

STATEMENT RE SPARRED QUESTION NO. 72 ANSWERED ON THIRTYFIFTH APRIL, 1962

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SWEDISH RESOLUTION ON NON-DISSEMINATION OF NUCLEAR WEAPONS

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI LAKSHMI MENON): Madam, in answer to a supplementary question relating to Starred Question No. 72 in the Rajya Sabha on April 25, I indicated that the Swedish Resolution regarding the non-dissemination of nuclear weapons was passed unanimously. In fact, the Swedish Resolution, No. 1664 (XVI), was passed by 58 votes in favour, with 10 against and 23 abstentions. No roll-call was taken and the way individual States voted is, therefore, not on record, but the Indian Delegation voted for the proposal.

ENQUIRY RE PROPOSED STATEMENT BY PRIME MINISTER RE COMMUNAL DISTURBANCES IN WEST BENGAL AND EAST PAKISTAN

SHRI BHUPESH GUPTA (West Bengal): Madam, before we begin the discussion on the Resolution, we were told that the Prime Minister would be making a statement on the situation in Dacca about the communal riots and also the situation in India. Now, I presume today is the last day and, therefore, I do not know what has happened to the statement. We are anxiously waiting for the statement to be made in this House, so that we can seek some clarifications also, if necessary.

THE DEPUTY CHAIRMAN: Has Mrs. Menon anything to say on this?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI LAKSHMI MENON): Madam, the Prime Minister did intend to make a statement, but evidently he was not

aware of the fact that we were adjourning today. I will find out and most likely there will be a statement today.

SHRI BHUPESH GUPTA: But then, Madam, it may be made in the afternoon, after lunch. We want to know, we should be told when it is going to be made, so that we may be able to be present here. Today is the last day.

SHRIMATI LAKSHMI MENON: I will find out and let you know.

RESOLUTION RE REINSTATEMENT OF CENTRAL GOVERNMENT EMPLOYEES WHO PARTICIPATED IN THE STRIKE OF JULY, 1960—continued

SHRI ARJUN ARORA (Uttar Pradesh): Madam, when the subject was discussed last time, I submitted that the matter in dispute was dearness allowance. Subsequent developments have shown that the Government has honoured its commitments in the matter and the dearness allowance of Central Government employees has been substantially raised. That will show that the strike was unnecessary and the leaders of the strike asked the employees to go on strike only because they had political motives. As a matter of fact, I am told that responsible leaders of the Central Government employees were opposed to the strike, after the Prime Minister's stirring appeal, and even the Central Council of Action was going to accept the Feroze Gandhi formula, which would have made the strike unnecessary. It was then that some irresponsible elements in the Central Council of Action arranged a faked telephone call giving the leaders of the employees the hope that if they rejected the Feroze Gandhi formula, a more favourable offer would follow. Such were the people who asked the Central Government employees to begin their strike in July, 1960. There is no

denying the fact that even Government employees have the right to strike. That is a fundamental right. It must be respected and no section of the working people of our country should be deprived of that right.

The other day an hon. Member, I think Mr. Chettiar, quoted the example of the U.S.A. I urge upon him and urge upon those of his staff to think to take a complete picture of industrial relations and the trade union movement in the U.S.A. Then, they will find that we do not have much to learn from the U.S.A. The trade union movement there, the industrial relations there are of a different type and they have cases like the teamsters' case, where three unions were seized and captured by youngsters. So, we do not have this American example to follow. The British example is much better. In Britain only those workmen, who are engaged in vital public utility services like electric supply and water supply, cannot exercise their right to strike. Such should be the situation in this country also.

I am happy that the Government is not proceeding with the idea of bringing forward a Bill to ban strikes by Government servants. The Government has provided a negotiating machinery. That negotiating machinery must be improved and strengthened. If that is done, strikes will become unnecessary and the employees not only Central Government employees but others also, will not have the need to resort to strike. That situation will be a better situation, in which the complaints of the employees, the grievances of the employees will be looked into. They will have a forum for voicing their grievances, they will have a forum for negotiating collectively. Then, the resort to strike will be unnecessary. I am happy that the Government has given up the idea of bringing forward a Bill to ban strikes by Government employees and I congratulate the hon. Member on his wise decision.

The role of the I.N.T.U.C. in the matter of this strike was questioned by some Members last time. The very fact that the strike was unnecessary, the very fact that the strike did not achieve anything, the very fact that the strike did not materialise in the fashion in which it was conceived of, will go to show that the I.N.T.U.C. gave the Central Government employees the correct leadership by asking them not to resort to strike. The I.N.T.U.C. has been concentrating with a constructive approach on building a sound trade union organisation in the country, and its verified membership today is more than double the verified membership of all the three other Central trade union organisations in the country. The procedure of verification is one which all the Central trade union organisations have accepted. It is, therefore, obvious that the workers of the country are behind the I.N.T.U.C., and that is because the I.N.T.U.C. does not take recourse to unnecessary and frivolous strikes.

Madam, the strike was unnecessary. The fact that the matter of dearness allowance has been settled in such a manner that any considerable rise in the cost of living will mean an automatic increase in dearness allowance will go to show that the time has come when we in this country should hope that the political parties which try to exploit trade unions and working classes of the country for their political motives will give up those attempts. The time has come when we in this country should have a bigger trade union unity based on a constructive approach, an approach which permits peaceful settlement of industrial differences by negotiations. If that approach is adopted, there will be no need for Central Government employees or any employees to resort to strikes.

In the end, Madam, I would urge upon the Government to continue to treat the Central Government employees leniently. Those employees who are not behind them

[Shri Arjun Arora.] were misled by people who never realised the implications of what they were attempting to do, have suffered a great deal, and the time has come when the Government should adopt a more generous attitude.

With these words I conclude my speech.

SHRI NIREN GHOSH (West. Ben-gal): Madam, I would first of all say that the issues raised by this Resolution are of tremendous import to the country, and the country at large is keenly watching as to what attitude the Government would adopt in regard to this question. I would like to remind the hon. Members in this House that it is a festering sore in the body politic of the country, and everybody is agreed that the problem requires a human and sympathetic approach. On that account I am glad that the debate has already cut across party and political affiliations. I would appeal to the Treasury Benches to judge the issue on its merits and not on blind prejudice, because I have heard words of blind prejudice being uttered.

Now, as regards the I.N.T.U.C., I would only say that certain leaders of the I.N.T.U.C. conspicuously stand apart in their bleak isolation in relation to this issue. As regards their membership, I suppose they would always claim the biggest membership as long as they can claim the patronage of the Government.

Some Members have referred to the Taft-Hartley Act, the black Act denounced by the trade union movement the world over. I would like to ask since when the reactionary American imperialists have become the spiritual guides of some of the hon. Members.

I now come to the main point. I do not say that the Government has not done anything in this matter. They have done something, we admit, but

much remains to be done, and I say that a certain vindictive attitude still persists obstinately at various levels of administration where this problem is tackled and dealt with. That the employees had a legitimate grievance no one can deny. The history has been recalled. I need not go into the entire history. I would like to recall only one point, that the employees agitated not for a living wage as adumbrated in the Constitution itself but for a mere subsistence wage, need-based minimum wage agreed to by the Government, to which the Government was a party. After exhausting all procedure for a settlement of this issue, they only in the last resort took to the path of strike. I would say one thing plainly and frankly that when I find that our working classes and employees are denied even the need-based minimum wage and the Government headed by Shri Jawaharlal Nehru allows and even encourages the imperialist foreign private companies to make and drain out of our country undreamt of profits, creating a foreign exchange crisis, I would call that position reactionary and unpatriotic. This is a position which is least expected of a Government headed by our Prime Minister.

I would now like to come to the point as regards the problem obtaining at present. It is true that the attitude of the Government has softened a great deal, but an alarming position still remains. Here are some of the facts:

About 200 employees have been dismissed, removed from service or compulsorily retired; this is perhaps the position at present; 18 are still under suspension perhaps, and about 5,009 employees have been punished in different ways, demotion, cut in pay, reversion to lower posts, and all that. About 50 per cent of those 5,000 employees are suffering a pay cut ranging from Rs. 70 to Rs. 100. In the

Posts and Telegraphs Department alone about 1,000 have been reduced to a lower stage in the time scale of pay, 130 have been reverted to lower posts, and 4,012 have their increments stopped. Indirect punishments are meted out to them in the following ways: promotion is stopped during the pendency of the penalty; promotion or appointment to allowed posts is not given; confirmation or issue of quasi-permanent certificates is delayed; and officials are held up at the efficiency bars.

As regards the Audit and Accounts Department, some hon. Members have already pointed out that they are the worst offenders in this respect. Thirty-three permanent employees are still out of employment, and the officially preferred charge against them is mere participation in the strike. Recognition has not been restored to their Central Association and their four local branches including the West Bengal branch are still being denied recognition. The Comptroller and Auditor-General even refuses to discuss the issues with them. That is the position. The authorities are violating the Government directive, and something should be done about it.

Now, with regards to the Railways, out of the 60 persons who have been removed, I would like to ask the Minister concerned as to how many have been punished for mere participation in the strike. That is the point. Proper charges are not preferred so that they can reply. The charges preferred are wrong and fabricated in general. I would like to say again that in Chittaranjan, there is only one trade union which has not yet been recognised.

In the Defence Department, 28 employees have been removed from service and many have suffered different types of punishments. Take the case of Mr. Uma Lala, the General Secretary of the Rifle and Metal and Steel Workers' Union at Ichhapur. He

is under suspension. After five months some sort of enquiry was there and a charge was framed. And he received two letters simultaneously, one letter saying that he had been removed from service and the other appreciating his work in increasing production. Now, the charge is instigation. What is meant by instigation? A trade union leader can certainly address the employees' meeting, urge them to fight for their demands; he can even urge them that they should be prepared for a strike. It is instigation? That is how he has been removed from service. I understand that some sort of negotiations are going on with the Defence Minister. I only hope that the Defence Minister will look into it and remove this grievance.

Now, another case is that of Mr. Rajaratnam, the Secretary-General of the Confederation. Even now, he is under suspension. No charge has been preferred against him. That is the position. My hon. friend, Mr. Mani, has mentioned that some have committed suicide and that many have gone mad. Can you imagine—if a man gets Rs. 200 and he suffers a pay-cut of Rs. 100, with that sum of Rs. 100, how can he maintain his family, educate his children, run the house and do all these things? What will be his position in these hard days? That is why some of them have gone mad and committed suicide. Now, you might say that 200 or 208 is a small number. But I would like to say that this is the cream of the trade union movement among the Central Government employees. You have beheaded their leadership. More than 5,000 cadres of the trade union movement have been punished in various ways. It is a sort of permanent notice or warning to the Central Government employees not to dare form the union or agitate for their legitimate grievances. That is the state of affairs that is obtaining there.

Now, the hon. Shri Shastrii has said on the floor of the House and outside too—as far as I remember, in a sort of reception meeting arranged by the Central Government employ-

[Shri Niren Ghosh.] ye— that a lenient policy has been adopted. We do not deny that a soft policy has been adopted. But has it been fully followed in practice? That is the question. And I ask: Is not the punishment meted out to them and undergone by them already sufficient? Should they continue to suffer punishment for an indefinite period—those 5,000 people? And I would like to quote one portion from a report of Shri Shastriji's speech:

"Shri Shastriji said _____ that individual cases of dismissals, removals, etc., as a result of strike, could be taken up by the organisations with the concerned Heads of Departments or Ministries. This was made clear to some of the leaders also who met him then, he said. He said that Government had already adopted a lenient policy and the Home Ministry would not come in the way if the concerned Ministries wanted to scale down or cancel the punishments awarded to the participants in the 1960 strike and remove any other disabilities."

But the point is, recognition to the unions has been restored after September, 1961. By that time, every single employee has exhausted all the procedures set out for the redress of their grievances, from petitioning to appeal, and all that. After that, it is not possible, it is debarred; the union cannot take up individual cases to the concerned heads of the department or the Ministry. So, it is necessary that a decision at Cabinet level should be taken so that the wheels are reversed and the grievances are redressed. On the top of this, all these concerned departments demand that the dismissed or removed employees should also be removed from the positions of office-bearers of the unions. This is vengeance. If it is not vengeance, what is this? For the whole of their life they have served the Government. They have functioned in the trade union movement of the Central Government employees. Now, it is demanded that they cannot function even as the office-bearers of the

unions. If they do become officebearers, there are difficulties put in the way of their functioning, about recognition and all that. Now, I would like to say that the entire trade union movement is concerned over this issue. Not only the working class but millions and millions of our countrymen are concerned over this issue because this is a vital issue agitating them for a long period and will continue to agitate them for a longer period still, because you have not given them even the need-based minimum wage. Do not forget that. So, I would say, do not try to create discontent. It does not create any good to the country or to the Government, and a sense of frustration prevails among the Central Government employees. They feel that justice will not be done to them. That is how they feel. If the Government as the biggest single employer who ought to set a model or example in dealing with their employees and working class can go on in this fashion, it is a green signal to the private employers to do all that they like, and they are assured that the machinery would be brought to their need and help whenever the workers put forward any demand or go on a strike.

Sometimes the argument is made that because the strike has failed, they have to bear the consequences, it is immature leadership and so, the leaders have to bear the consequences. I would like to say, please recall the past pre-independence days. Many a time our national struggle has failed. Thousands and thousands of our countrymen including our great leaders suffered in those days. The British Government used to tell us, "Because you agitated, because you participated in the movement, you have to suffer. Has Gandhiji given you independence? You have to suffer." That is how they used to ridicule us. You talk the same language as the Britishers used in regard to your own countrymen, in regard to your own employees. I think it should be a matter of shame for the Congress Party. Some people call these emplo-

nees traitors or say that they have betrayed the country. Please recall their glorious past. When there was the P. & T. strike in 1946, the entire working class people in Calcutta, Bombay and Madras went on a strike in support of those people. It was in opposition to the then Government of India. They functioned as the most glorious contingent of our freedom fighters. At that time, they turned an economic strike into a political strike. But this time they fought for an economic issue solely and completely and not for any political issue. But now they do not even mention it. Now they fought for an economic issue only, and no political issues were involved. They do not, and did not, throw any challenge to the authority of the State or the Government to say that they are traitors. Why do we hear such things here in this country nowadays from the Treasury Benches? Now, I would appeal to the Treasury Benches: Let sober counsel prevail, let there be a calm and dispassionate attitude as regards those employees who have been victimised or removed from service or are still under suspension. Not only that. I would plead that something ought to be done for these 5,000 employees who are still suffering in various ways. If you do not do that, they will become desperate, dejected and frustrated, and the country, I think, cannot go on with people who are dejected and frustrated. So, it is for the good of the country, it is for the good of the Government itself, that this issue should be taken up and dealt with thoroughly, and all these cases should be gone into and minimum justice should be done.

I would like to quote from another Circular of the Railway Board. It is stated: "What does not constitute gross misbehaviour."

THE DEPUTY CHAIRMAN: Mr. Niren Ghosh, will you please wind up now? You have taken fifteen minutes.

SHEI NIREN GHOSH: It says:

"The various charges mentioned in the statements have been gone into by the Board. In this connection the following clarification is given:—

1. Absence from duty without authority during the strike period: For this charge no departmental action is intended to be taken.
2. Organising and leading processions: This need not be interpreted as falling within the purview of gross misbehaviours.
3. Addressing a meeting: This will not come within the purview of gross misbehaviour in the present context.
4. Instigating staff to join strike: In cases where the picketing and instigation have not been of a coercive type, disciplinary actions need not be taken.
5. Using of slogans: Only abusive slogans need be taken notice of for the purpose of taking disciplinary action.
6. Issue and circulation of leaflets, etc.: This need not be a charge for taking disciplinary action unless the leaflets contain highly objectionable matter."

I do submit that this has not been observed in practice in any of the departments concerned. That is why more than 5,000 cases are still pending. And I appeal to the Home Ministry and to the Cabinet to look into the matter and do justice to them.

With these words, I support the Resolution.

SHRI B. K. P. SINHA: (B'har): Madam Deputy Chairman, the Resolution has very limited import. It embodies a directive to the Government to reinstate a few people wh<

[Shri B. K. P. Sinha.] lost their jobs for participation in the

strike of the Government employees in 1960. The discussion

however has travelled far beyond the limits of the Resolution, covering matters which do not come within the wording of the Resolution. Plea after plea has been made for modifying the disciplinary action proceedings, and that, in my opinion, is going beyond the confines of the Resolution. The Resolution is merely concerned with the fate of those people—208 in number—who lost their jobs because of dismissal, discharge or compulsory retirement, and their number is now 208. It has been said by Members opposite that Government adopted a vindictive policy, that Government's justice is not tempered with mercy. But let Us see, Madam, what the figures disclose.

The number of Government employees in this country runs into two millions, and a quarter of them, at least one-fifth of them went on strike willingly or unwillingly, unwillingly because they were coerced into the strike, they were coerced into staying away from duty. Now, after four lakhs of people had gone on strike, proceedings were initiated against 46,000 of them—46,000 only—which comes to practically one-tenth—if those who had violated the directive of law, because this strike had been declared illegal by an Ordinance promulgated by the President of India, a directive of the Government. Action was taken against 4,000 odd people, and these 4,000 came under the categories of dismissal, demotion, disciplinary action, reduction in salary, reduction in rank, etc. But then, because of the liberal and wise and humane attitude displayed by our Government, this figure of 4 000 ultimately came down to 208, the number that accounted for those who lost their jobs. Originally, this number stood at more than 2,000 accounting for dismissals, discharge and compulsory retirement. So, in the

matter of dismissals and loss of jobs also the action taken now stands against only one-tenth of those who originally had lost their jobs. Even then friends of the Opposition have put forth the plea that Government are not considerate, that Government are not liberal.

Justice, Madam, must be tempered with mercy, but then there are certain other factors also, which have to be kept in mind. After all, Government employees are—I use the word—public employees, for they are paid from public coffers, and they do and should serve the public. These public employees cannot be equated with ordinary employees who work in a particular mine, in a particular firm or in a particular factory. Modern life, Madam, is regulated, controlled and guided by what the public officers do sitting in their offices, and when public servants go on strike, it is not only that the Railways stop moving or that the buses stop moving or that the planes come to be grounded. Even if those who operate these services do not go on strike, if there is a strike merely in the offices, after a few days there will be complete paralysis of all normal activity in the country. Lord Krishna once said: "Oh, Arjuna, I am ever wakeful; I am ever vigilant; that is why the world moves on. If I am not vigilant even for a fraction of a second, the world will cease moving." And that is true today of Government activities or public activities and therefore, when we judge of the merits of this Resolution we have to see what harm these public servants were calculated to do to the country. On the one hand we were faced with a difficult situation on our northern border, with a perfidious ally taking possession of our territory, large slices of our territory, and we needed to rush up materials and men to guard against further encroachment. And at that stage, oblivious of the larger interests of this country.

oblivious of the security of this great country, these gentlemen, under the influence of people, who think little and act rashly, launched the strike. Madam, if this strike had been successful, the whole life of this country would have been paralysed; people would have suffered; Government would have come down in a day. For if a general strike by public employees succeeds, Government has to get out, and that is the beginning of a revolution. In the circumstances, Madam, to say in the face of the figures that I have quoted that Government have not been generous and merciful is, in my opinion, not justified.

Madam, punishment has several aspects. It is punitive and it is also preventive. It is because of the fear of punishment that men do not resort to illegal and improper action. Human nature being what it is, it requires some sanction, something to keep it in check. And the sanction behind Government is power to punish for "the enforcement of discipline in all walks of life. That is necessary for the smooth functioning of men and affairs in a country. If that fear of punishment by Government goes, we do not know what will become of the discipline in the country, of discipline in Government Services. Madam, the mover of the Resolution is a great Hindi scholar. May I remind him of » line from Tulsidas:

राज दंड बिनु धन बिनु धर्मा,
हरिहि समग बिनु सत्कर्मा ।

No state, no government can function without a sanction behind it and that sanction is Danda.

SUM GOPIKRISHNA VIJAIVAR-GIYA (Madhya Pradesh): I may remind him that even Manu says:

"If Government does not give punishment to those who deserve it, that also is bad".

SHRI CHANDRA SHEKHAR (Uttar Pradesh): It should apply to officers also and to Members of the Railway Board also. It should not apply to the employees only.

SHRI B. K. P. SINHA: Therefore, I feel that in the circumstances of the case, to relax further, to show greater mercy is to deny justice to the great people of this country, for then the employees would be given a carte blanche to indulge in indiscipline in future.

Madam, from the Communist benches the cry has gone forth that the right to strike is a fundamental right. It seems to me that the Constitution has to be rewritten if the right to strike has to be regarded as a fundamental right. I have read the Constitution and read it carefully. I do not find anywhere that the right to strike is a fundamental right. It may be a trade union right, it may be a human right, but a fundamental right is of a different category and it does not come under Fundamental Rights.

Sirai P. A. SOLOMON (Kerala): Do you agree to the human rights and trade union rights?

SHRI B. K. P. SINHA: But human rights are not protected, my friend, by the Constitution. It is only the Fundamental Rights that are protected and the norms, as I have said earlier, that apply to ordinary employees cannot apply to Government servants, because Government servants form a class by themselves. It is because of this that the right to strike by Government servants is recognised in no civilised country of the world.

My friends ask us to be liberal because the right to strike is a human right and a fundamental right. They tell us that we should not take the cue from the American imperialists. I can assure them that we are not taking the cue from them. We are taking

[Shri B. K. P. Sinha.] the cue from the socialist countries, from the Soviet Union. Now, what is the situation in a socialist country? If a public employee goes on strike, he is banished to the icy tundras, and very often he is shot dead in cold blood without any trial whatsoever. And if we give a more lenient punishment as compared to what is meted out to public employees in those countries, we are told that we are not merciful, we are not liberal. In no democracy in the world right to strike by public employees is recognised, neither in the U.S.A. nor in the United Kingdom.

Moreover, Madam, this strike had a peculiar feature. It came after an appeal by the Prime Minister, an appeal that he made to the employees, an appeal that he made to the nation and, in spite of that appeal, this strike was launched. But, then, these gentlemen who were leading this strike and who were misleading the simple employees of the Government were counting without the hosts. The Government for once took a firm attitude and, what is more, the people of India rose in revolt against the strikers. I am reminded of scenes when thousands of people rushed from villages to railway stations, rushed from villages to towns and offered their services for running the essential services of the Government. It was in view of this pressure from public, it was in view of this firm pressure that this strike collapsed. And when the strike collapsed, a face-saving formula was found to end the strike. It was a collapse of the strike and not the end of the strike.

SHRI N. SRI RAMA REDDY (Mysore): Utter collapse.

Sim B. K. P. SINHA: Yes, utter collapse. Madam, what shall be the effect of this Resolution? I have already said that this will mean an end of all discipline in Government Services. Whenever there is a strike, and whenever it is on the point of

collapse, the leaders of the strike take advantage of the goodness, the kindness and the humane approach of the leaders of our Government, particularly the Prime Minister. He is a kind-hearted man; they approach him, he makes certain statements, and the strike ends; and the instigators proclaim to the strikers and to the world as if their strike had been successful and whatever the strikers got they got because of the leadership of the gentlemen.

Recently, I was at Bhopa; when there was a strike in the Heavy Electricals. The strike was fizzling out, it was coming to an end. Some Communist friends staged a very noisy and rowdy demonstration when the Home Minister was there to address a public meeting. After the strike ended, after it really collapsed because it was unpopular even with the workers and the employees, they came forward and took credit for all they had got from the Prime Minister and the Home Minister. Therefore, Madam, let us keep these factors in mind and in trying to come to some decision on this Resolution we should not ignore what the effect on the discipline of the public workers and public servants will be, if we relax or show any weakness at this stage. I have already said and I again repeat that this will have a disastrous effect on discipline, and in future employees in public services shall be violating discipline with impunity, secure in the faith that there shall be somebody or, the other somewhere, even inside the Parliament of India, to champion their cause, however wrong their cause might have been at the beginning.

Madam Deputy Chairman, I know that the Home Ministry is manned at the ministerial level by great gentlemen and gentle ladies also. The Home Minister is a great gentleman. So is the Minister of State and so is our Deputy Minister, a gentle lady.

They are full of the milk of human kindness. They are very kind-hearted. But then let me tell them that an administrator sometimes has to be hard-hearted also.

SHRI BHUPESH GUPTA (West Bengal): Do not provoke them.

SHRI B. K. P. SINHA: I am not provoking. I forgot, my friend, Mr. Vajpayee, will help me, there is a Sanskrit *sloka* which means more tender than a flower and harder than a *vajra*. That is what is required of a public administrator, of a king. That is what Rama was, the greatest king that this country has produced.

SHRI GOPIKRISHNA VIJAIVAR-GIYA: The Sanskrit *sloka* is:

“वज्रादि कठोराणि मृदूनि कुसुमादिपि ।”

SHRI A. B. VAJPAYEE (Uttar Pradesh): Now it is time to be tender like a flower.

SHRI B. K. P. SINHA: Therefore, let them not be carried away by kindness, let them not be carried away by sympathy because sheer mercy to some may mean cruelty to thousands of people of this country. It may mean that in times to come with impunity people can take steps to paralyse the administration of this country, to subject the people of this country to great mischief and misfortune.

Madam, I feel that we have been generous enough. There is no point in further generosity and I, therefore, oppose the Resolution of my hon. friend, Mr. Vajpayee.

SHRI BHUPESH GUPTA: The hon. Member has forgotten Gita. He was quoting Ramayana. What about that -teaching in Gita?

“धर्मं संस्थापनाथयि संभवामि युगे युगे ।”

SHRI B. K. P. SINHA: That is what I am appealing to the Home Minister to do. What does Dharma mean? 238 RS—2.

Dharma means something by which the world is sustained, by which the society is sustained. The society will disintegrate, it will not be sustained if this action is abrogated.

SHRI BHUPESH GUPTA: Dharma means social justice as defined by Mahatma Gandhi.

SHRI B. K. P. SINHA: But what is social justice?

SHRI BHUPESH GUPTA: Social justice is good treatment to the workers and the suffering people.

SHRI B. K. P. SINHA: They are giving good treatment to nearabout four lakhs of striking men and a just treatment to only 208 out of four lakhs. I do not know what more my friend wants.

Lastly, I would again repeat, repeat what I have said. Let the Home Ministry be conscious of the fact that nations are not always governed by lotus stems. Sometimes the use of iron rod is also necessary.

SHRI N. SRI RAMA REDDY: Madam Deputy Chairman, I rise to oppose this Resolution that has been sponsored by Mr. Vajpayee. The Resolution, Madam, is an outmoded one and insignificant after a lapse of two years. And that too, taking into consideration the number of people involved, the number of people that were punished or otherwise dealt with, it loses all its significance. Except for the academic discussion that has been necessitated by the constitution of this House, probably a Resolution of this kind would not have been discussed at all.

Anyway, let us consider under what circumstances this strike was resorted to by the Central Government employees and under whose instance. The strike took place about 2 years ago, probably in July, 1960. Then the situation was that the country faced a national problem, a national problem of preservation of its independence and its sovereignty. That was

[Shri N. Sri Rama Reddy.] the thing the country was facing then and is facing today. I remember that just a day or two prior to the strike, our great and illustrious Prime Minister visited the snowy peaks of the Himalayas which were being guarded by the *navjawans* of this country. It is very sad indeed that the Great Himalayas that gave protection to this country through millennium require to be protected today and he was just then returning after having paid a visit to the *navjawans* and given a word of cheer to those who were spending their lives in the icy cool peaks of the Himalayas, watching our border night and day and offering their lives for preserving the sovereignty of our country. Having returned, what appeal did he make? He made an illustrious appeal, an appeal which will go down in the history of this country as an illustrious one, an unparalleled one. What did he say? He said: 'My countrymen, please do not drag this country to strife, a civil strife at that.' The only alternative to this situation was civil strife into which we could ill afford to land ourselves. Therefore, he made an illustrious appeal but the sponsors of the strike, animated as they were with the evil intention of bringing down the reputation of this Government, not minding even the sovereignty or the security of the country, themselves played a very ignominious role in fomenting trouble among the civil servants of the Central Government. It was not for very valid reasons that the strike was resorted to. The only reason was to pull down this Government and sell the independence of this country to others. I should say so. That was the situation.

SHRI CHANDRA SHEKHAR: It is very objectionable that the hon. Member says that if anyone supports the strike, he wants to sell the independence of this country. I say that the Party in power is selling the independence of this country to foreigners and they are not so much

brave before the foreigners as they are showing themselves to be before the poor workers.

SHRI N. SRI RAMA REDDY: I am prepared to illustrate the situation then.

SHRI CHANDRA SHEKHAR: I am prepared to state the situation . . .

SHRI N. SRI RAMA REDDY: The strikers and the sponsors did not pay heed to that humble appeal, a very noble appeal, of the Prime Minister of India who was engaged in the task of not only building up this country but preserving the independence of this country. Finding that, there was no other way out for the Government but to promulgate an Ordinance. An Ordinance was promulgated banning the strike. It was the duty of every citizen of this country to respect the law of the country. I understand that there is a very close, an organic relationship between the State and the Individual. It is not as if the individual and the State are loosely attached together. It is not as if there is not any relationship between the individual and the State. The individual could do anything he likes for the State. There is an established law and only if the law could be respected by each individual, the freedom and sovereignty of this country could be saved, not otherwise, but if a necessity arises to uproot the Government, the ways are quite open. Democratic ways are there. By creating public opinion, by platforms, by your press, etc.—by all these methods you could create certainly a situation when the Government could have been overthrown; and there was the vote. The vote has been given and the voter has placed correctly all the Opposition parties ultimately of course. The voter has placed the Opposition correctly and evaluated them and they are pulled down much more than what their strength was previously. That itself shows what the Opposition was trying to do.

Now, I am coming to the relationship between the State and the citizen. Every person certainly may have some conflict or other with other individuals or the community but everyone cannot have his own way. The solidarity and the permanence of the State can only be assured under circumstances of a sort of sacrifice, even if it meant some sacrifice on behalf of the individual . . .

(Interruptions.)

Please allow me to speak. Can every citizen be a law unto himself? I would like the Opposition to ponder over the situation when every citizen is a law unto himself. What will be the state of affairs? Anarchy. Such a thing cannot happen. Everybody must first of all consider that it is his bounden duty to obey the law and then try to alter the law by altering the Government, by the sanction of the people which is expressed by the vote. That is what you call, the general will created in the country. There is a general will to which everyone of us must subject ourself. What was the situation then? The country did not want this strike. The entire populace of this country— except one or two parties to which, by an unholy alliance, latterly the Communists also joined—everybody, was against it. I remember, I became a postman those days and I was distributing letters. I was carrying letters and when I was carrying letters, I do not know how many, perhaps hundreds of people, came to assist me saying 'I will do it'. How did it happen? From the very soil, the strength was born just to protest the unholy acts of the Opposition parties. The backbone of the strike itself was broken.

SHRI NIREN GHOSH: Shrimati Ila Pal Choudhuri was defeated this time.

SHRI N. SRI RAMA REDDY: It is an individual case.

SHRI CHANDRA SHEKHAR: In a drama a clown is appreciated very much.

SHRI N. SRI RAMA REDDY: So it be with you. I remember that the very backbone of this strike was broken not by the Government or its apparatus but by the people themselves. There was absolutely no other consideration for that. The very will and strength of the people broke the backbone of the strikers and within three days there was unconditional surrender. When I say 'surrender', I do not mean that I ridicule the fallen generals. They are our countrymen. If they were on a wrong path, it did not mean that victimisation should follow those that, at the instance of the Opposition parties, took to the strike.

SHRI AKBAR ALI KHAN (Andhra Pradesh): There has been no victimisation.

SHRI N. SRI RAMA REDDY: Absolutely not. Soon after the strike came to an end—I should not say collapsed or utterly collapsed—what were the instructions that were given to the subordinate officers, Ministers, State Governments, etc.? But they refuse to see. The Opposition parties refuse to see this side of the question. Madam, as soon as this was over, as soon as the strike came to an end, instructions were issued. After the withdrawal of the strike the Government liberalised its power and issued instructions to the Ministries asking the Ministries and others to allow their employees guilty merely of abstention from duty to rejoin, and also advised the State Governments to review criminal cases with a view to withdrawing prosecution etc. where such action was justified. The Heads of Departments were to examine each case on merit and determine after consideration of the nature of the offence, if the penalty of dismissal or removal or discharge from service should not be modified to a lesser penalty. Departmental action was to

[Shri N. Sri Rama Reddy.] be taken against those who were believed to have indulged in sabotage, intimidation or gross misbehaviour, while in other cases orders of suspension, if any, were to be withdrawn.

AN HON. MEMBER: Where from are you reading?

SHRI N. SRI RAMA REDDY: From my own notes.

AN. HON. MEMBER: Everybody reads from his own notes.

SHRI N. SRI RAMA REDDY: All right, but the subject-matter cannot differ and facts cannot be altered. There should be sound and also sense. The Opposition need not have made such sounds at all, because by the mere making of sounds you cannot deceive this country.

Madam, after all, as many as four lakh people took part in this strike. How many persons were actually punished? We all know the figures. Greater leniency could not have been shown by any other Government but the Congress Government.

SHRI A. B. VAJPAYEE: Long live the Congress Government.

SHRI N. SRI RAMA REDDY: Yes, long live the Congress Government. Thank you, thank you. I am thankful, especially as it comes from the Opposition and from the mover of the Resolution himself.

SHRI A. B. VAJPAYEE: Please take back all the employees.

SHRI N. SRI RAMA REDDY: We know the number of those who were punished. Two hundred and eight were dismissed, 4,000 demoted. Should not that much be done? You want the law not to be obeyed by anyone in this country. Still this demand is made, after the greatest leniency had been shown. It was said the other

day that where there was peace, there was no strike; and where there was strike, there was no peace. And now after the grossest misbehaviour and violence, only 208 persons were dismissed out of four lakh people. Still, the Opposition instead of paying a compliment to the Government which was so lenient, so generous, so kind and so humane, are coming forward with a Resolution saying that even these 208 should be shown generosity. There is a limit to generosity.

There is also another possibility, Madam, as to why a Resolution of this kind should have been moved by the Opposition. Probably, they want to capitalise the situation and show the workers and the Government employees and others that they have done it.

SHRI A. B. VAJPAYEE: Why allow them to capitalise it?'

SHRI N. SRI RAMA REDDY: We will never allow them to capitalise the situation like this with a Resolution which does not call for any further consideration.

Now, Madam . . .

THE DEPUTY CHAIRMAN: Please wind up.

SHRI N. SRI RAMA REDDY: "Arid now, the Government have just symbolically shown that there is something called authority in this country and that gross injustice or gross violence shown by individuals cannot be condoned, that they cannot compromise with people of that kind. And so they have taken certain action and the action taken by the Government is very very proper and does not require to be retrieved in any manner. Therefore, I request the leader of the Jana Sangh Party here, Shri Vajpayee, to withdraw his Resolution with good grace.

THE DEPUTY CHAIRMAN: That is all right. That is enough.

SHRI N. SRI RAMA REDDY: Madam, I thank you very much for the opportunity given to me now.

SHRI R. S. KHANDEKAR (Madhya Pradesh): Madam, Deputy Chairman, I rise to support the Resolution moved by the hon. Member, Shri Vajpayee, along with the amendment moved by Shri Chordia. The Resolution that has been moved is a very simple and innocent one and I do not understand why politics should be brought into the consideration of such a Resolution. Many hon. friends have said that outside discussions had taken place regarding this Resolution but they could not restrain themselves and took part in outside discussions. Whatever that may be, Madam, I am not going into the details as to why this strike took place and whether it failed or was withdrawn. The Resolution should be treated on the most humanitarian ground. It is a long time since this thing happened and the Government also had given assurances in this House and outside a long time ago; But there is not yet any implementation of those assurances. I do not understand what is the hitch. Probably, the hitch is that the machinery of the bureaucracy is sitting tight in its chair. Madam, I think that the bureaucracy or the Administration has treated this issue as a prestige issue. Therefore, in spite of the assurances given by the hon. Minister in this House as well as outside, and in spite of the directive that leniency should be shown to the concerned persons, the Administration has not taken care to implement those assurances.

I will cite only one instance that happened in Gwalior. I will not name the authority, but will only cite the instance in the House, for I want to bring it to the notice of the Government. In Gwalior there was a strike and it was only for one day, that is to say, for only 24 hours. No report of sabotage or of subversive activity was lodged with the police. Even then heavy injustice was done

to the employees of the A.G.'s. Office and strong action was taken. I went to see the authority there. Along with me was a local M.L.A. and also one Corporator. We were kept waiting for hours together and at last the officer came out with an air of superiority and then, instead of hearing us, he narrated his own difficulties, saying that the employees were making propaganda and so on, that they were abusing him. We only said: "Please consider the cases in the light of the Government's assurance, that they be treated leniently". But the officer did not listen to us. The next day, one Member of Parliament of the city went to see the officer and surprisingly enough, he refused to see the MP. Now, this is the sort of contempt that the officer had shown to a Member of Parliament, a representative of the people. This is the attitude of the officers.

I have received representations that there are six employees who have been removed from service or dismissed. Four of them are permanent employees and two are temporary employees and their only fault was that they abstained from duty. Appeals were preferred by them. But the authorities would not forward their appeals to the higher authorities, presumably because that Department is outside the scope of the Ministries or Parliament, they are independent authorities and that is why, I think, this manner of treatment is given to these employees. Their representations are also not forwarded to the higher authorities. These employees expressed their regret also. What kind of humiliation do you want? Government announced that after expressing regret people will be taken back into service but even after expressing their regrets, these employees have not been taken into service. As a result of this injustice, one of the employees had to impose on himself the penalty of a fast but the Administration was not moved even then. Those employees are still out of service.

[Shri R. S. Khandekar.]

In spite of Government assurance and in spite of sympathy, the Administration is trying to undo what the Government wants to do. I would like to request the Government to be more vigilant over the Administration and treat these cases justly. I do not plead for those people who have been involved in subversive activities or sabotage or anything of the kind. Government should at least point out one instance where there was an act of subversion or tearing of any poster or threatening anybody who was not on strike. Not a single case was reported in Gwalior to the police but there were large-scale arrests. Not a single case was challenged in the court and whatever cases were filed in the courts ended in acquittals. This is the sort of vendetta that is being practised upon the Government servants.

My hon. friend said that only 200 cases were still pending out of so many millions. It is well known that even hundred persons may be allowed to go free but one innocent person should not be wrongly punished. This is a well known judicial principle. The only fault with the employees is that they have taken part in the strike and when they have expressed their regret, what is the harm in their being taken into service? This is not a question of one or two cases. This is a test case. As my friend said, all the Government employees are waiting to see what sort of treatment will be meted out to these employees. If the Government takes a sympathetic attitude towards those people, then naturally it will earn the sympathy at all those working in Government Offices. Today, under pressure or due to poverty or some other reasons these people may be working. Or may not be raising their heads but a time will soon come when they will also rise in revolt and I hope history will not be repeated. Even this number of 200 is quite a good number and, as I said, even one case of an innocent employee should be treated with

sympathy. I am told now that their cases are being reviewed but my complaint is that those cases are reviewed by the very officers against whom complaints have been made. This being so, what sort of justice can be expected from such authorities? An independent machinery should be set up, preferably with judicial men, to review these cases. I am not pleading for clemency. They should be given their right. If a separate machinery is set up and their cases are reviewed then some justice will be done to them.

Lastly, I would like to submit that it would be very difficult to keep the Administration running if these people are not satisfied or if their co-operation is not solicited, whether it be of the lowest or the highest of the Government servants. All these people must be kept satisfied. Their fundamental rights must be protected and their problems relating to bread, butter, living and shelter must be solved properly. Then only can you expect co-operation from the Government servants. I was told that some sort of machinery was being evolved to deal with such disputes.

So many people have said that the strike has failed but my view is that the strike has not failed. The strike has made Government realise that there should be some machinery to settle disputes between the Government and its servants. While speaking earlier in this House I had suggested that Government should bring forth a law to regulate the terms and conditions of the Governments. Today, they are covered by departmental rules and regulations which are implemented according to the departmental heads' wishes. Statutorily their terms and conditions of service should be fixed. The hon. Prime Minister said that the Home Ministry was considering some sort of machinery. The sooner it is done the better it will be. With regard to the employees, as the Resolution suggests, their cases should be withdrawn, they

should be reinstated. A separate machinery should be set up, preferably consisting of judicial men, to review their cases.

KUMARI SHANTA VASISHT
<Delhi>: Madam Deputy Chairman, I would like to answer a few points made by our friends opposite before I say anything further. This Resolution has been moved and Mr. Bhupesh Gupta said that he needed this opportunity to clarify the position in regard to the strike; he said that it was something that he owed to the people at large. I am wondering why he has felt so guilty about the strike, why was there need to justify their own approach or their own attitude in this matter. Maybe they had very high hopes that the strike would be a very grand success and, therefore, it would give credit to those individuals or parties which had engineered it enabling them to capitalise on it. After it had failed miserably, there was a sense of guilt among those who had engineered the strike regarding those people who had suffered and against whom action was taken later on and hence the voice that came from Mr. Bhupesh Gupta's mind that he needed to clarify the position. He said that he owed it to the people and to those who had struck to clarify the position and remove the weight from his chest.

It was also made out by him that the strike took place because of the burden of very high prices which the Government servants had to bear. They were forced to strike. Of course, this stand has been contradicted by some Members here, that it was not really a strike due to high prices but that certain political parties were interested in having the strike and they had planned it. They had made arrangements and plans for the strike which took place. If it was only a question of high prices, then every Government servant would have gone on strike, even the private people would have gone on strike.

Prices are high for everybody; they are high not only for those who had struck work but for all, even those who did not strike. Therefore, **that** excuse does not hold good.

SHRI NIREN GHOSH: About 43 crores of people are suffering from high prices. There may be rebellion but they merely protest.

KUMARI SHANTA VASISHT: But they did not go on strike. You may show a good deal of concern for **the** lot of the Government servants; you may feel deeply and your heart may go out. My heart also goes out, my party feels that we should do something to give them proper conditions and all facilities. A welfare State means that it should ensure the welfare of the people. With the set-up that we have, it is only natural that we should have sympathy, concern and regard for the Government servants, their working conditions, how they manage, how they live, what is their life—all these are really the concern of the Government and particularly the party in power. But if for some political purpose some political parties want to have a strike, or somebody wants to try and capitalise out of it, to gain some prestige, place, power, etc., and then if the strike fails, of course, it leaves a very bad taste in the mouth of those parties* and they are left with the ruins of the strike when it fizzles out. So, this argument that the high prices **have** forced them into a strike is not very correct and it does not hold water.

Some hon. Member pointed out that the Government was like parents in a family—paterfamilias I suppose—and that it should have a lenient attitude towards the Government servants, that they should be treated with kindness, sympathy and so on. If a child is going to do something that would harm himself, then I think it is the duty of the parents to protect that child. If a child has a knife in his hand and if he is going to hurt himself, then it is only natural that the parents should take away the

[Kumari Shanta Vasisht.]
knife from him and they would even chastise the child so that he may not hurt himself. If you really think that the Government is in the position of parents, then I think it is necessary that the authority of the parents should be maintained; the discipline of the Government should be maintained.

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Looking at it from another point of view, supposing a strike like this becomes widespread. Of course, I feel that the Government should do everything to help the Government servants, to give them good conditions of service, satisfactory life and so on and so forth. But if all the Government servants were to go on strike and if a strike like that were to become successful, their own life would be disrupted apart from the fact that the whole country would be disrupted. Their own security and safety will be disrupted. There would be no safety, no security for them. There would be nothing that actually makes for a good life, a civilised life; there would be no order or harmony in life. If all the departments are paralysed, if the Police Department fails, the employees themselves will be in trouble. If the Postal Department fails, if the Railways fail, if the Defence Services go on strike, if the entire governmental machinery becomes inoperative, these strikers themselves will be also the great sufferers. They are not the ones who will be benefited. Suppose the whole matter gets out of their hands, out of their control, if one group or another or a third group takes over the control, a situation will develop which nobody can control and then where will the employees be? Where will the Government servants be? Who will keep all the records? If the buildings are damaged, if the Railways are damaged, all order would be gone. Nobody will even know who are Government servants and who are not because there will not even be the records of employees. There would be no means of knowing what salary they were getting or

what increments were due to them. Postal Department fails they would not be able to send money to their relations and dependants. They would not be able to make use of the hospitals. They would not be able to send their children to schools. And when life becomes practically paralysed, where will the strikers be?

The question here is the discipline is broken. And the argument is, I may do anything wrong but still I must be treated on par with the other persons who have maintained order and discipline. If that is the case, where is the distinction between that Government employee who maintains discipline and carries on his duties dutifully, diligently and honestly and the one who does not, who does sabotage, who undermines the Government, who does subversive activities? Where is the distinction between a good employee, and a bad employee? Unless we have that distinction, unless we have the principle that a good Government servant should be appreciated, encouraged and given incentive and a Government servant who indulges in negative action should be discouraged, where is the incentive for a good man to be good? Why should he also not become a bad person and make hay like anybody else? Good and dutiful action by an employee should be encouraged and appreciated but damaging action by anyone, not necessarily by Government servants alone, should be discouraged and that itself will make for order and harmony in our life.

We cannot allow this type of gross destruction to take place in the country. Such things will finish it and then even those who participate in such things, in such strikes, will regret their action and feel sorry because the whole system will be disrupted. I am sure the Government servants want to make use of hospitals, schools and other facilities and they must have safety and security. Unless they have all these things, if these are taken away from society, there would be chaos and trouble and the law of the jungle will prevail

-which, I am sure, the strikers themselves would not like and would not feel happy about. Therefore, I feel that looking at it from a long-range point of view and keeping in view the great mischief and damage that can be done by such a step, I think such things should always be discouraged absolutely and totally.

Of course, our heart goes out for the Government servants. Their conditions should be improved and they should be helped and they should be shown all sympathy and understanding and care that every citizen deserves. It is their Wght, but they have no right to bring about chaos in the country. They have no right to take the country backwards by a few years—a few decades; they have no right to threaten the security, the life and the property of the people. If the trains are derailed, if the postal services fail, if the Defence Department fails, if the Home Department fails, what is left in this country? You may have to start from almost thirty years back; all order would be gone. So, this is a very dangerous proposition; it has got great and dangerous potencies. Very great mischief is involved in this. Therefore, whether it is by Government servants or by anybody else, we should not look upon it with leniency or indulgence. No one can tell where it will land them. A strike of this type will affect the whole nation.

I think there is a Chinese saying that if you return good for evil, what is it you will return for good? They do not believe in that much indulgence. We can appreciate the practical side of it. A good action by Government servants or other people should be encouraged but a bad action by them should be discouraged. We should see that the authority of the Government is respected. We should not allow anyone to gain the feeling that he can do today what he likes, he can sabotage, he can undermine the whole order of society and that

after some months there will be half a dozen people who will come up and say 'Please forgive them; it was all a mistake and so on'. First, they are dismissed and then you plead for their reinstatement. If you reinstate them and perhaps keep only the stoppage of one increment, probably after some time on an appeal they will have that stoppage of increment also waived. That way the respect or fear of authority will not be there. There must be some fear, some respect for authority. If we begin with a big effort at maintaining authority and if the whole thing is watered down to nothing, people will feel that they can do what they like and that no action will be taken against them. This would be a very bad precedent. We would be setting a very bad example.

SHRIMATI JAHANARA JAIPAL SINGH (Bihar): Madam, would not the hon. Member like that their cases should be examined with clemency?

KUMARI SHANTA VASISHT: If they deserve clemency, they must get it. If they do not reserve it, there should be no clemency because justice, discipline and authority must prevail. Therefore, I feel that if they have done something wrong, if they have done certain acts of damage or sabotage, then action should be taken against them and we presume that there would be justice. But to begin with a high hand and then water it down to nothing, it really takes away all the respect and regard for governmental authority or for any authority for that matter. My submission is that the very fact that a large number of people, voluntary organisations, labour unions, trade unions, shopkeepers, retailers, small people, common people, ordinary people, and various sections of the people volunteered to replace the strikers to keep the machinery going, to keep the whole set-up going, shows that it did not have any popular support and that their demands were not considered with sympathy by the public at large. That also shows that their demands were not just, that their stand was

[Kumari Shanta Vasisht.] not just and that it did not have any support from the people.

THE DEPUTY CHAIRMAN: The Prime Minister will make a statement at 4.45 P.M.

The House stands adjourned till 2.30 p.M.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch ;at half past two of the clock, the DEPUTY CHAIRMAN in the Chair.

SHRI A. D. MANI (Madhya Pradesh) : Madam, I move that the matter has been sufficiently discussed and we should like to have a detailed statement from the Government about the action they are going to take in respect of the suggestions made and on that basis I would move for closure of the debate.

SHRI BHUPESH GUPTA: Madam Deputy Chairman, he has not made up his mind.

SHRI A. D. MANI: I have made up my mind.

DR. SHRIMATI SEETA PARMA-NAND (Madhya Pradesh): The closure motion has to be seconded and I second it.

SHRI DAHYABHAI V. PATEL (Gujarat): It is a rule of the House that a Member must always speak from his seat and the Chair should not recognise it if it is not done from his seat.

SHRI BHUPESH GUPTA: Madam Deputy Chairman, we want a free and frank discussion on it.

DR. SHRIMATI SEETA PARMA-NAND: The closure motion has been seconded by me.

SHRI BHUPESH GUPTA: I do not think sufficient discussion has taken place, but if the hon. Minister gives a

very good assurance that the purpose of the Resolution will be fulfilled, then the hon. mover of the Resolution might, in consultation with us, consider the advisability or otherwise of accepting a proposal for the withdrawal of it. There will not be any closure. I have got five speakers here, Madam.

SHRI M. P. BHARGAVA (Uttar Pradesh): Once the closure motion has been moved, it has to be put to the House.

SHRI BHUPESH GUPTA: It has not been moved.

THE DEPUTY CHAIRMAN: It has been.

SHRI A. D. MANI: I withdraw the motion.

THE DEPUTY CHAIRMAN: Have you moved for closure or not?

SHRI A. D. MANI: Yes.

THE DEPUTY CHAIRMAN: Mr. Mani has moved for closure.

SHRI BHUPESH GUPTA: No, he has not.

(Interruptions.)

THE DEPUTY CHAIRMAN: The closure has been moved and, therefore, the question has to be put.

The question is:

"That the question be now put."

The motion was adopted.

SHRI BHUPESH GUPTA: On a point of order. You have listened to what he said from here. First of all, he did not speak from his seat. Therefore, you can ignore it, but do not ignore it,

SHRI DAHYABHAI V. PATEL: I drew your attention to it.

SHRI BHUPESH GUPTA: Secondly what he said here is not that. He did not move any motion. The Rules of Procedure say how a closure motion has to be put. Thirdly, we do not make a speech, but say that the question be now put. He never put it to the House. The proceedings of the House will confirm it. He only expressed his desire. It is one thing to express a desire that one would like to move a motion; it is quite another thing to put the motion. Madam, you confuse the two things. Therefore, I want that somebody here should see the Rules of Procedure, as to how he spoke on the subject and come to the conclusion as to whether it was an actual motion for closure or an expression of desire and he said: "After hearing the Home Minister's speech." Now, this cannot be done that way. I am not very rigid on rules, but Mr. Mani, if he likes, even now or later on can get up and say: "I move the closure motion." He has not done it. Nobody has done it and, therefore, it does not stand. Madam Deputy Chairman, with all your good intentions you have been slightly derailed by us, perhaps the manner in which we have spoken. But it is our duty to rectify ourselves and even more to help you rectify -what you have said now.

SHRI A. D. MANI: I think I have got a locus *standi* to speak about the matter, because I must say what I said just before the motion came up. I had expressed my view that there has been a full discussion and that the question may now be put. But I did not use the phraseology contemplated by the Rules of Procedure, which alone is operative if a motion has to be put before the House. Now, I would not like to take a purely technical view of this question. A large number of Members from this side of the House want to speak and we have the very influential support of a Congress Member from the other side, who wanted to support Mr. Bhupesh Gupta. I would, therefore, request that the motion which has been put may be really treated as 'off the

record', because there has been no proper motion put in the required phraseology.

THE DEPUTY CHAIRMAN: Does Mr. Mani say that he did not ask for closure?

SHRI A. D. MANI: I did not put it in the phraseology or the language as required under the Rules of Procedure.

AN. HON. MEMBER: He is taking a technical objection.

SHRI BHUPESH GUPTA: The hon. Member was under a misconception. He assumed that there would not be any speaker and naturally that led him to think that there had been adequate discussion on this matter. Now, he has disabused himself of the misconception from which he had earlier suffered, because I have with me a list of four speakers from this side of the House only and I presume and I submit that there has not been any closure move. You see the rules— proper and adequate discussion. I submit that there has not been adequate discussion on this thing. I submit that there has not been. When so many speakers are willing to speak, you cannot by any stretch of imagination say that there has been ample and adequate discussion on the subject. It is a serious matter. I know the Congress Party has got the power. Let them get up and say why the Opposition Party is here . . .

THE DEPUTY CHAIRMAN: Make your point please.

SHRI BHUPESH GUPTA: Why are you insisting on it? He has said that so many people want to speak. Therefore, even if he had in a different language said something to the effect that it was a closure motion, you should be satisfied. Natural justice demands that you should not pursue this matter in this way, because the mover himself, after having looked at the House, has come to the conclusion that what he thought was not right. He also said that technically also he was wrong

[Shri Bhupesh Gupta.] in putting this thing. Therefore, according to me, no motion stands before you. Let the other side, if they want to move it, argue out why it should be so.

THE DEPUTY CHAIRMAN: The Chair rules that the motion was put and was carried. The debate is closed. Mr. Datar.

SHRI BHUPESH GUPTA: * * * * * I say this in all seriousness, because we have got our speakers. You have not allowed them the chance to speak, when the mover himself was prepared to give us the opportunity to make our voice heard. Here, Madam, you are saying that the motion has been put to vote. * * * * * Y^{ou} iⁿ t^{he} n^o b^e something which should be avoided in this House? I should like to know it from this House. It is a very strange way. The Opposition have not got a chance. We ask: "Are we not some people of" this House?" Only this morning we talked about the traditions of the House to be trampled under foot in this manner. Hardly the words have even been typed. It is strange. Madam, I beg of you in all sincerity . . .

(Interruptions.)

SHRI M. P. BHARGAVA: He is making a speech on the ruling of the Chair.

SHRI BHUPESH GUPTA: I have to ask her to reconsider it.

THE DEPUTY CHAIRMAN: Please make your point.

SHRI BHUPESH GUPTA: I have been trying to impress upon you that there was a technical flaw. *(Dr. Shri-mati Seeta Parmanand stood up.)* I know that you are interested in moving your motion.

DR. SHRIMATI SEETA PARMANAND: I would like to point out that it is not right to say that the motion

***Expunged as ordered by the Chair.

has not been sufficiently discussed, because it has been discussed for one and a half days and the fact that there are a couple of speakers there does not prevent a Member from saying "That the question be now put". It does not prevent him from making that motion.

THE DEPUTY CHAIRMAN: It is for the Chair to decide that we have had sufficient debate on this particular subject or not. The last time we had the debate eighteen Members spoke and today six members have spoken from the morning. I think there has been a sufficient debate and, therefore, I call upon the Minister to reply.

SHRI BHUPESH GUPTA: We want a division on this thing. We want it to be recorded.

THE DEPUTY CHAIRMAN: There is no question of division when the Chair has given its ruling.

SHRI BHUPESH GUPTA: Why did you put it to vote? I do not question the ruling of the Chair. Whea. you took the vote of the House, on that I want a division. I am not questioning your ruling, but vote should, be recorded.

SHRI M. P. BHARGAVA: Is the hon. Member there prepared to say that he means something else than what he says? Then we will reconsider the-question.

THE DEPUTY CHAIRMAN: It cannot be now after the ruling. It cannot be reopened.

SHRI BHUPESH GUPTA: Then have the votes recorded. I insist on my right t'o record my vote. I want to record my vote. Even if it means a few votes of the Communist Benches here, I want that to be recorded there. Let the country know that we want a discussion on that. We want the votes to be recorded.

THE DEPUTY CHAIRMAN: No
't' can be recorded after the Chair in its
decision. It could have been before the
decision. Mr. Datar.

SHRI BHUPESH GUPTA: Madam, you are
not being advised correctly in this matter.
Will he give an assurance that the Government
employees
not be victimised?

* THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI B. N.
DATAR) ; I am not giving you any assurance
under any threats.

SHRI BHUPESH GUPTA: Then why have
you got up?

SHRI B. N. DATAR: On the orders of the
Chair I have got up. You have no right to use
that expression. You sit down.

SHRI BHUPESH GUPTA: You sit down.

SHRI B. N. DATAR: I have been asked by
the Deputy Chairman to speak.

SHRI BHUPESH GUPTA: We were
given to understand by Mr. Mani . . .

SHRI B. N. DATAR: Madam Deputy
Chairman, may I point out that in respect of
this Resolution we had, as you pointed out, a
fairly long and exhaustive discussion?

SHRI BHUPESH GUPTA: Not at all.

SHRI B. N. DATAR: A number of points
were raised by the hon. Members, and two
points became clear. One was that those who
supported the motion acted under what can be
called a sense of considerable misappre-
hension or misunderstanding, because the
consequences that would follow from the
acceptance of such a Resolution, may I point
out, were not fully realised by the few hon.
Members who supported this Resolution?
(Interruption) On the other hand we had in the
course of discussion on this Resolution a
number of hon. Members who made excellent
points regarding

the way in which this strike was dealt with by
Government.

SHRI BHUPESH GUPTA: Who are these
Members? On this side of the House?

SHRI B. N. DATAR: Now, may I deal
specially with the points of the hon. sponsor of
the Resolution? In the first place we ought to
understand the extreme nature of the
Resolution that he has placed before us. He
desires that all those who have been punished
by way of dismissal, discharge or removal
from service should be reinstated in service.
Their number has come out in the course of
the debate, and it is 208. Now, my hon. friend
the sponsor of this Resolution, desires that all
these persons should be reinstated in service,
and in the course of the speeches made by
certain hon. Members it was stated that the
Government acted vindictively. May I point
out that the very small number of dismissals,
discharges or removals would give a clear lie
to the points that the hon. Members have made
in this respect? It is neither vindictive nor
even, may I point out, excessive. It is erring on
the side of leniency. That is a point which the
hon. Members should kindly understand.

I shall now deal with the various aspects of
this question from the time when this question
had been raised and when certain provisions
had to be made by the Government. Before I
deal with these points I should like to make
one thing clear. A number of hon. Members
spoke as if the case was governed by what is
known as the Industrial Disputes Act or the
Trade Union Act, and on that supposition they
contended that the strike was a fundamental
right. So far as the Central Government
servants were concerned, they had to be
classified under two categories: one was the
industrial employees and the other the general
or the civilian employees of the Government
of India. So far as the industrial employees are
concerned, they have been governed by the
Trade Union Act or by the Industrial Disputes
Act, and they are sub-

[Shri B. N. Datar.] ject to certain highly salutary restrictions. The right of strike has been allowed to them under certain circumstances. So far as the general category of civilian employees is concerned, let us understand it very clearly that the right of strike has not been allowed to them at all. On the other hand it has been banned by rule 4A.

SHRI NIREN GHOSH: It goes against the spirit of the Constitution.

SHRI B. N. DATAR: So far as rule 4A of the Government Servants Conduct Rules is concerned, may I invite the attention of the House to the fact that this rule 4A had been the subject matter of an adjudication by the Bom-Say or the Maharashtra High Court? They considered the whole matter and found that the right to strike was not a fundamental right guaranteed by article 19 of the Constitution. They further pointed out that in as much as in this case the Government had banned a strike, the strike could not be called legal, and that therefore the rule could not be called illegal at all. I would only read two lines from the judgment of the Maharashtra High Court dealing with the first two cases:

"The right to go on strike is not included in the fundamental rights guaranteed to the citizens under article 19 (1) (c) and (g) of the Constitution and preventing strikes does not contravene article 19(1) (c) and (g)."

Therefore, they came to the conclusion that rule 4A could not be struck down at all.

SHRI BHUPESH GUPTA: May I seek one clarification? Even if we assume that the Bombay High Court ruling is right on the point—even if we assume it, I do not admit it but assume it—the fact remains that you do not have any law in the country which *ipso facto* makes any strike illegal; that is to say, people have the right to strike. The question of exercise of this right is subject to the law,

you may say this. But then the question here is, when the strike came, it originated from an industrial dispute. By special power or by Ordinance you made it illegal and brought it under the scope of the law, and then the rest of the thing followed. Even now you have decided to withdraw the Bill which sought to ban strikes by Government employees. That is what we see in the papers. Therefore, you should talk from the larger social angle rather than on the basis of a narrow interpretation of what the Bombay High Court has said.

SHRI B. N. DATAR: The short answer to my hon. friend's interruption is this. If, for example, a High Court of Judicature has said that rule 4A does not contravene any of the fundamental rights guaranteed by the Constitution, then it is certainly open to the Government to take action with a view to preventing it. Government can do it in either of the two ways: one is to have a penal provision as they had in the Ordinance to which my hon. friend has made a reference. We allowed that Ordinance to lapse. That also should be kindly noted by the hon. Member. Secondly, so far as the Government Servants Conduct Rules are concerned, it is perfectly open to the Government to introduce in the Conduct Rules a provision that it would not be open to a Government servant to go on strike or to take part in a strike. In case he does so, then in as much as it is not a fundamental right his action in respect of going on strike or supporting a strike amounts to a misconduct on the part of the Government servant. Therefore, it is perfectly open to the Government to start disciplinary proceedings against him. This is my answer to the two questions that the hon. Member has raised.

A number of hon. Members made their speeches almost on the footing that it was a fundamental right to go on a strike or to even incite a strike. That is not the position in India at all, and there are a number of countries—I would not like to take the time of the House in mentioning them

where strike has been banned, and it is perfectly open to the governments in those countries to take action so far as the prevention of the strike is concerned or the penalty for a strike is concerned. This is the position.

SHRI NIREN GHOSH: Can you admit . . .

SHRI B. N. DATAR: Now, unfortunately, Sir, there was a strike in 1960.

SHRI BHUPESH GUPTA: Fortunately, it is "Madam".

SHRI B. N. DATAR: For the first time, I am obliged to him, Madam.

SHRI BHUPESH GUPTA: Second time. The first time has passed.

SHRI B. N. DATAR: The circumstances under which this strike was called for and ultimately had to be called off may be very briefly noted. The House is aware that there had been a demand for the revision of the pay scales. There had also been a demand that the conditions of service under which the Central Government employees were appointed should be liberalised to a large extent. That was the reason why in answer to such a demand particularly by Members of the two Houses, the Government of India appointed the Second Pay Commission. We received their Report. And may I point out in this connection that most of the major recommendations were accepted by the Government? They cost the Government a number of crores so far as the recurring expenditure was concerned. *(Interruption.)* After this Report was received and the major recommendations had (been more or less accepted by the Government, a question arose as to what they should do so far as persons of certain political affiliations were concerned. I do not like to be uncharitable to such parties or such persons but the main ground of attack against the Government had been completely removed by the recommendations of the Central Pay Commission, having been, in the greatest number of cases, accepted by the Government.

SHRI BHUPESH GUPTA: The same has *ex post facto* justified the validity of the strike, the sociology of the strike.

SHRI B. N. DATAR: Madam, before this strike, they gave what was known as the charter of demands. So far as these demands are concerned, it is not necessary for me to deal with them except to point out that one of the items that were included in the charter of demands was to the effect that the minimum pay of the lowest class of Government servants should be raised to Rs. 125 a month. Now, this question had been considered by the Second Pay Commission. They went into the whole affair and they came to the conclusion probably that it would not be advisable to saddle the country with a large amount of recurring expenditure to the tune— will you kindly understand?—of nearly Rs. 50 crores. That was the reason why the Central Pay Commission stated that the minimum pay of the lowest class of Government servants ought to be Rs. 80 per mensem. Formerly it was Rs. 70. Then they gave an interim recommendation which was accepted by the Government. It was raised to Rs. 75, and ultimately we accepted that it ought to be Rs. 80 as recommended by the Pay Commission. Therefore, you will find that so far as the most important item in this so called charter of demands was concerned, it had been fully and substantially met and reasons were given by them in the recommendations of the Pay Commission as also by the Government that it would be against the interests of the nation to go beyond Rs. 80 per mensem. Thereafter, other points were raised which could be very easily met.

Now, one of the demands was that no change should be made in the amenities that were afforded to them. The Central Pay Commission went into this question. While generally they made recommendations for the improvement in the conditions of service

[Shri B. N. Datar.] of these Government servants, they also came to the conclusion that in certain cases these amenities were excessive. Therefore, while making a general and -all-round recommendation for the improvement of amenities, they naturally stated that certain excessive benefits ought to be withdrawn. You cannot have it both ways. That was the reason why the Government accepted the recommendations of the Pay Commission so far as the improvement in the service conditions of the Government servants was concerned.

Then there were minor demands which were needlessly made much of. One- was about making Saturday a working day and the other was about reduction of annual holidays. So far as these two or three minor points were concerned, they could have been considered. Government are always ready to consider whether any particular order that they have passed is or is not reasonable. They would certainly revise their orders whenever any well-based plea is made in that respect.

'3 P.M.

Under these circumstances, as I pointed out, so far as the main demands were concerned, they were absolutely wrong or unreasonable. So far as the minor demands were concerned, they ought not to have been magnified into what they called a charter of demands. It ought also to be noted that the public was not in favour of certain parties or trade unions that were bargaining for a strike.

One other point also should be noted in this case. As I pointed out, when the main claims of theirs had been in substance accepted, when there was no ground remaining for them for carrying on agitation, still you will find that they desired to have a trial of strength with Government. This point may kindly be noted by the hon. Members.

SHRI BHUPESH GUPTA: It will not kindly toe noted.

SHRI B. N. DATAR: They wanted to have a trial of strength and they wanted to see whether they can muster sufficient strength for the purpose of disturbing not merely the administration of the country but also the law and order condition in the country itself.

SHRI BHUPESH GUPTA: Madam Deputy Chairman, I want these words to be expunged from the proceedings because they are a slander against the Government servants and I would not like our Government servants to be slandered even by the Home Minister.

SHRI AKBAR ALI KHAN: You cannot claim to be the only custodian of Government servants.

SHRI BHUPESH GUPTA: For the present you are also, and I would like to be one.

SHRI B. N. DATAR: There were certain trade unions of a certain political persuasion. Now, all they could do was to muster up strength for the purpose of the strike ballot in the case of only those associations whose total membership was six lakhs and the number of Government servants in the Government of India is about 19 lakhs or roughly 2 millions, and out of them you will find . . .

SHRI BHUPESH GUPTA: What is the percentage?

(Interruptions.)

SHRI B. N. DATAR: . . . that less than one-third were in favour of the strike ballot.

(Interruptions.)

SHRI BHUPESH GUPTA: Madam Deputy Chairman, in U.P., Congress is ruling with less than one-third of the votes.

SHRI B. N. DATAR: Thereafter it was found that even out of these 6 lakhs of members of certain trade unions all did not take part at all; only

4 lakhs of persons, directly or indirectly, voluntarily or by coercion, entered the strike. That is what should be noted.

SHRI NIREN GHOSH: If you had not promulgated the Ordinance and struck terror in them, many more would have joined the strike.

(Interruptions.)

SHRI B. N. DATAR: Let there be no running commentary; let the hon. Member keep quiet.

SHRI BHUPESH GUPTA: Mr. Jai-puria is a millionaire and he can say that 4 lakhs is only 4 lakhs. But he should not say that.

SHRI SITARAM JAIPURIA (Uttar Pradesh): How do I come into the picture?

THE DEPUTY CHAIRMAN: Order, order; let him finish his speech.

SHRI B. N. DATAR: Now, Madam, as I pointed out, Government had all along been trying to persuade these friends who were going along wrong lines to stop doing so. Thereafter, on the eve of the threatened general strike the Prime Minister made an appeal, the Labour Minister tried hard, and it must be said the credit of a number of hon. Members of this House and the other that they tried their best to prevent this ill-advised strike.

(Interruption.)

SHRI AKBAR ALI KHAN: The late Firoze Gandhi.

(Interruption.)

SHRI BHUPESH GUPTA: And also Ila Palchoudhuri was the greatest casualty in the last Elections.

SHRI B. N. DATAR: The Prime Minister's appeal was couched in the most earnest terms but, as I point out, those friends, those who were organising this, well, they wanted to see whether they can have a successful trial of strength with the Government at the cost of the poor Government servants—please understand. They tried . . .

SHRI ROHIT M. DAVE (Gujarat): The hon. Minister is going on making all sorts of allegations and insinuations without any proof. Either he should prove these things, or the allegations and insinuations should be withdrawn. Here is a very simple Resolution and unnecessarily all sorts of insinuations and allegations are being made. They are out of place also.

SHRI BHUPESH GUPTA: Trial of strength. We deny it.

SHRI B. N. DATAR: This was not a trial of strength in any particular industrial concern, or in any particular department, but what was attempted to do was to call a general strike by all Government servants. And this is what was done.

SHRI BHUPESH GUPTA: How does he know?

SHRI ROHIT M. DAVE: These insinuations and allegations cannot be permitted and they disturb the decorum in the House. I cannot understand why all sorts of insinuations and allegations are being made.

SHRI BHUPESH GUPTA: You are wrong, in making the allegations.

SHRI SONUSING DHANSING PATIL (Maharashtra): Do not interrupt unnecessarily when the hon. Minister is developing his argument.

SHRI BHUPESH GUPTA: You are supporting us.

SHRI SONUSING DHANSING PATIL: No, I am rising just to object to your interference.

(Interruptions.)

SHRI B. N. DATAR: Ultimately, Sir, the strike was called on, and we saw the result of it just within three or four days; they had absolutely very little support. I am prepared to concede that they had some support here and there . . . (Interruption) . . . but that support was negligible considering the circumstances, though other

[Shri B. N. Datar.] parties professed to have a universal following. Now when the strike was ultimately called, Government had to take certain precautionary actions, and one of the actions was, as I pointed out, that an Ordinance was issued, the Essential Services Maintenance Ordinance. That was point number one. Also I may point out with gratitude to the people of India, that the people of India were not behind the strikers at all, had condemned their contemplated strike all along. *(Interruption:)* Now, of the action that the Government took, the precautionary action taken is point number one, and the greatest point that was in favour of Government was the public condemnation of the strikers and their promoters. That is point number two.

SHRI BHUPESH GUPTA: By whom?

SHRI AKBAR ALI KHAN: By the public.

SHRI B. N. DATAR: Then we had also the willing support of the State Governments. These three factors should be understood.

SHRI BHUPESH GUPTA: They are your obedient tools, State Governments.

SHRI B. N. DATAR: These three factors contributed to make those friends, those promoters who had advised the strike, to call a halt to this unfortunate strike. It was highly ill-advised; it was most inopportune, and I am happy that a sense of wisdom dawned on those friends within three or four days' experience. Therefore, the strike was called off.

SHRI B. K. P. SINHA: Madam, I correct the hon. Minister? He is slightly inaccurate. The sense of wisdom never dawned on them. The strike was smothered by the public reaction against it, it fizzled out.

SHRI B. N. DATAR: That is what I said just now.

THE DEPUTY CHAIRMAN: He has said that.

SHRI B. N. DATAR: And even in respect of the few persons who took part in it we had to make a distinction between the promoters or the active workers in the promotion of the strike, and the large class of helpless Government servants who had to show apparent support for the strike because they could not do otherwise. Therefore, when the strike was called off, Government considered the whole matter afresh, and while the Government had naturally to start action either under the Ordinance or under the disciplinary proceedings, Government issued directions which, as always stated that a distinction should be made in respect of those who were promoters and those who had been guilty of very serious acts of misconduct—that should be noted.

Some hon. Members suggested that it was peaceful. I am extremely sorry to say that the strike was not peaceful everywhere at all. *(Interruption)* There were a number of cases of sabotage—more than 200 in the Railway administration itself. Then, Madam, there were a number of . . .

SHRI NIREN GHOSH: Let the hon. Minister give a history of these 200 cases of sabotage.

SHRI BHUPESH GUPTA: Madam Deputy Chairman, I seek your protection. If he was seeing acts of sabotage, then, under the criminal law, under the Indian Penal Code . . .

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THE DEPUTY CHAIRMAN: But he has not finished.

SHRI BHUPESH GUPTA: He has finished sabotage. Why sabotage? If sabotage, how many prosecutions have taken place? Sabotage is a crime. Let him tell us how many prosecutions have taken place and successfully?

SHRI B. N. DATAR: If the hon. Member would have waited for five minutes, I would have given all the figures.

SHRI BHUPESH GUPTA: He has got only thirty minutes which he has nearly exhausted.

SHRI B. N. DATAR: Sir, there were cases of sabotage and the hon. the Deputy Minister made it known here, that there were a number of cases of sabotage—more than 200 so far as the Railway administration was concerned.

SHRI BHUPESH GUPTA: How many prosecutions?

SHRI B. N. DATAR: There were also certain cases of sabotage in the P. & T. Department

SHRI BHUPESH GUPTA: Which Deputy Minister said it?

SHRI B. N. DATAR: The Railway Deputy Minister said it, the Deputy Minister who has also intervened in the debate.

SHRI BHUPESH GUPTA: He said, sabotage.

SHRI B. N. DATAR: He said that there were cases of sabotage.

SHRI BHUPESH GUPTA: How many prosecutions? Sabotage may exist in your files. I would like to know how many prosecutions took place.

SHRI B. N. DATAR: In the first place the hon. Member should not interrupt and secondly he has shifted his ground.

SHRI A. B. VAJPAYEE: I do not want to interrupt the hon. Minister, but is it a fact that not a single Central Government employee had been prosecuted for sabotage? He may come out with figures.

SHRI B. N. DATAR: May I point out to the hon. Member that if he waits for some time I would give all the figures.

SHRI BHUPESH GUPTA: We are impatient.

SHRI B. N. DATAR: Now, when it was found that the strike was called off, then Government considered the whole position very clearly, and Government issued directions that distinction should clearly be made between those who were the actual promoters or instigators and those who had been helplessly led on to participate in this particular strike, and on account of this clear distinction that Government made, in a number of actions leniency was shown. (*Interruption.*) I would give you some further figures.

SHRI A. D. MANI: Counter-statements have been made from this side of the House that there has not been one case of conviction in respect of sabotage. I went through all the proceedings, all the clippings in the Parliament library and nowhere did I find that a person had been prosecuted for sabotage. But he mentioned that so many cases of sabotage were there and I ask whether any independent enquiry was made into those cases of sabotage.

SHRI B. N. DATAR: I shall give you those figures. Now, so far as the actual conduct of the Government in respect of this strike was concerned, may I point out here that the claim that the strike was non-violent is entirely wrong. Now there were 244 cases of rioting, assault, intimidation, etc. Now, in respect of these occurrences, so far as the Government is concerned, in the vast country of India, there were only five cases of police firing—mind—and so far as the general casualties are concerned, there were 172 police officers who received injuries. And 29 volunteers also received injuries, and *nine volunteers* had met with death in the performance of their duties so far as this particular task was concerned.

SHRI BHUPESH GUPTA: 21,000 were arrested.

SHRI B. N. DATAR: So, in these circumstances may I point out that Government cannot be charged with having acted vindictively? So far as loss is concerned, there was a loss of 4^ crores that should be noted. It was stated that the loss with regard to Government property was only in terms of about Rs. 30,000 or Rs. 40,000. For that the credit does not go to these promoters of the strike at all. It is due to the fact that the Government took the most vigilant steps for preventing any inroads on Government property. That is the reason why the loss was avoided to a large extent. Under the circumstances, Government naturally had to take action either under the Ordinance or under their powers so far as the Government Servants' Conduct Rules were concerned.

Now, 27,098 people had to be suspended. But it will be kindly noted that out of them the orders of suspension have *been* removed except in the case of 15 only, 15—this should be noted. If any illustration is necessary for pointing out that the Government have not been vindictive, nothing can be more eloquent than actual dismissals. Now, Madam, dismissals cannot be had in an arbitrary manner. It has to go through a certain procedure, and 2084 people had been originally dismissed, it should be noted, after a proper procedure.

SHRI BHUPESH GUPTA: How long will he be allowed to continue his speech?

SHRI B. N. DATAR: I am entitled.

SHRI BHUPESH GUPTA: No, you are not entitled.

THE DEPUTY CHAIRMAN: The hon. Minister was to speak for 30 minutes. I have given him five minutes more because of the interruptions.

SHRI BHUPESH GUPTA: Because of interruptions you have given him more time; let it be recorded.

THE DEPUTY CHAIRMAN: Because he must state his case finally.

SHRI B. N. DATAR: The hon. Member cannot have it both ways. He goes on continuously interrupting me, taking my time, and when he finds that the facts are more eloquent and very inconvenient to him, he wants to stop me.

SHRI BHUPESH GUPTA: Madam, you gave him time but we too must get the same privilege.

SHRI B. N. DATAR: So far as sabotage is concerned, this is what the late Home Minister pointed out.

SHRI JOSEPH MATHEN (Kerala): Mr. Bhupesh Gupta is innocent because he was in the Soviet Union at that time.

SHRI B. N. DATAR: This is the answer of the late Home Minister so far as the alleged peaceful character of the strike goes. I would not like to say much because there were 153 cases of sabotage alone. There were more than 230 or 240 recorded cases of intimidation.

SHRI BHUPESH GUPTA: On a point of order, Madam. The late Home Minister was the Leader of the House. Out of respect towards his memory we cannot say anything. We should not say anything. Now, it seems the hon. Minister is taking advantage of our respect towards the departed Leader of the House and is quoting him to take party advantage out of that 'I would request you not to allow him to quote the late Home Minister, if for nothing else, only because of respect towards him.

THE DEPUTY CHAIRMAN: There is no point of order in this.

SHRI B. N. DATAR: So far as the late Home Minister was concerned, my hon. friend made a reference to a certain assurance or assurances given by him, and he further charged us with violation of that assurance. I purposely looked into this matter and I found that whatever had been stated by the late Home Minister has been fully implemented by the Home Ministry. Therefore, there is no substance in his contention.

SHRI NIREN GHOSH: Not at all.

SHRI B. N. DATAR: It is the practice of my friends to say something about individuals, to blame them, then again honour them and then blame the Government.

SHRI BHUPESH GUPTA: Let him go to the Committee of Privileges and there we shall prove that he is not right.

SHRI D. C. MALLIK (Bihar): Madam, I should like to know who is in possession of the House, the hon. Minister or the Leader of the Opposition?

SHRI B. N. DATAR: I submit, Madam, that there were originally 2,084 cases of removal/dismissal. Then, there were 2,137 cases of discharge. Finally, there were 136 dismissals removals, 61 temporary persons discharged and 11 cases of compulsory retirement. You will find Madam, that the orders have been retained in only these cases. In all other cases the orders have been withdrawn. It means that those who had been dismissed have been retaken in service. So far as the number of discharges is concerned, the order of discharge is in the case of temporary Government servants. So far as compulsory retirement is concerned, that order is less onerous than the order of dismissal because they are entitled to certain rights. Please note that as against 27098 persons suspended only 61 were discharged.

SHRI BHUPESH GUPTA: His five minute's are not yet over?

SHRI B. N. DATAR: Is it or is it not lenient, I am putting it to the good sense of the House? Is it not an act of leniency, an act of generosity that only in the case of 208 persons orders have been retained? They are not all cases of dismissals. Some of them are cases of compulsory retirement, giving them certain benefits. Some are of discharges where they were not permanent Government servants—out of 46,000 odd.

Under these circumstances, Madam, I am submitting to the House that the Government have been extremely careful to see that only those who deserved punishment of dismissal, discharge or compulsory removal, they were the only persons against whom action was taken. In fact, I sometimes felt that the Government was inclined more on the side of leniency than it ought to be.

SHRI BHUPESH GUPTA; When did you feel that?

SHRI B. N. DATAR: There is one reason. This is not a case of ordinary strike. Here we are dealing with the lives of millions of people in respect of whom two million Government servants are entrusted with certain duties. So far as these Government servants are concerned, they are subject to discipline!—this must be noted very clearly. They have to carry on their work efficiently and they must always subject themselves to discipline. That is the reason why the Government have made these rules.

Madam, some hon. Members suggested that the Government have been revengeful I am pointing out that the Government has never been revengeful at all. On the other hand, in view of the fact that a very large

[Shri B. N. Datar.] number of persons had been helplessly misled into participating in a strike, the Government took a lenient view and that was the reason why the Government have reduced the scope of punishment to only 208—that may kindly be noted by this honourable House—out of nearly 46,000 persons against whom the Government had instituted proceedings. Under these circumstances I would submit that the action that the Government have taken cannot be called excessive, much less vindictive.

Then, a point was made by an hon. Member that certain labour associations have not been yet recognised at all. In this connection I would invite the attention of the honourable House to the fact that we took a de-cKon in September 1961 that except four or five, all the associations should be recognised or, in other words, their de-recognition should be taken back.

SHRI A. B. VAJPAYEE: Why?

SHRI B. N. DATAR: Now, an unfortunate reference was made to them. The fact was not all brought out that only four or five associations remained . . .

SHRI A. B. VAJPAYEE: Why did they remain?

SHRI B. N. DATAR: That is because they are still indulging in certain acts which are absolutely against the ordinary canons of good conduct. I am quoting one instance.

SHRI BHUPESH GUPTA: Where is the evidence?

SHRI B. N. DATAR: You cannot go on asking me in this manner. I am prepared to reply to as many questions as possible.

THE DEPUTY CHAIRMAN: Mr. Datar, please finish your point.

SHRI BHUPESH GUPTA: He will never finish his point. Madam Deputy Chairman, this falsehood has no end.

THE DEPUTY CHAIRMAN: I do not think the hon. Member should intervene so often.

SHRI B. N. DATAR: The question is whether these associations were at least in a relenting mood—I am not prepared to say "repenting mood". I am now going to give the example of what they wrote in a magazine that they had published for their own people. Now therein they stated—the mind of that particular Federation is clear: —

"Above all we shall be now called upon to settle accounts with those who not only deserted the movement but also acted as spies."

Imagine how these friends called the others, who were loyal Government servants, spies. Then they say:

"They were spies, disruptors and agents."

Then even at places where strike has not taken place the workers are determined—please understand—not to forgive them for their treachery, as they call it. I would appeal to the honourable House to consider whether the action of those very large number of people who did not go the wholehog with a few organisers— again I repeat that these persons were few—is treacherous. Can their action be called treacherous? Can they be called spies? I leave it to the honourable House itself to consider the matter. Under these circumstances the Government had to take action. The Government have given recognition, have removed de-recognition in respect of most of the labour unions but in respect of three or four where, as I stated, the Government did not find any chance of some relenting, much less of repentance, the Government have to consider the question. So far

as these trade unions are concerned, they are to be governed by certain salutary rules. In case they are not prepared to do so, we cannot go round and say that there should be recognition also in the case of these people. That is the reason why I was pointing out that the action that the Government had taken was extremely liberal. I would finish in five minutes.

SHRI BHUPESH GUPTA: Let him continue. It suits us. We will insist on similar time being given.

SHRI B. N. DATAR: So far as actual prosecutions . . .

SHRI BHUPESH GUPTA: It should "be borne in mind . . .

THE DEPUTY CHAIRMAN: The Minister may finish in two minutes.

SHRI B. K. P. SINHA: Madam Deputy Chairman, the hon. Minister has been subjected to continuous interruptions. Now those gentlemen who interrupt him and take his time, seek to muzzle him by imposing a time-limit on him. In the circumstances, I expect the Chair to protect him.

THE DEPUTY CHAIRMAN: The Chair has taken into consideration all -that.

SHRI B. N. DATAR: I submit to the Chair. What I wanted to give was the number of prosecutions that we had started, and the number of convictions that we got from the courts. Mind you, the convictions were for offences either under the Ordinance or under the ordinary penal law of the land. I am giving the figures and I may also point out to the honourable House that in the case of not merely the ordinary majority but a very large majority, even after convictions and sentences had been secured, even after they had been sentenced, they had been remitted by the Government. That is the figure I want to

give. The total number of convictions of employees was 1,560. Remissions have been granted to 994. In other cases their punishment was not very much and, therefore, it was left out. Under the circumstances, you will find that the Government have taken not very severe action, much less revengeful action.

Lastly, appeals were made to Government that even in respect of these 208 cases, the Government should take a lenient view, or the Government should review such cases. So far as that is concerned, the Government are always prepared to review the cases and to remove the injustice, if any, or the hardship, if any, that they can find even so far as these cases of 208 are concerned. That is the reason why I am prepared to give this assurance to hon. Members that in respect of these 208 cases, if any hon. Member of this House or the other goes through the facts, goes through the punishment that the Government have given and feels that there is some hardship involved therein, I am prepared personally to go into every case and satisfy the hon. Member that the Government have acted rightly; and in case there is any ground for review, the Government are always prepared to review what is necessary. This is what I shall say so far as this is concerned. If the unions will take up this matter in right earnest with the Departments, I am sure they will have a good opportunity to understand the pros and cons of each and every case. The most that I can do still, in the present circumstances, is to request the Ministers concerned to give full thought to these cases. This will of course be restricted to the 208 cases of dismissal, discharge and compulsory retirement. Under these circumstances, Government never stand on false prestige because after all, the Government are anxious that our Government servants get a fair deal. If they act wrongly, then though they have to be punished, still that punishment will be reasonable and if it is

[Shri B. N. Datar.] found that it is not reasonable, Government will always set right all such cases of real and legitimate hardships.

SHRI BHUPESH GUPTA: Madam, one question. Now that he has said that he is prepared to review the cases of 208 employees, I take him at his word but it is not enough for him to ask us to give them. Would he be prepared to compile a list of the 208 cases, state briefly the reasons why the particular steps continue to be taken against them and then call a meeting of the Consultative Committee attached to the Home Ministry and discuss the matter in order that we can arrive at, by agreement in discussions, some kind of happy solution to the problem? I have made a very constructive suggestion within the framework of Parliamentary practices and procedures and I think the Home Ministry should have no difficulty in giving us a list of 208 people with the statement of case briefly and give us an opportunity to plead with them so that their cases may be reviewed in mutual consultation?

SHRI A. D. MANI: The House has heard from the Minister of State that the Government would review these 208 cases . . .

SHRI B. N. DATAR: Such cases as in the opinion of any hon. Member have led to certain hardships—I am prepared to look into them.

SHRI A. D. MANI: But he also said . . . *(Interruptions)* I am holding the floor. But he also said that these cases would be reviewed by the Ministries concerned. That is what was said. That would mean that these cases would be referred to the very persons who have penalised them for taking part in the strike. What I would suggest for the consideration of

the hon. Home Minister is, if he were to give an assurance that he would take up all these cases at the level of the Home Ministry and that he would associate in the enquiry the assistance of the Attorney-General or any law officer for going into these cases—because we want a judicial mind to be applied—it will go a long way to assuage public opinion.

SHRI B. N. DATAR: May I point out to my two hon. friends that it is not possible to accept what they have suggested after I have made the whole position clear? Even in respect of the 208 cases, may I point out that these cases remained as they were after there had been complete scrutiny at various levels? Therefore, I would point out that according to the Government they have fully gone into all these 208 cases and they are the minimum that remain. In case any hon. Member still feels that in any one of these cases there has been injustice, he can take up the matter with the Home Ministry and I am prepared to look into the matter but I am not prepared to order a general or a roving review of all the 208 cases.

SHRI BHUPESH GUPTA: In that case. I would suggest to him through you that let him place in your hands a brief statement on these 208 cases so that we can go through these and make our suggestions. This should be done, otherwise it is not fair to the Members of Parliament to be asked to place their views.

SHRI B. N. DATAR: I cannot accept any such roving review. I am prepared to go into only those cases in which the hon. Member feels that some further review is necessary. I am not prepared to have a roving enquiry into all of them.

THE DEPUTY CHAIRMAN: I am calling the mover of the Resolution.

SHRI A. D. MANI: With your permission, I would like to know one thing from the hon. Minister. Can we have access to the papers of those persons in whose cases we feel injustice has been done? If we ask the Home Minister for them, will he give us the papers for study?

SHRI B. N. DATAR: So far as that is concerned, I am afraid it will not be possible to make all the papers accessible. Nor will it be feasible. As you are aware, we are all here in the hands of both the Houses.

AN HON. MEMBER: Without the papers, what can we do?

SHRI B. N. DATAR: It is not possible to accept such proposals which go far beyond what is practicable, what is reasonable, what is advisable.

SHRI NIREN GHOSH: Why not go into all these cases? When there are two parties to the dispute, why not bring in the independent judiciary to go into the matter?

SHRI BHUPESH GUPTA: You can, Madam Deputy Chairman, you could always direct the Minister. You can do it now, if you think, that a thing should be done.

THE DEPUTY CHAIRMAN: The hon. Members have made suggestions and the hon. Home Minister has explained his position. Now, I call Mr. Vajpayee.

SHRI BHUPESH GUPTA: What is the time that he gets?

THE DEPUTY CHAIRMAN: Fifteen minutes.

SHRI BHUPESH GUPTA: Will he get more time if we interrupt him? That we would like to know. We will interrupt him if you give him more time.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, we are tired of interruptions.

SHRI BHUPESH GUPTA: I say this because we want more time.

श्री ए० बी० वाजपेयी : उपसभापति महोदया, मुझे खेद है कि जिस भावना से मैंने सदन के सामने यह संकल्प रखा था उस भावना से उसे ग्रहण नहीं किया गया है। इस संकल्प का उद्देश्य यह नहीं था कि हम उन सभी पुरानी बातों को दोहराएँ जो हमारे बीच में एक कटुता का वातावरण छोड़ गईं लेकिन कुछ कांग्रेस के सदस्यों ने इस वाद-विवाद में ऐसी भावा का प्रयोग किया है जिसे सुनकर मुझे बड़ा दुःख हुआ है। बड़ों के रुदन में हम आना करते हैं कि वाद-विवाद को ऊँचे स्तर से किया जायगा। हमारे बीच में मतभेद होना स्वाभाविक है लेकिन मतभेद रखने वालों को हम देशद्रोही की संज्ञा दें और स्वयं देशभक्ति के ठेकेदार बन जायें तो लोकतन्त्र चल नहीं सकता है। अनेक कांग्रेस के सदस्यों ने कहा कि जिन्होंने हड़ताल कराई, जिन्होंने हड़ताल में भाग लिया, वे देश को बेच देना चाहते थे। मैं नहीं समझता कि जिन्होंने यह बात कही है वह हृदय पर हाथ रख कर इस बात को मान सकते हैं कि जो भी केन्द्रीय कर्मचारी हड़ताल में शामिल हुए या उन के साथ सम्पर्क रखने वाले जिन व्यक्तियों ने हड़ताल का समर्थन किया वे देश को बेच डालना चाहते हैं। तो देशभक्ति किसी सदस्य की अपेक्षी नहीं है।

श्री अजकिशोर प्रसाद सिंह (बिहार)
जब यह स्ट्राइक या हड़ताल की योजना बनाई गई और जिस समय हड़ताल करना था, उस वक्त हमारी उत्तरी सरहद के बहुत बड़े हिस्से में एक दूसरे राष्ट्र ने कब्जा कर लिया था। वहाँ पर लोगों को पहुँचाने की जरूरत थी, वहाँ सामान पहुँचाने की जरूरत थी। इस हड़ताल से ये सारी कार्यवाहियाँ रुक जाती तो क्या यह हड़ताल देश प्रेम था या देशद्रोह था ?

श्री ए० बी० वाजपेयी : माननीय कांग्रेस सदस्य को यह पता नहीं है कि हड़ताल करने से पहले जो भी सुरक्षा से संबंधित सरकार के कार्यालय थे उन्हें हड़ताल से बरी कर दिया गया था। सम्पूर्ण उत्तरी सीमा, नेका का इलाका आसाम में लगा हुआ प्रदेश

श्री ब्रज किशोर प्रसाद सिंह : रेलवेज ?

श्री ए० बी० वाजपेयी : ये सब हड़ताल को परिधि से बाहर रख दिये गये थे। जहाँ तक रेलवे का संबंध है उत्तरी सीमा पर संकट का हवाला दे कर आप कर्मचारियों की न्यायोचित मांग को कदापि दवा नहीं सकते हैं। अगर आप की भुजाओं में पीरुष है तो जग चीना आक्रमणकारियों को खदेड़कर दिखायें। जब कभी सरकारों कर्मचारी अपनी न्यायोचित मांगों को रखेंगे तो आप सीमा के संकट का हवाला देंगे, लेकिन कर्मचारियों के घरों में जो संकट है वह आप को दिवाई नहीं देना है। मैं नहीं समझता कि हड़ताल को विफल बनाने के लिये जो हथकण्डे काम में लाये गये, वे हथकण्डे यहाँ भी लाये जायें, वह सदन को प्रविष्टा बनाने वाला विवाद नहीं है। मुझे दुःख हुआ कि कांग्रेस को छोड़ कर सभा विरोधी दलों ने हड़ताल का समर्थन किया। आप उनका निर्णय में मतभेद प्रकट कर सकते हैं, आप उन को आशानना कर सकते हैं, मगर आप को किसी की देश-भक्ति पर संदेह करने का अधिकार नहीं है, अगर आप चाहते हैं कि आप की देशभक्ति पर संदेह न किया जाय। मैं नहीं समझता कि जो सार्वजनिक मंच पर कहने को भाषा है, उस का प्रयोग इन बड़े सदन में बैठ कर बड़ों द्वारा किया जाय। मगर इस तरह की बातें कही गयीं और उस ने सारे वाद विवाद को विषाक्त कर दिया है। मेरा उद्देश्य गड़े मुर्दे उखाड़ना नहीं था। हड़ताल वापस ले ली गई, हड़ताल समाप्त हो गई, जिन कर्मचारियों ने हड़ताल में भाग लिया था उन्होंने खेद प्रकट किया है, उन्होंने प्रायश्चित किया है और

इसीलिये पी० एन्ड टी० के सभी कर्मचारियों को—प्राठ नी को छोड़ कर—वापस ले लिया गया। महादया, मैंने यह कहा था कि इन हड़ताली कर्मचारियों के साथ व्यवहार करने में सरकार की नीति को कार्यान्वित नहीं किया गया। आज आंकड़े दिये जाते हैं कि इतने कर्मचारियों ने हड़ताल की और फिर कहा जाता है कि हड़ताल को जनता का समर्थन प्राप्त नहीं था, फिर उस के साथ कहा जाता है कि हड़ताल से इतना नुकसान हुआ। ये बातें हमें किसी सही निष्कर्ष पर नहीं पहुँचा सकतीं।

इस विवाद में यद्यपि प्रस्ताव मेरी ओर से आया था तथापि कांग्रेस सदस्यों ने उस में ऐसे उदाहरण रखे जहाँ ऐसे कर्मचारियों को नौकरी से निकाल दिया गया जो कर्मचारी हड़ताल में शामिल नहीं हुए थे। और इन २०० कर्मचारियों में बहुत से ऐसे भी हैं जो हड़ताल के दिनों में काम पर शामिल थे मगर उन के आफिसरों ने पुराना हिस्सा चकता करने के लिये उन्हें नौकरी से निकाल दिया। श्री शीवभद्र याजी ने जिन्होंने हमें देश द्रोही की संज्ञा दी है कहा कि गंजी में ए० जी० के आफिसरों में दो कर्मचारियों को कम्प्लेसरी रिटायर कर दिया गया, इसलिये नहीं कि उन्होंने कोई हिस्सा किया था या कोई तोड़ फोड़ की थी, मगर इसलिये कि उन की गतिविधियाँ वहाँ के आफिसरों को पसन्द नहीं थीं। श्री नारायण सिंह जी ने कहा, जिस यूनियन के वे प्रेजिडेंट हैं उस के जनरल सेक्रेटरी को अनिवार्य रूपसे, जबरदस्ती, रिटायर कर दिया गया। वहाँ तो कोई तोड़ फोड़ की घटना नहीं हुई, वहाँ तो कोई हिस्सा की घटना नहीं हुई। श्री आशिक अली ने भी इन बातों को स्वाकार किया कि कुछ कर्मचारियों को निकाल दिया गया क्योंकि उन के आफिसरों उनके खिलाफ थे, यद्यपि वे कर्मचारी हड़ताल के विरुद्ध थे, जब आफिसर हड़ताल के दिनों में काम करने वालों को निकाल सकते हैं तो क्या इन आफिसरों से कर्मचारियों के प्रति न्याय करने की आशा की जा सकती

है ? मुझे खुशी होती कि अगर गृह-कार्य के मंत्री यह आश्वासन दें कि हम हर एक मामले की जांच करेंगे ।

मैं चुनौती देता हूँ कि ये जो २०८ कर्मचारी निकाले गये, उनमें तोड़फोड़ करने वाला, हिंसा करने वाला एक भी नहीं है और वे बतायें कि उनमें से कौन से कर्मचारी ऐसे हैं जिन पर हिंसा का आरोप लगाया गया है ? मैं २०८ मामले जानता हूँ । मेरा रेलवे के मामलों से निकट संबंध है । मैंने हर एक मामला देखा है, ऐसा कोई मामला नहीं है जिसका हिंसा से सम्बन्ध हो, जिसका तोड़फोड़ से सम्बन्ध हो । आप बताइये कि कम्प्ट्रोलर और आडिटर जनरल के दफ्तर में कौन सी हिंसा हुई ? वहाँ ग्वालियर में कर्मचारी निकाल दिये गये, जो ए० जी० आफिस में काम करने वाले थे । वहाँ एक दिन हड़ताल रही और हड़ताल में भाग लेने वाले निकाल दिये । क्या स्वर्गीय पंतजी के आश्वासन का यही मतलब है ? क्या कांग्रेस के सदस्य यह चाहते हैं कि जिन्होंने खाली हड़ताल में भाग लिया, उन्हें नौकरी से निकाल दिया जाये या सजा दी जाये ? अगर आप चाहते हैं तो वैसा कहिये ? मगर हिंसा, तोड़फोड़ और रेल की पटरी उखाड़ना, इन बातों को बीच में लाने की आवश्यकता नहीं ।

मैंने आपसे निवेदन किया कि ये २०८ मामले ऐसे हैं, जिनको अगर आप दुबारा देखेंगे तो उनमें से कोई कर्मचारी ऐसा नहीं बचेगा जिसको दुबारा नौकरी पर न ले लिया जाये । इसलिए आपको, गृह-कार्य मंत्री को, अपने मंत्रालय की ओर से इन मामलों की जांच करानी चाहिये । यह कहना गलत है कि इन २०८ मामलों की पूरी जांच कर ली गई है । इनमें से अनेक मामले ऐसे हैं, जिनकी अपील आगे पड़ी हुई है जिस पर अभी विचार किया जाना बाकी है और विचार नहीं किया गया है । अपील को रोक कर के रखा जाता है और छोटे अफसरों पर, नीचे के अफसरों पर इस

बात को छोड़ दिया गया है कि वे केन्द्रीय कर्मचारियों की तकदीरों का फैसला कर दें ।

आज श्री दातार ने कहा कि ए० जी० आफिस के जो कर्मचारी हैं, वे अपने मंत्रालय से बातचीत करें । मैं पूछता हूँ कि कम्प्ट्रोलर एंड आडिटर जनरल के दफ्तरों के कर्मचारी किस से बात करें ? श्री लाल बहादुर शास्त्री ने लोक सभा में इस बात की घोषणा की थी कि कम्प्ट्रोलर एंड आडिटर जनरल के कर्मचारियों की मांगों पर उनके अधिकारियों की बात करनी होगी । मगर वे बात नहीं करते हैं, वे गृह मंत्रालय के निर्देश की अवहेलना कर रहे हैं । अब क्या किया जाय ? वे कर्मचारी कहाँ जायें, किसके सामने पुकार करें ? आप उन्हें, हड़ताल क्यों की, हड़ताल क्यों नहीं करना चाहिये, इसका हवाला दे करके उनके मन के असंतोष को दूर नहीं कर सकते । इसलिए मैं गृह-कार्य मंत्री से अपील करना चाहता हूँ कि विभिन्न मंत्रालयों के भरोसे यह काम नहीं छोड़ा जा सकता । मुझे रेलवे मंत्रालय का अनुभव है । रेलवे मंत्रालय ऐसे मामलों पर विचार करने से इन्कार कर रहा है, जिनमें कर्मचारियों पर तोड़-फोड़ का, हिंसा का, कोई आरोप नहीं है । मैं ऐसे मामले उनके सामने रख चुका हूँ, मगर वे नहीं सुनते क्योंकि वे नीचे के अफसरों की प्रतिष्ठा से बंधे हुये हैं । उसी नीति को हम कार्यान्वित करने की मांग कर रहे हैं, जिस नीति को इस सदन ने स्वीकृत किया है ।

मेरा निवेदन है कि सदन द्वारा स्वीकृत और केन्द्र द्वारा निर्धारित नीति का पालन नहीं किया जा रहा है । क्या कांग्रेस के सदस्य इस बात का भी विरोध करेंगे कि उस नीति का पालन किया जाय ? २०८ मामले जो मैं कहना चाहता हूँ, वे ऐसे ही मामले हैं जिनमें उस नीति का पालन नहीं किया गया है । अगर कोई कर्मचारी हिंसा का दोषी है या कोई कर्मचारी तोड़-फोड़ का दोषी है, तो मैं उसको वापस लेने की मांग का समर्थन नहीं करूँगा । मगर किसी ने नहीं बताया कि इन २०८ में से यह

श्री ए० बी० वाजपेयी

कर्मचारी हिंसा का दोषी है। इन २०८ में से एक भी कर्मचारी हिंसा का दोषी नहीं है। मैं सब मामले जानता हूँ। जो यह दावा करते हैं कि हमने हिंसा करने वाले और तोड़-फोड़ करने वाले कर्मचारियों को निकाला, उनका यह काम है कि वे बतायें कि उन्होंने क्या हिंसा की। उन्होंने कोई हिंसा की, इसलिए उनको नहीं निकाला जा रहा है बल्कि उनसे पुराना हिंसावचकता किया जा रहा है। पी० एंड टी० में कोई हिंसा नहीं हुई, फिर भी आठ-तीन कर्मचारी काम पर नहीं लिये गये। इसी प्रकार मैं रेलवे कर्मचारियों को जानता हूँ। लखनऊ में तोड़-फोड़ की कोई घटना नहीं हुई, मगर वहाँ कर्मचारी निकाल दिये गये और ट्रेड यूनियन आन्दोलन को कुचला जा रहा है।

मैं सरकार को चेतावनी देना चाहता हूँ कि आप अपनी नीति को बदलिये। खाली कानूनी सवाल से मानवीय सम्बन्धों का निर्धारण नहीं हो सकता। चुनाव के पहले केन्द्रीय सरकार ने आदेश निकाल दिया कि केन्द्रीय कर्मचारियों को चुनाव की सभाओं में जाने की जरूरत नहीं है। यह किस मनोवृत्ति का द्योतक है? केन्द्रीय कर्मचारी मतदाता हैं। केन्द्रीय कर्मचारियों को आपने उनके आधारभूत अधिकारों से वंचित क्यों किया? केन्द्रीय कर्मचारियों को आप आदेश देते हैं कि वे चुनाव-सभाओं में न जायें, और उस आदेश का उल्लंघन करके नई दिल्ली में पंडित जवाहरलाल नेहरू की चुनाव-सभा में जो हजारों केन्द्रीय कर्मचारी गये, क्या उनमें से किसी के खिलाफ कार्यवाही की गई? कार्यवाही नहीं की जा सकती, मगर मेरे साथी श्री भूपेश गुप्त ने एक ऐसा उदाहरण दिया कलकत्ते का जहाँ एक कर्मचारी को इसलिए नौकरी से निकाल दिया गया कि उसने सन् १९५७ के चुनाव में किसी कम्युनिस्ट पार्टी की सभा में भाग लिया था। क्या यह आदेश इसलिए लागू किया गया? सरकार जानती है कि इस आदेश का अलन नहीं होगा।

श्री एन० एम० अनवर (मद्रास) : आप यह अच्छी तरह जानते हैं कि चार लाख कर्मचारियों में सिर्फ दो सौ ऐसे कर्मचारी रह गये हैं, तो क्या आप यह नहीं समझते कि यह दो सौ कर्मचारी ऐसी बातों में गिरफ्तार किये गये हैं, जिनकी वजह से गवर्नमेंट मजबूर है।

श्री ए० बी० वाजपेयी : मेरा निवेदन है कि माननीय सदस्य को असलियत का पता नहीं है। जो नैबोटेज करने वाले थे, वे छूट गये क्योंकि वे कर्मचारियों में से नहीं थे, और जिन के साथ अफसरों को कुछ लेना-देना है, वे फंस गये। मैं आपके सामने एक उदाहरण रखा था कि नागपुर में एक आफिसर ने इसलिए एक केन्द्रीय कर्मचारी को निकाल दिया कि वहाँ दो सांस्कृतिक संगठन हैं और वह विरोधी संगठन में था और हड़ताल के काम में कार्यवाही करने के लिए उसे निकाल दिया गया।

SHRI B. K. P. SINHA: One side of the case. There is a Government side also.

श्री ए० बी० वाजपेयी : मेरा कहना है कि फिर दोनों पहलू हैं, आप उन पर बातचीत के लिए तैयार रहिये। आप यह कहिये कि हर एक मसाले को हम देखेंगे। आप ऐसा मत समझिये कि विरोधी दल के लोग किसी राजनैतिक प्रचार के कारण इस सवाल को उठा रहे हैं। मेरे मन में किसी राजनैतिक उद्देश्य की पूर्ति का सवाल नहीं है। मगर इन कर्मचारियों को मैंने निकट से देखा है। उनके साथ मेरे व्यक्तिगत सम्बन्ध हैं। मैं उनके मामले जानता हूँ और इसलिए मैं कहता हूँ कि उनके मामलों पर आप गौर करिये। अगर आप गौर करेंगे तो इसी नतीजे पर पहुँचेंगे कि इन २०८ कर्मचारियों को जो दंड दिया जा रहा है, वह बहुत बड़ा दंड दिया जा रहा है। यह कहने का कोई अर्थ नहीं है कि चार लाख कर्मचारियों ने हड़ताल की और इतने निकाले गये। अगर शरीर में एक भी कांटा रह जायेगा तो वह कसकेगा, वह कर्मचारी और सरकार के सम्बन्धों को बिगाड़ेगा, वह

वातावरण को कटु बलायेगा और कर्मचारियों में इस बात का विश्वास पैदा नहीं होने देगा कि सरकार उनके साथ न्याय कर रही है। किसी के वरीर में दस कांटे लग जायें और आप कहें कि नौ कांटे तो निकल गये, एक कांटा पड़ा हुआ है तो क्या हुआ, रहने दो। कांटा एक भी नहीं रहना चाहिये। उसको निकालने की जरूरत है। इस विवाद में जो कटुता पैदा हो गई है, उससे ऊपर उठ करके कर्मचारियों की समस्याओं पर हमें शांति से, सहानुभूति से विचार करना चाहिये। कर्मचारी आखिर शासन के हैं, हमारे देश के नागरिक हैं और बड़ी निष्ठा से उन्होंने काम किया है।

हमारे श्री सपू ने कहा कि परिस्थिति बदल गई है, तो फिर मामलों पर फिर से विचार होना चाहिये। कांग्रेस की तरफ से ये आवाज उठी है कि इन मामलों पर फिर से विचार किया जाय। इसलिए यह मामला विरोधी दल बनाम कांग्रेस का नहीं है। यह मामला ऐसा है जिसमें सब को सहानुभूति से विचार करके ऐसा रास्ता निकालना चाहिये कि कटुता का अध्याय जो समाप्त हो जाना चाहिये, उसे समाप्त कर दिया जाय और हम केन्द्रीय कर्मचारियों में यह विश्वास पैदा कर सकें कि किसी के साथ अन्याय नहीं होगा। जैसा कि मेरे एक मित्र ने कहा, कानून कहता है कि अगर सौ अपराधी छूट जायें तो चिंता की बात नहीं है, मगर एक निरपराधी दंडित नहीं होना चाहिये और कांग्रेस के सदस्यों ने कहा है कि इन २०० लोगों में ऐसे भी हैं जो हड़ताल के दिन काम पर थे। मैं लखनऊ का एक उदाहरण जानता हूँ। एक कर्मचारी को नोटिस दिया गया कि तुम उस दिन काम पर नहीं आये, हड़ताल के दिन तुमने काम नहीं किया, तुम को नौकरी से अलग किया जा रहा है। फिर बाद में पता लगा कि नोटिस में जो तारीख लिख दी गई है, उस दिन तो इतवार था और काम पर आने का सबल हो नहीं है। मगर चार्जशीट में गलत तारीख लिख दी गई, तो फिर उसका अमेंडमेंट किया गया कि उस

तारीख से मतलब नहीं है, उस तारीख से मतलब है। यह अन्धेर नगरी का राज्य है, यह कांग्रेस का राज्य है। जरा न्याय का राज्य होना चाहिये। मगर न्याय नहीं मिला है और मेरी अपील न्याय की अपील है, मानवीय दृष्टिकोण की अपील है। इसमें राजनीति नहीं है। इसमें कर्मचारियों को भड़काने का भाव नहीं है। आज कांग्रेस शासन चला रही है। कल विरोधी दलों को भी शासन चलाना है। हम यहां खाली विरोध के लिए नहीं बैठे हैं। यद्यपि श्री चेट्टियार ने हमको दुर्बला ऋषि की तरह से शाप दिया है कि विरोधी दल कभी शासन में नहीं आ सकता, परन्तु हम ऐसे शाप से नष्ट होने वाले नहीं हैं। वे यहां नहीं हैं, इसलिए मैं इसकी ज्यादा चर्चा नहीं करता। श्री संतानम् ने जो बात कही, मैं उसका भी उल्लेख करना नहीं चाहता। परिस्थितियां बदल गई हैं, मगर श्री संतानम् अपने को बदलने के लिए तैयार नहीं हैं। मगर मुझे आशा की किरण दिखाई देती है कि कांग्रेस की तरफ से भी यह आवाज उठी है और जो लोग कर्मचारियों से संबंधित हैं, उन्होंने इस दृष्टिकोण से विचार किया है कि उनकी कठिनाइयां दूर होनी चाहियें। उनमें श्री शीलभद्र याजी भी एक हैं। उन्होंने हमको कुछ भी कहा हो, मगर वे जानते हैं कि हड़तालों के साथ कार्यवाही करने में अन्याय हुआ है और वह अन्याय दूर किया जाय। यही मेरे संकल्प का अर्थ है।

मैं आशा करता था कि गृह-कार्य मंत्री का उत्तर कुछ और तरह का होगा, मगर शायद कुछ कटुता पैदा हो गई और उसमें जो बातें नहीं कही जानी चाहियें, वे कह दी गईं। मगर अभी भी मैं आशा करता हूँ कि एक-एक मामला देखा जायेगा। आप विभिन्न मंत्रालयों पर मत छोड़िये। आपने कम्प्यूटर एंड आडिटर जनरल पर छोड़ दिया, वह बात तक करने को तैयार नहीं है। उनकी यूनियन को मान्यता नहीं दी गई। अब यूनियन को मान्यता न मिलने से वहां के कर्मचारी कष्ट भोग रहे

[श्री ए० बी० वाजपेयी]

हैं। उनके मामले कौन रखेगा? मैं श्री दातार साहब ने पूछना चाहता हूँ कि आखिर गृह मंत्रालय का निर्देश कम्प्ट्रोलर एण्ड आडिटर जनरल के आफिस में चलता है कि नहीं चलता है? श्री शास्त्री ने लोक सभा में कह दिया कि उनसे बातचीत होनी चाहिये, मगर नहीं हो रही हो, तो क्या गृह मंत्रालय इतना अमहाय है? विभिन्न मंत्रालयों पर छोड़ने की आवश्यकता नहीं है। गृह-कार्य में भी इस कार्य में पहल लें, इनीशियेटिव्ह लें, हर एक मामले को देखें और फिर एक परिणाम पर पहुँचे—हमको भी बतायें, हमको भी समझायें। हम यहाँ समझने के लिये बैठे हैं, झगड़ने के लिये नहीं बैठे हैं। लेकिन अगर समझाने की कोशिश नहीं की जायेगी और अन्याय किया जायेगा तो हम झगड़ेंगे। केवल केन्द्रीय कर्मचारियों के लिये नहीं, बल्कि सरकार जहाँ भी अन्याय करेगी, वहाँ हम उसके खिलाफ आवाज उठावेंगे और हम जानते हैं कि वह दिन आयेगा कि सरकार अपनी गलती समझेगी। यह दिन जितनी जल्दी आ जाये उतना अच्छा है और मैंने अपना संकल्प इसलिये रखा था कि वह दिन जल्दी आ जाय और केन्द्रीय कर्मचारियों के साथ न्याय हो जाय और केन्द्रीय कर्मचारियों के मन में जो खटास पैदा हो गई वह दूर हो जाय और केन्द्रीय कर्मचारी राष्ट्र के निर्माण में शासन के साथ मिलकर काम करें।

मुझे दुःख है, जिस भावना से मैंने संकल्प रखा था, उसका आदर नहीं किया गया। आरोप लगाये गये, प्रत्यारोप लगाये गये और हमारी ईमानदारी पर शक किया गया और पुराने मुद्दे उखाड़ कर फेंके गये। आवश्यकता इस बात की है कि आज जो स्थिति है, हम उसका सामना करें और आने वाले कल की तरफ देखें। अन्ततोगत्वा इन केन्द्रीय कर्मचारियों की निष्ठा पर शासन की सफलता और विफलता निर्भर करती है। अगर कर्मचारियों के मन में यह भावना पैदा होती है कि शासन

ने उनके साथ न्याय नहीं किया, तो शासन सफल नहीं हो सकता।

मैं अभी आशा करता हूँ कि सद्बुद्धि जायेगी और केन्द्रीय गृह मंत्रालय से मंत्रालयों को निर्देश जायेगा। उन मामलों पर अलग से विचार करने के लिये सरकार हमें भी तथ्य बतायेगी और हमारे तथ्यों पर भी गौर करेगी और फिर ऐसी स्थिति उत्पन्न होगी कि कोई भी केन्द्रीय कर्मचारी अकारण जिस तरह से आज दंडित किया गया है उस तरह से दंड का भागी नहीं बनेगा। बस मैं यही कहना चाहता हूँ।

श्री महावीर प्रसाद भार्गव : यदि केन्द्रीय कर्मचारियों के मामले में आप राजनैतिक मोटिव्ह्स निकाल दें, तो यह सब कुछ हो सकेगा।

SHRI BHUPESH GUPTA: You indulge in politics. Why do you make speeches of civil commotion, and blunder of Government servants?

THE DEPUTY CHAIRMAN: Does the hon. mover withdraw the Resolution?

SHRI A. B. VAJPAYEE: No, Madam. I want to press it.

THE DEPUTY CHAIRMAN: Then, I shall first put the amendment to vote. The question is:

"That after the words 'lost their jobs' the words 'or who have been; demoted' be inserted."

The motion was negatived.

THE DEPUTY CHAIRMAN: Th* question is:

"That this House is of opinion that all the Central Government employees who lost their jobs for participation in the Central Government Employees' strike in July, 1960, be reinstated."

The House divided.

THE DEPUTY CHAIRMAN: Ayes
—20; Noes—68.

AYES—20

Ansari, Shri Faridul Haq.
Chandra Shekhar, Shri.
Chordia, Shri V. M.
Dave, Shri Rohit M.
Dwibedy, Shri Bairagi.
Gaikwad, Shri B. K.
Ghosh, Shri Niren.
Gupta, Shri Bhupesh.
Jaipuria, Shri Sitaram.
Khobaragade, Shri B. D.
Kumaran, Shri P. K.
Lal, Prof. M. B.
Mani, Shri A. D.
Narasimham, Shri K. L.
Patel, Shri S.
Reddy, Shri K. V. Raghunatha
Singh, Shri Niranjana.
Sinha, Shri Ganga Sharan.
Subba Rao, Dr. A.
Vajpayee, Shri A. B.

NOES—68

Anis Kidwai, Shrimati.
Anwar, Shri N. M.
Asthana, Shri L. D.
Baharul Islam, Shri
Barooah, Shri Lila Dhar.
Basu, Shri Santosh Kumar.
Bedavati Buragohain, Shrimati.
Bharathi, Shrimati K.
Bhargava, Shri M. P.
Chatterji, Shri J. C.
Chavda, Shri K. S.
Dasgupta, Shri T. M.
Dass, Shri Mahabir.
Desai, Shri Khandubhai K.
Desai, Shri Suresh J.
Ghose, Shri Surendra Mohan.
Gilbert, Shri A. C.
Gopalakrishnan, Shri R.

Gurudev, Shri.
Kasliwal, Shri N. C.
Kathju, Shri P. N.
Khan, Shri Akbar Ali.
Krishna Chandra, Shri.
Kurre, Shri Dayaldas.
Mahesh Saran, Shri.
Maiti, Shri N. B.
Mallik, Shri D. C.
Mathen, Shri Joseph.
Maya Devi Chettry, Shrimati.
Misra, Shri M.
Mitra, Shri P. C.
Mohammad, Chaudhary A.
Moideen, Shri M. J. J.
Neki Ram, Shri.
Oberoi, Shri M. S.
Pande, Shri T.
Panjhzari, Sardar Raghubir Singh.
Patil, Shri P. S.
Patil, Shri Sonusing Dhansing.
Pawar, Shri D. Y.
Pillai, Shri J. S.
Ramaswamy, Shri K. S.
Ray, Shri Ramprasanna.
Reddy, Shri N. Narotham.
Reddy, Shri S. Channa.
Reddy, Shri M. Govinda.
Samuel, Shri M. H.
Satyacharan, Shri.
Savnekar, Shri Baba Saheb.
Seeta Yudhvir, Shrimati.
Shah, Shri M. C.
Shakoor, Moulana Abdul.
Shanta Vasisht, Kumari.
Sharma, Shri Madho Ram.
Sherkhan, Shri.
Shukla, Shri M. P.
Siddhu, Shri M. M. S.
Singh, Thakur Bhanu Pratap.
Singh, Sardar Budh.
Singh, Dr. Gopal.
Singh, Shri Mohan.

Sinha, Shri B. K. P. Tankha, Pandit S. S.
N. Uma Nehru, Shrimati. Venkateswara
Rao, Shri N. Vijaiargiya, Shri
Gopikrishna. Wadia, Prof. A. R. Yajee,
Shri Sheel Bhadra.

The motion was negatived.

SHRI BHUPESH GUPTA: Before we take up the next one we understand that the Prime Minister is making a statement today at 4.45. Now, Madam Deputy Ghairman, again you are up against certain rules of the House. Now, I am happy about this matter because I am interested in the statement. But on a non-official day no official business can start before the conclusion of the non-official business. That is to say, it ha? to start after five o'clock, exactly at five. We have many precedents for this in this House also. Now, you cannot take it up at 4⁸ 45 unless we conclude our non-official business by that time. Either you waive the rule or you advise hon. Members—and I will co-operate with you—to conclude the non-official business before 4.45. I say this because there things are not remem-4 P.M. bered. When we in the op- position get up, then the rules come heavily on us. When the Prime Minister comes and makes a statement, he can make it any time, forgetting the rules. There are many precedents in the House, many times the Government has taken up business after 5 o'clock. These are in the proceedings. You will find that it is an established convention and rule of the House. I would like to know whether we are waiving the rule with the consent of the House—and I can say I shall support you—or whether you are asking us to conclude the discussion. Then, I would have to move for closure immediately after I have spoken.

SHRI AKBAR ALI KHAN: Under
■ which rule is he raising it?

The DEPUTY CHAIRMAN: It was at the request of Mr. Bhupesh Gupta himself that the Prime Minister has been able to find some time this afternoon to make a statement and the time convenient to the Prime Minister is 4.45 p.m. Now, there is nothing in the rules. These things have happened in the past and we do not rigidly stand by the rules. Therefore, we see to the convenience of the Prime Minister. At 4.45 the Prime Minister will make the statement. (*Interruption.*) I am still on my legs. If the hon. Member, Mr. Bhupesh Gupta, wants to sit after 5 p.m., we shall have to take the opinion of the House. ^

SHRI BHUPESH GUPTA: Madam Deputy Chairman, as you know, here I asked you for the statement. I am very glad that the Prime Minister is making a statement. You have heard me and I extended to you my co-operation in whichever way you want. But one thing I want to make clear, because otherwise we will be failing in our duty from the Opposition side. If we make accommodation in the case of the Prime Minister by waiving a certain rule, by giving up certain precedents, it should be reciprocated by similar accommodation being shown to us. This is all that I say.

THE DEPUTY CHAIRMAN: Now, this morning it was Mr. Bhupesh Gupta who said that we did not rigidly stand by the rules and so this House had risen in dignity and decorum and he complimented the Chairman. Well, we follow the same example and the Prime Minister will make his statement at 4 45.

Dr. Seeta Parmanand.

SHRI BHUPESH GUPTA: Thank you very much. I hope that this will be followed in the future.