है वह इस तरह से बनाई जानी चाहिये कि एक दूसरी रेलों से संबंध बना रहे । जब यह चीजें आपके रेलवे अधिकारी नहीं देखेंगे, आपका कार्यालय नहीं देखेगा तो फिर जो तरह तरह की गड़बड़ियाँ पैदा होती हैं उनका दोष आप रेलवे कर्मचारियो को क्यों देते हैं ?

सरकार तो यह दिखलाती है कि वह जनता के प्रति बड़ी सक्रिय है और सरकार चाहती है कि रेल में सफर करने वाले आराम से जायें और रेल में सफर करने वाले निश्चित समय पर पहुंचे । क्या सरकार को पता नहीं है कि रेल में यात्रा करने वालों को अनेक कष्ट होते हैं ? आप नार्दन रेलवे मे देख लीजिये । आप को डिब्बों के अन्दर बैठने के लिए जगह नहीं मिलेगी । डिब्बों के ऊपर यात्री यात्रा करने के लिए मजबूर होते हैं । क्या आपने कभी इस तरह की कल्पना भी की या नहीं ?

डिब्बों के अन्दर जो कनैक्टिंग लोहे की मोटी छड़ होती है उस में तक यात्री मजबूरी की हालत में सफर करते हैं । इस तरह से लोग अपनी जान खतरे में डाल कर रेल के इंजन से लेकर जहां कही भी उनको बैठने या खड़े होने के लिए जगह मिलती है वह जगह न मिलने की वजह से सफर करते ह । तो मै मंत्री जी से यह जानना चाहता हूं कि क्या आपने इस संबंध में कभी विचार किया । जिस समय अंग्रेज यहां पर थे उस समय रेलों द्वारा जो आय होती थी उसका एक हिस्सा यात्रियों की सुविधा के लिए खर्च किया जाता था । लेकिन आज जब यात्री रेल में सफर करने के लिए निकलता है तो उसको बैठने के लिए जगह नहीं मिलती है । आज तीसरे और पहले दर्जे के डिब्बों में भी यात्रा करना कठिन हो गया है । आप यात्रियों को उनकी जरूरत के मुताबिक सुविधा नहीं देते हैं । उन्हें समय पर कनैक्टिंग ट्रेन नहीं मिलती । लेकिन आप आज इस तरह का कानून लाये हैं जिस के द्वारा किसी भी रेलवे कर्मचारी को 500 रुपया जुर्माना और 2 वर्ष की सजा दी जा सकती हैं या फिर दोनों सजाएं दी जा सकती है । मैं आप से यह जानना चाहता हूं कि अगर आप उसको नौकरी से निलंबित कर देते हैं तो क्या यह सजा उसके लिए कम है । अगर आप किसी रेलवे कर्मचारी के चरित्र पुस्तिका पर कुछ उसके खिलाफ लिख देते हैं तो क्या यह सजा उसके लिए कम है । फिर उसको नौकरी से ससपेंड करना या डिसमिस करना मै समझता हूं इससे अधिक कोई सजा नही हो सकती है । उस कर्मचारी के पीछे भी एक बड़ा परिवार होता है जिसका भरण पोषण का भार उसके ऊपर होता है । सभी को अपना परिवार प्रिय होता है फिर जब आप उसको इतनी सजा देंगे तो उसको और उसके परिवार वालों को भूखा मार देंगे । आप दूसरे वैधानिक तरीकों से उसको सजा दे सकते हैं और उनको रास्ते पर ला सकते हैं । इसलिए मैं किसी भी कारण यह आवश्यक नहीं समझता हुं कि सरकार इस तरह का दंड विधान अपने हाथ में ले । अगर रेलवे कर्मचारी हमारी बातों को नही मानते है तो हम उन्हें कई तरीकों से और भिन्न भिन्न विधान के द्वारा सजा दे सकते है ।

सरकार जनता जनार्दन को सुखसुविधा के नाम पर इस तरह का काला बिल ला रही है मगर वह यह नहीं देखती है कि जनता को स्टेशनों में, प्लेटफार्म पर और डिब्बों में कितनी सुविधा मिलनी चाहिये । आज हम देखते ह कि रेलवे के दिब्बो में चोरी होती है और तरह तरह की तकलीफों का उन्हें सामना करना पड़ता है । जनता को जो सुविधा ज्यादा मिलनी चाहिये वह उनको नही मिलती है । आज फिर सरकार सुविधा के नाम पर रेलवे कर्मचारियों को दंडित करने पर तुली हुई है । सरकार जो यह दंड विधेयक लाई है, मैं समझता हूं इसकी बिल्कूल कोई जरूरत नही है । सरकार के रेलवे दुसरे विभागों में कारणों से गड़बड़ियां होती है और उसकी सजा रेलवे कर्मचारियों को दी जा रही है । इस तरह से सरकार जनता को

सुख सुविधा देने के नाम पर रेलवे कर्मचारियों के अधिकारों का हनन करने के लिए इस तरह का कानून अपने हाथ मे ले लेना चाहती है, इसलिए मैं इसका विरोध करता हूं ।

DR. (MRS.) MANGLADEVI TALWAR (Rajasthan): Madam Deputy Chairman, the Railway Minister has brought forward a measure that will cause the railway people, who are entrusted with the responsibility of running the railways, not to cause inconvenience or very damaging and serious acts of stopping railways wherever it may be, if they want to cease working. Madam, I would like to bring to your notice and to the notice of this August House that in this Bill which affects the employees of the Government there are three vital interests that are intermixed with the interests of the employees. I am one who is always for employees. The employees must be looked after. Their interests have to be safeguarded because the contentment of the employees and their welfare is one of the essential parts to be ensured by the employers. Madam Deputy Chairman, I am surprised to hear the honourable Member from the opposition who thinks that the Government or the employers are always against their employees and that they do not have the interests of the employees at heart, who thinks that the custodians of their interests are only the Members of the opposition. That is not so. Let me assure the honourable Member and assure this House also that the Government is interested in the welfare of the employees and it will do everything to promote their welfare.

Madam Deputy Chairman, the second point that we have to consider is the interests of the people. After all, railways are the vital lines of communication. They are the vital lines of our industry. They are the vital lines to take people from one place to another. And if the railways stop working, Madam, no Government, in any country, can function. Just now some honourable Members from this side and also from the other side have mentioned what will happen to the people who are going on important, urgent work if they find themselves in a jungle or in a deserted area where the railway driver and the guard and other people who are responsible for running the train, abandon the train. They are left in the lurch where they have no food, they have no water, they have nowhere to go. Madam, there is again the question of safety of their person, safety of their property, safety of the women and children. Nowadays, as you know, Madam, violence is there in the minds of the people. I do not blame that any particular people would do it. But, the people of the surrounding areas, the miscreants, the bad type of people, they might come and they might begin to loot the train which has no driver and has no one to look after it. Can you imagine such a serious situation that might arise by the action of the people who might choose to stop their work at any time and at any place? Suppose it is night-time, things will be much worse. Therefore I think this Bill is justified because I find even in the original Act which this Bill intends to amend, in Section 100 it says:

> "If a railway servant is in a state of intoxication while on duty, he shall be punished with fine which may extend to Rs. 50 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 imprisonment for a term which may extend to one year or with fine or with both."

So the provision of the present Bill which says that the imprisonment might be for two years and the fine may be up to Rs. 500 is not very different to what is contained in the original Bill.

Then we have to consider the national interest and the national property. The railway property belongs to everyone of us. All the citizens of India are the owners of the Railway property and the other property belonging to the Government. We do not

[Dr. (Mrs.) Mangladevi Talwar]
know whether this kind of action will not endanger the railway property People might destroy them as they do nowadays. So to safeguard against that, we require this Bill. We must be kind but we must be firm also. Unless we are kind our employees will not be satisfied with us but we have to be firm and we have to show them and they have to know that if they failed in their duty, if they did not perform their duty at the right time and for the right purpose for which their services are meant, the Government will be able to inflict punishment. These days we do not *punish the children or beat them but* they have to know that they will be punished if they incurred the displeasure of their parents. Similarly the employees must know that if they stopped work, they would be incurring the displeasure of the employers, not only the employers but the people of the country. Do you think the people of the country approve of such action by the Government employees when they do not do their duty properly? Who are the sufferers in this kind of action by the Government employees? It is the people at large, it is the nation. It is the prestige of the nation and it is the property of the Government that is destroyed and we all suffer in this kind of thing. Therefore this Bill is fully justified. This is to repeal the Ordinance of 1968 which was issued.

The Member from the other side said that there are no instances of the railway employees neglecting their duty. I do not agree with him because there has been correspondence with the railway Minister and myself about this. The accidents—the rate of accidents and the type of accidents—have increased. They are not due to any failure of other things as the Member enumerated. They are purely due to the failure of the human element and what is it? The failure is that they do not bother so much about their duty or take it seriously as they should. Therefore this side of the employee's tendency has to be curbed. I do not say that only punishment would cure it. There are other measures. Everybody knows that the Government is alive to the interests of the employees. Therefore mixed with kindness, some punishment is necessary and it should be effective and sufficient. It is no use just charge-sheeting a person and giving half pay. That will not cure these things. The punishment must be effective, must be quick and sufficient for the type of neglect of duty that he does. It has been said that this Bill is to prevent people from going on strike or giving notice for it or to get their rightful share through trade union movements. I do not think it will prevent anyone from giving notice of strike but as it has been emphasised by the Prime Minister, the Home Minister and our Railway Minister, the disputes should be amicably settled. If there is any difference or if the employees' interests are not safeguarded, then only such a drastic measure as strike—and strike in these essential services— should be resorted to; otherwise, it would be in the interest of the employees themselves also and in the interests of the nation to have these disputes amicably settled. The employees should get their due share but not by resorting to this kind of violence but by talking round the table and having their disputes settled in an amicable way.

SHRI BALACHANDRA MENON (Kerala): Madam, this is the most disgraceful piece of legislation that this Government can ever think of bringing forward.

SHRI M. P. BHARGAVA (Uttar Pradesh): In what way?

SHRI BALACHANDRA MENON: I will explain. It looks as if it is a small piece of legislation but what does it seek to take away? It tries to take away the right of the worker for collective bargaining. What is behind collective bargaining? If an employee is not able to have a proper collective bargain, he can resort to a strike. This has been a legitimate weapon of the workers all over the world. To-day in Italy lakhs of workers are on strike. A few days back lakhs of workers in France were on strike and there, what did the Governments, known as imperialist Governments, do? Did they go

on shooting people? Did they go on issuing Ordinances? Did they go about banning everything and bringing in legislations of this type? Those imperialists did not do it. You, after 21 years of independence, come forward and say: "We can satisfy the workers only this way by giving him the bullets, by banning his organisations, by threatening to take action if he goes on strike. It is a disgraceful thing. I want to point out that the right to go on strike is an inherant right of the workers. When you have, in your Constitution, allowed the worker to have his right of organisation, it means he will have the right to defend his organisation. He will have the right for collective bargaining. If he fails in that, he has his right to resort to a strike, for realisation of his demands. All over the world this has been accepted. You are afraid of facing your workers. The Central Government employees went on one day's protest action and you got notice of it. You discussed with them, you misled them. You brought them to the negotiating table and told them: 'Your cause is just'. You told them that the need-based minimum is correct. You misled them into thinking that this matter will be taken up for discussion. And in the Joint Consultative Machinery meeting, where they raised that issue, all what you should have done was to agree to their reasonable demand to take it to arbitration. You should have accepted the demand for arbitration. Mahatma Gandhi, whenever there were labour struggles or labour strikes in Ahmedabad always insisted on arbitration. But you dare not do even that—you are the followers of Mahatma Gandhi. You have to rediscover your Gandhiji. In the past there were, Congress leaders of the stature of Lala Lajpat Rai right up to Pandit Jawaharlal Nehru who were interested in the trade union movement, who were leaders of the trade union movement and who knew what trade union movement was. But none of you know anything about it. You are ignorant of it. You are away from it. You are afraid of your workers. How many of you have ever seen the workers' organisations? How many of you have gone and discussed with them? Your democracy is not to go to the worker and find out his needs. Whereas an agricultural labourer of Kerala today gets a minimum wage of four rupees and five rupees—according to the minimum wage legislation in Kerala today, the minimum wage of an agricultural labourer has been accepted to be above four rupees per day—in the case of your railway worker the minimum wage is not even Rs. 150.

SHRI CHITTA BASU (West Bengal): How much? How much?

SHRI BALACHANDRA MENON: Perhaps it is even less about Rs. 130 or so, and that for a family of four although sometimes a family consists of more persons. Now, with the black marketing that is going on in the country, with the huge price increases that you have unleashed in this country and with the corrupt economy that you have built up in this country, do you mean to say that the workers will keep quiet and say, "I am satisfied. I will allow my children to starve." I agree with the great poet Bharatiar when he said that "if the world will not feed my people I will blow up the world." That is what that great poet has said. By your recklessness, by your carelessness, by your refusal to understand the just rights of the workers and negotiate with them, you are creating the Naxalbari type of agitations in this country. You are responsible for setting in motion that type of anarchic agitation. Believe me that every worker, who is thrown out of employment, or denied his legitimate rights, will create a problem for you, a social problem which you and I cannot settle easily if the problem is not tackled in time with tact and to the reasonable satisfaction of the workers.

SHRI A. G. KULKARNI (Maharashtra): Please tell this to your Chief Minister, Mr. Namboodiripad, also.

SHRI BALACHANDRA MENON: Yes, yes, that is right. I am telling him also, and I am telling everybody. In fact he himself is saying it and everyone of us knows that it is the

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desperate man who is taking to that type of agitation. And when he cannot feed his child, what should he do? Gandhiji said that when a million mouths cry aloud for food, God dare not appear before mankind except in the shape of bread 'Give us the daily bread and nothing more than that', say the workers of our country. That is the slogan they have raised. The worker asks, "Let my children be fed properly' "At least, give me a minimum wage And if you think you cannot give me that, at least agree to arbitration" But you will not do it. And do you know what you have done? I have visited the State of Rajasthan, I have visited Bikaner. I have seen the horses let loose there I am not one of those who believe that any violent method will bring about the change that is required. I do not mind suffering if the great social change can be brought about. Let it be without violence and unnecessary suffering. But if you do not accept democratic changes, believe me, the changes will be brought about even through violence, if need be. Why not settle problems peacefully? Negotiate with the organised Trade Union movement But you do not want to do it Why don't you do it? Are there no methods of solving the problems instead of bringing this. . .

SHRIMATI YASHODA REDDY (Andhra Pradesh) : It is because there are people like you, who. . .

SHRI BALACHANDRA MENON : No. You can ask the Vice-President of India You can ask him—He was our President of the Trade Union Congress I had worked with him when he was the Governor in Kerala—how we settled the problems. Ask him. (*Interruptions*) It was because he never stood on prestige. He was a railwaymen's leader. He has led strikes (*Interruptions*). There were innumerable strikes during his period. (*Interruptions*) Don't talk to me like that (*Interruptions*)

THE DEPUTY CHAIRMAN : Please do not interrupt him.

SHRI BALACHANDRA MENON : I am addressing the Chair and I was trying to show you, Madam, that there are peaceful methods of solving the problems instead of bringing forward this legislation. And what does it say? It says that the railway worker will not abandon his work. My right to refuse to sell my labour power if I see that humane conditions of work are not there cannot be questioned by you. Let that be understood. That is my right. I have not accepted to be your slave. I have accepted the work for eight hours, nine hours. The rest of the time is mine, and you cannot ask me for it unless you negotiate for it. Now what is it that you have done? You say that the train must go to the extent you demand it Well, if it is above the time for which I should work, satisfy me. But you cannot force me. You cannot refuse my reasonable demands. These are my rights. Now what has happened is, when I sell my labour power, when I tell you I am prepared to work, I say I will do this for so many hours for so much of money Well, if in the labour market the condition is such that I can certainly get a higher price for my product, for the selling of my labour, I will try to get it. I have only this much which I have for sale, and I am selling it. And when I am selling it, should I not get the proper price for the labour power which I sell? I must negotiate. And if I can't negotiate with you, I will refuse to sell it Is that not my right? I must have that right You cannot take it away. Thirty years back, when the plantation workers were indentured labour, when they were treated as slaves and they were forced to work in the foreign plantations, it was that great leader. Rev. C. F. Andrews, who said, "To hell with your legislations and your sanctity of contract I will not allow this thing to continue." Remember he was an European, and it was in those days when coloured people were treated with contempt. Yes. Rev. Andrews said, "No, this will not be allowed." And there was the strike in the European plantations at that time Yes, the contract was looked down upon by the national movement of those days and that was the greatness of the national movement going on at that time. Today also there is a contract that I will take this train from here to Madras or what-

ever place it is. There is the contract no doubt, but then there are also certain conditions that I should get a decent wage or a decent salary, decent conditions of work, humane conditions of work. Now if all those are not there, then have I not got the right to fight? I would have preferred it if you had brought forward and told me that there are certain issues; "We will settle them this way. We will go to the workers. We will accept their majority unions. We will negotiate with them. We will have a collective body here. We will have an arbitration board here consisting of the workers' representatives themselves along with others, who will settle the issues." You can as well do it. There have been organisations of that type. Why don't you do it? Why don't you think of it? Why don't you believe in your own worker? He is also an Indian. But you don't believe him. It is distrust. It is lack of faith. It is your fear of the worker, and it is because you want to protect certain other people. And who are the other people? Every day Mr. Kulkarni says who they are. They are your firends and people of your ilk, and you are building up an economy which is all to crush the ordinary man. They know it—Mr. Kulkarni and others—and they have been telling you.

SHRI A. G. KULKARNI: What do you say?

SHRI BALACHANDRA MENON: I am saying that you and other hon. Members have been telling the Government that they are building up the economy of the big monopolists. And you know that. Here the hon. Members have been telling you, and the worker knows that he is the poor victim of that pattern of economy.

SHRI S. S. MARISWAMY (Madras): He is only speaking for your lobby.

SHRI BALACHANDRA MENON: No, not like that. You are speaking for somebody else's lobby . . .

SHRI A. G. KULKARNI: Mine is a cooperators' lobby; nothing else, and he is also a shareholder in it, if he chooses to be one.

SHRI S. S. MARISWAMY: So both of you agree here.

SHRI BALACHANDRA MENON: We agree on so many things.

SHRI A. G. KULKARNI: Then you are also a shareholder.

SHRI BALACHANDRA MENON: Even today, when I plead for this, when I speak about this, it is because I still believe I can touch the conscience of people like Shri Kulkarni a little. I still believe the time is not yet lost. I still believe not all of you have turned over completely. I still believe that fascist take-over can be prevented. (*Interruptions*) It is only on that basis that I attempt to do this. I remind you again of Gandhiji. I remind you again of all the great leaders of the past. I remind you of the father of Trade Union movement—Lala Lajpat Rai. I remind you again of the glory of the Indian trade union movement. In spite of the stiff attitude you are still showing to the workers even today, I remind you of all those leaders only because I still believe there are among you a few who have yet faith in democracy and Socialism. The peasants and the workers are the people, whom you have to trust, and they are the people who will save you and your democracy. Others won't be able to take care of the country—I can tell you that much. But as matters stand at present, all this tall talk of democracy is only to build up a big capitalist system which will crush the worker and the peasant. And in this country we do not want it. In this country we want an alternative path and that alternative peaceful path is possible if you have trust in the worker. I therefore request you even now to change your policy and see how these things can be solved in a peaceful manner. There are disputes. If, after some time, a worker feels that he has exceeded even the overtime, even the time that has been allotted above eight hours, should he not protest? It is your wrong approach that has created the problem; it is not the workers' wrong approach. Unfortunately the Lady Member would

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not agree with that. I can understand that and I am not worried because she has not as yet understood the pangs of hunger that the worker has ; she has not as yet understood that a little child crying for a little morsel of food in the worker's family is a misery. She has not as yet understood what it is. Madam, it is a misery to be in India; it is a misery to be in our country. Food is being refused; shelter you don't have and you are taking away the democratic rights of the people. Whither are we going. I want to ask you.

SHRI CHITTA BASU : Bullets they have got in plenty.

SHRI BALACHANDRA MENON : Even the Railway Minister definitely knows that the demand for a minimum wage was not such an exaggerated one. When I raised it here on the floor of the House he said this is an issue which has to be settled with all the other employees also. He fully understands it. If that is so, why are you frightened when they strike ? Here through the Bill you are only trying to get support from the Parliament for the action you took to crush the legitimate one-day protest strike. But your whole approach was wrong and you have not been fair and you say that the work has stopped but the workers gave you notice. What was the need for this legislation ? The workers gave you notice; they told you, 'Come on, we are prepared to accept arbitration'. So many times they asked for that but why did you refuse ? That is because you have no faith even in your judges. It has come to that. A Judge with a worker and an employer's representative could have sat on the Arbitration Board and decided all these things. But you have lost faith in everybody, in the Judges, in the Arbitration Boards, in the Arbitration Courts, because you know that the policies you pursue cannot be accepted even by liberal-minded Judges. You know it; it has come to that stage.

SHRI CHITTA BASU : You agree with that; is it not ?

THE MINISTER OF RAILWAYS (SHRI C. M. POONACHA) : I shall give some particulars about such fair-minded arbitration.

SHRI BALACHANDRA MENON : I do not know. I have been under the impression—you may not be—that if you get the right sort of persons, if you ge highly-placed people as arbitrators to settle these issues, certainly these things could be settled. If some Judges and others also who know everything about the railways are put they can certainly solve these problems. But if you put any Tom, Dick or Harry, certainly the arbitration will be bad. So don't put the blame on arbitration. The defect lies in the persons whom you are choosing. I can understand that if you had good talent of judges, labour leaders and industrialists you can settle these things. We had an Arbitration Board where we had even the biggest planter as a representative, the Kannan Devan Management. I was also on it and we settled so many issues. We can do it. After all any man if he finds there is a good case is sure to be satisfied and there can be good arbitration. But you have no faith in it. I request you even at this stage, instead of bringing such a legislation which is repressive in character, you try to solve these disputes with the workers. If in the joint consultative machinery this matter cannot be settled, try to settle it through arbitration. Meanwhile do not disgrace the workers by such a legislation. All over the world the people will be under the impression : here are looters ; here are people who are out to create all those problems. Are we so bad as that? No; I tell you, considering the looting that is taking place by the big monopolists, considering the large number of unsocial elements that you have let loose in this country, you will realise that the railway employee is among the most peaceful, one who has tried to solve the problems properly. Unfortunately, you have taken up the attitude of the high and mighty. It will only result, let me tell you, in getting yourself isolated. I am sorry for it; I do not want it to happen. The secular

forces in the country can remain together, should remain together. For that I will still pray and request that you do not go to this extreme extent of putting down the worker and the peasant If that is done you are only playing into the hands of those very people who want to create not democracy but a Fascist system. You are only paving the way for it. I am only sorry that the Railway Minister whom I respect much —perhaps he is among the few Ministers whom I know—is associated with such a dirty piece of legislation I would therefore request you to give it up and take into confidence the worker and his unions, the majority unions, and negotiate with them You must have inherent confidence in your own worker, in your own peasantry, let that help you to get over this fear that you are having today And I appeal again and again not to press forward with such piece of legislation Remember with a little co-operation all round you will be able to settle these problems and that is how we should solve such problems because no strike has been settled through such methods This only creates a situation where the worker feels insulted, where the worker feels terribly humiliated and he is going to wreak vengeance, I can tell you When once he feels that he has been insulted, when once he feels that his rights are not being properly secured, he will go to any extreme extent So let us not provoke him because he who creates the wealth of this country tells you, 'No Sir this method is not correct' The worker, the peasant is the man who is creating the wealth in the country and as Poet Bharati said—

Uzavukkum Tozilukkum
Vandanai Cheivom

Let us respect the worker and the peasant That is what our poet told us, let us remember that Therefore don't bring in this legislation That is all that I want to say

SHRIMATI YASHODA REDDY Madam Deputy Chairman, after listening to Mr Menon I must really confess that it is rather easier to face Mr Bhupesh Gupta who shouts and fumes and frets but his silken voice and soft-spoken word is something which is rather difficult to deal with and I would trust him less than I would trust Mr Bhupesh Gupta, because it is easier to deal with a person who has cold rough hands than a person with gloved hands with a dagger hidden underneath

Now he said that this Bill is disgraceful, he also said many other things.

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN), in the Chair]

But I would like to point out one thing to the House that he did not say one word against the Bill I am sure he agrees that everybody has got to do his duty, if he does not do his duty he should be punished He may not agree with the way that the Government wants to punish him, but he must be punished Now Mr Menon and many Members of the Opposition said so many things and most of the things they have said are correct. I am not one of those who have got great admiration either for the Railway Minister or for his administration, but I do sympathise with the Railways For one thing we have a unique position in India Not only they are the biggest industry in the public sector and the biggest railways in the world, but it seems to be the first and foremost target for every unhappiness or pain in this country of the people, politicians students or law-breakers I pity the Railway Minister and the Railway Ministry for that We are here all the time saying that the Railway Ministry has not done this, the Railway Ministry has not done that, the workers do not get this, etc but we people who come and preach here we have been the first to attack the Railways, the carriages, the post offices etc The Railways get the worst of it

Then Sir they said so many things and I entirely agree with Mr Menon that millions of people in India are starving There are many people in India who are under-paid I feel sorry

[Shrimati Yashoda Reddy]
for them and there are millions who are not even employed. It is a shame for him as much as for me and it is more shameful to me because I belong to the Party to which the Government belongs. I entirely agree with him that it cannot be cured by legislation. Instead of hitting hundreds of workers, if you hit one business tycoon or an officer or a higher-up in the Ministry, it would be better. I entirely agree with that. There is nothing much I have got to say against it. All that I have got to say here is that it is distressing to do things in the name of Gandhiji, in season and out of season, for any issue that comes up here in Parliament or outside. It has become a fashion for politicians and maybe I come under that too, I keep on saying it. I may be a Member of Parliament, but not a politician in the real sense. It has become a fashion for politicians to say things in the name of patriotism, in the name of democracy, in the name of workers, in the name of God knows what, and in the name of Gandhiji also —Mr. Menon brings it in. I thought it was only the mistake of Congress Members to quote Gandhiji many times.

SHRI BALACHANDRA MENON: We are trying to change.

SHRIMATI YASHODA REDDY: I was just trying to say, Mr. Menon, that most of the time the Congress people did the mistake of quoting the revered name of Gandhiji.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You should address me.

SHRIMATI YASHODA REDDY: I am addressing you, Sir. Maybe I may be also looking elsewhere. I thought only the Congress people had sometimes the habit of quoting the name of revered Gandhiji and not doing something which everyone should. But I find that the hon. Member, having failed in everything, has started pleading in the name of Gandhiji. I feel sorry. If he had taken some important occasion to tell us something in the name of Gandhiji, for whom I have got great respect . . .

SHRI BALACHANDRA MENON: He insisted on arbitration and the Minister refused it.

SHRIMATI YASHODA REDDY: I am coming to that.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No interruptions.

SHRIMATI YASHODA REDDY: I am coming to everybody. My hon. friend said that the workers have a legitimate right. Only so many hours they have to work. They have a right to ask for more. They have a right to ask of this Government . . .

SHRI CHITTA BASU: They have the right to strike also.

SHRIMATI YASHODA REDDY: Of course, there has to be a right to strike. I am not denying it. I have not denied and I am sure the Government is not going to deny it. But I also say, just as it is the inherent right of the people, right of the workers to strike, it is the inherent right of every Government to intervene and see that the people get what they want by way of essential services. It is absolutely inherent and if they cannot give them ordinary facilities and essential facilities, I would say: You get out today, if you cannot do it. If it is a question of a class of workers, who want their rights, and the nation which has to be protected, I support the nation. We must resist what a section of the nation wants it. It is here I say that you are wrong. If you have some inherent rights, they have also some inherent rights. I do not say that everything the Government does is correct, nor all that we propose to do. But here it is not an occasion for you to come and say this legislation is wrong, or why this legislation is there. I certainly agree and I keep on saying in season and out of season that many of the social evils cannot be solved by legislation. Many things can be solved by public opinion. Social customs and many other problems can be solved by economic revival. For every disease there has to be a new medicine. Today in India in the

name of democracy, in the name of the nation, strikes have become a disease, pendown strike, sit-down strike, this strike and God knows what . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : You are dealing with a limited issue.

SHRIMATI YASHODA REDDY : Mr Vice-Chairman, that is exactly what I am trying to say, Sir Instead of touching on the specific point of this Bill every Member has been dealing with everything else, which is irrelevant That is exactly what I am trying to say and I owe a duty to them, to my Government and to my own self to see that even these irrelevant points are answered and I am prepared to answer them Because they have raised it, they should not go unanswered. As I said, both have an inherent right (*Time bell rings*) I tell the Government : This is the first time the Government of India has at last taken very strong action, decisive action. I must tell them that I do appreciate it I must also say that in many quarters of India public opinion has said even cynically and disparagingly. After all, even your Congress Government could act. I think that if this was the expression, I think the Government of India has done a right thing What does it say ? It does not say anything except doing one's duty Without doing one's duty, my hon. friend, referring to this clause, said : If there is sabotage, if a train is held up because of something or somebody else stops it, are the railway employees going to be booked ? This, I believe, subject to correction, does not come under the Indian Penal Code or the Government Service Conduct Rules, under which the Government officers and many people take advantage of the loophole. When they try to do things like hindering or stopping of railway trains th law comes into force They have brought forward this Bill with that purpose in mind. I am sure the Government is more anxious than others not to misuse it. After all the Railways are the biggest employers. It is the greatest pride of the nation I am sure they are not going to misuse the powers, or just for the sake of prestige they are having this. If this Bill has been brought forward, it is because it had to be brought forward. After all in the last strike almost all the essential services were hit hard. It was a question of choice between the right of the workers and the life of the nation. They said, because you do not have confidence in yourself, because you do not have confidence in the workers, because you fear them, you have brought this Bill. It is not because of that It is there because the Government fears the misleading activities of some politicians. The Government fears sometimes the politicians or the political groups which are misleading the unions. They are going to bring the officers and unions into it It is that which they fear. They do not fear their workers. They do not fear anybody. Certainly we do have confidence in them I think this Bill is nothing more than what is absolutely essential because of what we were experiencing. Though I do not usually congratulate the Minister I now say that I accept this, but the only thing is, see that it is never misused. Always you must have the compassion of the employer with the good of the employee in mind

Thank you.

4 P.M.

श्री राजनारायण (उत्तर प्रदेश) : उप सभाध्यक्ष महोदय, मैं इस विधेयक का विरोध करने के लिए खडा हुआ हू और मुझे हैरत है कि किस मकसद को हासिल करने के लिये इस तरह का विधेयक लाने की धृष्टता की गई है। श्रीमन्, इसको जरा ठीक से पढा जाय।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) There are some cases here and there, very far-fetched

श्री राजनारायण : आप इसका भाष्य करने की तकलीफ न उठाये। हम लोगो ने इसको देखा है और इसका बोझ सरकार के ऊपर छोड दिया है क्योंकि आप इस कर्त्तव्य का निर्वाह नही करते है। जब हमे आपको समझाना पडता है तो हिन्दी से उर्दू मे बोलना पडता है।

† وائس چیر مین (شری اکبر علی خان) : میں آپ کی زبان کو اچھی طرح سمجھتا ہوں –

†[**उपसभाध्यक्ष (श्री अकबर अली खान)** : मैं आपकी जबान को अच्छी तरह समझता हूं।]

श्री राजनारायण : आपने ठीक फरमाया हम समझाने की कोशिश करेंगे। इसका मकसद क्या है। रेल को ठीक ढंग से चलाना, रेल का जो काम है, उसको ठीक ढंग से पूरा करना, मुसाफिरों को ठीक समय पर और ठीक जगह पर पहुंचाना, रेलों में लग हुए जो कर्मचारी हैं और उनके साथ जनतंत्रीय प्रणाली के मुताबिक उनका कर्त्तव्य पालन करना। इस तरह से वितन्डावाद खड़ा करना कोई भाई का लाल जरा यह हम को समझा दे कि इस विधेयक से उद्देश्य की पूर्ति कैसे होती है।

सही है, हम गांधी जी का नाम नहीं लेना चाहते हैं। अगर जनतंत्र में आस्था है तो मैं यह निवेदन करना चाहता हूं कि डेमोक्रसी कोई शब्द नहीं है, जनतंत्र कोई वाक्य नहीं है, यह एक सम्पूर्ण आचरण है और एक सम्पूर्ण प्रणाली है। उस सम्पूर्ण प्रणाली की पूर्ति हुई है या नहीं, इसको कोई अच्छी तरह से देखे। मैं समझता हूं कि अगर पुनाचा साहब, घोष साहब और चतुर्वेदी साहब इसका ठीक तरह से अन्दाजा लगायेंगे तो वे इस नतीजे पर आयेंगे कि यह एक काला विधेयक है। यह जो विधेयक है वह बुराइयों से भरा हुआ है और जो अधिकार है उन अधिकारों को ठीक से काम न करने देने के लिए उकसाने वाला है।

14 सितम्बर 1963 को दुनिया के जनतंत्र में सबसे बड़ा अध्यादेश जारी हुआ। उस बेहूदा अध्यादेश को बेहूदा ढंग से कानून को शक्ल दी जा रही है, यही इसका मकसद है। हम इसको पुनाचा साहब को समझाने की कोशिश करेंगे। अगर वे हमको समझाने की कोशिश करेंगे कि इसमें मजदूरों के अधिकार सुरक्षित होंगे, इसमें यात्रियों को सुविधा होगी, समय पर एक स्थान से दूसरे स्थान पर पहुंचने में सुविधा होगी, तो हमारी बुद्धि समझ सकने से इन्कार कर देगी। जब कोई ऐसा विधेयक आता है जिस विधेयक के द्वारा तमाम रेलवे में जो गड़-बड़ी होती है, उन गड़बड़ी को न होने देने के लिए प्रेरणा होती, तो मैं जरूर उसका साथ देता। मगर जो विधेयक लाया जा रहा है उसके द्वारा तो तमाम गड़बड़ियों को उकसाया जायेगा। जैसे मैं यहां पर एक उदाहरण आपको देना चाहता हूं। मैं गांधी जी का उदाहरण दूंगा मगर मैं उनका नाम नहीं लेना चाहता हूं क्योंकि यशोदा जी ने भी कहा कि हमें हर वक्त गांधी जी का नाम लेना ठीक नहीं है। अच्छा है अगर गांधी जी स्वर्ग में होंगे, बैकुंठ में होंगे, बहिश्त में होंगे तो उनको तकलीफ होगी, एक अच्छे नाम को इस तरह से घसीटना अच्छा मालूम नहीं देता है।

तो मैं कहना चाहता हूं कि एक दफा चीन के जो दार्शनिक नेता कनफ्यूशस थे वे जेल देखने के लिए गये। उस समय वे जेल विभाग के मंत्री हो गये थे। जब वे जेल देखने गये तो जेल में देखते हैं कि तमाम वहां पर जो कैदी हैं वे फटे हाल पर हैं। किसी के पास न कपड़ा है, न भोजन का इंतजाम है और न कुछ और है। सब वहां पर अशिक्षित हैं। जब जेल का भ्रमण करके कनफ्यूशस फाटक पर आता है तो एक हुक्म निकालता है और सुप्रेन्टेन्डेन्ट को कहता है कि जितने भी कैदी है उन सब को छोड़ दिया जाय। उनको जेल में रखने से कोई भी फायदा नहीं है। अगर भला करना है तो उनके लिए कपड़े का इंतजाम करो, उनकी शिक्षा का इंतजाम करो, उनके भोजन का इंतजाम करो और उनको जेल में बंद करने से कोई काम होने वाला नहीं है और वहां पर कनफ्यूशस तमाम जनता, सरकारी कर्मचारी, बादशाह का दिमाग खराब करने लगा और अंततोगत्वा उसको इस्तीफा देना पड़ा। इसी लिए मैं कहता हूं कि अगर सरकार हमारी राय पर चले तो मैं समझता हूं

†[ ] Hindi transliteration.

कि जनकल्याण समुचित रूप से हो जायेगा। मैं चाहता हू कि श्री पुनाचा साहब, घोष साहब और श्री चतुर्वेदी साहब कनफ्यूशस की बात को याद करें। यदि वे अपने कर्मचारियो की भलाई चाहते है, उनसे काम लेना चाहते है तो उनको खाना दे, कपडा दे और उनको ठीक तरह से हर प्रकार की सुविधा दे। जब वे श्री पुनाचा साहब से रोटी मागते है तो उनको वे पत्थर देते है और जब वे कपडा मागते है तो वे उनको जेल देते है और वहा पर एक फटा कम्बल देते है। इसका मतलब यही नही है बल्कि इसका मतलब यह है कि अगर रेल के मजदूर अपनी जायज मागो को लेकर हडताल करते है, पिकेटिंग करते है, प्रदर्शन करते है तो उनको दो साल की सजा और 500 रुपया जुर्माना दिया जायेगा, इस तरह से तुम को जेल मे भेज दिया जायगा। तो हे घोष साहब! हे पुनाचा साहब! हे चतुर्वेदी साहब! आप को सद्बुद्धि आये। मुझे मालूम नही कि सदबुद्धि बची है या नही। अगर बची है तो जो गोबर पडा है दिमाग मे वह निकाल दे। (*Interruptions*) जो नरकुड

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) You should not use that language I expect better language from you As you are appealing in a very nice way, please use better language

SHRI C M POONACHA He is totally damaging Hindi language That is all

श्री राजनारायण : अगर शब्द को अग्रेजी मे प्रयोग किया जायेगा तो हमारे नबाब साहब को बडा अच्छा लगेगा। अगर वह हिन्दी शब्द के साथ सीधा जाता है तो लोगो के समझ मे आ जाता है, तो लोग समझते है कि कोई खराब शब्द है। गोबर शब्द खराब नही है। यह गोबर शब्द इतना प्रिय है कि लोग रोज सबेरे इससे अपने घर को लीपते है। हमारे ला क्लास के एक प्रोफेसर श्री सुब्रमण्यम थे जो नितप्रति गोबर से अपने दरवाजे को लीपते थे और बिना लीपे नही निकलते थे। तो सरकार के दिमाग मे कोई कीडा बैठ गया है और उस कीडे को मारकर भारत सरकार को काम करना चाहिये।

कनफ्यूशियस का उदाहरण देने के बाद में एक दार्शनिक राजनीतिज्ञ थोरे हुए है उनका जिक्र करना चाहता हू और चाहता हू कि श्री पुनाचा साहब, श्री घोष साहब और श्री चतुर्वेदी साहब उनको याद करें तो उनको पता चल जायेगा। मुझे मालूम नही कि वे काग्रेस के राज्य मे जेल गये या नही। श्री पुनाचा साहब, घोष साहब या श्री चतुर्वेदी साहब काग्रेस के राज्य मे जेल गये या नही। काग्रेस राज्य मे जेल पहले से बदतर है। मैं कल ही मुरादाबाद जेल में जहा पर 60 अध्यापको को जो सब ग्रेजूएट है, पोस्ट ग्रजूएट है, देखने के लिए गया था। वहा पर जेल में उन लोगो को भेडो की तरह भर दिया गया है। न उनके लिए खाना है, न कम्बल है और न ही कपडा है और न कोई चीज़ है।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) We are concerned with the Railway (Amendment) Bill

श्री राजनारायण : और असल मे नाम तो है चित्त बासु, मगर वह अपने चित्त से अलग रहता है। चित्त मे बसता नही है। उन को पता नही है कि इसी रेलवे विधेयक के मातहत उसको जेल मे ले जाया जायगा और जेल मे क्या दुर्दशा हो रही है इस को मैं बता रहा हू। यह इस विधेयक से बिलकुल प्रासगिक है। जो रेल का कर्मचारी इस ढग की जेल मे जायगा कि जेल मे जाने पर भी जो कानूनी सुविधा उसको मिलनी चाहिये वह भी उसको नही मिलेगी तो वह कितना परेशान होगा और जब वह निकल कर आयेगा तो क्या होगा। मैं ज्यादा समय लेना नही चाहता, केवल एक ही उदाहरण आप को बताये देता हू। चंद्रशेखर आजाद जब गिरफ्तार हुए और वाराणसी जेल मे उन को बेंत लगे तो जब बेंत लगे तो उसी समय उन्होने प्रतिज्ञा की कि अब अहिंसा त्याग कर शस्त्र का जवाब शस्त्र से देना होगा और उसी समय से चन्द्रशखर आजाद ने

[श्री राजनारायण]

पिस्तौल उठा ली। कितने ही रेलवे कर्मचारी होंगे जिन को नाजायज ढंग से जब इस विधेयक को कानून की शकल दे कर सरकार जेल में बंद करेगी और वहां से वे बदले की भावना ले कर निकलेंगे तो फिर सरकार के लिए और समाज के लिए वह एक मुसीबत होगी। आज बड़े बड़े लोग हैं जो इस सवाल को ले कर परेशान हैं। आई० जी० से बात कीजिये तो पता लगेगा कि वह परेशान हैं। कहते है कि नेचर आफ आफेंस यानी अपराधों की शकल पहले से बिलकुल बदल गयी है और ऐसे नये नये ढंग के अपराध हो रहे हैं कि पहले जमाने के जो आई० जी० पुलिस हैं वह समझ नहीं पाते कि अपराध क्यों हो रहे हैं। कारण क्या है, कारण यही है। यह न समझियेगा कि यह कारण उस से लगा हुआ नहीं है। कारण यह है कि हर मसले का, हर समस्या का समाधान अगर है "अ" से सरकार "ब" पर पहुंच जाती है। वह "अ" पर पहुंचना चाहती ही नहीं है। मैं इमानदारी के साथ पूछना चाहता हूं आप से और आप के जरिये दूसरों से कि कांग्रेस सरकार के इतिहास में वह कोई घड़ी हम को बता दी जाय जब अपने विवेक से अपनी अकल से किसी अच्छी बात को इस सरकार ने किया हो। अच्छी बात जब कहीं थोड़ी बहुत हुई है तो उसे बिगाड़ कर और दबाव में आ कर वह की गयी है। चाहे वह भाषा का सवाल हो, चाहे सूबों के निर्माण का सवाल हो, चाहे कोई और सवाल हो, जब यह सरकार किसी काम को करने के लिये चलती है तो इस के लिये दबाव चाहिये। इस के लिये ताकत चाहिये। इस के लिये शक्ति चाहिये और उसी शक्ति के सामने झुकना यह सरकार सीख गयी है। इस लिये मैं दो साल का उदाहरण दे रहा हूं। उत्तर प्रदेश और बिहार में तीन, चार साल पहले कहीं भी पटाखेबाजी नहीं होती थी, कहीं पर मार पीट नहीं होती थी। लोग सीधे साधे जाते थे, नारे लगाते थे, सत्याग्रह करते थे। वह सत्याग्रह था। हम को इस कांग्रेसी राज में 19 महीने की सजा हुई, 10 महीने की सजा हुई, 6 महीने की सजा हुई, 4 महीने की सजा हुई और कभी कभी एक दो बार सात दिन और 15 दिन की हो गयी। कुल मिला कर 36, 37 बार सजा हो गयी। आप देखिये कि हम सत्याग्रही हैं। हमारे हाथ में डंडा नहीं तो हम को लम्बी लम्बी सजा और वह बंगाल में जब बंगाल के प्रदर्शनकारी चले तो उन्होंने तोड़ फोड़ शुरू कर दी और वहां पर कांग्रेसी राज ने उन को कतई छोड़ दिया। एक दिन एक को गिरफ्तार किया, दूसरे दिन उसे छूट। तो धीरे धीरे लोगों के दिमाग में यह बात आती चली जा रही है कि कारण क्या है। जब हम अहिंसक हैं, शान्तिपूर्ण तरीके से अपने अधिकारों की मांग करते हैं, चाहते हैं कि हमारे हक महुलियत से हमें मिलें तो यह सरकार हम को डंडा, गोली और जेल देती है, लाठी देती है। क्यों? हम सोच सकते हैं कि तो क्या कहीं यह सरकार ताकत से ही तो नहीं दबेगी। इसी लिये अब देखा जाय कि ताकत का इस्तेमाल देश के हर कोने में होने लगा है। श्री बालचन्द्र जी ने इशारे में एक बात कही। यह जो नक्सलबारी है यह कम्यूनिस्टों की बनायी हुई नहीं है। यह तो कांग्रेस राज्य का कोढ़ नक्सलवारी तत्व को पैदा कर रहा है। यह हम आज से ही नहीं कह रहे हैं। इस वाक्य का प्रयोग हम लोग कर रहे हैं सन् 1952 से कि कांग्रेसी कोढ़ पर कम्यूनिस्ट कीड़ा पैदा होता है। कांग्रसी कोढ़ को हटा दो, कम्यूनिस्ट कीड़ा अपने आप मर जायगा। यह बराबर हम कहते आये है। जहां जहां मिजरी है, जहां जहां मुसीबत है, जहा जहां आफत है, जहां जहां जोर जुल्म है, जहां अत्याचार है, जहा हक का हनन है, आप श्रीमन् देखेंगे कि वहीं पर धीरे धीरे ऐसी ताकतें घर पैदा करती जा रही है जो कि अहिंसक, शान्तिप्रिय आन्दोलनों में आस्था नहीं रखतीं। वे पैदा हो रही है। मैं अभी अपने मित्र से बात कर रहा था। एक सामान्य बात है लेकिन मैं कि यहां के मंत्रियों की हैसियत क्या है? श्री रामसुभग सिंह, रेल मंत्री। बड़े भारी मंत्री है। उन का लम्बा चौड़ा शरीर आप देखते है। चले गये थे और फिर आ गये तार और टेलीफोन के मंत्री बन कर। अब उन की जगह

आ गये पुनाचा साहब। माननीय राम सुभग सिह ने हम को एक वचन दिया था। एक ईमानदार नौ जवान है नाम है गिरजा शंकर त्रिपाठी। उस के पीछे पड़ गया यह रेल विभाग क्योंकि वह जी हुजूर नही है। उस को अपनी पढ़ाई पर घमंड है। एम० ए० पास है। अच्छी जानकारी रखता है। इसलिये वह चापलूसी क्यों करे। श्री रामसुभग सिह जी ने, 5 वर्ष हो रहा है, हम को कहा था कि राजनारायण, उस को कह दो कि फतेहगढ़ चला जाय और उस के बाद हम उसको दो, तीन महीने में गोरखपुर भेज देंगे। हमारे जनरल मैनेजर का कहना है कि उस का हुक्म पालन हो जाय। बस।

श्री महेश्वर नाथ कौल (नाम निर्देशित) : हमेशा यही कहा जाता है।

श्री राजनारायण : लेकिन वह एक मुकदमा लड़ा रहा था। क्योंकि उस का मुकदमा पहले से चल रहा था इस लिये उस ने कहा कि हमारी ट्रेड यूनियन एक्टिविटीज को ले कर प्रिजूडिस के साथ हमारा ट्रान्सफर किया जा रहा है। निश्चित था कि वह मुकदमा जीतता, लेकिन उस के कहने से हमने मुकदमा वापस करा दिया। हमने कहा कि परेशान मत हो। लेकिन साहब, आज तक वह गोरखपुर नहीं जा पाया। हमारे घोष साहब कहते हैं कि उस के साथ न्याय होगा। एक नहीं, कितनी ही चिट्ठियां मै दिखा सकता हूं जिस में उन्होंने लिखा है कि हम ने आदेश कर दिये है कि उस के साथ इंसाफ हो, उस को भेज दिया जाय, लेकिन आज तक वह परेशान है। तो परेशान होते होते वह क्या करेगा? एक दिन उस के दिमाग में यह बात भी आ सकती है कि जो पुनाचा साहब तमाम हेडों पर बैठे हुए है और जो हम को हमारे हक नही दिला पाते तो पुनाचा साहब को ही हम क्यों न ठीक करें। वह भी तो सोच सकता है। उस का भी दिमाग बदल सकता है।

उपसभाध्यक्ष (श्री अकबर अली खान) : आप मशविरा मत दीजिये।

श्री राजनारायण : मै क्यों दूं। मै तो आपको बता रहा हूं। जो यह शिक्षा मंत्री है श्री त्रिगुण सेन साहब, इन को कम से कम चार, छः टेली-फोन हमारा हो जाता है। कहीं रहें, मुरादाबाद से भी कर लेंगे, लखनऊ से भी कर लेंगे, बनारस से भी कर लेंगे। हम कहेंगे कि साहब, त्रिगुण सेन जी, आप काशी विश्वविद्यालय का मसला निपटा दीजिये। कहेंगे, कि हां, हा, सोमवार को हमारा बयान होगा। अखबारों में भी आपने इस बात को पढ़ा होगा।

श्री महेश्वर नाथ कौल : आया था।

श्री राजनारायण : सब अखबारों में होगा कि वे सोमवार को बयान करेंगे और आज जब यहां आया तो पाया गायब। तब हम को आपका सेक्रेटेरियट बताता है कि उन की एक चिट्ठी आयी है कि वह बयान बुधवार को होगा। लेकिन बुधवार तक तो वहां आग लग जायगी।

उपसभाध्यक्ष (श्री अकबर अली खान) : आप ने सुबह में यही चीज कही थी।

श्री राजनारायण : मै प्रमाणों सहित पेश कर रहा हूं अपनी मुश्किलात को। आप घबराइये मत। जल्दी कर देता हूं। आप इसको देखिये और सोचें और जब आप उस कुर्सी से उठें तो भी सोचें और आप के जरिये मै अपने मित्र भार्गव साहब से भी कहना चाहता हूं कि वह भी सोचें कि बीस साल तक . . .

श्री महावीर प्रसाद भार्गव : आप भी सोचें कि त्रिगुण सेन साहब, रेल मंत्री कब से हो गये। यह रेलवेज अमेंडमेंट बिल चल रहा है।

श्री राजनारायण : चाहे रेल हो, चाहे शिक्षा हो, चाहे बैंक हो, जहां जहां इस समय सरकारी कर्मचारी हैं, सरकारी कर्मचारियों को शान्तिपूर्ण ढंग से, जनतांत्रिक ढंग से अपनी हड़ताल के अधिकार को कायम न होने देने के लिये यह विधेयक है। हर जगह यह लागू है चाहे रेलवे हो या और कोई विभाग हो। दो दिन पहले एक बैंक का बिल आया था और श्री मोरारजी जी साक्षात् साधु है उन्होंने उसे पेश किया था। वह तो मामला एक ही जगह है। तो यह प्रवृत्ति है और हम चाहेंगे कि इसको वे सोचें और ज्यादा

[श्री राजनारायण]

अच्छा है कि पुनाचा साहब इसको आज वापस ले लें। इस पर वे फिर विचार करें और खूब समझ लें कि इससे रेलवे में दुर्घटनाएं बढेंगी और इससे गाड़िया ठीक समय पर नही जा पायेंगी। हम बातें सुनते हैं। रेल के ड्राइवर कहते हैं कि क्या करें। हम उसको अपनी भोजपुरी में बता देते हैं :

एक कहता है कि सरवा ऐसा कैलेस है कि हमें दो दिन पहलवा से भेज देहले लखनऊ। फिर दूसरा कहता है कि हम हू को तीन दिन पहलवा से भेज देहले।

श्री महेश्वर नाथ कौल : फिर इंजन छोड़ कर चले जाते हैं।

श्री राजनारायण : उनके दिमाग मे यह है कि सरकार जबरदस्ती उनके हक़ को छीन रही है और यह बात धीरे धीरे उनके दिमाग में बैठती जा रही है पुनाचा साहब, और जब यह बात बैठ जायगी तो आप तो यहा मंत्री हमेशा रहोगे नहीं, यह देश जहन्नुम में चला जायगा, इस लिये देश को जहन्नुम में जाने से बचाओ और इस काले विधेयक को, गला घोटू विधेयक को, हक मारू विधेयक को, कर्तव्यहीन बनाने वाले विधेयक को आप इस समय वापस लो। मैं आपसे भी श्रीमन्, यह कह रहा हूं कि आप अलग बैठ कर इस पर सोचियेगा कि देश हमारा इस समय बहुत बड़े ज्वालामुखी के कगार पर खड़ा है।

केवल गवर्नमेंट का सवाल नहीं है। कभी कभी हम अपने सेक्रेटेरियट के बारे में कुछ कहते हैं तो बहुत से लोग नाराज हो जाते हैं और कहते हैं कि आप हमारे सेक्रेटेरिएट को भी नही छोड़ते हैं। क्या छोड़ें? हमारे पास ऐसे प्रमाण है कि सवाल है हमारा प्रधान मंत्री से और सवाल हमारा चला गया कामर्स मिनिस्ट्री के पास। यह क्या हो रहा है? ये कोई मामूली बातें हैं? यानी अब हमारे सवाल की स्वीकृति मंत्रियों से पूछ कर हो, यह सब तमाशा हो रहा है। इस लिये हम आपसे करबद्ध प्रार्थी है कि बहुत कुछ हो चुका है, इस देश को अपनी ज़िन्दगी के आखिरी दिनों में बना दें आप।

फिर भी मैं कह देना चाहता हूं कि आप कहेंगे कानून, कानन। क्या कानून? हम इसको पसन्द नहीं करते और मैं आपसे कह रहा हू कि यह कोई मामूली बात है कि कल तक तो यहा पर रोज टेलीफोन लग रहा था। हम भी बात सुनते रहते हैं। हम भी राजनीति में ही पड़े है और तीन साल की उम्र से राजनीति कर रहे हैं। ऐसा तो नहीं है कि हमारे पास ताकत नहीं है तो हमारे पास सत्य भी नही है। ताकत जानबूझ कर हमारे पास नही है। अगर पुनाचा साहब की तरह, घोष साहब की तरह ताकत लेना ही हमारा धर्म होता, तो ताकत तो आप समझ सकते हैं कि जब चाहें तब आ सकती है, मगर उस तरह से ली हुई ताकत राक्षसी होगी, वह ताकत साधु नही होगी, पाक नही होगी। अब आप देखिये कि हरियाणा में क्या हो रहा है...

उपसभाध्यक्ष (श्री अकबर अली खान) : अब आप खत्म कीजिये ।

श्री राजनारायण : केवल इसी लिये न कि वहा पर प्रेसिडेंट रूल लागू हो जाय ।

उपसभाध्यक्ष (श्री अकबर अली खान) : देखिये, यह गैरमुताल्लिका है ।

श्री राजनारायण : आप ठीक कहते हैं कि यह जो विधेयक है उससे सम्बन्धित नहीं है । लेकिन आज हम को रेल से जाना हो, आज हम रेल पर चलें, रेल बराबर समय पर चल नहीं रही है और हम को वहां चंडीगढ पहुंचना हो, हम को वहां श्री भगवत दयाल शर्मा से बात करनी हो तो हम ठीक समय पर पहुंच नही पायेंगे क्योंकि संपूर्ण रेल का मामला गड़बड़ है ।

अब लखनऊ के बारे मे देखिये ।

उपसभाध्यक्ष (श्री अकबर अली खान) : राजनारायण जी, 15 की जगह 25 मिनट हमने आप को दे दिये ।

श्री राजनारायण : पांच मिनट और दे दीजिये और हम खत्म कर देंगे ।

उपसभाध्यक्ष (श्री अकबर अली खान) : आप गलत मिसाल कायम करते हैं ।

श्री राजनारायण : एक मेल यहां से मुरादाबाद होती हुई लखनऊ जाती है और एक एक्सप्रेस कानपुर होती हुई जाती है । शायद ही कोई ऐसा दिन हो जब वे दोनों डेढ़ दो घटा लेट न होती हों । ऐसा क्यों है, कोई हम को बता दे ।

श्री महेश्वर नाथ कौल : यह बजट पर कहियेगा ।

श्री राजनारायण : बात यह है कि आप सेक्रेटेरिएट में रह कर लकीर के फकीर हो गये हैं । पता नही चल रहा है हमारे सम्मानित सदस्य को कि इस तरह के कानून मजदूरों में गुस्सा पैदा करते हैं और थोड़ा सा मामला जहां बिगड़ता हो वहां ज्यादा बिगाडते हैं । हम कितने लोगों को बतायें मंत्री जी को । अगर यह उनको निकाल नही, इनका रेलवे विभाग उनको खराब न करे तो हम उनका नाम बताने के लिये और उनका बयान कराने के लिये तैयार हैं । हम लोगों के पास इतनी फुर्सत नही है और फुर्सत हो तो देख लें । शायद ही कोई स्टेशन बचता है, शायद ही कोई दिन बचता है, घर तो हमारा करीब करीब रेल का डिब्बा ही है, हम चलते ही रहते हैं, कैसे खाना मिलता है, कैसे कंडक्टर आता है, कहां क्या स्थिति होती है यह सब हम को पता रहता है । हमारे वह साथी आज नही हैं जो अक्सर चिल्लाते रहते हैं और जो वहां बैठते हैं, श्री आबिद अली साहब । श्री आबिद अली साहब जा रहे थे और आबिद अली साहब के डिब्बे में एक पैसेंजर, सरदार साहब बड़ी बड़ी दाढ़ी वाले बैठे थे । वे कहने लगे कि साहब, क्या बतायें, अभी हम फर्स्ट क्लास के डिब्बे में कह रहे थे कि हम को जगह मिले और हम को बताया गया कि सब बुक्ड है, जगह खाली नहीं है । फिर वे कहने लगे कि मैं चला आया और पांच रुपया थमाया और पांच रुपया थमाने के बाद हम को इसी चार वाले में एक जगह मिल गई । ये सब चीजें हो रही हैं । पुनाचा साहब, घोष साहब, चतुर्वेदी साहब, आगरा वगैरह घूमने से फुर्सत मिले तो ज़रा इसके ऊपर आप ध्यान दें । इस तरह के विधेयक को ला कर के कोई बढ़िया काम नही होगा इस से काम खराब होगा, बिगड़ेगा, यही हमारी प्रार्थना है ।

SHRI K. C. PANDA (Orissa) : Mr. Vice-Chairman, Sir, till a few years after independence we had confidence that at least the two essential services, the railways and the post offices, were running to the satisfaction of the people. But since about a decade or more we feel that it has become unsafe even to travel in a train. Rather the people in India say that it is safer to travel by air. For these conditions we have to blame not only the employees but also the management on certain Railways.

Sir, the demands of the employees are rising day by day. Though the Government is trying to meet the same the main reason is the rising prices of essential commodities. In many cases we have seen how immediately after the announcement about a raise in D.A. and other allowances prices rise in the entire country. The income of the employees is again mitigated and the low-paid servants are put to trouble again and again. I can mention to you, Sir, one instance.

I was travelling by train on the 23rd May this year. My compartment had no water. I complained at Kanpur and got a reply that it will be supplied at Asansol. The train reached Asansol at about 2 in the noon and I was asked by some employee there to go to the top of the overbridge where the A.S.M. was sitting. Hot wind was blowing. With great difficulty I managed to go to the top of the overbridge, and told the A.S.M. my grievance. Of course, I did not identify myself as an M.P.; I never do it unless it is absolutely essential. I got a reply that the leakage could not be mended. I came down to my compartment and took my seat when an old man came there and told me that it could not be mended there and that it could be mended only at

[Shri K. C. Panda]

Kharagpur. And then he said "You cannot help it. The leakage is there because of a hole in the bottom." I told him "Leakage is always at the bottom." Of course, when he knew that I was an M.P. travelling in that compartment, he volunteered himself and brought me a bucketful of water and so my children and I could manage. After some time, he told me "I am an old man. I am going to retire very soon. If you make a complaint, my service will be at stake, and I will not get my pension." This is the fate of the employees Of course, I have not made a complaint.

SHRI ARJUN ARORA (Uttar Pradesh) : You are complaining.

SHRI K. C. PANDA : It is not a complaint. I am only giving an instance. What I mean is that near about 700 Members of Parliament are travelling by train and if we draw attention to such incidents that we are coming across, and the Railway Ministry takes note of such incidents and instances and forwards the same to the different quarters for mending them so that they will not recur, then I think half the problems of the people will be solved. I am mentioning this by way of suggestion. I am not complaining. I request the hon. Minister not to take it as a complaint. What I mean to say is that the grievances of the people should be looked into. Now, that man was definitely aggrieved. He had not been able to attend to those defects due to certain defects, as he mentioned, in the management. This is only one instance. Several hundreds and thousands of defects are there in the country. And these people are taking to other severe means when they are united in unions. I do not mean to say that they should stop trains and they should go on strike so that the people of the entire country would suffer and the tarvellers, as mentioned by some of my hon. friends, would suffer, up to the extent of detriment to their own interests. Now the Government has brought forward this Bill before the Parliament in order to regularise their order issued through an Ordinance. They could have taken other disciplinary actions instead of providing for these heavy punishments in the Bill. Disciplinary action could have been taken against those employees who defaulted in their duty. This punishment of sending him to jail will not only relieve him from his service, but will also deprive him from getting other facilities which he would have earned during his service. So the punishment proposed in the Bill, in my opinion, is a little heavier than what it ought to be for an employee, especially for employees of the junior cadre.

Another difficulty that I have come across is, when the coastal line of Orissa was disrupted and the trains were diverted through other sections, Jharsuguda and Titilagarh, to the best of my knowledge, no extra staff was deputed although all the goods trains and passenger trains were diverted from Kharagpur to Waltair on that line. The original staff that was at the stations was attending to regular trains. Extra staff was not deputed for attending to the extra passenger trains and goods trains. So if the existing staff was not able to attend to their duties fully and if we take it as neglect of duty and take severe steps in such cases, then it will be hardship to the employees. So I would appeal to the Railway Minister to limit the punishment to disciplinary actions only.

Thank you.

SHRI K. P. SUBRAMANIA MENON (Kerala) : Mr. Vice-Chairman, this Bill is an important measure. Its importance lies in the historic context in which it is placed. When we evaluate a measure, it is necessary for us to evaluate the context in which the measure is brought forward, in relation to the events of the past and in relation to its future implications. True, it is a simple measure. But all the same, it has got wider implications which are beyond the simple issue of the railwaymen's strike or the railwaymen's rights.

As you know, Sir, this measure is coming just after the 19th September strike. How did the 19th September strike take place? For the last 20 years

we have had some sort of independence. And for three Five-Year Plans we have been promised some sort of socialist development and all. But what has happened? The worker has lost his wages It is not that he is demanding more now What he is demanding today is to see that he gets to-day what he was getting previously. He is only asking for stabilisation of his wages. Due to the increasing prices and inflation, wage erosion has taken place and the railway worker, the Government employee and the working class in general in the country have been demanding, have been fighting for stabilisation of wages. It is not that nobody has gained in this country. It is only the working class, the men who produce wealth, the peasantry, the poor agricultural labour and the millions of unemployed people who are the losers On the contrary, Sir, in this country when this socialist pattern was being implemented, you have seen the rise of giant monopolists, men who have earned millions and crores of rupees, piled out of the almost slave labour extracted from the millions of workers. It is in this context of the rich becoming richer, the poor becoming poorer, the industrialists, the manufacturers, the contractors and the traders amassing huge wealth at the cost of the consumer, the worker, the peasantry and the agricultural labour, that this strike has taken place. It is not that always one goes on strike People do not go on strike normally After all Government employees are middle-class employees. They do not have that much of class consciousness They do not fight for political reasons. They only fight for their minimum needs and they only fight to maintain their falling wages The Government came out with an Ordinance to suppress them. I wish the Government had used its powers of suppression on some other sections of the people. But we do not find this Government using any of its powers against those particular sections of the people who have been profiteering, who have been making money, who have been becoming millionaires. No, it does not use its powers. Its powers are used only when the working class fights for just to maintain its wages, not to increase even. Its powers are being used to suppress the people who do not have food to eat Its powers are being used to oppress the people who do not have shelter. Its power are also being used to oppress the poor and the disinherited of the land Its powers are not used against the rich Its powers are not used against the black marketeers nor against the profiteers, nor against the smugglers, nor against the tax dodgers. No, it has no power when it comes to them. It is in this context that this Bill has come. Sir, it is very well to say that the services should be maintained. True, the services should be maintained. At what cost? The trade unions in this country and in fact all over the world, have established certain rights and those rights have not come *gratis*. The workers shed their blood. They gave up their lives From the streets of Chicago to the streets of Bombay they fought for it. It is not that some Government because of its goodwill, because of its gratitude, has given the workers these rights Some of these rights are codified already Some of them are born out of conventions. One of these rights is not only to go on strike but to picket. To picket, to prevent black legs from being employed when the strike is on, is an inalienable right of the working class which it has won during 200 years of struggle against oppression. Now, Sir, whatever may be the justification, there are certain historical facts and I wish sometimes the administrators, the Ministers, etc. are accustomed with the historical phenomena. The fact is, Sir, today that right is being taken away It is very serious because this is where history comes in. In a class society where social conflicts are inherent, where conflicting classes have to fight for their rights, it is incumbent that these different classes, different sections of the society, have got the right to organise and to strike for them Now, if that is not there, that society ceases to be a democracy. I tell you, Sir, you may have a Parliament. But the Parliament can achieve nothing We have seen it. We are seeing it every day. You may shout in the Parliament, but nothing is achieved. Only

[Shri K. P. Subramania Menon]

when the working class is able to organise, is able to struggle and fight for its right, can it gain something out of this struggle. The Parliament cannot enforce and Parliaments are not effective in such things. The *sine qua non* of democracy is the right of different classes to organise, to struggle for their interests and especially in a bourgeois society in which the capitalist class wields the power, it is the right of the working class to organise itself into trade unions and to bargain collectively and also to see that their strike is effective. For that it is necessary sometimes to do picketing, sometimes to prevent the black legs from being employed, etc. If that right is not given, if the Governments do not recognise such a right, then inevitably such Governments will slip into the domain of authoritarianism and it will not be far when fascism takes over. We have seen in history, Sir, these are the troubled times. Today capitalism is being shaken to its foundations everywhere in the world. In America . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Menon, please try to . . .

SHRI K. P. SUBRAMANIA MENON: Sir, I have just made one point.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): But you are discussing the general problem of fascism.

SHRI K. P. SUBRAMANIA MENON: No, no. This is a historical thing.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): We have a limited issue.

SHRI K. P. SUBRAMANIA MENON: Sir, we are faced with a serious thing. It is not just the right of the railway worker that is involved in it.

You know, Sir, bourgeois Governments have got a particular role and that role is of a moderator of class conflicts. Now, it has to appear impartial, though not in reality, as between the worker and the capitalist, as between the employer and the employee, as an independent agent, as a peace-maker. The moment a bourgeois Government in a parliamentary democracy ceases to have that role, abdicates its deceptive role of moderator of class conflicts, then, it becomes an authoritarian regime and whatever may be, the Parliament may be in existence in name only, its role as a Government, as a parliamentary democracy, ceases to exist. Sir, here is a measure which makes the Government the very engine of class conflict. From becoming a moderator of class conflict, from becoming an agent which prevents conflicts, social conflicts, it is becoming itself an agent, an engine, of this conflict. This is a very serious situation. This is the situation in which Germany became fascist in 1933 when the Government of Franz von Papen started oppressing the workers, shot down the workers . . .

SHRI M. N. KAUL: What has that to do with this Bill?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have reminded him.

SHRI K. P. SUBRAMANIA MENON: You have not listened to me . . .

SHRI M. N. KAUL: The whole question is if an engine driver leaves the train in the middle of a track, what will happen?

(Interruptions)

SHRI K. P. SUBRAMANIA MENON: Now, this question of engine driver. You may remember, Sir, in this country you do not have an enlightened administration. Just some months back we had the instance of the firemen going on strike. Could anybody have said that the firemen's strike was unjustified? Could anybody have said that? Twentytwo hours a day they were asked to work like slaves . . .

THE MINISTER OF RAILWAYS (SHRI C. M. POONACHA): No, no.

SHRI K. P. SUBRAMANIA MENON: They were. It was on record.

SHRI CHITTA BASU: They were working for 15 to 16 hours.

SHRI K. P. SUBRAMANIA MENON: Sir, the point is if we have got an enlightened administration in the Railway Board I can understand the existence of certain norms. But here in this country we do not have them. Sir, we have got a barbarous administration which has got any soul in it, which is savage in its oppression of the people and it is with this administration we have to have this sort of draconian laws and its effect on the society and its effect on social conflicts will be far-reaching. You are shutting down, you are plugging all the avenues of protest, all the avenues of canalising the people's protest against an unjust administration. And where will you reach? The people who talk about the rights of other people, the people who talk about the duties of the workers, should have some sense of history. If this sort of thing continues, Sir, I pity them. We may not all be here for long to enjoy this sort of privileges for us and it will be a sad day for this country, Sir, when this sort of legislation will be implemented in all its naked effect, naked fury, on the people of this country; then the day will come when the whole thing will collapse. I warn this Government. I warn all of you, Sir.

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.]

श्री जगत नारायण (हरियाणा) : जनाब व्हाइस चेयरमैन महोदय, में आपकी वसाकत से बड़े अदब के साथ रेलवे मिनिस्टर साहब की खिदमत में अर्ज करना चाहता हूं कि यह जो बिल वह ला रहे हैं इस मतलब के लिये कि स्ट्राइक खत्म हो जायगी, तो मैं उनसे कहना चाहता हूं कि इससे भी ज्यादा सख्त बिल वह ले आएं, रेलवे में स्ट्राइक्स खत्म नही होंगी । अगर वाकई वह दिल में चाहते हैं कि रेलवेमेन की स्ट्राइक नही होगी, सरकारी मुलाजिमों की स्ट्राइक नहीं होगी, तो उसका तरीका यह है कि आप उनकी शिकायतों को दूर करें जैसे आपका ही एक डिपार्टमेन्ट है रेलवे का । आपको मालूम है कि रेलवे मिनिस्टर के दिल में नरमगोशी है, बड़े शरीफ आदमी हैं, अपने मुलाजिमों की देखरेख चाहते है और मेरी कई दफा उनसे बातचीत हुई है इस मामले में । लेकिन दुख होता यह देख कर कि रेलवे डिपार्टमेन्ट मे एक मैट्रिक पास 100 रु० लेता है, एक 80 रु० लेता है, एक 150 रु० लेता है, एक 250 रु० लेता है । असली चीज यह है कि यह जो डिफरेन्स इन पे एन्ड स्केल्स है, यह आपको दूर करना चाहिये । इंसान क्या चाहता है । इंसान चाहता है कि सब को खाना मिले, पहिनने के लिए कपड़ा मिले ताकि वह ठीक तरीके से अपनी जिन्दगी बसर कर सके । इसके साथ ही साथ वह यह भी चाहता है कि जिस मुहकमे में वह काम करे वहां उसके साथ अच्छी तरह से सलूक किया जाय । लेकिन मुझे बड़ी हैरानी होती है और वजीर साहब को मालूम है कि मैं उनके नोटिस में इस तरह की बात ला चुका हूं कि एक आदमी को एक मुहकमें में 100 रु० तनख्वाह मिलती है, तो उसी तरह के आदमी को दूसरे मुहकमे में 150 रु० मिलता है और तीसरे मुहकमे में 250 रु० मिलता है । तो मैं यह जानना चाहता हूं कि क्या उनको इस बारे में पता है कि इस तरह पे आफ-स्केल में क्यों फर्क है ? इन सब बातो को जानते हुए भी यह हमारी बदकिस्मती है कि वे उनकी ओर ध्यान नही देते है ।

दूसरी वजह यह है कि हर सरकारी मुलाजमीन समझता है कि उसके साथ इंसानियत का सलूक हो । यह आपका रेलवे का मुहकमा जिस ढग से काम करता है, रेलवे बोर्ड के आफिसरान जिस ढंग से काम करते है उससे जो छोटे तबके के मुलाजमीन है, उनके साथ उनका बर्ताव अच्छा नहीं होता है और इसकी वजह से सरकारी मुलाजमीनो को दुःख होता है । वह समझते है कि हमारे साथ रेलवे मुहकमा इस कांग्रेस के राज्य में कभी भी इंसानियत के साथ सलूक नही करेगा । मैं एक वाक्ये का मिनिस्टर साहब के सामने अर्ज करना चाहता हूं । नार्दरन कमर्शियल क्लर्क एसोसिएशन के वाइस प्रेजीडेन्ट ने श्री पुनाचाजी से मिलने के लिए टाइम मांगा था । अम्बाला में रात के

[श्री जगत नारायण]

करीब एक बजे थे और उन्होंने मिलने का समय दे दिया और उस मुलाकात में उन्होने अपना मैमोरेन्डम पेश कर दिया । दूसरे दिन जब डिवीजनल सुप्रिन्टेन्डेन्ट को इस मुलाकात के बारे मे मालूम हुआ तो उसने उस क्लर्क को सस्पेड कर दिया । जब हमने इसकी शिकायत मिनिस्टर साहब से की तब जाकर वह बहाल किया गया । मै समझता हू कि आपके बडे बड़े अफसर अपने छोट सरकारी मुलाजमो के साथ इस तरह का सलूक करते है । इसलिए मै अर्ज करना चाहता हू कि जब तक आप अपने मुलाजमीनो के साथ ठीक तरह से सलूक नही करेंगे तब तक आप उनका काफिडेंस नही पा सकेगे । यह चीज निहायत जरूरी है और इसकी तरफ आपको तवज्जो देनी चाहिये ।

यह जो रेलवे बोर्ड के बडे बडे आफिसर है, उनका किस तरह का सलूक होता है इसका उदाहरण मै आपको बतलाना चाहता हू । सेन्ट्रल रेलवे की कनसलटेटिव कमेटी की मीटिग हुई थी । हम जब कोई बात कहते है तो वह रेलवे बोर्ड तक पहुचती ही नही है । मुझे याद है कि मैने वहा पर कुछ बाते कही थी और रेलवे बोर्ड के चेयरमेन से बातचीत करने की कोशिश की थी । श्री चतुर्वेदी साहब तो चले गये थे, लेकिन रेलवे मिनिस्टर थे, लेकिन उन्होने मुझ से केवल दो मिनट बात की और उसके बाद चले गये जबकि बातचीत पूरी खत्म भी नही हुई थी । अब आप ही बतलाइये कि जब पार्लियामेट के मेम्बर के साथ रेलवे बोर्ड का मेम्बर इस तरह से सलूक कर सकता है, उसकी बात सुनने के लिए तैयार नही है, उस पर विचार करने के लिए तैयार नही है तो आप पब्लिक और छोटे सरकारी मुलाजमीन के साथ किस तरह का सलूक करेंगे । वे लोग चाहते है कि हमारे साथ इंसानियत के साथ सलूक किया जाय और हमारे साथ पे स्केल के मामले मे बराबरी का बरताव किया जाय । उनको जो इसाफ का सलूक मिलना चाहिये था वह नही मिल रहा है ।

तीसरी बात जो मे अर्ज करना चाहता हूं कि जो मिनिमम वेज है, जिस तरह से प्राइसेज बढ रहे है, जिस तरह से महंगाई बढती चली जा रही है, उस के हिसाब मे उनकी तनख्वाह मे भी बढोतरी होनी चाहिये और इसके लिए एक पे कमिशन मुकर्रर किया जाना चाहिये । अगर आप इस तरह का पे कमिशन मुकर्रर करेगे तो जो आये दिन स्ट्राइक होती है तनख्वाह के बारे मे वह न हुआ करेगी ।

इसके साथ ही साथ मै यह भी अर्ज करना चाहता हू कि आप जिस तरह का लेजिस्लेशन लाने की कोशिश कर रहे है उसके लिए तो आपके पास पीनल कोड पडा हुआ है, आपके पास बडी भारी मशीनरी पड़ी हुई है और इतना बड़ा रेलवे बिल पडा हुआ है जिसमें आप 92 दफा से लेकर 150 तक अपने रेलवे मुलाजमीनों को सजा दे सकते है । इस तरह से आपके पास पूरे अख्तियार है । इसलिए मै पूछना चाहता हू कि यह जो बिल लाया गया है वह किन अख्तियारो के लिए लाया गया है ? इस बिल को लाने की बिल्कुल भी जरूरत नही है ।

मै आप से एक सवाल पूछना चाहता हू और इसमे जो एक आइटम है उसको पढकर सुनाना चाहता हू । यह आइटम इस तरह से है :

> "If a railway servant compels or attempts to compel or causes any passenger to enter a compartment which already contains a maximum number of passengers, exhibited therein or thereon under section 63, he shall be punished with fine which may extend to rupees twenty."

तो मै आप से यह अर्ज करना चाहता हू कि आप फ्लाइंग मेल पर चले जाइये और आप देखेंगे कि जिस डिब्बे पर 50 आदमियो के बैठने के लिए जगह होती है उसमे 100 आदमी बैठे हुए है । तो मै आप से यह जानना चाहता हू कि आप इस के लिए किस को जिम्मेदार ठहराते है और किस को सजा देते है ? इसलिए

मैं यह अर्ज करना चाहता हूं कि आप इस बिल के जरिये दो साल की सजा देना चाहते हैं और समझते हैं कि इससे स्ट्राइक नहीं होगी तो यह एक गलत बात है । हमारे मुल्क में डैमोक्रेसी है और डेमोक्रेसी में आप स्ट्राइक को नहीं रोक सकते है । पाकिस्तान, जहां कि डिक्टेटरशिप है वहां पर स्टूडेन्ट स्ट्राइक कर रहे ह और तब भी कोई उनको नहीं रोक सका है । जहां तानाशाही है वहा पर स्ट्राइक को नहीं रोका जा सका है तो यहाँ पर हमारे मुल्क में तो डैमोक्रेसी है और इस चीज को कैसे रोका जा सकता है । जो स्ट्राइक की बात है वह कांग्रेसवालों ने ही दी है । कांग्रेस वाले इसको पहले से करते चले आ रहे है, वे सत्याग्रह करते चले आ रहे हैं और न समझता हूं कि जो यह बिल सरकार ला रही है उससे वह स्ट्राइक को नहीं रोक सकेगी । अगर आप वाकई रेलवे मुलाजमोनों को सजा देना चाहते है और यह चाहते है कि स्ट्राइक न हो, रेलवे एक अच्छा मुहकमा बने, तो आपको इस तरह के बिल लाने की जरूरत नहीं है क्योंकि आपके पास पहले से ही पीनल कोड के तहत काफी ताकत है ।

मैं रेलवे मिनिस्टर साहब से अर्ज करना चाहता हूं कि जब हिन्दुस्तान का बंटवारा हुआ था तो सबसे अच्छा काम रेलवे ने ही करके दिखालाया । बड़े बड़े लोगों ने रेलवे के काम की तारीफ की, उसकी अच्छी सर्विस की तारीफ की और जब हम उस तरफ से इधर आये तब हमने भी इस चीज को महसूस किया । मगर आज क्या हालत है । आज हालत यह है कि आज रेलवे में सफर करना मुश्किल है । यह छोड़ दीजिये कि हम प्रिविलेज्ड क्लास हैं और हमारी सीटें रिजर्व हुआ करती है । सीट भी रिजर्व करने के लिए 10 या 20 दिन पहले से लिखना और कोशिश करनी पड़ती है तब जाकर सीट रिजर्व होती है । लेकिन आज गाड़ियों में इतनी भीड़ रहती है कि जिस डिब्बे में 50 आदमियों के बैठने की जगह होती है उसमें 100 से भी ज्यादा आदमी बैठे रहते हैं और इसके लिए किसी को जुर्माना या फाइन नहीं किया जाता है । आज आम पब्लिक को रेल में अच्छी तरह से बैठने के लिए जगह नहीं मिलती है । इसलिए मैं यह अर्ज करना चाहता हूं कि अगर आप रेलवे मुलाजमीनों से यह चाहते हैं कि वे स्ट्राइक न करें, वे अच्छा काम करें, पब्लिक की सेवा करें तो जो यूनियनें कम्युनिस्ट के मारफत आई है या इंटक के मारफत आई हैं और जिन यूनियनों को आपने रिकगनाइज्ड करने से इन्कार कर दिया है उन सब को आप मान लें । अगर आप इस तरह की बात करते है तो मैं उम्मीद करता हूं कि रेलवे मुलाजमीन स्ट्राइक की बात नही करेंगे । जिन 20 परसेंट लोगों ने पिछले मर्तवे स्ट्राइक में हिस्सा लिया था उनके लिए आप इस तरह का कानून ला रहे हैं, लेकिन मैं यह पूछना चाहता हूं कि इसमें 80 परसेंट वह लोग भी शामिल कर लिये जायेंगे जिन्होंने स्ट्राइक में हिस्सा नहीं लिया था । इन लोगों को आप क्यों सजा देना चाहते हैं और उनका क्या कसूर है ? इस तरह का जो कानून आप ला रहे है, यह बहुत सख्त है और मैं अर्ज करना चाहता हूं कि आप को इस तरह का कानून नहीं बनाना चाहिये क्योंकि आपके पास तो इंडियन पीनल कोड मौजूद है ।

मैं फिर आप से अर्ज करना चाहता हूं कि अगर आप यह चाहते हैं कि सरकारी मुलाजमीन स्ट्राइक न करें तो आप उनके साथ इंसानियत की तरह सलूक करें, उनका जो पे स्केल हो वे बराबर हो और उनके पे स्केल में जो डिफरेंसेज हैं उसको खत्म किया जाय । अभी हमारे एक भाई कह रहे थे कि एक मैट्रिक पास किये हुए आदमी जो इंजिन में कोयले डालने और दूसरा काम करते हैं उनको 100 रु० माहवारी मिलता है और दूसरे आफिसर को जो एयर कंडिशन्ड रूम में बैठकर काम करता है, हुक्म चलाता है उसको आप बड़ी बड़ी तनख्वाह देते है । जब इस तरह से तनख्वाह में डिफरेंस होता है तो रेलवे मुलाजमीन के दिल में नफरत पैदा होती है । कांग्रेस यह चाहती है और गांधी जी भी यह चाहते थे कि सब के साथ एक जैसा सलूक किया जाय, लेकिन यह सरकार उसकी

[श्री जगत नारायण]

तरफ ध्यान नहीं दे रही है । आप जिस तरह का बिल ला रहे हैं उससे आप समझते हैं कि स्ट्राइक नहीं होगी । आप पांच साल की सजा का बिल लाइये फिर भी स्ट्राइक होगी और आप उसको रोक नहीं सकेंगे । रोकने का एक ही तरीका है कि आप उनके दिल में कांफिडैंस पैदा करें, उनकी कंडीशन बेहतर बनायें, उनको एमैनिटीज दें, कपड़ा दें, खाने को दें, मिनिमम वेज दें और उनके साथ इंसानियत का सलूक करें । आपके जो बड़े आफिसर हैं वे जिस ढंग से सलूक करते हैं उसको चैक करें ।

मैं समझता हूं कि आप मुलाजमीनों का जो स्ट्राइक करने का हक है वह छीन नहीं सकते हैं और सरकार को वह हक उन्हें देना ही पड़ेगा । मगर यह जो आप ने रास्ता बनाया

5 P. M. हुआ है कि यूनियन के रास्ते से ही वह पहुंच सकते हैं आप के पास यह बिल्कुल गलत है । जो सरकार के कर्मचारी हैं उन को आप के पास सीधे पहुंचने का हक होना चाहिये और आप को उन की बात सुननी चाहिये । जिस तरह से पोस्टल की दस यूनियनें हैं, एयर वालों की दस यूनियनें हैं तो क्या वजह है कि रेलवे के इतने बड़े महकमे में केवल दो ही यूनियनें हों और उन के जरिये ही कर्मचारी आप के पास तक पहुंच सकते हैं । इसके लिये आप को कोई दूसरा रास्ता निकालना चाहिये और तमाम यूनियनों को रिकग्नाइज करना चाहिये और हर एक आदमी को आप राइट दीजिये अपने पास तक पहुंचने का । इस से हालात बेहतर होंगी और आप महसूस करेंगे कि और दूसरे तरीकों से हालत बेहतर नहीं होगी, बशर्ते कि आप मेरे इन सुझावों पर गौर कर अमल करने की कोशिश करें ।

श्री राजनारायण : मैं एक औचित्य का प्रश्न उठाना चाहता हूं । राज्य सभा इस में *न्याय कर सकती है । यहां* 42 विधान सभा, हरियाणा के सदस्य उपस्थित हो गये हैं और राज्यपाल महोदय उन को बुला नहीं रहे हैं. . .

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : यह समय नहीं है इस का । आप तशरीफ रखिये ।

श्री राजनारायण : हरियाणा में संविधान टूट रहा है । इस के लिये हम लोगों को कुछ करना चाहिये । मैं आप के द्वारा सरकार से कहना चाहता हूं कि यहां की कार्यवाही वह रोके और घर मंत्री को बुला कर बयान करावें कि वस्तुस्थिति क्या है ।

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव): आप तशरीफ तो रखिये । It is not open to any hon. Member to get up at any time and raise any question. There is a procedure laid down. You can see the Presiding Officer or the Chairman in his chamber, get his permission and then raise the question.

श्री राजनारायण : मैं आप की इस व्यवस्था से सहमति करने में अपने को असमर्थ पाता हूं । कारण मैं अभी सेंट्रल हाल में गया । वहां 42 आदमी उपस्थित है और चौहान साहब वहां बात कर रहे थे । तो अगर इस बात को हम अभी नहीं कहेंगे तो इस का कब मौका मिलेगा ? इस लिये एप्रोप्रियेट टाइम यही है कि आप के द्वारा हम सदन का ध्यान इस तरफ आकर्षित करें ।

SHRI G. A. APPAN (Madras) : Mr. Vice-Chairman, Sir, this is the House of Elders of India, the Council of Indian States. We represent the whole country and not a sector or segment of the population of this country. We have to feel and to see that everybody in this country has a regular job, food clothing and shelter, and such other basic amenities as these and not that only a few alone should get more and more of full and better employment and fat salaries, when most of our people are not even able to get a handful or morsel of food and even a good loin cloth, when many of them have to spend the days and nights in the public shelters or in huts, being left to the mercy of the weather, being subjected to the scorching heat of the sun, to the piercing cold winds in the winter or the downpour from the skies. Such is the sorry state of affairs of the poor masses of this country. In such a situation when the Government of this country

has to rule the country and carry on administration, they cannot be showing favouritism to only one sector of the population and vested interests at the cost of the legitimate interests of the others. The Government will have also to look into the interests of the millions of unemployed, under-employed, uneducated, workless, ill-fed, half-fed starving millions rather than care for only a few sectors of our society where the employees are fatly paid, like the postal employees. I have also been a poor worker and so I do not support these people alone too much to the exclusion and at the cost of the rest. I had been working on six annas a day, in 1930. I am proud to say that if today I am in this position, it is purely by dint of my submission to my higher authorities; it is by dint of my honest and sincere work—I used to obey my seniors so implicitly. If I do not like an employer because he is not paying me more or if he is not promoting me, even then I should not take any hasty action or disobeying him. I will have to leave him and go. It is my duty to see that I behave better, that I am more obedient to him, and that he is pleased to retain me longer, on better terms. If so, even if I would like to leave him and go, he would not let me go In such a way I conducted myself. Supposing I am a good worker, Mr. Vice-Chairman, Sir, even if I quarrel with my manager, if the grounds of my disagreement are quite justified—and if I want to go away from him, he will never allow me to go. For there comes the humane consideration of fair-play; there comes the basis and fundamental economic philosophy, there comes the economic truth and the sociological truth. He will be compelled to say if he is pleased with me, "My dear boy, please do not go. I will give you something more; what do you want? I will help you." There comes the economic factor. No employer can afford to lose a good and honest worker if he is useful to that sector of the economic activity, where he is able to realise and undertake the responsibility for higher productivity, efficiency, economy, etc.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Just a minutes, Mr. Appan. The Business Advisory Committee has recommended that whenever necessary the House should be prepared to sit up to six O'clock. Therefore, we propose to sit a little longer if the House agrees. Of course the House is the master.

SHRI SUNDER SINGH BHANDARI (Rajasthan): No, Sir, it is not necessary today.

SHRI RAJNARAIN: No, Sir.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I am in the hands of the House. *(Interruptions)* Let him finish; then we will decide.

SHRI G. A. APPAN: I have been travelling in the trains from 1940, Mr. Vice-Chairman. Sir, there were days when I used to travel from Madras to Madurai paying a railway fare of barely five rupees and ten annas. Now I have to pay eighteen rupees. So is the case with the present raised railway fares prevailing in all the sections of the different Railways operating in this country. Where does all this money go? If the Government shows more income from the Railways, the workers also clamour to get more money. It is but meet that we have to pay the workers also a good minimum wage. But then the Government also have their income limitations. It is the Government that runs this country, and not the Opposition. The Opposition will have to feel that their role is to co-operate with the Government, to help the Government, to advise the Government on right lines whenever they go wrong, and not to put obstacles in the smooth working of the Government administration and the railways, not to put a spoke in the wheels of, say, a goods train or a passenger train which the Government are trying to run economically, by raising workers' demands always as a rule. Government have got their own limitations. They have got a huge labour force and a large number of Government employees. There are the State Government employees, the Local

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Board employees, the sweating agricultural labourers and industrial workers organised and unorganised. All these people have to be treated alike more or less by the Government and representatives like us. They cannot show favoured treatment only to the railway workers or the postal workers and to the Central Government employees in general at the cost of the rest.

How un-comfortable is the railway journey these days, I am telling you now. I had been travelling some time back in a train compartment whose carrying capacity was marked as only 62. But there were about a hundred people more, with the result that I had to travel from Nagpur to Madras simply standing. Now the Government and the Railway Board will have to see that such overcrowding in trains is put an end to wherever such is the case. I have also been noticing that the trains very often run late, because some railway workers do not operate the semaphore in time and thus make a train come to a halt unnecessarily and then proceed after a long time, no doubt after the semaphore has been lowered allowing the train to proceed. People are not strict in the enforcement of time schedule and in matters of slackness where a train is unnecessarily held up by the semaphore point. The Government and the Railway Board will have to see that every late arrival, say even for five minutes of late arrival, is explained by the driver in-charge and the station staff on duty.

SHRIMATI YASHODA REDDY : and the Minister himself.

SHRI G. A. APPAN: Yes, Sir.

One thing more, Mr. Vice-Chairman. The Scheduled Castes in the Railway Departments are not able to have their legitimate share and justice. Even when some injustice has been done to the scheduled castes and tribes, even when many grievances have been there, even when they have been reported to the officers in-charge of promotions—the grievances of the Scheduled Castes and Tribes not getting the legitimate promotions—nothing tangible and worth while has happened. It is perhaps because those in high places try to help their own people, and in the process they are inimical to the interests of the Scheduled Castes and they write against the Scheduled Castes in their confidential reports so that they might not get higher promotions. Such injustices have been reported to all appropriate sectors but to no avail. Then the matter went to the court. And in a case where even the court had passed an order to reinstate a railway worker in his former position—it happened in Madras, the case has already been referred to the board—nothing came of it, and the Railway Board has not been able to do justice in this case so far. I think all these cases will have to be looked into by the hon. Minister for Railways. I may suggest and request that a sub-committee be appointed forthwith to go into the grievances of the Scheduled Caste and Tribe members wherever they may be working, to go to all important railway units or railway offices and headquarters to find out how matters really stand and to do the needful.

Further more, Mr. Vice-Chairman, Sir . . .

AN HON. MEMBER : Are you suporting the Bill ?

SHRI G. A. APPAN : I support the Bill as far as it does not go beyond the limits and I oppose it also if it goes beyond the limits and results in harassment and exploitation of the employees. I do not want that the Government should harass the employees unduly. At the same time I do not like that the employees should either coerce the management or ask for more than what is due to them in all fairness. They must show better behaviour towards their senior Officers and do their work honestly. I have known cases when some of the junior ranks even smoke before their senior officers. I do not like that; I won't behave like that.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Is the support more or is the opposition more ?

SHRI G. A. APPAN : I will have to support the Bill where it is legitimate and within limits. I do not say that this is a very pervasive Bill; this is merely a moral check. Who will take action against anybody unless one is found to be at fault, unless he is grievously at fault, unless he is seriously at fault? The Government officers and those in the Ministry have also got some commonsense and responsibilities. They do not take pride, they do not consider it a privilege or honour, they do not get a crown, by just penalising a man. No one will do such a thing. If I am wrong, I am entitled to be punished. This measure is only an advance check. While I say this, no doubt some people may think why I, a member from the Opposition, say this. But even as an Opposition member I would like to be constructive. If the Government goes wrong, I will not allow it either; I will even observe a fast unto death—and a path of non-violent passive resistance. I will see that the Ministers and the officers are rooted out of power rather, if they went wrong, than make my own fellow beings suffer. I am a poor man, a very poor man and do you mean to say that I will allow my poor brother to suffer to the delight of some of the quixotic officers or Ministers ? I cannot allow such a thing. The penalty as most of my friends have said is a little heavy. I suggest that the penalty for the people who desert work for the first time should be a fine of Rs. 51 instead of Rs. 200 and for those who intimidate, incite and provoke should be Rs. 101 because it is these people, the trade union leaders who do not belong to that service, who want to thrive at the cost of the poor workers, who are responsible for all these things. Please excuse me, Sir, for saying this. Even if I lose my membership I would like to be useful to the Government. I belong to a particular group and I am not a nominated Member and it is the duty of the nominated Members to be siding both them and the Government. Instead, now I have to tell my friends in the Opposition as well as in the Treasury Benches to be true, honest and sincere Members of this august House of elders rather than try to be biassed and favouring one sector at the cost of the other sector or looking at things rather from the point of view of majority than of the minority.

Mr. Vice-Chairman, Sir, whenever I have been travelling from Madras to Delhi and from Madras onwards there has been huge rush. I am to request the hon. Minister,—I have written to him also—that some more compartments should be added to each express train. It is not difficult for the hon. Minister to add a few more compartments in every train and, in every line. This the hon. Minister will have to do. He has also to see that production is increased, *i.e.*, production of wagons, coaches and all these things.

Now you will have to excuse me. I have been seeing that a number of people do not take tickets. I have been seeing this sort of a thing many times beyond Nagpur to Delhi. If the poor Ticket Examiner asks for the tickets he is being teased and he is being taken to task. Even the life of the poor ticket collecting staff is not safe and I would request the hon. Minister, through you, Mr. Vice-Chairman, to be a little more protective towards the poor inspecting staff.

The food served, I have to say, is so poor that even a commoner will not like to take it under ordinary circumstances.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Appan, food does not come under this Bill.

SHRI G. A. APPAN : All right Sir, let me not go into that. What I have to say is this, there should be no leniency or relaxation for people who coerce or instigate Government departments and officials.

SHRI KESAVAN (THAZHAVA) (Kerala) : Is this the view of the DMK ?

SHRI G. A. APPAN : This is my personal view and I am sure it will be the view of every person if he had ever one or two people working under him. I have seen people working even

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for one and a half annas a day before nineteen thirties and the quantum of work they used to turn out, but now it is not even one-tenth or one-twentieth of that work. Unfortunately there are people who instigate these poor workers and who want to thrive at the cost of these poor people. There are so many workers in this country toiling for life but is there any worker here in this House of Parliament? It is only those people who thrive at their cost, who are here. I request all the labour leaders to feel that this country is theirs. They get not only the votes of those poor workers but of others also. I would request all my friends—whether I am in this House or not—and I think it is my duty to tell my friends that they should all co-operate to run the Government and help and advise the Government as to how to do things properly and raise the necessary funds. After all the Government wants money to carry on the administration. If everything is dubbed as indecent or mischievous or malicious, if everything done by the Government is objected to, how can the administration go on, how can there be efficiency, how can the national economy grow?

SHRIMATI YASHODA REDDY: This is the advantage of the Opposition parties getting into power in some States because they come to know the difficulties of the administration.

SHRI G. A. APPAN: Now may I draw the attention of the hon. Minister, as many people have requested this to be done—to the need for doubling the railway line from Madras to Tuticorin in order to ease the difficulties experienced in transport of foodgrains and cereals from the North.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I am afraid doubling the line also does not come under this.

SHRI BALACHANDRA MENON: That is bargaining.

SHRI G. A. APPAN: All right Sir, let me leave it. Once again I would request the hon. Minister to constitute a Special Committee to look into the grievances of the Scheduled Castes in the matter of their promotions, the court case of which I have mentioned here and many other things like that. That will be a very great service that he will be doing to me. I know that Mr. Poonacha is very nice. He will, I am sure, look into this. I hope this will not be a voice in the wilderness. And again I feel that it should be our endeavour to help the Government administration. If the Government wants to trouble the workers we should not allow it. And to those friends who intimidate the workers my request would be, 'For heaven's sake don't do it; let us honestly co-operate with the Government and see that good work is done, efficiency is maintained, and improved and that we get a good name to our country so that we can develop our economic resources, and that we can develop our railways unprecedentedly, as we have been doing long ago.'

That is all I want to say.

श्री सुन्दर सिंह भंडारी : मुझे एक निवेदन करना है। बिजनेस एडवाइजरी कमेटी में शायद यह तय हुआ हो कि हम 6 बजे तक बैठें, मैं आपसे निवेदन करूंगा कि इस पर 4 घंटे का समय निर्धारित हुआ है, हम कितना भी बैठें, इसको आज पूरा नहीं कर सकते, इसलिए हम आज का विवाद यहीं समाप्त करें और कल इस विवाद को जारी रखें ।

इसके साथ साथ मुझे यह भी निवेदन करना है कि कल सदन प्रारम्भ होने के बाद हरियाणा के सम्बन्ध में गृह मंत्री महोदय अपना वक्तव्य देकर इस सदन की कार्यवाही को सुचारु रूप से चलाने में मदद दें क्योंकि जो परिस्थिति बनी है और जिस तरह के समाचार मिले हैं—एक बनी हुई सरकार का बहुमत समाप्त हो गया और दूसरी ओर एक नेता के साथ कुछ लोग राज्यपाल महोदय को मिले—उनसे मुझे यह डर लग रहा है सरकार वही बात, जो इस सदन में हम कहते आए हैं, सदस्यों की खरीद-फरोख्त का काम जारी करके, वहां की राजनीतिक स्थिति को डांवाडोल बनाना चाहती है ।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): No discussion on the merits of it, please. You have mentioned it.

श्री सुन्दर सिंह भंडारी : इस संदर्भ में जबकि हरियाणा में एक बार अभी मध्यावधि चुनाव हो चुके हैं और जो आशा हम करते थे मध्यावधि चुनाव से राजनीतिक स्थिरता का निर्माण होगा, राजनीतिक स्थिरता का निर्माण नहीं हो रहा है, तो फिर राष्ट्रपति शासन को लागू करके ऐसी स्थिति हम पैदा न करें जिससे राजनीतिक स्थिरता का निर्माण होने की सम्भावना ही न रहे । इसलिए गवर्नर को भी, जो दूसरी सरकार बन सकती है, उसको बनने का अवसर देना चाहिए । इसलिए कल 12 बजे जब क्वेश्चन आवर समाप्त हो तो गृह-मंत्री महोदय इस सम्बन्ध में अपना वक्तव्य देकर इस सदन के मदस्यों की चिन्ता का निवारण करने का प्रयत्न करें ।

अन्त में, मैं आज के सदन की कार्यवाही यहां पर समाप्त करने के लिए आपसे निवेदन करना चाहूंगा ।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at twenty-one minutes past five of the clock till eleven of the clock on Tuesday, the 10th December, 1968.

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