

RAJYA SABHA

Saturday, 25th May 1957

The House met at eleven of the clock, MR. CHAIRMAN in the Chair.

MESSAGES FROM THE LOK SABHA

1. NOMINATION TO PUBLIC ACCOUNTS COMMITTEE

2. THE LIFE INSURANCE CORPORATION (AMENDMENT) BILL, 1957

* SECRETARY: Sir, I have to report to the House two Messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha. They are as follows:

I

"I am directed to inform Rajya Sabha that the following motion has been passed in Lok Sabha at its sitting held on Friday, the 24th May, 1957 and to request that the concurrence of Rajya Sabha in the said motion and further that the names of the members of Rajya Sabha so nominated be communicated to this House:

"That this House recommends to Rajya Sabha that they do agree to nominate seven members from Rajya Sabha to associate with the Committee on Public Accounts of this House for the period commencing from the 1st June, 1957 to the 30th April, 1958."

II

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Life Insurance Corporation (Amendment) Bill, 1957, as passed by Lok Sabha at its sitting held on the 24th May, 1957."

I lay the Bill on the Table.

24 R.S.D.—1.

THE RAILWAY PROTECTION FORCE BILL, 1956—continued

MR. CHAIRMAN: The other day we had a motion for which there was an amendment by Dr. R. B. Gour. Today there is a further amendment to it by Shri Abdur Rezzak Khan. He may move the amendment at this stage.

SHRI ABDUR REZZAK KHAN: (West Bengal): Sir, I move:

"That in the Notice of Amendment dated the 15th May, 1957, in the motion for reference of the Bill to a Select Committee of the Rajya Sabha, after the name '5. Shri Kishen Chand' the following names be inserted, namely:

- '6. Shri V. K. Dhage
7. Shri Trilochan Dutta
8. Shri P. T. Leuva
9. Dr. Raghbir Singh'."

MR. CHAIRMAN: Motion moved:

"That in the Notice of Amendment dated the 15th May, 1957 in the motion for reference of the Bill to a Select Committee of the Rajya Sabha, after the name '5. Shri Kishen Chand, the following names be inserted, namely:

- '6. Shri V. K. Dhage
7. Shri Trilochan Dutta
8. Shri P. T. Leuva
9. Dr. Raghbir Singh'."

The original motion and the two amendments are now before the House for discussion.

SHRI P. S. RAJAGOPAL NAIDU: (Madras): Mr. Chairman, the object behind the Bill is to convert the Railway Watch and Ward Department which has been in existence for many years into a Statutory organisation with the new designation of Railway Protection Force with definite power and functions. This Bill which should have come into being even as early as the year 1954 has been delayed for such a long time in spite of two

[Shri P. S. Rajagopal Naidu.] Committees that had gone into the reorganisation of Watch and Ward and the claims compensation on the Railways and also the Railway Corruption Enquiry Committee. The compensation claims, as hon. Members would be aware, had increased from Rs. 4 lakhs in the year 1938/39 to a sum of Rs. 4 crores and odd in the year 1952-53. The increase is nearly 80 times. The major portion is due to the claims paid in respect of goods stolen. The rise in 10 years is abnormal. It is now 80 times but the Railways in the year 1952-53, it may be said, carried nearly double the quantity of goods that had been carried by the Railways in 1941-42. Also the prices of the goods had gone up now by 5 times. Even giving allowance to the increase in the prices of goods and also giving allowance to the quantity of goods carried in the course of 10 years, even then, on a rough calculation the increase in claims is 10 times. Even that increase is quite abnormal.

As we all know, a committee was constituted under the Chairmanship of Mr. Mullick as early as 1952 to go into the compensation claims on the Indian Railways. When the Railway administration found that they had to pay enormous amounts by way of compensation, they constituted a Committee to enquire into the compensation claims. There they had suggested a Bill—and a draft Bill also has been given in that report—for the reorganisation of the Watch and Ward Organisation in the Railways and to give statutory recognition to the Watch and Ward Force. That report on this reorganisation was affirmed by the later report of the Railway Corruption Enquiry Committee. There in it is said that immediate and effective steps should be taken for the reorganisation of the Watch and Ward Department but yet, though the Mullick Enquiry Committee report was published in 1954 and also the Railway Corruption Enquiry Committee Report was published in 1955, yet I fail to see why the Railway Ministry should

have taken two years to come forward with this Bill even though a draft Bill was given in the Mullick Enquiry Committee Report. I find that absolutely no change has been made between the draft Bill submitted by Mr. Mullick for the reorganisation of Watch and Ward Department and the Bill that is now presented before us for our acceptance. We all know that the corruption in Railways is mostly due to staff who are responsible for stealing and pilferage of goods that are entrusted to the Railways and also they resort to this unsocial act of stealing the Railway property.

I may just quote a few sentences from the Railway Corruption Enquiry Committee wherein it is said:

“80 per cent. of the compensation claims paid by the Railways are for losses which are due to internal causes and about 20 per cent. directly due to thefts. Without going into percentages, from the evidence that has come before us, we have come to the conclusion that majority of the cases leading to compensation claims are due to factors under the control of Railways. Even in regard to running train thefts, the Railways cannot completely be exonerated from responsibility. In a large number of such cases, the Railway staff are directly or indirectly implicated. We therefore strongly recommend that both the Railway and Home Ministries should take special steps for an early implementation of his recommendations in letter and spirit.”

The recommendation is for the reorganisation of the Watch and Ward Department.

Again at page 128 while dealing with the corruption prevalent in the Watch and Ward Department and also in the Government Railway Police, the report says:

“Evidence before us shows that the Government Railway Police officials very often themselves indulge in corrupt practices generally in collusion with the

Railway staff. The forms of corrupt practices commonly indulged in are:

- (i) travelling without tickets;
- (ii) assisting ticketless travellers on consideration;
- (iii) getting commission from rikshawallas and tongawallas parking outside the station premises; and
- (iv) getting their 'tax' from Kangali boys and pick-pockets for allowing them to indulge in petty pilferages etc."

Sir, having said this much about the delay in implementation of the recommendations of these two Committees, I would like to deal briefly with the history of this organisation of the Watch and Ward in the Railways. This organisation dates back to 1882 when the Government of India said that the Railway Companies themselves will be responsible for the protection of not only the property but also the goods that are entrusted to the Railways as common carriers. Sir, the Indian Railways Act, which came into being in the year 1890, also confirms that position. The Watch and Ward Organisation, as it stands now, is based on the recommendations of the Railway Police Committee of 1921. Sir, there has been a conflict from the beginning as to under which authority the power of control over the Watch and Ward should remain. As it stands, the power of control over the Watch and Ward establishment is with the railways, but there has always been a strong feeling that they should work under the regular Police. I am glad, Sir, that the Bill had not accepted the claims put forward by the regular police to have the Watch and Ward under their control.

Sir, as we all know, police are under the control of the State Governments. Though the Railway Police belong to the personnel of the State police they are temporarily lent and the expenditure is shared by the State Government and Railways. Now, if the Watch and Ward is put

under the control of the regular Police, which are under the control of the State Governments, then the Railways cannot have any effective control over the Watch and Ward Department. The Railways have to be responsible for the goods entrusted to them as common carriers as envisaged in the Indian Contract Act and in the Indian Railways Act. They have to be responsible for the goods that are delivered to them for consigning it to the place of destination. So, Sir, unless the Watch and Ward Department is kept under the control of the railways, I do not think the railways will be in a position to protect the goods that are entrusted to them as common carriers. Watch and Ward is meant to deal with the internal causes of the losses whereas the police are meant to deal with the external causes for the losses. Under such circumstances it is but necessary and it is also said that Watch and Ward should be always under the control of the Railway Department and not under the control of the general police or even under the railway police.

Sir, while I am on this point I would like to point out as to why the railway police as well as the Watch and Ward should not be under the control of the Railway Ministry. As it is, Sir, as I have said before, watch and ward is under the control of the Railway Department and the railway police is under the dual control of the State Governments and the Railway Department. The Railway Police, as we know, are responsible neither to themselves nor to the Railways nor to the State Governments. Their job is not only to investigate crimes and to detect crimes but also to prevent crimes. The job of the Watch and Ward Department is the prevention of crimes, seeing that the locks are secure, and also sealing of the wagons and all that. I ask as to why both the railway police and the watch and ward should not be under the control of the Railway Department.

Now take instance the United Kingdom. I understand that in the

[Shri P. S. Rajagopal Naidu.]
 United Kingdom both the railway police and the watch and ward are under the control of the Transport Ministry there. They are what are called Transport Commission Police, which is the counterpart of not only the Watch and Ward but also the Railway Police in India. They are entirely under the Ministry of Transport and the Transport Commission and they are not under the control of the boroughs or the counties though the railway passes through so many boroughs and counties there.

Sir, I would like to make a few suggestions. If we want the Watch and Ward to be an effective force first and foremost, one has to see that this is withdrawn from the control of the trade unions. If there is no discipline in the Watch and Ward Department, among the staff there, it is because, according to me, they are under the control and influence of the trade unions. As it is, there is very low standard of discipline and morale. There is want of protection for this Watch and Ward in the Department now. There is want of protection in the execution of their duties, and here is also want of control by the superior officers. My other suggestion would be that officers should have full control over their men. I am glad, Sir, to find in the Bill that a provision has been made in clause 17 whereby complete control is given to the superior officers over their men.

Then, Sir, Mr. Mullick has recommended in his report and I think in a manner it has been accepted in this Bill, that the Watch and Ward will now be under the control of the General Manager. As it is, I find that the Watch and Ward is under the control of the Commercial Section of the Railways, and we know it is only the members of the staff of the Commercial Section of the Railways who are responsible for thefts and all that. I am glad, Sir, that in this Bill control of the Watch and Ward is taken away from the Commercial Department of the Railways and is handed over to the Chief Protection

Officer, who will act under the control of the General Manager of the Railway. Though Mr. Mullick in his recommendations has said that they should be under the direct control of the General Managers, we find, Sir, that they are not directly, but only indirectly under the control of the General Managers through the Chief Protection Officers.

Then, Sir, Mr. Mullick in his report has suggested that officers above a certain cadre, a certain percentage of those officers will have to be recruited from the regular police department. So far as this recommendation of Mr. Mullick is concerned I have my grievance. According to the Railway Corruption Enquiry Committee Report it is the Railway Police with the connivance of the railway staff that are responsible for so much theft and pilferage in the railways. When that is the case, Sir, I cannot understand Mr. Mullick's recommendation in this regard and I don't agree with Mr. Mullick on this point that the officers should be recruited, at least a percentage of them should be recruited from the regular police. I say they should be directly recruited and that recruitment should be made by the Railway Service Commission. I find in clause 6 that the staff will be recruited by the Chief Protection Officer and the Chief Protection Officer will be under the Inspector-General of the Force. So the selection of the force is now entrusted under the Bill to an ordinary officer of the rank of a Chief Protection Officer.

THE DEPUTY MINISTER FOR RAILWAYS (SHRI SHAH NAWAZ KHAN): He is a D.I.G.

SHRI P. S. RAJAGOPAL NAIDU: Whoever it is. I do not think, Sir, and I do not agree with the hon. the Deputy Minister that the power to recruit staff should be entrusted to one individual, however high the officer might be, even if he be of the rank of a D.I.G. of Police. After all he draws about Rs. 1,200 or Rs. 1,300, and it should not be entrusted to one

individual to select the personnel. So I would appeal to the hon. the Railway Minister that this force should be selected by the Railway Service Commission and not by that one single individual, and I feel that clause 6 should be amended so as to make provision that the force should be selected by the Railway Service Commission.

THE MINISTER FOR RAILWAYS (SHRI JAGJIVAN RAM): Do you mean even the recruitment of constables?

SHRI P. S. RAJAGOPAL NAIDU: Yes, Sir, even that. In clause 6 it says "the appointment of members of the Force" etc. Naturally that includes constables as well.

SHRI JAGJIVAN RAM: What is your suggestion? Should constables be recruited through the Railway Service Commission?

SHRI P. S. RAJAGOPAL NAIDU: I do not mean to say that constables should be recruited through the Railway Service Commission. It is said, "The appointment of members of the Force" etc. and 'members of the Force' are mentioned as Inspectors, Sub-Inspectors and Assistant Sub-Inspectors as one class of officers and Head Rakshaks, Senior Rakshaks and Rakshaks as another class of other ranks. I do not mean to say that 'Rakshak' should be selected by the Railway Service Commission. Let all those officers who draw above Rs. 100 pay, as Inspectors, Sub-Inspectors and Assistant Sub-Inspectors be selected by the Railway Public Service Commission. They also form part of the regular protection force.

SHRI H. P. SAKSENA (Uttar Pradesh): You mean 'officers'.

SHRI P. S. RAJAGOPAL NAIDU: They cannot be called officers strictly speaking.

I would like now to come to the various clauses in the Bill. I find in sub-clause (2) of clause 8 of the Bill: "Subject to the provisions of

sub-section (1), the administration of the Force within such local limit in relation to a railway as may be prescribed shall be carried on by the Chief Protection Officer in accordance with the provisions of this Act and of any rules made thereunder, and in the discharge of his functions he shall be guided by such directions as the General Manager of the Railway may issue in this behalf." Sir, Mr. Mullick who has gone into the matter very carefully, while suggesting reorganisation of the Watch and Ward Department, has suggested that they should be directly under the control of the General Manager. But we find, Sir, that they will be directly under the control of the Chief Protection Officer who in the discharge of his functions shall be guided by such directions as the General Manager of the Railway may issue in this behalf. That means, Sir, that they will not be under the complete control of the General Manager. At any rate the clause sounds that way. I do not know whether the hon. the Railway Minister means that under sub-clause (2) they will be under the complete control of the General Manager of the Railway.

Then, Sir, clause 9 deals with dismissal, removal, etc. of members of the Force. I am glad, Sir, that the provision is to my liking and it is: "Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may dismiss, suspend or reduce in rank" etc. This is wanting in the present organisation of the Watch and Ward Department. This was wanting in the present organisation of the Watch and Ward Department. Because this power of superior officers was lacking in the present set-up, there is no discipline in the Watch and Ward Department. I therefore welcome this provision being made in clause 9 of giving power to the superior officers to dismiss, remove or reduce the rank.

Then, Sir clauses 12 and 13 give power to arrest without warrant and

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 o search without warrant. These are two salutary provisions in the Bill which will give a statutory recognition to the Protection Force and I am sure that if proper men are recruited and proper training is given to this Railway Protection Force they will strictly observe the vast powers that are given to them under these two clauses. That is why I said that while selecting the personnel you must see that proper persons are selected and the power should not be given to one individual, however superior he might be in rank, to select the personnel, as vast powers are being given to these people, power to arrest without warrant and power to search without warrant.

Then, I would like to mention one thing about clause 19 of the Bill. I am sure my Communist friends will not agree with the provisions contained in this clause and as I expected they have come forward with an amendment to delete the entire clause. If this clause is deleted, that means they can form themselves into trade unions and if that is done, this Railway Protection Force will lose the statutory power and if it loses the statutory power, then they will not be able to enforce discipline. So we must see that clause 19 remains as it stands in the Bill.

Sir, I do not think I have anything more to say on this Bill except to hope that this force thus organised will be of suitable assistance to the Railway Police who are charged mainly with the responsibility for the overall maintenance of law and order and I hope that this protection force which is statutorily recognised will be of immense assistance to the Railway Police in times of emergency.

श्री देवकोलन्दन नारायण (मुम्बई) :
 माननीय सभ-पति जी, इस विधेयक की कई बातों से आवश्यकता मानी जानी थी। इस विधेयक का स्वागत करते हुए मुझे कुछ डर है कि यह विधेयक कहा तक कामयाब

हो सकेगा। कारण यह है कि रेलवे के सामान की चोरियां इतनी बढ़ गई हैं और इतनी दूर तक पहुंच गई हैं कि मुझे शक है कि बगैर जनता के सहयोग के आपकी यह रेलवे प्रोटेक्शन पुलिस फोर्स उसमें कहाँ तक कामयाब होगी। आज ही देखिएगा कि रेलवे पुलिस के ऊपर हम सालाना ४ करोड़ ७१ लाख २० खर्च कर रहे हैं। इसके सिवाय वाच एंड वाई का खर्चा अलग है। लेकिन फिर भी होता क्या है कि दिन-ब-दिन ये चोरियां बढ़ रही हैं, चोरियां कम हो रही हैं यह बात नहीं है। १९५४-५५ में जो चोरियां हुई, Goods lost and stolen, उसके लिए १ करोड़ ७२ लाख २० रेलवे को देना पड़ा और १९५५-५६ में इसी Goods lost and stolen, के लिए १ करोड़ ८९ लाख ४० हजार २० देना पड़ा; यानी यह जो कुछ देना पड़ता है, वह गुड्स और पार्सलों की चोरी का है और यह दिन-ब-दिन बढ़ रही है। इसके सिवाय रेलवे स्टोर्स की चोरियां अलग होती हैं। पैसंजर डिब्बों में जो फिटिंग्स होती हैं, उनको टर्मिनस स्टेशन पर या चलती गाड़ियों में से चलते चलते निकाल लेते हैं। ये चीजे होती हैं लुकिंग ग्लास, टैप्स, बल्ब वगैरा जो गाड़ी में लग रहे हैं। इसके कारण में भी हमें जाना चाहिए कि ऐसा क्यों होता है। मैंने देखा है कि गत कुछ वर्षों में भुसावल में चार, पांच दफे गुड्स यार्ड में गोली चलानी पड़ी। चार, पांच आदमी मिलकर वैन को फोड़ते हुए पाये गए, जिस पर पुलिस को गोली चलानी पड़ी। इस तरह के जब बाक्यात होते हैं तो उनका असर महीने भर तक रहता है और एक महीने बाद फिर उसी तरह से चोरियां होने लगती हैं। चोरियां तो होती ही हैं, इतना ही नहीं बल्कि उससे तमाम शहर का बाजार भी बिगाड़ दिया जाता है।

मैंने यह देखा है कि शहरों में जो ये टर्मिनस स्टेशंस या बड़े बड़े स्टेशंस हैं, वहां इन चोरों की टोलिया होती हैं। उनका यह रोजगार हो गया है कि किसी तरह से

ये तमाम चोरी के काम किये जायें। कुछ लोकल पुलिस का भी साथ उनसे होता है और रेलवे आफिसर भी कुछ कम निगाह उन पर रखते हैं। यह जितनी चोरियां होती हैं—मुझे माननीय मंत्री जी से नम्रतापूर्वक कहना है—ये बिना उन लोगों के सहयोग के नहीं हुआ करतीं। प्रत्यक्ष या अप्रत्यक्ष रूप में उनका इनमें हाथ रहता है। ये तीन-चार लोग जो मिले रहते हैं, वे हैं रेलवे आफिसर्स, रेलवे पुलिस, वाच एंड वार्ड और लोकल पुलिस।

DR. W. S. BARLINGAY (Bombay):
There is a lot of co-operation.

SHRI DEOKINANDAN NARAYAN:
Yes; there is a lot of co-operation among these people.

तो इस वजह से ये चोरियां होती हैं। मैंने यहां तक देखा है कि चोरी का माल जब बरामद होता है तो रेलवे से बाहर ही होता है और जिस किसी के मकान में वह रहता है, वहां रेलवे पुलिस जा नहीं सकती। वहां अगर जा सकती है तो लोकल पुलिस ही जा सकती है और जिनके पास वह माल होता है वे पुलिस के पहिचान के होते हैं। बाद में इन चीजों का नीलाम होता है। मैंने देखा है कि २० रुपये जिस जूते की कीमत होगी, वह २ ६० में बिकता है।

श्री जगजीवन राम : क्या आपने खरीदा है ?

श्री देवकीनन्दन नारायण : नहीं साहब, मैंने नहीं खरीदा। लेकिन जब मेरे पास बहुत सी ऐसी कपलेंट्स आईं, तो मैंने सी० आई० डी० तक ये तमाम बातें पहुंचाई थीं और सी० आई० डी० और लोकल आफिसर्स की कांफरेंस करवाई थी।

रेलवे के बैग्स में से किस तरह चोरी की जाती है। बीच जंगल में रेलगाड़ी को खड़ा कर दिया जाता है। बिना आफिसर्स की जानकारी के—यानी रेल के गार्ड कहिये

या ड्राइवर कहिए या गाड़ी के साथ जो रेलवे का स्टाफ चलता है उसे कहिए, उनकी सहमति के बगैर—गाड़ी इस तरह जंगल में खड़ी नहीं की जा सकती।

एक माननीय सदस्य : क्या आप अपने अनुभव से कह रहे हैं।

श्री देवकीनन्दन नारायण : मैं डेढ़ या दो वर्ष पहले की बात कह रहा हूँ। जलगाँव से छे मील सिरमौली स्टेशन के नजदीक एक जंगल में गाड़ी खड़ी कर दी गई। चोर जंगल से निकल आये और फिर बैगन को फोड़ने की उन्होंने कोशिश की। उन पर गोली चलानी पड़ी, जिससे एक आदमी मारा गया और कुछ जख्मी हुए। यह बात झूठी हो तो मैं आपको साबित करने के लिये तैयार हूँ। इस तरह से गाड़ियां खड़ी कर दी जाती हैं, बैगन खोली जाती है और माल बाहर ढकेल दिया जाता है।

श्री ए०० डी० मिश्र (उत्तर प्रदेश) :
गोली किसने चलाई ?

श्री देवकीनन्दन नारायण : जो रेलवे की पुलिस साथ थी उनको आखिर गोली चलानी पड़ी। उनको पकड़ने के लिए, उनको जख्मी करने के लिए, ताकि वे भाग न जायें।

तो मेरे कहने का मतलब यह है कि ये तमाम बातें जो होती हैं, उनको रोकने की सरकार को कोशिश करनी चाहिए। सिर्फ रेलवे पुलिस प्रोटेक्शन पुलिस कायम करने से ही यह काम होने वाला नहीं है। इसके लिए रेलवे के सारे स्टाफ—स्टेशन मास्टर से लेकर बुकिंग क्लर्क तक—सभी का सहयोग मिलना चाहिए। उनकी मदद से ही यह पुलिस काम कर सकती है। इसके अलावा लोकल पुलिस की खासकर मदद मिलनी चाहिये, क्योंकि बेचारे रेलवे पुलिस वाले तो अपने फाटक के बाहर जा नहीं सकते, शहर में जा कर किसी को पकड़ नहीं सकते। बिना लोकल पुलिस

[श्री देवकीनन्दन नारायण]

और मजिस्ट्रेट की मदद के बने किसी के घर से माल निकाल नहीं सकते। तो इन तमाम लोगों का जब तक सहयोग नहीं मिलेगा तब तक रेलवे पुलिस कुछ कर नहीं सकती। इसलिए इसके साथ साथ यह तजवीज भी होनी चाहिये कि लोकल पुलिस, लोकल मजिस्ट्रेट्स और अन्य अधिकारियों का सहयोग इस काम में मिले।

पार्सल की जो चोरी होती है, वह प्लेटफार्म से होती है क्योंकि तमाम पार्सल प्लेटफार्म पर पड़े रहते हैं। इस वक्त आप चलिये, दूर की क्या कहूँ, आगरा फोर्ट स्टेशन पर चलिये या दिल्ली स्टेशन पर ही चलिये, तमाम प्लेटफार्म पर पार्सल का माल पड़ा रहता है और वहाँ छोटे छोटे लड़के घूमते रहते हैं; मैंने अपने जिने के रेमांड होम में देखा है कि उसमें अधिकतर लड़के प्लेटफार्म पर चोरी करते पकड़े गये होते हैं। उसमें तीन चौथाई लड़के मैंने देखे हैं। ये बेचारे लड़के आवारा घूमते हैं और घूमते घूमते दो चार चूड़ा उठा कर चलते बनते हैं। प्लेटफार्म पर ये चोरियाँ क्यों होती हैं जब कि वहाँ पुलिस मौजूद है, स्टेशन के कर्मचारी लोग मौजूद हैं? खास प्लेटफार्म पर चोरियाँ होती हैं जहाँ आफिसर मौजूद हैं, पुलिस मौजूद है। तो इसको भी हमें सोचना है कि इसमें क्या रहस्य है जिस की वजह से ये तमाम बातें होती हैं और जिस काम को हम रोकना चाहते हैं वह शकता नहीं है।

DR. W. S. BARLINGAY: There is a lot of public co-operation.

(Interruptions.)

MR. CHAIRMAN: Order, order.

श्री देवकीनन्दन नारायण : स्टोर में जो चोरियाँ होती हैं, वहाँ तो कोई बाहर वाला रहता नहीं है। जो वहाँ के नौकर, जो वहाँ के रेलवे कर्मचारी हैं वही उसमें शामिल होने चाहिये और वही ये चोरियाँ करते होंगे।

अभी उनको जिस तरह से सजा दी जाती है, किसी को सस्पेंड कर दिया गया, किसी पर जुर्माना कर दिया गया, किसी को डिस्चार्ज कर दिया गया, इससे ये चोरियाँ बचने वाली नहीं हैं। उनको इस तरह को सजाये देनी चाहिये कि फिर किसी को हिम्मत हो न पड़े कि वे स्टोर्स में चोरियाँ करें। इस तरह से स्टोर्स में चोरियाँ होती हैं और जितनी चोरियाँ आने के सामने आती हैं, जितनी चोरियों की खबर होती है, उससे ज्यादा चोरियाँ होती हैं यह भी आप न भूलें। इस तरह स्टोर की जो बात है उसका सम्बन्ध खास रेलवे कर्मचारियों से है।

अब रही बात यह कि चलती गाड़ियों में से फिनिंग्स की चोरियाँ होती हैं। खासकर टर्मिनल स्टेशन्स पर याद में, जहाँ गाड़ियाँ पड़ी रहती हैं, वहाँ से बल्ब, लुकिंग ग्लासेज और बहुत सी चीजें निकाल ली जाती हैं। यह क्योंकर होता है? वहाँ पहरे वाला रहता है, पर पहरेवाला करे क्या! वह बेगारा खुद उसमें शामिल है। तो यह चोरी करने वालों का एक गिरोह पैदा हो गया है, एक अन-आर्गनाइज्ड कांसपिरसी (unorganised conspiracy) है। मैं मंत्री महोदय से यह प्रार्थना करूँगा कि इसके लिए एक तो साधारण कर्मचारियों का नैतिक स्तर ऊँचा करना होगा और दूसरी बात इसके लिए यह आवश्यक है कि स्थानिक पुलिस और मजिस्ट्रेट्स का पूरा सहयोग पैदा करना होगा क्योंकि ये चोरियाँ करने वाले शहर के रहने वाले होते हैं।

आखिरी बात मैंने यह कहनी है कि जो आप इस रेलवे पुलिस में कांस्टेबल्स लें, वे जिस डिवीजन में काम पर रखे जाय उस डिवीजन के रहने वाले न हों। जो ऊपर के पुलिस आफिसर्स हैं, वे कहां तक चोरियाँ बन्द करवा सकते हैं। हाँ, वे कुछ व्यक्तिगत बातला सकते हैं, कुछ देख भाल करवा सकते हैं, पर आखिर में काम करना होता है कांस्टेबल

को और यदि उसके कुछ नातेदार या रिस्तेदार या मित्र उसी डिवीजन में हों, तो फिर उससे काम ठीक होता नहीं है और अधिक चोरियों में उसकी मदद होती है। इसलिए मेरा यह सुझाव है कि आपका यह नियम हो जाना चाहिये कि जिस डिवीजन में कोई कांस्टेबिल काम करता है, वह कांस्टेबिल उस डिवीजन का रहने वाला न हो। बस यही बात मुझे कहनी थी और मंत्री महोदय से मेरी यह प्रार्थना है कि वे इन बातों पर सोचे और इस काम में सबका सहयोग पैदा करवाने की कोशिश करें।

DR. SHRIMATI SEETA PARNAND (Madhya Pradesh): Mr. Chairman, I would like to add my support to the remarks that fell from Mr. Naidu, as well as the Member who just sat, that this Bill was overdue and should have come before the House long ago to stop the colossal loss on the Railways. I would like to point out one or two things. It is not correct to say that the thefts on the Railways, particularly the stopping of trains, are all committed by collusion with the train driver and guard. In Nagpur division, within one mile of Nagpur station, between one city station called Itwari and Nagpur, during last year repeatedly almost every week trains were held up by goondas and even the guards and the engine drivers have been hurt. In addition to that, in the yard the goods trains were also broken. That was not with the connivance of any staff, but the people who were there were very much afraid. What I would like to point out here is that though it may be very necessary from one point of view, as made out by the hon. Member from Madras, Mr. Naidu, that the staff should be entirely under the Railways, yet I feel there might be a danger of rivalry between the local police and this staff, and also indiscipline. Cases have occurred like this, especially with regard to what is called the Special Armed Force, where two D.S.Ps. command different police forces. The ordinary police are under

one D.S.P. and another commanded by a Special Armed Constabulary D.S.P. And though ultimately both the police forces are under the I.G.P., there have been clashes to the extent of the D.S.P. of one being hurt by a whole band of police going in a force of two hundred and attacking the D.S.P. in his own bungalow. So, I feel that if such a force has to operate in a State, there will have to be some law by which the force will have to come under the indirect authority of the State Police. Moreover, I have found from experience that already with the reorganisation of States and with the Linguistic States feeling more conscious of their separate existence, the State authorities are not inclined to give help to the Railway Force, or whatever there may be of it at present, because according to this Bill the force is already there, and some money is being spent. Well, it was not possible for the station people to get any help from the local D.S.P. or the collector of the place for about a month or two months and then some Members of Parliament had to intervene and get them that help. The goonda element is so strong that, with the type of the force—perhaps the lack of arms with them—they have overpowered the railway police and have demoralised these railway people, and this has allowed the goondas to have their way. What I would, therefore, suggest is that though it may be a good thing to make the railway authorities' force responsible to the General Manager, as has been suggested in the area in the State, the authority of the local police, I.G.P. also should be there, so that there is no question of rivalry or a sort of two small armies deciding some issue, where they would like to show their own power. I would like also to point out that though it is a fact that it is the staff themselves who are more responsible for these thefts in the yards, etc., there is another reason which, I hope, the Railway Minister will look into. The watertight compartment in which duties are divided between officers makes them so callous about doing the little extra thing

[Dr. Shrimati Seeta Parmanand.]

which may not be strictly their own work, but they would easily get off by saying that such and such person is supposed to look after such and such thing. If a train were to go with, say, the lights or latches etc. having been removed to a station and you were to report this to these people at the station, they would say that that is not their job but of the man who sends the train from yard and as such they are not able to do anything in the matter. In every walk of life, and so in every sphere of work in the railways, this kind of attitude is prevalent to such an extent that one would wonder whether they consider themselves to be the servants of the State and citizens of this country. This type of spirit, this unhelpful attitude, has to be strictly dealt with. If a mad dog were to be on the station and if a railway ticket collector were to be told about it, he would just sit with folded hands and say that it is the work of the police. So, Sir, this attitude has to be not only dealt with but some training has to be given, I feel, to the railway staff periodically through a refresher course. I say this because when the station master himself of a station was told as to why so much rubbish etc. was being thrown on the station at the time of arrival of the train in spite of so many dustbins being there and why the sweepers were not collecting the rubbish, he would say: "Madam, these days you cannot tell anything to any servant. They would not simply listen." This kind of indiscipline has to be tackled, Sir, from various angles. I suggested to the station master that, apart from what may be permissible to be done through the funds of the railways, he might have some sort of arrangement for giving incentive to good conduct by calling people for some parties or having some games and giving some prizes at that time for good conduct, and so on. This is to show you, Sir, that in spite of the slogan, in spite of the notice that the railways put in the compartments to the effect "this is your own national railway, this is

your own national property, treat it as your own", so that people should not steal things or scratch things and damage them, such things are happening. I feel that before the general public are asked to do this, it is very necessary for the railway authorities to see that everyone of their employees is imbued with this spirit, and then only the general public can be expected to do this.

Sir, the reason for which I have risen to speak is not this, because these are ordinary things which would have been dealt with by the railways themselves. What I feel is, when we bring such Bills for the prevention of stealing of copper wire in the Posts and Telegraphs Department or any anti-corruption Bill, these measures are only tinkering with the problem. When the whole body is diseased, some disease or other or complaint goes on propping up here and there. There may be an ulcer or there may be stomach ache. The whole body is diseased, and the remedy is not by every doctor dealing with every part of it, but by those doctors sitting for consultation and making the chief physician, that is the Education Ministry, deal with this problem. Sir, as I have said again and again, there is no co-ordination amongst the Ministries. The Information and Broadcasting Minister could be told by the Railway Ministry that much of this stealing amongst the juvenile criminals particularly is due to the type of films you are allowing them to see without any check. But it is considered as encroachment. That is the method of administration, as if it is 'abrahmanyam', not to be mentioned by any Minister about the activities of other Ministries, as if it is a sacrilege to say anything with regard to the work of another Ministry. But these problems cannot be solved until, what I consider the foundation Ministry of all, the Education Ministry sits and deals with this problem of the training of the youth by proper methods, not by taking only exhibition trains or by holding youth con-

ferences. There is too much talk, too much programme, too many conferences, but very little time is left for actual execution. Sir, when all these Ministries are faced with such serious problems, just fancy the cost of maintaining only the railway property going up eighty times. I would like to add something more about the stealing of property which is not detected or recorded here. Sir, I feel that these Ministries, when they come up with such legislation, should, apart from bringing the legislation before the House, amongst themselves go into the root of the problem and see that within a given time, within six months or so, the Ministries that are concerned with bringing about a change take up immediate action so as to teach the youth of the country and make them national-minded that "this is my property, I will not only not touch it but will not allow anybody else to touch it" I have seen railway doctors breaking the rules of sanitation and using the railway cars at the station. I have seen them opening doors of railway compartments painted brand new by kicking with their dirty shoes. The Railway Ministry will have to look into these things and first inculcate in their officers and employees the proper spirit. Then also it is not enough to say "the utmost has been done" but the evil must be removed from its root.

Thank you.

SHRI JASWANT SINGH (Rajasthan): Mr. Chairman, I rise to give my general support to the Bill. Sir, it is a fact that pilferage of railway property is assuming very serious proportions and something has to be done. From the figures which were given by Mr. Naidu it will be seen that it is long overdue and some steps will have to be taken by the Government. It has to be seen whether this new Protection Force will be as effective as we hope it to be or it will have the same role to play as the Watch and Ward Department of the former Railways.

Shri Deokinandan Narayan dilated upon the evils and the methods which these people adopt in stealing and pilfering the railway properties. Sir, in different parts of the country there are different methods adopted, and he felt that mostly the city people are responsible for this. But in my part of the country in Rajasthan, and particularly on our Bikaner side, we see that the village people are more responsible for this than the city people. On our side we have got a big granary which is called the Ganga Canal colony, which is the granary of Rajasthan, and food is sent from that granary all over India. Because of the shortage of wagons we send it in open wagons, and open wagons take more quantity than closed wagons. It is a matter of common knowledge that people get into these open wagons and when they are between two railway stations, they throw whole bags and there are people waiting to pick them up. In this way much of their problem of foodgrains in areas where there is a shortage is solved by this pilferage, and naturally the railway has to suffer very big loss and also the people. There are different methods in different places in regard to these matters, and therefore it is not only the city people but also other people take to this job because when they find it a profitable job, they take to it.

Coming to the Bill itself, I would like to have certain elucidations from the hon. Minister. First of all, clause 7 provides for the issuance of certificates to members of the Force. This Force is more or less a sort of semi-police and, I would even go to the extent of saying, of semi-military force. I have not known, with the little experience that I have got of the Army and also of the police, that any of the members of the police force or of the Army is given a certificate of identity. It is provided in this clause that each member of this Force will be issued a certificate in the form specified in the Schedule. I do not know why a special provision has been made for giving such a certificate to

[Shri Jaswant Singh.]

this Protection Force and what purpose it is going to serve.

It is also stated in clause 7(2) that "Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a member of the Force, . . ." It will create a great confusion and also *mala fide* use will be made of the certificate. A man may abscond. It is a very common thing. Even from the military and the police, hundreds of people have absconded. If a person of this Protection Force absconds with this certificate in his possession, he may make any use of it. Such a certificate is not issued to the regular police force or even to a military force. I do not understand the purpose of issuing such a certificate to this Protection Force and if it is done, it will not only create a great confusion, but also *mala fide* use will be made of it oftener. Therefore, I would like to know from the hon. Minister the purpose for the issue of such a certificate to this Force.

In sub-clause (b) of clause 9, we see that the punishment which has been provided to be awarded to the members of the Force is more or less on the lines of a regular police force and, to a certain extent, even of the military. It says, "confinement to quarters for a period not exceeding fourteen days with or without punishment, drill, extra guard, fatigue or other duty." At the same time, it is said in sub-clause (2) of clause 8, that the officers of this Force, in the discharge of their functions, shall be guided by such directions as the General Manager of the Railway may issue in this behalf. On the one hand, the disciplinary action and punishment are on the lines of a police force; on the other hand, instead of taking orders from the Inspector-General, as the head of the Force, security officers will take orders from the General Manager. As far as I am concerned, I do not see how these two things will solve the problem; on the other hand,

they will create a confusion. There will be one Inspector-General, and under him under each Railway, there will be security officers. These security officers, instead of being under the direct charge of the Inspector-General, will take directions from the General Managers and this will, in my opinion, create much confusion and the functions which are expected to be discharged by this Force will, to a very great extent, be nullified. Even in the police and the military, if there are double directions and double orders, nothing will come out of it. Similarly, when you are, for discipline and other purposes, going to give this Force a semi-military and a semi-police status, provision for giving double orders would not be of any use. I would like to know from the hon. Minister as to why they have made such a provision.

Again, one of the provisions made in sub-clause (c) is "removal from any office of distinction or deprivation of any special emolument." I can understand that for some reason or other, a special emolument might be given to some members of the Force. But what is the point in providing for the "removal from any office of distinction" in this Protection Force? I have not been able to see throughout this Bill any provision being made for any distinction being given to any officer, while amongst the punishments to be awarded, mention has been made of this. So, I would like a clarification on this issue.

As pointed out by my friend, Mr. Rajagopal Naidu, the responsibility in clause 12 is a very big one that has been given to this Force—the power to arrest any offender without a warrant has been given to them.

In regard to the recruitment of this Force, I think Mr. Naidu stated that they should not be taken from the police force, if I have understood him correct. I feel that these people, if they are to be entrusted with such serious powers as to arrest people without any warrant, well, they have to be acquainted with law and with

he procedure of tackling such serious matters and they will have to be recruited from the police. Or a special training will have to be given to them in order to make them fit to discharge such a responsibility. So, I do not agree with Mr. Naidu that they should not be recruited from the police. I feel that these are the main functions of the police and as such, the senior officers and also the inspectors and sub-inspectors will have to be retired police officers who can be of much use to a Force like this. Retired people who have experience, who have a record of good service in the police and who have an unblemished career will be very useful for this Force. Therefore, it appears to me that you cannot but have such retired people with an unblemished career.

SHRI BHUPESH GUPTA (West Bengal): Old bandicoots.

SHRI P. S. RAJAGOPAL NAIDU: Exactly.

SHRI JASWANT SINGH: also, I agree with my friend, Mr. Naidu that this Force should be completely detached from the influence of trade-unions because the whole object will be defeated and the members of the Force will become a prey to party politics and the work that is expected of them will hardly be done and the whole thing will be nullified.

In the end, I would like to submit that, in this Financial Memorandum, certain amounts have been provided for in the current Budget. Take for instance the South Eastern Railway. There, the total sanctioned strength is 4,349 and the amount provided is Rs. 22,46,000, while the strength in the North-Eastern Railway is 4,596—only about 200 people more—and the expenditure of Rs. 29,22,000. There is a difference of Rs. 7 lakhs, though the difference in strength is only 200. Similarly, if we go further, we see that in the Northern Railway, the strength provided is 5,826 while the expenditure is Rs. 37 lakhs. In the

Central Railway, the strength is 5,720—that means one hundred less than the Northern Railway—but the expenses are Rs. 2 lakhs more. In the Western Railway, the Force number 4,490—nearly a thousand people less than the Northern or the Central Railway—but the expenses are Rs. 39 lakhs. So, there is this discrepancy in the expenses. Wherever the strength of the force is less, the expenditure is more. I cannot understand these figures which have been provided in the Financial Memorandum. Subject to these remarks I generally support the Bill.

DR. W. S. BARLINGAY: Mr. Chairman, I rise to support this Bill. But since my friend, Mr. Naidu, has already provided the necessary figures, I will not repeat those figures in order to support my case, but generally I would say—and I came to know this thing for the first time when I became a Member of the Railway Corruption Enquiry Committee—that the Watch and Ward Department was called the “Watch and Rob Department”. Now that sums up exactly what people think of this old Watch and Ward Department. I would deal with this aspect of the matter, and that clearly is a pointer to the fact that this old Watch and Ward Department of the Railway has certainly got to be reorganised and reorganised in a very radical manner. Then the question naturally comes up before our mind as to whether the Railway Protection Force as is envisaged in this Bill really constitutes such a radical reorganisation of this old force of Watch and Ward that instead of robbing the Railways of their property, they would really be a source of protection to Railway property. The question therefore is, and it has got to be explained to us by the hon. Minister, as to what particular features this Railway Protection Force Bill has so that we would be able to distinguish it from the old Watch and Ward Department. I must say, Sir, that although we welcome this Bill, the

[Dr. W. S. Barlingay.]

Bill by itself does not afford us any clue as to how this reorganisation is going to take place exactly. If you, Sir, will look at the Memorandum with regard to delegated legislation, you will find that in the second paragraph it says:

"Clause 21 of the Bill empowers the Central Government to make rules to carry out the purposes of the proposed enactment."

I am not averse to giving the Central Government powers to make rules. Then, Sir, it further says:

"The several matters in relation to which such rules may be made have been detailed in the various items of sub-clause (2) of that clause and relate principally to the procedure to be followed in regulating the classes and grades, the terms and conditions of service and the powers and duties of and the punishments to members of the Force. These matters are details of procedure necessary for the effective governance of the Force and it is unnecessary and cumbersome to provide for these administrative details in the enactment itself."

But I grant that the Government is going to look into all these matters and is going to constitute a Force which will be real protection force and not a robbing force. But then so long as we know the details, at any rate the plan, on the basis of which that Force is going to be constituted, our criticism with regard to this Force will have to be reserved.

Then, Sir, I want to draw your attention to one aspect of the matter to which several Members here have already adverted, and that is that so far as the Railways are concerned, we have found by experience—as I pointed out in a different strain—that there is a lot of public co-operation so far as the robbing of Railway property is concerned. There is not only the co-operation of the lower staff of the Railways, but also, if I may say so

with all respect to the hon. Minister and with all the responsibility that it entails, higher officers of the Railways are sometimes concerned in all these things. As a matter of fact most of this mismanagement in the Railways is, to a very great extent due to the fact—and I say this with the same sense of responsibility—that even higher officials are sometimes involved in it, and that is the crux of the whole thing. The entire corruption in the whole machinery is due to this. And I therefore welcome one very important provision in this Bill, and that is the provision in clause 3 which says that "There shall be constituted and maintained by the Central Government a Force to be called the Railway Protection Force for the better protection and security of railway property." That is to say, this Force, I take it, will be constituted by the Central Government itself and it will be responsible to the Central Government. I suggest, Sir, that just as with regard to the protection of the rights of the common man or the common citizen in this country, it is necessary that there should be separation of the judiciary from the executive, I suggest, Sir, that if we want to root out corruption in this country, whether it is on account of the co-operation of the public or whether it is amongst the public officers themselves,—and I suggest it strongly—there ought to be a separation as in this Bill between the highest railway officials and the appointing authority with regard to this Protection Force. What I mean to say is that the authority which appoints this Railway Protection Force ought not to be the authority which controls and manages the Railways. This I suggest, Sir, in order that these people who are supposed to be the protectors of railway property ought not to be under the evil influence of the officers of the Railways who are interested in corruption and pilferage.

Then there are one or two things to which I shall refer in order to draw out, if possible, an answer from

the hon. Minister. I refer now to clause 7. I was myself going to ask this question before my friend from Rajasthan raised it. Clause 7 says:—

“Every member of the Force shall receive on his appointment a certificate in the form specified in the Schedule. . .” etc.

Then, there is another provision in this Bill, if the hon. Minister will kindly refer to clause 15(2) which reads:—

“No superior officer or member of the Force shall engage himself in any employment or office other than his duties under this Act.”

That means that a member of this force shall be a wholetimer. If a member of the force or any superior officer who is appointed under this Act is going to be a wholetimer, then I do not see why any such certificate as is contemplated in clause 7 is necessary for him. A Sub-Inspector of Police, for instance, is not given a certificate of this kind. Subject to the information that the hon. Minister may give us, I do not know the purpose of this clause 7 at all. It may be that I am wrong.

SHRI SHAH NAWAZ KHAN: May I inform the hon. Member that even the Police Officers are issued with such a certificate.

DR. W. S. BARLINGAY: A member of the Police may be issued with such certificate, but I do not know whether the Police Act provides for such a certificate. Is it necessary to make this provision? If you want to issue a certificate you can issue a certificate by pure executive action. Why should you make it part of the Bill itself? This is one point.

Then, the second point is this: Here also my learned friend from Rajasthan had anticipated me. My friend here helps me. So far as the certificate is concerned, if the hon. Minister will kindly look to the schedule, he will find that it says:

“A.B. has been appointed a member of the Railway Protection Force Act, 1956, and is vested with the powers, functions and privileges of a member of the Force.”

Now, this only shows that it is only an order of appointment and nothing else. What is the idea of making it part of this Bill? If it is necessary to do so, that can be done by pure executive action.

I come now to clause 9 and there also I must say that the hon. friend from Rajasthan has anticipated me. I suggest with all respect to the hon. Minister that the provisions of this clause 9(1) are too drastic. I especially want to draw the attention of hon. Members to clause 9(1)(ii)(b)—

“confinement to quarters for a period not exceeding fourteen days with or without punishment, drill, extra guard, fatigue or other duty,”

and (c)—

“removal from any office of distinction or deprivation of any special emolument.”

Sir, if the hon. Minister who himself was a member of the Railway Corruption Enquiry Committee will look at his own report, he will find that the Committee had suggested administrative tribunals for the purpose of enforcing discipline. I do not want to dilate on this point any more, but I suggest that the appointment of administrative tribunals and giving of these powers of punishment to those tribunals will solve these difficulties rather than giving these powers, as the Bill says, to any superior officer, not the appointing officer or appointing authority but to any superior officer. This is too drastic a provision according to my view.

Then, there is one other point to which I should like to refer. So far as the protection of railway property is concerned, we already have the Railway Police. Now, in this Bill no

[Dr. W. S. Barlingay.]

attempt has been made to define the exact relationship between the Railway Police Force and the Railway Property Protection Force. This is another point on which I would request the hon. Minister to give some clarification. After all, as I pointed out in the very beginning, a mere change of name will not alter the nature of the organisation. Both the *nam* and the *rup* have got to be changed. Mere change of name will not help much. Even the substance if it has also to be changed, not merely the name, and therefore I hope that in his reply the hon. Minister will tell us as to how he is going to constitute this force. After all, this is only a skeleton Bill. It ought to be supplied with some flesh and blood so that we could have some concrete idea as to the kind of force that it is likely to be. Thank you.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): Mr. Chairman, I must confess that I do not feel happy at the causes which have necessitated the introduction of this measure. As I find from the Statement of Objects and Reasons and otherwise also as was pointed out in so many words by my hon. friend, Mr. Naidu, the theft and pilferage of railway property has been increasing from time to time. This is what is said in the Statement of Objects and Reasons. I am reading the second sentence of it in the first paragraph:

"The Railways have during these years incurred heavy losses on account of theft and pilferage of railway property and of payment of quite a large number of compensation-claims preferred against them."

What are these years during which theft and pilferage has increased? For that, we may read the first sentence:

"The Watch and Ward Departments functioning on the Railways have hitherto been handicapped by lack of adequate powers and well

defined status as also of a proper sense of discipline to fulfil their primary functions of protecting railway property and of property entrusted to Railways for transport."

So, Sir, for a number of years this force has been in existence but during all these years according to the admission made in the Statement of Objects and Reasons, rather than this theft and pilferage going down, it has increased.

The question, therefore, arises as to what at all is the necessity and what at all is the use of our maintaining a force which cannot serve its purpose at all. Of course, I find from the Bill that an attempt will hereafter be made to give a new orientation but then the personnel will remain very much the same or at least the recruitment will be from the same class of society from which it has been made so far. So, if you increase this force, would not theft and pilferage increase still further? I say this in all seriousness. Not very long ago, I had occasion to have a talk with a senior railway official. It was a couple of years ago and I was startled when he told me during the course of the conversation that ticketless travelling was increasing with the increase in the strength of the T. T. Es. He further said that the thefts in railway godowns has been increasing with the increase in the strength of the Goods Inspectors or something like that because I do not exactly remember the designation of this class of officers. I asked him the reason and was startled when he told me that on an average, a T. T. E. carried four or five ticketless passengers benefitting himself thereby and so, when there were four or five T. T. Es., the number of passengers that they carried without tickets was about 20. With the increase in the number of T. T. Es. to eight the number of ticketless passengers also increases cent per cent. Similarly, with regard to the Goods Inspectors, generally speaking—it is not that every Station Master or every Goods Clerk is corrupt but

generally speaking—the Chief Goods Clerks have to pay something monthly to the Goods Inspector and because of the increase in the number of Inspectors, the amount which the Chief Goods Clerks have to pay also increases and where is that money going to come from? It will come only by theft and pilferage in the goods shed. Well, that is a very sorrowful state of affairs. It is a question of very great importance for us all to consider as to what we should do in such circumstances. It is not only in the railways, Sir, that this corruption is of such wide magnitude. It is in other Government services also. We have it in other walks of life also, whether it be in the colleges, in the schools in the business institutions or, for that matter, in every sphere of life; and it is increasing. So, it is not confined to the railways only. This evil has extended all over the society, and generally speaking, a very large portion of society has become corrupt and if you talk to anybody in the street, or for that matter anybody from the highest to the lowest, he will say that corruption has increased. Those very persons who condemn corruption are themselves corrupt. I think I am not exaggerating things and I am not the only person who has come to this conclusion. Whether it is in the Lobby or whether it is in the general discussion here or whether it is outside, everybody is bemoaning about corruption having increased. We must certainly admit that corruption has increased and that the whole society is getting corrupt. Something drastic has got to be done. I have come to this conclusion that in order to check corruption it is no use going on creating new departments. We must find some other remedies. We must go to the root of the problem and the root of it is, Sir, that the present atmosphere in the society makes everybody corrupt. The children that are coming up, the boys that are coming up in schools and colleges breathing the corrupt atmosphere become corrupt.

I do not know, Sir, whether it is within your knowledge or not. I hope it is within your knowledge and if it is not, Sir, you will permit me to convey it to you for, I think we should look up to you and men like you to suggest some remedies for this evil. What I propose to refer to, Sir, is the growing corruption in the Universities, in the colleges and in the schools. A very large number of Professors have become corrupt now. Immediately the examination is over, the students try to find out the examiner who is examining their answer books and they try to rush to those examiners. I know, Sir, from personal knowledge. Even in this year, several persons came to me and said that I should approach such and such an examiner in my locality to influence him to give good marks to the students. I rebuked those students and they went away thinking that I was a strange sort of person to rebuke them. They said they will go to somebody else and get the job done. It was not only this year that the students came to me. I am not the only person and I am not a favourite of the students. It is something much more shocking. The students get corrupted in the schools and colleges when they have the example of corrupt Professors and teachers; that being so, how can you expect them to become honest citizens. Therefore, I would suggest firstly that rather than spend more and more money on creating more and more departments to check corruption, we should everyone of us, in the first instance try to have a little introspection and try to improve himself. Secondly, Sir, I would appeal to you and to men like you to give us a solution for this. So far as my humble self is concerned, I have come to the conclusion that we should try to build up the character of small children from the age of 3 to 7 or 8 rather than spend more and more money on University education, college education and high school education. Instead of doing that, Government should spend a very good amount of money on nursery schools and on

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primary educational institutions. As it is, Sir, you know that Government's policy is that so far as nursery and primary school education is concerned, it is not their burden. It is the responsibility of the parents. I would earnestly request you, Sir, to seriously apply your mind to this question and suggest to the society ways and means of eradicating corruption and also suggest as to how the generation which has to come after the next generation will not be corrupted. There is a proverb which says:

“बूढ़े तो कुरान नहो पढ़ते”

We are not fit and even the next generation is not fit. It is almost impossible to make it learn and effect any improvement but for the other generation, you must effect some improvement. But if we really want to have a new, honest and good society we must look to the proper education and character-building of our small children between the ages of 3 and 7, or 8. That will be a good investment. I say 'investment' because, even if you spend crores and crores over it, it would more than repay. I would very much like even a couple of hundred crores of rupees to be spent on them so that when they become engineers and go to construct dams like the Bhakra-Nangal they will not eat away the money that we set apart for such dams. The Bhakra-Nangal Dam probably would have cost half of what it has cost actually if the engineers and contractors were all honest. If there was honesty a hundred crores of rupees could have been saved out of that two hundred crores of rupees and this loss on that and on any other project would not have happened if you had invested these hundred crores of rupees for the initial education and character-building of our children at a very early stage. Sir, I hope I will not be told that there is not much relevancy between this Bill and my remarks, but I am definitely of the view that these measures are of absolutely no use without that. Every

time there is talk of corruption here. So much time is taken up in the House and outside the House and everywhere in discussing about corruption and the measures to put an end to it. This won't serve any purpose. You must go to the root of the evil and find out the solution at that stage. That will serve our purpose, not this.

Sir, I am not one of those who take a pessimistic view of things. I am proud of the good things that are going on in the country. We are advancing in every direction and so far as the railways are concerned they have made tremendous progress. As a matter of fact if you ask anybody in the street he will at once say that the one department which has made obvious tremendous progress, is the railway department because they have provided travel facilities, they have provided fans at stations and in third-class compartments and all that. We have been progressing all round economically and socially also. But our position is very much like that of a peacock which gazing at the beauty of its feathers and plumes is filled with joy and dances in ecstasy, but finding its feet ugly begins to shed tears. So is our position, Sir. We feel proud that we have advanced all round, in different directions, but when we look at the corruption aspect of the society, we have to hang our head down in shame, and unless we improve the character of the society at large, measures like this would hardly serve any useful purpose.

Coming now to the provisions of this Bill, Sir, may I submit that it seems not to have been conceived in a very democratic spirit and I hope, Sir, that the hon. the Railway Minister who is always very particular to see that class distinctions are done away with would look at this aspect of this measure and see whether it is con-

[MR. DEPUTY CHAIRMAN in the Chair]

sistent with the present democratic spirit and, with our commitment to a

socialistic pattern of society, whether we should define herein that members of the Force shall mean not the superior officers but only the inferior officers, and that superior officers would not be considered even to be members of the Force as if it would be something not in keeping with the dignity of the four or five classes of superior officers to be called members of this Force. Sir, only yesterday the Home Minister, Pandit Govind Ballabh Pant, while addressing the Secretaries of Central Ministries—I find it reported in to-day's papers—said that they must think that the men at the top and at the bottom belonged to one community, something like that. I am not quoting the exact words. But the very next day I find this measure where the definition of a member of Force is given like this. "Member of the Force" means a person appointed to the Force under this Act other than a superior officer."

SHRI P. D. HIMATSINGKA: If it is "including" in place of the words "other than" it would be all right.

SHRI JASPAT ROY KAPOOR: But they have specifically excluded the superior officers; and in all the various provisions of this measure 'superior officer' has been treated entirely in a different manner. Not only that. I find that so far as the question of punishment and disciplinary action is concerned, it has been provided only for the other officers and other ranks and not for the so-called superior officers. I am almost inclined to think that it is a lacuna herein. Apart from the question of putting the two classes of officers on a different footing altogether, apart from that, I would like to know why you have made specific and elaborate provision for dealing with officers of other ranks for the purpose of taking disciplinary action against them or for awarding punishments to them. In clause 21, which empowers the Central Government to make rules, no provision seems to have been made for any disciplinary action against the superior officers, no men-

tion of any punishment being given to them, and I ask whether any rule would be framed at all in the matter of their salary, leave, etc., for in clause 21 of this measure I find that the rules are intended to be made only for the remuneration of officers and members of the Force and not for superior officers. Perhaps there may not be much force in what I say on this point but, so far as disciplinary action and the question of punishment are concerned, I do not find any provision made herein so far as the superior officer is concerned. It is a matter for consideration as to whether you would be creating *esprit de corps* in this Force without including the superior officers within the definition and fold of "member of the Force." An ordinary member of the Force would certainly feel happy if he finds that he is in a force of which the Inspector-General is also a member and that the three or four other immediate subordinates, namely, the Chief Protection Officers, the Protection Officer or Assistant Protection Officer are in the same Force in which he is. I do not know, Sir, how matters stand in the police force. I do not know whether an Inspector-General of Police is called a member of the police force or not—I hope he is. That is a point worth considering as a matter of policy.

May I, Sir, then draw the attention of the hon Minister to sub-clause (2) of clause 8 where it is provided: "Subject to the provisions of sub-section (1), the administration of the Force within such local limits in relation to a railway as may be prescribed shall be carried on by the Chief Protection Officer in accordance with the provisions of this Act and of any rules made thereunder, and in the discharge of his functions he shall be guided by such directions as the General Manager of the Railway may issue in this behalf." I am drawing the attention of the hon. Minister to the words "such directions". Perhaps it would be better for "directions" we used the word "supervision", for I do not think that for every thing the General Man-

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ager should expected to issue specific directions. I believe that the intention is that all this work should be done under the general supervision of the General Manager and not that he must necessarily issue directions for every little thing. That is a minor point and there could be no difference of opinion among anyone of us and the hon. Minister has just to look into it, as to what would be a more appropriate phraseology.

Similarly in clause 9 perhaps it would be better if it could be specifically provided that any superior officer may dismiss, suspend or reduce in rank any member of the Force only if he is working under him and not otherwise. Obviously that appears to be the intention. As it is, it is sometimes likely to lead to a delicate situation, for, there would be parallel superior officers. If a Chief Protection Officer takes disciplinary action against any person who is working under another Chief Protection Officer, then it will create a delicate situation.

Then I come to clause 13. This does not appear to be very carefully or happily....

SHRI P. D. HIMATSINGKA (West Bengal): Worded.

SHRI JASPAT ROY KAPOOR:.... worded. I am glad I am supported in this view by no less a legal luminary than my hon. friend, Mr. Himatsingka, from whom I seek enlightenment on legal matters. With your permission, Sir, I will read out this clause because it has a very important consequence. In fact, clauses 12 and 13 are more important so far as the powers of this Force are concerned than any other clause. Clause 13 deals with powers to search without warrant. It says that 'whenever any member of the Force, not below the rank of a Senior Rakshak, has reason to believe that any such offence as is referred to in section 12 has been'—that is the first thing—'is being'—that is second—'or is likely to be,

committed'—it is with these words 'or is likely to be committed' that I am concerned for the moment—'and that a search-warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, he may detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to have committed the offence.' The word 'likely' is too loose a word and it would entitle a member of the Force to detain and search a person not on any specific ground but merely if he thinks that he is likely to commit an offence. Apart from that these words 'or is likely to be' are inconsistent with the last words of this sub-clause, namely 'to have committed the offence'. The intention of the sub-clause seems to be that if a member of the Force finds that an offence is being committed or has been committed, then he may search the person or detain him. So the phraseology of this sub-clause must be carefully looked into. To me it appears that these words 'or is likely to be' and the words 'committed the offence' at the end are inconsistent. They do not give a consistent reading.

Coming to clause 20, I am in complete agreement with the purport of the clause that we must give protection to the acts of members of the Force when they are done under the authority of a superior officer even though the superior officer may not have had the necessary authority to pass such an order. 'I would surely like that some provision may be made here in whereby the superior officer if he has passed an order without authority on these grounds may be properly dealt with. As I have already submitted, you cannot take any disciplinary action against superior officers; there is no provision here for that.

SHRI SHAH NAWAZ KHAN: All superior officers can be dealt with like any other citizen under the Criminal Procedure Code.

SHRI JASPAT ROY KAPOOR: True; I was just going to say that under the normal law of the land of course there may be other remedies open but when you are going to protect, and rightly too, the lower ranks of officers, you might also specifically provide herein something just to give a little warning to the senior officers that while their juniors will be protected for doing any act under their orders even if the order is passed without authority, they themselves are not protected. It is always better to keep this thing also before the mind of the superior officers.

Sir, there are some other points. They are all of a detailed nature and I shall deal with them when the clauses are taken up for consideration. To repeat again I submit that while I am prepared to give my support to this measure, we must tackle this problem of corruption in the society in a fundamental and drastic manner and not tinker with it by adopting measures like the one before us or some similar measures that come before us from time to time.

SHRI N. C. SEKHAR (Kerala): Mr. Deputy Chairman, I take strong exception to certain provisions of this Bill because those provisions are of a very obnoxious character but before I come to those provisions I would like to ask the hon. Minister whether he has taken adequate steps to rectify some of the serious shortcomings which were pointed out by the various enquiry committees. The Report of the Railway Corruption Enquiry Committee is before us and it had enumerated various observations made by various other officers and committees. This Report deals not only with the question of a Bill to be adumbrated and brought before this House for passage but they have shown in it the basic reasons why this pilferage and thieving take place. They have also shown where and how corruption is rampant, not only among the staff but even among the

higher officers and even among the police force deployed to protect national property. But has the Ministry given sufficient attention to rectify what they have pointed out, to rectify all those shortcomings so that you can have a basis for creating this Force? To me it appears that this Force can be compared with the storm troopers. I would point out those provisions which make this Force similar to storm troopers. By that, please, I do not mean that I am opposed to the steps the Ministry is taking to protect our national wealth. Certainly, we must take adequate and democratic steps to protect our national wealth. If a Department or an industry like the Railways requires such an enormous and rigorously disciplined Force to protect its wealth, then almost all the Departments or Ministries may require similar Forces to protect public property which are being maintained by the respective Ministries. That means they are going towards regimenting all the Departments in the country. I do not know whether it is the intention of this Bill, but this connotes that. Whether it is conscious or with a purpose, I cannot say, this the Ministry must reply. From this, I must say it is rapidly moving towards regimentation of the railways. That is why certain provisions are there which are most rigorous and most obnoxious in character. To introduce this measure to regiment, if I may say so, I want an explanation from the Ministry as to whether the Government has taken any steps to find out actually the sources of this pilferage? That is, who are these people? This Enquiry has stated so many things, but what is the main cause of it? Have those causes been removed, in order to make this Force useful? That is what I want to ask. I think the causes are still in force and they persist. Under whatever rigorous rules and disciplinary actions you may bring your security forces, as long as the causes persist, pilfering and thieving will be far more rampant and far more widespread,

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under cover of this discipline and all that. Because whom are you recruiting to this Force? Officers from the Police. Can you vouch that the police force in the country are immune from corruption? If I may say so, from our own experience, 80 per cent of thieving, robbery, pick-pocketing, is being organised with the connivance of the police—not only the ordinary police constable, but with the help and knowledge of officers like inspector and circle inspector. If you want, I am prepared to give you evidence. It is against such officers we are now agitating for their removal. So, you cannot say that police officers are immune from corruption, in order to be recruited to this force to fight corruption and pilferage on the railways. In the light of these committee reports and also from our own knowledge of the last so many years, I venture to say the steps that you are now going to take or you are about to take are not for removing corruption and pilferage, but to encourage it under cover of police protection. You take it from me that you are going to experience it very shortly, because you are not removing the basic causes which encourage or which pave the way for those people, even for higher officials, who pilfer and thief public property.

May I ask the Railway Minister whether he will institute an enquiry into a fact which I am told? There is in Bombay one colony in the name of one retired General Manager of a particular railway. That colony arose in his name. How could that retired General Manager build up such a huge colony? Out of what fund, from where did he make money to create such a colony? Now, I think that one of our big men went there to inaugurate that colony. I do not remember the name of that particular General Manager, but can you institute an enquiry? I think this question was brought before this House or the other House some time back when the discussion on the Rail-

way Budget was taking place. Will the Ministry institute an enquiry into it? What I mean to say is it is not only the ordinary staff—the parcels clerks or the running staff—who are causing this loss of revenue to the Ministry, but the 'higher-ups' also.

Similarly, as the hon. Member, Shri Kapoor, pointed out, you have not brought forward any provision here to take disciplinary action against your so-called Inspector-General or Security Officers in the event of their being involved in the abuse of power or malpractices. So, you are meaning to leave them scotfree from punishment for any crimes, or for any malpractices. At the same time, you want to pick out ordinary Rakshaks for the same who may be recruited according to the attitude of the higher officer. Then, Sir, this Enquiry Committee somewhere here seeks the co-operation of the public, co-operation of the staff and the employees, particularly the employees of the railways. Co-operation of these people is very necessary to check, to prevent corruption, pilferage and stealing. Without their help it would be very difficult for any security force to protect the property. And also, they have enumerated what the Railway Ministry had done for these employees. This Enquiry Committee claims the Railway Board has increased their pay and allowance and so on and so forth. In fact, so far as I am concerned, I am in daily touch with your railway employees, not only because I am travelling by train here and there, but I am living among them, so to say. What benefits had they been getting some ten years back and what benefits are they getting now? If we compare and contrast between what they have got before and what they are getting now, one would be astounded to find that this Government had not only curtailed their emoluments but also curtailed certain of their rights.

I will illustrate it with the latest instance. Now, Government has given an award to the staff. What

was that award? It benefited only one-tenth of the total number of the employees, that is, one lakh and odd. The total number of employees is one million and odd. What is that award—increase in the basic pay of certain categories of staff....

MR. DEPUTY CHAIRMAN: You need not go into that.

SHRI N. C. SEKHAR: It is very necessary, Sir, because this measure seeks to protect our public property and also....

MR. DEPUTY CHAIRMAN: Please speak on the Bill.

SHRI P. D. HIMATSINGKA: Is my hon. friend justifying the pilferage by the staff?

SHRI N. C. SEKHAR: I am not justifying. I am coming to the point. In order to check theft and pilferage, I suggest that you must remove certain causes, do away with certain basic causes. Then only it will be effective. You are encouraging such people to pilfer and thief, that is what I want to point out. By your measures you are not satisfying the employees, but you are creating discontent among the employees and by this measure you are isolating them. Instead of seeking their co-operation to fight pilferage and theft, you are isolating them and you are creating a Force here by means of this Bill, by law, to fight them as well as fight the public. That is what I want to point out. In brief, I want to point out that that is why I quote this Enquiry Commission, on which this Bill is based. It is on the recommendation of this Commission that this Bill has been adumbrated.

MR. DEPUTY CHAIRMAN: What enquiry commission is that?

SHRI N. C. SEKHAR: The Railway Corruption Enquiry Committee which recommends that Mr. Mullick's recommendation for the reorganisation of

the Watch and Ward into a Security Force should be implemented. It is on that basis this Bill has been adumbrated, this Bill has been prepared. That is why I draw to their attention certain relevant observations made by this Committee to show to the Ministry that unless those are heeded, this cannot be put into effective force. That is what I am trying to say. Here the Enquiry Committee has observed that unless the co-operation of the staff, the railway employees and the co-operation of the general public is sought, it is very difficult to prevent pilferage and thefts of public property, or as we now call railway property. By this measure, what do you do? Instead of keeping the railway staff contented and instead of seeking their co-operation, now you are creating discontent among them, isolating them from what they ought to do. What I suggest is that in order to protect our public property, particularly the railway property, which is enormous, which is owned by us, we must seek the co-operation of the railway employees through their trade unions. Certain of our hon. friend suggested that if our security force is allowed to join trade unions, the discipline is gone. Sir, if you want discipline, you create storm troopers, I do not mind.

1 P.M.

MR. DEPUTY CHAIRMAN: Will you take more time?

SHRI N. C. SEKHAR: Yes, Sir.

MR. DEPUTY CHAIRMAN: Then you can continue at 2-30. The House stands adjourned till 2-30 P.M.

The House adjourned for lunch at one of the clock.

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

MR. DEPUTY CHAIRMAN: Yes, Mr. Sekhar.

SHRI N. C. SEKHAR: Sir, I was saying that if the authorities require any discipline, for the sake of discipline they can very well create storm troopers in the Railways. But here the main purpose of this Bill is to create such a security force as to protect our national wealth, and that security force should be not a security force which ought to have been organised during the period of the British rule. We all know that the situation has entirely changed. We also know that the laws in existence in our land are the creation of the British imperialists, and we know for what they have created such laws, not to develop our social forces and our economy commensurate with the requirements of our people but to suppress our people on one pretext or other, to facilitate the exploitation by the Britishers of our wealth and our people. But our purpose is not that. Our purpose is to generate wealth, to develop our economy and our culture and also to reorganise our social life commensurate with the requirements of the present-day society. If that is our view, certainly the conception of discipline, the conception of protection and the conception of forces under our society should be changed not only among the people but among the Treasury Benches also. Nowadays it has become our fashion to speak of parliamentary democracy and democratic actions and attitudes. I should ask why not we extend at least a bit of this democracy to the other domain of administration. If that is the case, why cannot we seek to protect our national wealth through democratic channels, which means that we must certainly enlist the support of the entire force of the employees of the railways, and to implement that we can have a separate force as the security force, but not a force which is so fierce as is meant by the provisions of this law. For example, here clause 6 says that "the appointment of members of the Force shall vest with the Chief Protection Officers who shall exercise that power in accordance with rules made under this Act". What does

this provision indicate? The power of appointment is vested in only one officer, the Chief Protection Officer. The Chief Protection Officer can enlist or recruit anybody he likes. But what we require is we must enlist such persons who should have some patriotism, some cultural affinity, who must also see things in their very context when they are about to act. Moreover, in the light of the unemployment question, who should recruit whom for prescribed purposes? For example, I would like to say that in our State the Government had taken a decision that recruitment of police-constables should be done through the Public Service Commission. That does not mean that ordinary constables should be recruited by the Public Service Commission. But the Public Service Commission, can recommend persons to be recruited to the police force, and the Superintendent of Police is the appointing authority or the recruiting authority. He will select or choose elements from among hundreds of men who have been recommended by the Public Service Commission, because the Public Service Commission is the best body who can choose such persons as would be eligible or fit to be recruited as such and such staff.

Sir, I strongly object to vesting powers in the Chief Protection Officer to make recruitment. He must at least depend on some other body, some such body as the Public Service Commission to recruit persons.

Then, Sir, I would suggest that the regional question is there. The Railways are spread all over the country. You may recruit some people from some part of the land to the Security Force and send them to the other part on duty, which would not be satisfactory. All the same, when you want thousands of men to be recruited to this Force, they should be taken on a regional basis also. For that the respective State Governments can help the Railway authorities in this recruitment. That is why

I suggest that the authority of recruitment can be vested in the Chief Protection Officer, but at the same time he should do so through some other authority as the Public Service Commission. Now the I. G. or the Chief Protection Officer is authorised to recruit Inspectors or other officers to the Force, and here a suggestion is made that Inspectors from the police forces can be recruited and all that. When we speak about the question of recruitment, we must have in our view thousands of ex-servicemen who are loitering here and there finding it difficult to get a job. So, in the matter of recruitment such people should be given preference, and they must have the chance to come into the Security Service to serve the public.

Then, Sir, with regard to discipline, to enforce discipline there is an awful clause, clause 9. It reads: "dismiss, suspend or reduce in rank any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same"—of course it sounds quite nice. Then sub-clause (ii): "award any one or more of the following punishments to any member of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, namely:— (a) fine to any amount not exceeding seven days' pay or reduction in pay scale: (b) confinement to quarters for a period not exceeding fourteen days with or without punishment, drill, extra guard, fatigue or other duty." Why this thing? Suppose a guard commits some mistake or is remiss, not consciously nor out of any ulterior motive. It is but natural that when a guard stands on duty at a particular goods shed, he feels sleepy, and he sleeps. When the supervising officer comes, he finds that the particular guard was sleeping. Would he be sent to his quarters and detained there for fourteen days and asked to do extra guard and fatigue duty and all that?

That is very inhuman. If this is the treatment that you are going to mete out to such servicemen, what would be the character and treatment that these people themselves would mete out to others? If you are going to give such a kind of treatment, it will be most disastrous and you can take it from me that these people will have the same or much worse kind of behaviour towards others, as our notorious Malabar Special Police does. I will illustrate it. The Malabar Special Police are being given training for about ten hours a day. They do not know what humanity is, what a human being is. When they reach their houses, their behaviour towards their children is such as if they are dealing with the criminals or as if they are doing it in their camps. When they beat them, they are merciless; they kick them with their feet, as if these children were not born of their blood. This is how the Britishers have given training to our police and our military forces so that they behaved mercilessly, brutally, towards the people. Such is the training you are going to impart to your security officers in the name of protection of our national wealth.

Again, you give them power to arrest without any warrant—clause 12. This clause reads: "Any member of the Force may, without an order from a Magistrate and without a warrant, arrest—

(a) any person who has been concerned in an offence relating to railway property punishable with imprisonment for a term exceeding six months, or against whom a reasonable suspicion exists of his having been so concerned; or

(b) any person found taking precautions to conceal his presence within railway limits under circumstances which afford reason to believe that he is taking such precautions with a view to committing theft of, or damage to, railway property."

[Shri N. C. Sekhar.]

This is a very dangerous clause. This is the place where the security officers will come into clash with the railway staff every day. Suppose a loco-shed worker comes out of the shed after five of the clock or after an eight-hour duty with his hammer or with some other tool which he has been allowed to retain with him. The security officer who may not know the rules and who may not know what things the loco-worker can carry with him, may come to him and say, "You are stealing something. So you are under arrest." He can very well take that worker to the police station or to the Magistrate. Recently one incident took place. One passenger just jumped on the platform from the train. He was arrested. He might have been a stranger or a man who was staring at the clock. Or it might be that he stared at something. Then the security man comes. You could not very well say whether he was staring at the clock or not. He can very well be put under arrest. This is the way in which the security staff is going to behave, because he has been given a sort of power by which he can arrest any employee, any passenger in the train or anybody. That is actually going to happen. So, I say, this is an unlimited and wide power that is going to be given to the security force, to act as it likes. I have depicted this to show how obnoxious certain provisions of this Bill are.

In the Statement of Objects and Reasons it is said: "Moreover, the Railway Protection Force thus reorganised could provide, in times of need, suitable assistance to the Railway Police who are charged mainly with the responsibility for overall maintenance of law and order in railway premises." This is dangerous. What is the intention? Suppose some workers, through their trade union, present certain demands before the particular authority who finds it very difficult to accept in a short time or within a prescribed period. The

workers start a mass agitation. In such a situation, the authorities can utilise the security force to suppress the workers. That means making an inroad into the trade-union activities and thus suppressing trade-union and workers' movements. That is why I said in the beginning that this provision is meant not as a democratic means of saving our national wealth, but its main purpose is to regiment the railway and to keep down the workers and everybody so that it may go in a way which we never would like.

This is another cover also to make theft and pilferage rampant. It will go on unless you change the basic reasons. In fact, this shows how a certain section of society is favouring another section pilfering some other's property under certain rules. This pilferage and theft of particular sections will go on. That does not mean that we should like it to go on. We must prevent it and that can be done with the help of the workers, the peasants and also the public, particularly with the help of the employees. Certainly, I have become convinced during the 25 years of my trade-union life that, if you organise properly and adequately the workers and employees and instil in them a patriotic feeling and a feeling that they must treat this as their own property and they must look after it, certainly they will come in a body and see that not a thing is pilfered or thieved. This spirit was very much in evidence during the time of the last war. To protect our wealth and help railway transport, our workers sacrificed very much. Similarly, we can make these employees do this. Of course, it can be helpful. But the security police must not be the kind of force which is sought to be created under this Bill. That is why I am making an appeal to the Minister to please change the Bill, change the provisions and amend it. For this, this Bill should be sent to a Select Committee. I now see notice has been given for this purpose. So, this Bill should be sent to a Select Com-

mittee of both Houses so that it can go through all the provisions and make the necessary amendments. Of course, I do not think that such a Select Committee will do away with all the provisions you seek to introduce. Anyway, it is very desirable—and I think the whole House will agree with me in this—that the Bill should be sent to a Select Committee for examination and if necessary, for redrafting. With these words, I conclude.

MR. DEPUTY CHAIRMAN: I have to remind hon. Members that two days are left for legislative work. Of course, the Business Advisory Committee has not allotted the time. Otherwise, we will have to sit without lunch-hour, till six of the clock in the evening. So, I would request hon. Members to be brief and to the point.

SHRI SANTOSH KUMAR BASU (West Bengal): Mr. Deputy Chairman, I propose to be very brief in my observations on this Bill. I like to support the Bill which in my opinion has not come before Parliament a day too soon. The Bill represents a conscious effort on the part of the Government to combat corruption in an important public sector for the protection of public property. Sir, only the other day, the hon. Leader of the House, in an inspiring address, forecast some far-reaching measures to combat this hydra-headed monster which is eating into the vitals of the nation. Today my hon. friend, Shri Jaspat Roy Kapoor, has addressed a fervent appeal to our Chairman, who is a world figure, a leader of thought in the domain of human conduct, to send out a call to the nation so that correct behaviour may reign supreme in this country, and the country can be saved from the quagmire of corruption. This Bill, as I have submitted, Sir, is a conscious effort in that direction, and I would earnestly appeal to this House to give its blessings to this Bill so as to enable the Government to give it an honest and

earnest trial. The question is whether the Bill goes far enough or whether it requires changes here and there, for the purpose of carrying out the object which it envisages. Certain points have been raised by my hon. friends which require careful consideration at the hands of the hon. Minister. I might very shortly deal with some of them in the light in which I have viewed them.

Sir, the House has noticed that this Bill professes to set up a new Force for the purpose of operating in a new sector, namely, protection of railway property through the agency of a Special Force. Its purpose is limited, and in carrying out that purpose it seeks to set up a machinery which I submit, Sir, will answer the purpose if it is rightly and properly operated. Question has been raised whether recruitment should be entrusted entirely to the Chief Protection Officer. Doubts have been raised that if the man who is responsible for protection has the sole authority to recruit the members of the Force, then there might be a sort of liaison between the two, and the object of the Bill might be frustrated. On the other hand, Sir, the view I take of this matter is this that if you want to concentrate responsibility upon one superior officer, then it is better to charge him with the responsibility of recruiting the right sort of members to the Force through whom that responsibility is to be discharged, so that the Chief Protection Officer might not turn round and say "Well, the recruitment was not in my hands. Somebody else has recruited the people in whom I have got no confidence, and as such I cannot be held responsible for what has happened." That is a state of affairs which ought to be avoided. I find, Sir, that in the Bill itself a provision has been made in the clause granting rule-making power to Government—that rules can be framed regulating the powers and duties of officers authorised to exercise any functions by or under this Act. Under those rules

[Shri Santosh Kumar Basu.]
when they are framed appropriate provisions can be made for the purpose of assisting the Chief Protection Officer in the recruitment of members of the Force. Sufficient advantage can be taken of this rule-making power to regulate the powers and duties of officers in this respect, and as such, what is inherent in the Bill itself can be made express by means of certain rules which can be formulated, and which will have to be formulated.

Then, Sir, another question which has been raised is that the certificate which has been provided for in the Bill itself should not form part of the Bill, and that can be provided by executive action. I submit, that the Bill is consistent in that respect because it is a certificate which is intended to vest a member of the Force with the powers necessary to perform his duties. Clause 7 says:

"Every member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the Chief Protection Officer or such other superior officer as the Chief Protection Officer may specify in this behalf, by virtue of which the person holding such certificate shall be vested with the powers of a member of the Force."

Now it is this certificate which confers powers, and as such it must be made a part of the Act. Vesting of powers cannot be done by delegated legislation. It is necessary that such a certificate, which is not merely an identity card, but also a document conferring authority to effect arrests and to perform various other duties, should have our sanction here. This Special Force will have to deal with various kinds of people. Members of the public or persons having their goods in the wagons might come forward and question their right and authority. In such circumstances they should be in a position to produce an

authentic document which enables them to discharge their duties and functions. In these circumstances, I for myself would support this clause providing for a certificate.

Then, Sir, question has been raised as to why the superior officers have not been brought within the ambit of the disciplinary jurisdiction created in this Bill. It has been pointed out that members of the Force are subjected to discipline as provided in this Bill. Sir, the answer is to be found in clause 10 of the Bill which reads as follows:

"The Inspector-General and every other superior officer and every member of the Force shall for all purposes be regarded as railway servants within the meaning of the Indian Railways Act, 1890, other than Chapter VIA thereof, and shall be entitled to exercise the powers conferred on railway servants by or under that Act."

Now, that makes some provision for jurisdiction over these officers, who are governed by the Conduct Rules applicable to all such superior officers in addition to the provisions of the Indian Railways Act. To bring those Conduct Rules within the ambit of this Bill would be unnecessary, contradictory and it might also result in conflicting provisions being made. Not that there is no disciplinary jurisdiction over these officers, but that is provided for already elsewhere and the indications are given in this Bill itself to that effect. Therefore, Sir, my submission would be that that matter cannot be incorporated in this particular Bill which is designed mainly and almost exclusively for the members of the Force.

As regards the question raised by my hon. friend, Mr. Sekhar, that this Bill might jeopardise the position of the railway workers, I humbly beg to dissent from him. I have got sufficient faith in the railway workers of this country, not to be apprehensive that, to any appreciable extent, they

may be wrongly brought within the mischief of this Bill. That was my friend's apprehension—a railway worker coming out of his quarters might be subjected to some kind of suspicion etc. Such mistakes always might occasionally happen even with regard to the people who are very highly placed and very rich.....

SHRI N. C. SEKHAR: But they are not caught.

SHRI SANTOSH KUMAR BASU: They are caught. In these days they also are being caught. That is a very healthy sign. But to apprehend that this kind of misfortune will overtake our railway workers in general is to take a view of them which I am sure my hon. friend has never in mind. I am sure that the vast majority of our railway workers are sound at heart and good in conduct. Therefore, 3 P.M. there need be no legitimate apprehension about these provisions which are made for catching thieves and pilferers and all those who do not hesitate even to cause bloodshed and breach of the peace in order to carry on their nefarious activities. I would submit that there need be no apprehension whatsoever that this Bill would not be worked in the proper spirit. This House should, therefore, allow this Bill to go ahead in order to enable the Government to carry out its purpose in an honest and earnest manner.

سید مظہر امام (بہار) : دیپٹی چیئرمین صاحب - میں اس ہاؤس کا زیادہ وقت لینا نہیں چاہتا صرف چند باتیں میں آپ کے سامنے رکھنا چاہتا ہوں - یہ جو بل ہمارے سامنے آیا ہے اس کے بارے میں کئی ممبران نے بھی یہ تسلیم کیا ہے کہ اس کی بہت ضرورت تھی اور اس کو بہت پہلے آنا چاہئے تھا لیکن حکومت کچھ

دیور کر کے اس کو ہمارے سامنے لائی ہے - یہ بھی کہا گیا ہے کہ اس بل کی کیا ضرورت ہے - جب یہ بات تسلیم کر لی گئی ہے کہ ریلوے میں جس طرح کی چوریوں ہو رہی ہیں ان کا روکنا نہایت ضروری ہے نو اگر اس کام کے لئے ایک فورس بنایا جا رہا ہے تو پھر خیمال میں کوئی وجہ نہیں ہے کہ اس کو ہم نہ مانیں بلکہ جہانتک جلد ہو سکے ہمیں اس بل کو پاس کر کے حکومت کو ضروری اختیارات دینا چاہئے -

یہ کہا گیا ہے کہ ان چوریوں سے ریلوے کی ہدایتی کا بہت نقصان ہو رہا ہے - نیشنل ویلٹھ گاہ بہت نقصان ہو رہا ہے اور اس کے ساتھ ساتھ یہ کہونگا کہ اس سے پبلک کو بھی بہت نقصان اٹھانا پڑ رہا ہے - جو پبلک کی چیزوں کی چوری ہوتی ہے اس کے بدلہ میں کروڑوں روپیہ ریلوے کو کمپنیشن کے طور پر دینا پڑتا ہے - لیکن میرا خیال ہے کہ کمپنیشن کی شکل میں پبلک کو جتنا ملتا ہے اس سے کہیں زیادہ پبلک کا لاس ہوتا ہے - اس لئے میں حکومت سے یہ ضرور کہونگا کہ صرف یہ فورس بنا کر بیٹھ جانے سے کام نہیں چلیگا بلکہ آپ کو ایک اسٹرانگ ہیلتھ سے اس فورس کے ذریعہ کام کرنا ہوگا -

جیسا کہ ہمارے بعض دوستوں نے گورنمنٹ کو بتایا ہے اس کے اندر جو

(سید مظہر امام)

افسر ہیں ان کی وجہ سے بھی اکثر یہ چیزیں ہوتی ہیں۔ آج تک یہ بات میری سمجھ میں نہیں آئی کہ جب اتنا روپیہ ریلوے کو کمپینشن کے طور پر دینا پڑتا ہے تو اس افسر کے خلاف کوئی کارروائی کیوں نہیں کی جاتی ہے جو کہ اس کا انچارج کرتا ہے۔ مثال کے طور پر میں آپکو یہ بتاؤں کہ ٹرینس میں گارڈس ہوتے ہیں اور ان کے بریکس ہوتے ہیں مگر ان بریکس کے اندر سے مال غائب ہو جاتا ہے۔ ایسی حالت میں ان افسروں کو کیوں نہیں پکڑا جاتا ہے۔ کیوں نہیں ان سے روپیہ ریلوے کو دیا جاتا ہے۔ اگر کسی نے ترین کو روک کر ڈاکہ ڈالا ہو تب تو میں سمجھ سکتا ہوں کہ اس چیز کو افسر روک نہیں سکتا ہے لیکن مال خانہ میں سے یا بریک میں سے جہاں مال جمع رہتا ہے یہ کیسے غائب ہو جاتا ہے۔ جب اس طرح مال غائب ہو جاتا ہے تو ہوتا یہ ہے کہ پبلک ہنگامہ کرتی ہے درخواستیں دیتی ہے لیکن بدوسوں تک اس کا کوئی فیصلہ نہیں ہوتا ہے۔ آپکی جو کمپینشن کی شرطیں ہیں وہ بھی قابل غور ہیں اور میں سمجھتا ہوں کہ منسٹر صاحب کو یہ دیکھنا چاہئے کہ سالہا سال تک کمپینشن کا پیسہ کیوں نہیں ملتا ہے۔ یہ صورت ہے ریلوے دیپارٹمنٹ کی۔ اس لئے ان تمام

چیزوں پر غور کرنے کی ضرورت ہے۔ بعد میں حکومت کو یہ کہنے کا موقع نہ ملے کہ اس فورس کے ذریعہ جو ہم انتظام کرنا چاہتے تھے جو طاقت ہم لینا چاہتے تھے جو پاور ہم لینا چاہتے تھے وہ آپ نے نہیں دیا اس لئے آپ کی شکایت غلط ہے۔ اس لئے میں چاہتا ہوں کہ جس طاقت سے حکومت اس فورس کو بنانا چاہتی ہے وہ لے اور اس ہاؤس کو اسے دینا چاہئے۔

دوسری بات میں سیلیکٹ کمیٹی کے بارے میں کہنا چاہتا ہوں۔ اگر ہم سیلیکٹ کمیٹی میں اس بل کو لے جانا چاہتے ہیں تو اس کے معنی یہ ہونگے کہ کم سے کم چار مہینے کے بعد یہ بل پاس ہوگا۔ اب جو نیا سیشن ہوگا اس میں پہلے دوسرے ہاؤس میں بجٹ پاس ہوگا اور پھر اس کے بعد یہ بل پاس ہو سکے گا۔ اس طرح چار مہینے کی دیر ہو جائیگی۔ جب یہ فورس پہلے سے کام کر رہا ہے اور اس بل کے ذریعہ کچھ زیادہ پاورس ہی اس کو دئے جا رہے ہیں تو اس بل کو سیلیکٹ کمیٹی میں بھیجنے کی کیا ضرورت ہے۔ اس لئے ہمارے دوست اگر اس پر اصرار نہ کریں تو بہتر ہوگا۔

ایک بات میں اور کہہ کر بیٹھ جاؤں گا اور وہ یہ ہے کہ جہاں تک

وہ آؤت وارنٹ اریسٹ کرنے کا سوال ہے میں نہیں سمجھ سکتا کہ اس میں کیا اعتراض کی بات ہے - یہ تو ایک معمولی سی بات ہے - اگر یہ پاور اس فورس کو نہیں دیا جائیگا وہ اپنے فرض کو کس طرح ٹھیک طریقہ سے انجام دے سکیگا - فرض کر لیجئے کہ کوئی شخص چوری کر رہا ہے تو کیا وہ پہلے مجسٹریٹ کے پاس جائیگا اور یہ کہیگا کہ ہمیں وارنٹ دیجئے تب ہم گرفتار کریں گے - میں اس دلیل کو سمجھ نہیں سکا ہوں - میرے خیال میں اس کو اختیار ہونا چاہئے کہ وہ اسپاٹ پر اریسٹ کر سکے - یہ قانون کا ایک معمولی رول ہے - فرض کر لیجئے کہ کسی گھر میں کوئی چور آتا ہے تو کیا اس کو پکڑنے کے لئے وارنٹ لانے کی ضرورت ہوگی یا اسے پکڑ کر سیدھے تھانہ لیجایا جائے گا - وہی پوزیشن اس فورس کی ہوگی کیونکہ وہ اس کی پروٹیکٹر ہے - اس طرح جو پاور ایک پرائیویٹ انسان کو حاصل ہے وہی پاور اس فورس کی ہوگی - مثلاً کسی جگہ کوئی تین روکی گڈی ہے اور کوئی شخص چوری کر رہا ہے تو کیا وہ چالیس پچاس میل چلکر مجسٹریٹ کے یہاں وارنٹ لینے جائیگا اور تب اس چور کو اریسٹ کریگا - جب پبلک کا کوئی شخص ایک سٹور کو ایک چور کو یا ایک ڈاکو کو بلا وارنٹ پکڑ کر تھانہ لیجا سکتا ہے تو یہ پاور

کوئی نئی چیز نہیں ہے جو کہ اس فورس کو دی جا رہی ہے اور جس پر ہمارے کچھ دوستوں نے اختلاف ظاہر کیا ہے -

سارٹیفکیٹ کے بارے میں بھی چند باتیں کہی گئی ہیں میں سمجھتا ہوں کہ سارٹیفکیٹ صرف فورس کو ہی نہیں تمام انسپروں کو بھی دئے جانے چاہئیں - آج آپ دیکھ رہے ہیں کہ کیا ہو رہا ہے - لوگ پولیس کی وردی میں جاتے ہیں چوریاں کرتے ہیں ڈاکے ڈالتے ہیں اس لئے اگر ان کے پاس انڈیپنڈنسی کارڈ دھینگے یا سارٹیفکیٹ دھینگے تو لوگ یہ دیکھ سکیں گے کہ وہ رییل میں ہیں یا نہیں - اس کے علاوہ اگر کہیں کوئی ان کی اتھارٹی کو چیلنج کرے تو وہ اسے دھلا سکتے ہیں اور یہ اطمینان کرا سکتے ہیں کہ ہم رییل میں ہیں - اگر ان کے پاس کوئی سارٹیفکیٹ نہیں ہوگا تو ایسا بھی ہو سکتا ہے کہ ان کی یونیفارم میں اگر کوئی بدماشی کرنے لگے - میرے خیال میں آج کی ان لائسنس دنیا میں اس کا ہونا بہت ضروری ہے - دوسرے ملکوں میں آپ دیکھئے کہ ہر شخص کے پاس انڈیپنڈنسی کارڈ دھتا ہے - اس نے اندر یہاں تک لکھا دھتا ہے کہ اس نے کتنی دفعہ چوری کی اور کتنی دفعہ جیل گیا تاکہ ہر شخص پہچان سکے

[سید مظہر امام]

کہ وہ کون آدمی ہے - ایسی حالت
میں اگر ہم فورس کو سارٹیفکیٹ
دیتے ہیں تو اس میں کوئی اعتراض
کی بات نہیں ہے -

آء شاہنشاہ خاں : ام۔ پو۔ کو
بھی ملتا ہے ।

سید مظہر امام : جی ہاں
ایم۔ پی۔ کو بھی ملتا ہے - اسلئے میں
سمجھتا ہوں کہ اس بل کو ہمیں
ضرور منظور کرنا چاہئے اور میرے
خیال میں اسے سیلیکٹ کمیٹی میں
بھیجنے کی کوئی ضرورت نہیں ہے -

†[सयद मन्त्र इमाम (बिहार): डिप्टी
चेयरमेन साहेब ! मैं इस हाउस का ज्यादा
वक्त लेना नहीं चाहता । सिर्फ़ चन्द बातें मैं
आपके सामने रखना चाहता हूँ । ये जो बिल
हमारे सामने आया है इसके बारे में कई
सम्बरान ने भी यह तसलीम किया है कि
इसकी बहुत जरूरत थी और इसकी बहुत
पहले आना चाहिए था । लेकिन हुकूमत कुछ
देर करके इसको हमारे सामने लाई है ।
यह भी कहा गया है कि इस बिल की क्या
जरूरत है । जब यह बात तसलीम कर ली गई
है कि रेलवे में जिस तरह की चोरियाँ हो
रही हैं उनका रोकना निहायत जरूरी है तो
अगर इस काम के लिये एक फ़ोर्स बनाया जा
रहा है तो मेरे स्थान में कोई वजह नहीं है
कि इसको हम न मानें बल्कि जहाँ तक जल्द
हो सके हमें इस बिल को पास करके हुकूमत
को जरूरी अख्तियारान देने चाहिए ।

ये कहा गया है कि इन चोरियों से रेलवे
की प्रापर्टी का बहुत नुकसान हो रहा है,
नेशनल वेलथ का बहुत नुकसान हो रहा है
और इसके साथ साथ मैं यह कहूँगा कि इससे

पब्लिक को भी बहुत नुकसान उठाना पड़
रहा है । जो पब्लिक की चीजों की चोरी होनी
है उसके बदले में करोड़ों रुपये रेलवे को
कम्पेन्सेशन के तौर पर देना पड़ता है । लेकिन
मेरा खयाल है कि कम्पेन्सेशन की शक्ल में
पब्लिक को जितना मिलता है उससे कहीं
ज्यादा पब्लिक का लॉस होता है । इसलिए
मैं हुकूमत से यह जरूर कहूँगा कि सिर्फ़ यह
फ़ोर्स बना कर बैठ जाने से काम नहीं चलेगा
बल्कि आपको एक स्ट्रोंग हैण्ड से इस फ़ोर्स के
ज़रिए काम करना होगा ।

जैसा कि हमारे बाज़ दोस्तों ने गवर्नमेंट
को बताया है, इसके अन्दर जो अफ़सर हैं
उनकी वजह से भी अफ़सर ये चीज़ें होती
हैं । आज तक यह बात मेरी समझ में नहीं
आई कि जब इतना रुपया रेलवे को कम्पेन्सेशन
के तौर पर देना पड़ता है तो उस अफ़सर के
खिलाफ़ कोई कार्रवाई क्यों नहीं की जाती है
जोकि इसका इंचार्ज होता है । मिसाल के
तौर पर मैं आपको यह बताऊँ कि ट्रेन्स में
गार्ड्स होते हैं और उनके ब्रेकन होते हैं मगर
इन ब्रेक्स के अन्दर से माल गायब हो जाता है ।
ऐसी हालत में इन अफ़सरों को क्यों नहीं
पकड़ा जाता है, क्यों नहीं इनसे रुपया रिएलाइज़
किया जाता है । अगर किसी ने ट्रेन को रोक
कर डाका डाला हो तब तो मैं समझ सकता
हूँ कि इस चीज़ को अफ़सर रोक नहीं सकता है
लेकिन भालवानों में से या ब्रेक में से जहाँ माल
जमा रहता है यह कैसे गायब हो जाता है ।
जब इस तरह माल गायब हो जाता है तो होता
यह है कि पब्लिक हंगामा करती है, दरखवास्तें
देती हैं लेकिन बरमो तक इसका कोई फ़ैसला
नहीं होता । आपकी जो कम्पेन्सेशन की शर्तें
हैं वह भी काबिले गौर हैं और मैं समझता हूँ
कि मिनिस्टर साहेब को यह देखना चाहिए
कि सालहा साल तक कम्पेन्सेशन का पैसा
क्यों नहीं मिलता । यह पूरत है रेलवे डिपार्टमेंट
की । इसलिए इन तमाम चीज़ों पर गौर
करने की जरूरत है । बाद में हुकूमत को यह
कहने का मौका न मिले कि इस फ़ोर्स के ज़रिए

जो हम इंतजाम करना चाहते थे, जो ताकत हम लेना चाहते थे, जो पावर हम लेना चाहते थे वो आपने नहीं दिया इसलिए आपकी शिकायत गलत है। इसलिए मैं चाहता हूँ कि जिस ताकत से हुकूमत इस फ़ॉर्म को बनाना चाहती है वह ले और इस हाउस को उसे देना चाहिए।

दूसरी बात मैं सिलेक्ट कमेटी के बारे में कहना चाहता हूँ। अगर हम सिलेक्ट कमेटी में इस बिल को ले जाना चाहते हैं तो इसके माने यह होंगे कि कम से कम चार महीने के बाद यह बिल पास होगा। अब जो नया मेशन होगा उसमें पहले दूसरे हाउस में बजट पास होगा और फिर उसके बाद यह बिल पास हो सकेगा। इस तरह चार महीने की देर हो जायेगी। जब यह फ़ॉर्म पहले से काम कर रहा है और इस बिल के जरिए कुछ ज्यादा पावर्ज ही इसको दिये जा रहे हैं तो इस बिल को सिलेक्ट कमेटी में भेजने की क्या जरूरत है। इसलिए हमारे दोस्त अगर इस पर इमरार न करें तो बेहतर होगा।

एक बात मैं और कह कर बैठ जाऊंगा और वह यह है कि जहा तक विदाउट वारंट अरैस्ट करने का सवाल है मैं नहीं समझ सकता कि इसमें क्या ऐतराज की बात है। अगर यह पावर इस फ़ॉर्म को नहीं दिया जायगा तो वह अपने फ़र्ज को किस तरह ठीक तरीके से अंजाम दे सकेगा। फ़र्ज कर लीजिए कि कोई शख्स चोरी कर रहा है तो क्या वह पहले मेजिस्ट्रेट के पास जायगा और यह कहेगा कि हमें वारंट दीजिये तब हम गिरफ्तार करेंगे। मैं इस दलील को समझ नहीं सका हूँ। मेरे ख्याल में उसको यह अख्तियार होना चाहिए कि वह स्पॉट पर गिरफ्तार कर सके। यह कानून का एक मामूली रोल है। फ़र्ज कर लीजिए कि किसी घर में कोई चोर आता है तो क्या उसको पकड़ने के लिए वारंट लाने की जरूरत होगी या उसे पकड़ कर सीधे थाना ले जाया जायगा। वही पोजीशन इस फ़ॉर्म की होगी क्योंकि

वह इसकी प्रोटेक्टर है। इस तरह जो पावर एक प्राइवेट इंसान को हासिल है वही पावर इस फ़ॉर्म की होगी। मसलन किमी जगह कोई ट्रेन रोको गई है और कोई शख्स चोरी कर रहा है तो क्या वह चालीस पचास मील चल कर मेजिस्ट्रेट के यहां वारंट लेने जायगा और तब उस चोर को अरैस्ट करेगा। जब पब्लिक का कोई शख्स एक मर्डरर को, एक चोर को या एक डाकू को बिना वारंट पकड़ कर थाना ले जा सकता है तो यह पावर कोई नई चीज नहीं है कि इस फ़ॉर्म को दी जा रही है और जिस पर हमारे कुछ दोस्तो ने इग्निटफ़ जाहिर किया है। सार्टीफ़िकेट के बारे में भी चन्द बातें कही गईं। मैं समझता हूँ कि सार्टीफ़िकेट सिर्फ़ फ़ॉर्म को ही नहीं तमाम अफसरों को भी दिए जाने चाहिए। आज आप देख रहे हैं कि क्या हो रहा है। लोग पुलिस की वर्दी में जाते हैं, चोरियां करने हैं डाकें डालते हैं। इसलिए अगर उनके पास आइडेन्टिटी कार्ड रहेंगे या सार्टीफ़िकेट रहेंगे तो लोग यह देख सकेंगे कि वह रियल मैन है या नहीं। इसके अलावा अगर कहीं कोई उनकी अयोग्यता को चैलेंज करे तो वह इसे दिखला सकते हैं और यह इतमिनान करा सकते हैं कि हम रियल मैन हैं। अगर उनके पास कोई सार्टीफ़िकेट नहीं होगा तो ऐसा भी हो सकता है कि उनकी यूनीफ़ॉर्म में आकर कोई बदमाश करने लगे। मेरे ख्याल में आज की एनलाइडिड दुनिया में इसका होना बहुत जरूरी है। दूसरे मुल्कों में आप देखिए कि हर शख्स के पास आइडेन्टिटी कार्ड रहता है उसको अन्दर यहां तक लिखा रहता है कि इसने कितनी दफ़ा चोरी की और कितनी दफ़ा जेल गया ताकि हर शख्स पहचान सके कि वह कौन आदमी है। ऐसी हालत में अगर हम फ़ॉर्म को सार्टीफ़िकेट देने हैं तो इसमें कोई ऐतराज की बात नहीं।]

श्री शाहनवाज खां. एम० पी० जी० को भी मिलता है।

†[सयद मजहर इमाम जी हा। एम० पी० को भी मिलता है। इसलिए मैं यह समझता हूँ कि इस बिल को हमें जरूर मंजूर करना चाहिए और मेरे ख्याल में इसे सिलेक्ट कमेटी में भेजने की कोई जरूरत नहीं है।]

SHRI SONUSING DHANSING PATIL (Bombay): Mr. Deputy Chairman, I rise to support the provisions of this Bill and, in doing so, I want to make a few observations. This is a wholesome Bill, but my comments are that it is a belated measure. The Railway Protection Force Bill provides for the protection of property of the country's biggest nationalised undertaking, an undertaking which at present has a capital of Rs. 1100 crores at charge. The Government is also putting in it an additional capital of Rs. 1225 crores under the Second Five Year Plan. This only shows the magnitude of the problem and if this national property is not adequately protected, I am afraid the loss that will be incurred from year to year will be so tremendous that we will be stunned to know it. The comments which have been offered by the opposition that the Bill seeks regimentation only speak of the force of the Bill and as such the opposition wants to belittle its importance.

This is according to me an extraordinary Bill which provides for extraordinary circumstances. The Railways have got two types of machinery or protecting their properties at their disposal; one is the Watch and Ward and the other is the Railway Police. But in spite of these two organisations the Railway Administration feels that the present machinery is inadequate and it is unable to protect their property adequately. Sir, friends here have said that the Watch and Ward department is not a Watch and Ward department but that it is a Watch and Rob Department. I would only add this, if I may, that if we can, we could put some board just as we have got boards like "Beware of

Pickpockets", saying "Beware of the Watch and Ward" because that particular branch has so deteriorated that there is hardly any confidence now left in the public that the Watch and Ward is working efficiently. It is clear that situated as it is, the present Watch and Ward force is not equal to the task which it has to face. The Railways have been spread throughout the length and breadth of the country. The total mileage is about 34,000 and we are going to get about 3,000 more miles in the Second Five Year Plan. The Railways are going to carry about 108 million tons of goods traffic. To manage this, is a stupendous task and we must have a machinery which will adequately deal with the matter. It should be an emergent measure. The Bill before us envisages that sort of machinery which is similar to the Special Police Force provided in some other States for maintaining law and order. When the ordinary police machinery is not useful, we have the Special Police force for managing the affairs. That being so, it is but natural that Government has to take resort to such stringent measures. When my friends talk about regimentation, I need only remind them that in the country from which they get their inspiration, even an ordinary industrial worker is not allowed to go on strike. Especially when property worth about Rs. 2,000 crores is at stake, is it not natural that we should arm the Forces with such powers that they will get encouragement in their duty? It has got to be disciplined more or less on the lines of the discipline obtaining in the military because, if the discipline is not strict people will play loose about the whole thing. My hon. friend has already replied about the recruitment. Unless and until the recruiting officer is sure about the men he has to choose it is not possible to make a proper selection of the personnel. If that is so, it is but natural that very efficient personnel will have to be taken. If the machinery is to be effective in this respect, Government should also employ a

Hindi transliteration,

special secret information service. If there is some information from an informant and if it is found to be real and genuine, then the informant should be adequately paid by providing certain incentives. The loss which the Railways suffer on account of theft, negligence and pilferage is colossal and one feels that the downward trend of the profits of the Railways is due to this. There is a stupendous amount of capital at charge and the Railways, being a monopolistic concern of the nation, should pay proper dividends to the General Revenues. As we see it, the Railways are not paying that much share of the profits on the capital as they ought to. Even whatever little profits are shown, they are all eaten off by certain ingenious processes of these pilferers. Sir, pilferage is wide and rampant. Bhusaval is a Railway junction on the Central Railway. It is a notorious place for Railway Property thefts. Gangs of thieves are working at this place and there is a regular body of receivers of stolen property, the so-called members of the sophisticated society who give them adequate protection and who stand sureties for the miscreants and thieves thereby undermining the whole work of Watch and Ward. If such stations are not adequately protected, it remains to be seen how far the Railway Administration will function efficiently in protecting the huge property of the Railways. The other day i.e. on the 10th of this month, I was coming for attending our Session by Pathankot Express. After we left Jalgaon, we were going towards Bhusaval which is the second big junction on the Central Railway. About two miles of Railway track was destroyed by the criminal negligence of an engine driver and a guard of a goods train. It is not only a question of destruction of two miles of line and the sleepers but it might have caused a tremendous loss and inconvenience to the Railways due to the negligence of two men. I was talking to a fellow passenger saying that if such is the care taken of rail-

way property by its employees, I am afraid that instead of increasing the rate of progress of these nationalised undertakings in the public sector, we should better cry a halt to all of them.

Sir, there are numerous examples of the Railway property pilferage and the persons involved in it. There is a regular body of persons who carry on a trade of setting claims. They cultivate acquaintances with the big officers who settle the claims and they become the partners in the booty. Even if the goods are not worth much, the claim is settled for a good amount. I will give a concrete instance. A trader sends ten bales of cotton and by some ingenious process he puts number one after ten and makes the figure 101. He finds that 101 bales have not come at the receiving station; he shows the railway receipt and claims the compensation for this whole lot of 101 cotton bales. Sometimes claims are settled like that. Sometimes goods of inferior variety are sent and claims settled on the basis of valuable goods. For example, yellow earth is sent in the name of a mineral and brick bats sent in the name of Cashew. People indulge in these malpractices and get their claims settled through the agents who are not bonafide agents but partners in the corruption that is going on in the Railway Administration. In order to check these malpractices it is but essential that there should be a Railway Protection Force. It is a vital necessity and for that purpose, whatever measures are provided here are, according to me, very salutary in the sense that they provide for immediate remedy. Wherever there is a doubt or reasonable suspicion about the conduct of the personnel, the superior officers are given wide powers. They do deserve that sort of latitude because unless and until they are so armed with sufficient powers, it is not possible to check this evil in an equitable manner. A friend mentioned that some of the clauses are too rigid to be incorporated in the Bill. Well, Sir, according to me, if the Bill lacks anything, it

[Shri Sonusing Dhansing Patil.]
lacks strictness in some respects in the sense that it does not cover in its ambit several such malpractices which can be provided for. Clause 12 says:

"Any member of the Force may, without an order from a Magistrate and without a warrant, arrest—

(a) any person who has been concerned in an offence relating to railway property punishable with imprisonment for a term exceeding six months, or against whom a reasonable suspicion exists of his having been so concerned; . . .

This clause only speaks about a person 'concerned in an offence'. It does not directly deal with or does not provide for the complicity of a man who receives the property, Sir, at big junctions on the Central Railway, like Manmad and Bhusaval, there are the petty shop-keepers and traders who are carrying on their trade in stolen railway property mixing it up with their wares. If a careful scrutiny is made we will find that they are not genuine traders who are supposed to deal in an honest manner. They are anti-social elements who are also to be apprehended. Such a type of anti-social activities is not proposed to be checked by the Provisions in this Bill.

MR. DEPUTY CHAIRMAN: There is a general law for it. There is separate law for it.

SHRI SONUSING DHANSING PATIL: The general law provides for general offences but so far as the railways are concerned, matter needs a special consideration.

MR. DEPUTY CHAIRMAN: There is a separate Act for possession of railway property.

SHRI SONUSING DHANSING PATIL: So far as railway property is concerned we must have some extraordinary provision. The fencing wire of the railways, wherever you

go, is tampered with, not only tampered with but completely taken away and we generally see that there is practically no fencing of wire left, and if such a tremendous loss is allowed to take place, it is but natural that the railways will not show that much encouraging profit as we need them to.

Sir, this is a Bill which is the least controversial in character and as such, whatever stringencies one might feel about it, they have been adequately provided for in the rule-making power of the Government under clause 21 sub-clause (d). It provides for regulating the punishments and providing for appeals from, or the revision of, orders of punishment, or the remission of fines or other punishments. So if an employee or a member of the Force is faced with any difficulty he can very well seek remedy under this sub-clause. There are other adequate provisions also to safeguard the interest of the employee.

With these remarks, Sir, I welcome the salutary features of the Bill and would like to see that the Bill is passed as early as possible.

SHRI P. D. HIMATSINGKA: Sir, various Members have suggested a number of amendments by way of improvements in this Railway Protection Force Bill. Sir, it is an undeniable fact that corruption has very much increased and very heavy losses of railway property are going on through different kinds of methods, some by stealing by persons other than the railway employees and a considerable amount of loss is on account of the complicity of the railway employees themselves. Somehow or other we find that there is great lack of supervision and efficiency on the part of the protective force that has been engaged by the different Governments, State and Central. Sir, we found the other day reports that telegraph wires or telephone wires extending over miles had been cut. Still it has not been detected. The same thing is happening with

railway property. Not only does the railway own property worth Rs. 2,000 crores or more; it also handles crores and crores of rupees worth of public property every day, which is entrusted to its care, and that also has to be protected. Otherwise the railway is made responsible for the loss that is caused to the consignors or to the consignees. Therefore there is no doubt that adequate measures should be taken to see that that loss is minimised, if not completely eliminated. What is necessary therefore is there must be a proper force, an efficient force and a sufficiently honest force also. Therefore it is absolutely necessary that appointments should be made of those persons who are expected to do their duty honestly, and powers must be vested in them, as has been provided here, for arresting and/or searching persons who are supposed to be making arrangements for stealing or for committing other offences, and such powers are provided for in clauses 12 and 13. They are necessary and there is no denying that. But I find, Sir, some of the provisions which at least I have not been able to follow and I would like the hon. Minister to explain. I refer here to clause 9 which reads: "Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may dismiss, suspend or reduce in rank" etc. As you know, Sir, article 311 applies to a member of a civil service of the Union or an all-India service or a civil service of a State or one who holds a civil post under the Union or under a State and no such member shall be dismissed or removed by an authority subordinate to that by which he was appointed. Here we find that the members of the Force will be appointed by the Chief Protection Officers, and I take it therefore that the Chief Protection Officers will be the appointing authority. But then clause 9 says: "Subject to the provisions of article 311 of the Constitution"—I have just now mentioned what they are—"any superior officer

may dismiss, suspend" and so on. Will that be consistent with this article to which it has been expressly made subject? That is a thing that has got to be looked into, namely, whether this dismissal or removal can be made by a person who is subordinate to the appointing authority.

MR. DEPUTY CHAIRMAN: For the zone the appointing authority is the Chief Protection Officer; for all-India it is the Inspector-General of the Force.

SHRI P. D. HIMATSINGKA: True, Sir. If it is the Inspector-General of the Force.

MR. DEPUTY CHAIRMAN: The Central Government will make rules subject to the provisions of article 311 of the Constitution.

SHRI P. D. HIMATISINGKA: The question is whether the authority can be given to any subordinate to the appointing authority. If authority can be given by the rules, then of course there is no difficulty.

MR. DEPUTY CHAIRMAN: I do not see any difficulty.

SHRI P. D. HIMATSINGKA: Then again if you see sub-clauses 9(1)(i) and 9(1)(ii) you will find that different punishments have been suggested for the same kind of offence. 9(1)(i) provides that any superior officer may "dismiss, suspend or reduce in rank any member of the Force whom he shall think remiss or negligent in the discharge of his duty". For negligence or remissness in the discharge of one's duty dismissal or suspension or reduction in rank is provided for....

MR. DEPUTY CHAIRMAN: Or if he is found unfit.

SHRI P. D. HIMATSINGKA: In the next sub-clause 9(1)(ii) again we see that "the following punishments" may be awarded "to any member of the Force who discharges his duty in a

[Shri P. D. Himatsingka]
careless or negligent manner". And
hose "following punishments" are
different. There may be difficulty if
different punishments are provided
and the language used is the same in
sub-clauses 9(1)(i) and 9(1)(ii) to
describe the manner of discharging
one's duty and the punishments men-
tioned in 9(1)(i) and 9(1)(ii) are of
varying nature.

There is another clause which seems
to be very much involved, clause 13
and that needs looking into. It has
been pointed out by my hon. friend
Mr. Kapoor that the words used in the
third line of the first sub-clause refer
to a number of preparations for and
ommission of offences whereas in
the last line there it says "any person
whom he has reason to believe to
have committed the offence." That
also needs looking into.

Then again something has got to be
done as to what is the intention of the
authorities as regards the existing
Watch and Ward, whether they are
going to absorb them within the ambit
of the present Bill or they continue
as now. I think, that position ought
to be cleared up also. But the major
action that needs to be taken is a
thorough change in the outlook of the
officers and some provision whereby
proper supervision can be made, so
that officers who may be going wrong
who may be in league with others
may not be able to cause the loss that
at present being done. I know of
cases where even 35 bales of cloth
from a railway wagon have been
removed and the explanation is that
they have been lost from a running
train, that the theft took place when
the train was running. How is it
possible, Sir, to remove 35 bales when
the train is running? If they are
found out they must have fouled the
track. What is the explanation? In
spect of big parcels of ghee and
other things the cover of the tin is
right but the contents are taken
away and the empty tin is the only
thing that is left. This can only be
done with the connivance and/or

active co-operation of the officers.
Therefore, what is needed is that
something should be done to prevent
this kind of thing.

Shri BHUPESH GUPTA: Mr.
Deputy Chairman, I rise to deal with
one aspect of the Bill. The other
points have been covered by the pre-
vious speaker from our party. I wish
the hon. Members opposite who have
spoken in support of this measure had
given a little more thought than they
have done to the provisions of the
Bill and to the likely purposes for
which the Bill has been brought
before this House. I wish the Govern-
ment had also stated before the House
as to what happened to the Watch
and Ward Department, as to why the
security force into which the Watch
and Ward staff was integrated failed
in the discharge of their duties. Such
explanations become necessary in
order to justify certain departures not
only from the existing administration
of the Railways but also from the
general law of the land. Let there be
no mistake that if this Bill becomes
the law of the land, we are going to
have a special police force in the
country under the Railway Adminis-
tration and under the Central Govern-
ment which shall operate all over
India and I do not know whether that
is in accord with the spirit of the
Constitution because the police is a
State subject. The Railway Police is
there of course I know but I know, as
I shall presently show, that the func-
tions of this Force will not be con-
fined merely to the protection of rail-
way properties. Only the other day
Shri Krishnamachari presented his
budget in the name of the second Five
Year Plan and the proposals, we know,
hit the people; that is, the taxation
measures. Today we have again an-
other measure presented to this House
in the name of the protection of rail-
way properties but the scope of the
measure extends beyond that. I am
sure if this is put into effect we shall
see the administration of this measure
in various other fields of the Railway
Administration.

Now, it is necessary to recall the experiences of the past. Under the British the various Railway Departments had their Watch and Ward staff which was charged with the responsibility of protecting railway properties. Later on, all these Watch and Ward under the various Departments were integrated into, what is called, the Railway Security Force under one officer in command. This was how it was reorganised and various rules and regulations were adopted in order to control and guide the functions of the Security Force. When it was reorganised many officials from the Police Department were brought into the Service. I know of many notorious police officials of Calcutta after their retirement being given high position in the Railway Security Force. The Government has never given us these names. It is very important; we want to know exactly what type of men are manning this branch of the Administration. From my own experience I can say that quite a number of men from the Calcutta Police and from the Intelligence Branch notorious for their anti-national activities were given jobs in the Railway Security Force. I do not remember all the names but since I started my political career a long time ago I have come into touch with lots of them at various stages and I find some of them at least in their new uniform as members of the Railway Security Force. That at once created misgivings in public mind and definite suspicion among the railway employees. These are not the people who should be placed in that position because the function of the Watch and Ward Department is not merely one of mounting guard at some gate or other; it is something more than that. Unless we have a Railway Security Force or a Watch and Ward Force which inspires confidence in the railway employees, which seeks their co-operation, and which knows how to behave with the public and has a great sense of responsibility, it is not possible to protect railway properties. But this was what was done and the matter did not stop there. Having got

those people, the Intelligence Branch, men and the C.I.D. men, many of whom had beaten up many Congressmen at that time—but the Congressmen have been so forgetful of what happened to them and so forgiving in nature that having got into positions of authority they rewarded almost every one of them—immediately an 'X' Department was organised in the Security Force with a political officer in order to spy upon the trade union activities of the workers and further to spy upon the Watch and Ward Department and the Security Department itself. Sir, a system of espionage was created there and that completely demoralised the Security Service. Now, I know that the hon. Minister will deny it. I cannot produce here immediately documentary evidence of this because they function surreptitiously. Those who function with a view to hitting the people below the belt do not always announce their names or carry labels on them. That we all know. Therefore, I am not in a position immediately to produce evidence but everybody, who knows anything about the Railways, knows that there is a thing called the political Security Force which functions under certain officials and whose functions are very much guarded, whose sole job is to spy upon the railway employees and watch their trade union activities and report on them. I know that everything that I am saying now will be denied, but I have the backing in what I am saying of hundreds of railwaymen. I travel on the railways, I come in touch with them and I know some trade union officials who sometimes meet us and all of them tell us about what is happening there and so I would not be prepared to take any denial on the part of the Minister. Well, if any Member is interested here in ascertaining the truth of what I am saying, I would invite him to come with me and, without disclosing his identity, meet some of the railway people on any line and what I am saying will be substantiated, not by mere information only but by many interesting incidents and evidence. Now, that

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demoralised the railway administration. What has happened to them? I would ask the hon. Minister, have you disbanded that Force? Now, he will say, 'well, even if there was a Force of this kind, there are others to look after railway properties'. Perhaps there are others; I concede that point that every member of the Watch and Ward staff or of the Security Force is not engaged in this kind of activity. At the same time one has to reckon with the fact that once you have such an apparatus functioning you get demoralisation; you get lack of confidence; you get mistrust and suspicion reigning supreme all along the line and that is exactly what has happened. And that was an outrage, that was an outrageous affront to the railway employees, because the entire Watch and Ward department was viewed with suspicion by the average railway employee. For the crime of a few they were organised into that political espionage band. This is what I would like to tell the House. I never suggest that everybody was engaged in it and was responsible for it. What I want to emphasise here is that the creation of such a foul force in the Railway administration resulted in the entire body of railway employees being set up against—in one way or another—the Watch and Ward department, at least sections of it. Co-operation between the two did not develop. This is what I say. Co-operation between the two, that is to say, the Watch and Ward department and the Security Force later on on the one hand, and the railway employees and workers on the other, did not develop. This system stood in the way of the growth of co-operation between the two arms, which is essential for the protection of the railway properties and for the smooth functioning of the administration. Then, what did they do? Having set up that mechanism, they started reckless transfers and all kinds of orders were passed by the Railway administration. That again caused havoc. That again aggravated the situation. This kind of reckless, wanton transfers, disciplinary actions,

charge-sheeting, suspension and all the rest of it followed, as if some tyrants were ruling the Railway Administration. This is really what happened. And naturally that angered the railway employees and workers and the Watch and Ward department itself in the process got remoralised. Now, I would like to hear what the hon. Minister has to say about it. In the Bill, at any rate, there is no indication that they have learnt by experience or they are going to retrace their step. On the contrary, they want to carry forward the assault on the railwaymen; they want to carry forward that process. They want to crystallise and organise still harder the core of railway police invested with all kinds of powers of arrest without warrant, invested with all kinds of powers not only to engage in what is called the normal duty of protection of railway properties, but also in certain other duties. And the cat is out of the bag the moment you turn to the Statement of Objects and Reasons; the last sentence significantly says: "Moreover, the Railway Protection Force thus reorganised could provide, in times of need, suitable assistance to the Railway Police who are charged mainly with the responsibility for overall maintenance of law and order in railway premises." Now, we are up against this law and order business again. Here 'peace and tranquillity', even that phrase, is not used. It is 'law and order'. The Prime Minister likes the words 'peace and tranquillity' to bamboozle the people. But even that attempted bamboozle, hoodwinking of the people is not there. It is law and order and we know what this law and order means. Law and order means persecution of the railway employees, the trade union movement and the attacks on the railwaymen whenever they want, whenever they desire to raise their voice in support of some of their very legitimate demands. It is common experience. We have seen what happened in Kalka, for instance, when a gentleman of the Railway Board went there and how the Railway Police Force

and the railway officials behaved there. There was a demonstration of law and order as understood by the great Railway Administration of the country and that law and order resulted in the death of five people, against which a stricture has been passed by an Enquiry Committee—if only partially. This is what happened. Now, from this it is clear that these Forces will be utilised for suppressing the trade union activities and they will be moved from one place to another in times of need. What is the need? Are we living in an emergency? We do not know what is meant by the term 'in times of need' here in the Statement of Objects and Reasons....

SHRI SONUSING DHANSING PATIL: The Statement of Objects and Reasons could not form part of the Bill.

SHRI BHUPESH GUPTA: I very much like the honourable new interrupter, but I wish he speaks now so that I can hear.

MR. DEPUTY CHAIRMAN: Not necessary. Please go on.

SHRI BHUPESH GUPTA: Therefore, I say that this particular Statement of Objects and Reasons should be taken note of by this House.

MR. DEPUTY CHAIRMAN: But it is nowhere in the Bill.

SHRI BHUPESH GUPTA: You will see that it is there somewhere in the Bill. The whole thing is a camouflage.

MR. DEPUTY CHAIRMAN: You cannot argue on mere imaginations, Mr. Bhupesh Gupta.

SHRI P. D. HIMATSINGKA: He always does.

MR. DEPUTY CHAIRMAN: In the body of the Bill there is not one word about the trade union or the workers.

SHRI BHUPESH GUPTA: I am concerned with the intentions of the Bill. I am challenging the Government's attitude in bringing this Bill.

MR. DEPUTY CHAIRMAN: You cannot make any insinuations.

SHRI BHUPESH GUPTA: Not that. I am making serious accusations. It is serious accusation. Why are you saying insinuation? I should like to disabuse you of that. I make it definite, clear, accusation.....

MR. DEPUTY CHAIRMAN: No accusation against the Government.

SHRI BHUPESH GUPTA:.....that this measure, if it were passed would be used against the trade union activities of the country and the working class who are employed in the railways. That is not an insinuation on this score. Therefore, I oppose this measure. I have to give the reasons. Now, you, Mr. Deputy Chairman, perhaps with your generous mind see everything rosy and good where there are certain bad things..(*Interruption.*) but I do not find generosity here.

MR. DEPUTY CHAIRMAN: This Bill was introduced in 1956. If you had any evidence, you could have produced it. You are merely arguing on imaginations.

SHRI BHUPESH GUPTA: Let there be a flight of imagination.....

MR. DEPUTY CHAIRMAN: As a Member of Parliament, as Leader of an Opposition group you should be more responsible.

SHRI BHUPESH GUPTA: I am speaking from experience, Sir, I have some knowledge of what is happening in the railways. Now, you may think it is imagination, but to express this imagination.....

MR. DEPUTY CHAIRMAN: You had sufficient time to produce evidence if you had any.

SHRI BHUPESH GUPTA: Evidence I have in plenty. You want evidence to be produced. All right. I shall start producing evidence, as to how they have done it. Then, you will have to sit longer.....

MR. DEPUTY CHAIRMAN: Order, order. Please go on.

SHRI BHUPESH GUPTA: You cannot have it both ways. I shall give evidence. But without giving evidence, Sir, I want to go into this matter. I have discussed on many Bills and I am going to state what I feel about the Bill. It is for the Government to request; I request you not to go to the rescue of the Government. Let the Minister state it. After all, you are not responsible for this Bill. It is they who are responsible. Why are you coming to their rescue?

MR. DEPUTY CHAIRMAN: I want you to be more factual. You have to be more objective.

SHRI BHUPESH GUPTA: Well, you see, Sir, I am trying to be a little factual. I have got some facts for the Railway Budget. They will come after this. On the evidence in hand some facts are there which I want to place before the House when the Railway Budget comes up on Monday. Now, here it is in the Statement of Objects and Reasons. That is why I have stated it. It is not a slip. It is not an error. This is what they have said. It is in this clause in the text of the Bill. Now, as you know, Sir, the Statement of Objects and Reasons becomes relevant for very many reasons, sometimes even for legal purposes. They will not be there when the Act is published. But they remain and sometimes one might recall the proceedings even and what is more the discussions that go on in the House on the Bill; as evidence for the railwaymen it is very important, I mean. Because the railwaymen will also see that in this Bill there is a provision that in times of need, suitable assistance to the Railway Police who are charged mainly with the responsibility for overall maintenance of law and order in railway premises would be provided. All these things are very relevant for the occasion when we are discussing the Bill. Since with your incisive legal mind, you are very much interested, I say here is the provision.....

MR. DEPUTY CHAIRMAN: You have also got an incisive mind.

SHRI BHUPESH GUPTA: Here is a provision in clause 11, which says in sub-clause (a) "orders lawfully issued to him by his superior authority;" and "(b) to protect and safeguard railway property;". Now, we do not know that they should obey any order of the superior authority; as if by miracle, any order he can issue or he might issue would have to be carried out and the officer certainly is taking powers that have been vested in him, and you also note that in time of need he would be called upon to direct one contingent of this Force to go from one place to another to suppress the trade union movement. This is what I say. Therefore, if the Government really did not want to use this Force against the trade union movement, against the working class, the Government could have easily stated it, all the more so because certain suspicions exist, rightly or wrongly, in the minds of the people and in the minds of the railway employees. It was open to the Government to disabuse the public and the railwaymen of any such apprehensions. It did not take such step. On the contrary what it has done is liable to be interpreted in a manner in which I am describing the position of the Bill.

Then, Sir, some hon. Member said that it is necessary to protect the railway property. He is very much concerned with the protection of railway property. And so are we. Has it been proved that we are not concerned with the protection of railway property? It is the rich who cannot afford to lose their property? We cannot afford to lose our property because we have very little to lose. Therefore, we are all the more concerned with the protection of property, railway or otherwise. As far as national property is concerned, we are particularly concerned about it, but do not have any misgivings about why the railway properties are being lost. Here is a Report of the Railway Corruption Enquiry Committee

which cites Mr. B. N. Mullick's Report, and there it says: "His report was ready in March 1954 and we have gone through it. According to him about 80 per cent. of the compensation claims paid by the Railways are on reasons which are due to internal causes and about 20 per cent. directly due to thefts." This is what Mr. B. N. Mullick says. Therefore, it is clear that as far as this aspect is concerned, it is mostly due to internal causes and not because of the operations of the thieves. Thieves are here. I take it that there are some very efficient thieves in all walks of life, but their actions account for only 10 per cent. 80 per cent. of the damages or losses which have occurred are due to internal reasons. These have to be found out. Therefore, do not live under the illusion that by passing this measure, by endorsing these provisions you are going to protect the railway property under this law. An hon. Member here also said that the Railways are not in a position to contribute heavily to the General Budget, and all that.

I find that due to losses of this kind, to meet the railway claims, we have to spend Rs. 2,50,00,000 or so. But this does not include all losses. Other losses take place for which compensation is not paid. I take it to be Rs. 5 crores or so. This is the money that you have to save. Every pie should be saved. Do not think that by passing this measure it can be done. Do not bring in the Second Five-Year Plan. Do not bring the question of contribution to the General Revenues to meet the deficit in the General Budget or to pay for the reconstruction of the country. These are not very material as far as the discussion of this Bill goes. Now, Sir, I stress that point. I am at one with everybody for taking effective measures to protect the railway property, but I do not know where I should begin. Probably there will be difference. The hon. Minister will start with a little pickpocket. I will start with the highway man in the Railways. He will perhaps start with the small man in the administration who connives at certain offences

or perhaps indulges in certain offences. I will start with the big shot in the Railway Board or in the top ranks of the hierarchy to protect the railway properties, because unless you do such things you are not going to proceed very far in the matter of protecting the railway properties.

Then I come to another clause of the Bill; discipline of the Force. Some statements are here. I would draw your attention particularly to clause 9 of this measure. Here it is said: "Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may" etc.—that is to say, article 311 will operate. Now what is this article 311? We all know. This article today is being invoked to summarily dismiss the railway people without assigning any reason, without conceding the right of appeal, and I know of a number of cases and to these cases I shall come back next Monday. I know that in these cases they are being summarily dismissed without any right of appeal. This constitutional axe is on them all the time. Here again, these wide powers will be assumed by the administration to dismiss, suspend and terrorise the railway employees. That is what is going to happen. Even recently after the General Elections in West Bengal, I was informed that four railway employees had been axed under this article 311 without any right of appeal, this President's power having been used to dismiss summarily the railway employees. Previously it was suspension, charge-sheeting, and all those things. Now all these processes are gone. Now it is dismissal straightaway. That is what is happening, and the same thing will be repeated under this clause.

SHRI SANTOSH KUMAR BASU: Do I understand my learned friend to say that people are being axed under article 311 of the Constitution?

SHRI BHUPESH GUPTA: Yes. Under article 311, President's delegated power, railway employees are being dismissed from service without

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assigning any reason and without even the right of appeal.

MR. DEPUTY CHAIRMAN: Earlier you accused them as sharks at the higher level. You are defending them now, those three or four people against whom action has been taken.

SHRI BHUPESH GUPTA: I have not defended them. They are ordinary employees about whom I talked.

MR. DEPUTY CHAIRMAN: Is the President's power invoked to dismiss ordinary employees?

SHRI BHUPESH GUPTA: I wish some big shots were fired from the Railway Administration, but that is not so. As you know, when big people are to be dealt with the article does not apply. That is not invoked in their case. When it is a question of a small man, this heavy artillery is used against them to dismiss them.

I then come to (b) of clause 9(1)(ii): "confinement to quarters for a period not exceeding fourteen days with or without punishment". I do not know whether it is in conformity with the Constitution. It is a kind of detention for fourteen days without trial. I do not know whether this is permissible in such cases. I can understand some disciplinary measure, but I do not think that this is the way to approach the subject, and I am sure that this confinement business will make this clause open to question before the court of law. You have a right certainly of regulating the functions of an employee in the course of his employment, during his actual hours of service, but I do not know whether you have the power to confine him to his quarters which means you are encroaching upon his right during the scope of his employment. This is a question of law which I think eminent lawyers will be in a position to discuss and throw some light upon.

4 P. M.

Then in addition to the police powers, the members of the Force are

treated as Railway servants within the meaning of the Indian Railways Act without Chapter VIA of it, meaning thereby that they do not come under the disciplinary rules of the railways. The net effect of clause 10 will be this.

Then again, there are certain other powers which come here. I am not saying at all that those who are entrusted with the task of protecting railway property should always carry some sort of a power into their pockets if the function is purely one of protecting railway property. If a thief has to be caught, let them have that power. I am not opposed to it. But what I am opposed to is overall power being given when the functions are of an undefined nature, when such powers would be used for harassing even the railway employees and innocent people. I want a restriction of these powers so that they may be used by those people who are in charge of protecting the railway property.

Clause 6 says: "The appointment of members of the Force shall rest with the Chief Protection Officers who shall exercise that power in accordance with rules made under this Act. "Well, here again, I smell a rat. I think there will be a lot of corruption, inefficiency and nepotism in this case also. I do not see as to why in the matter of appointment, the Public Service Commission should not be utilised, at least in regard to the appointment to high and important posts. But I am not going into the question as to what extent the Public Service Commission should be brought into the picture. But I am certainly against investing the appointing officer with a wide power as is contemplated in this Bill. I want the Public Service Commission to undertake such a responsibility, especially when it is a question of filling important posts.

Finally, I would like only to ask the hon. Minister to speak out what he has in mind. Let me say here—at least let him make a statement that

the provisions of this Bill under no circumstances, shall be used for suppressing or otherwise interfering with the normal trade-union activities of the workers. Let him make a statement. He can formulate his statement in any way he likes, but some statement to that effect should be made here and now, if he really intends not to use this measure for such unholy purposes. That is what I would ask him.

Mr. Deputy Chairman, then again, I am apprehensive of this measure. I wish I could support a measure like this because I stand for the protection of the railway property. I am apprehensive of this measure because of another reason. For the last five years, we have been making representations to the Government regarding the administration, regarding the manner in which these forces that are here should behave. Nothing has been done by way of meeting some of the points that we have made. How I wish that it was so! The reason is this. It so happens that the railway administration at the top is completely deaf to what we say. Not only that. They think that, if we say anything, it must be wrong. This is how they proceed. If any suggestions come from the Opposition or from the Communist Party in particular which give them a lot of headache, they think that the suggestions must inevitably be wrong. We have become allergic to the gentlemen of the Railway Board and the gentlemen who man the high posts in the railway administration. I do not know why. All the suggestions that we make are perfectly normal, reasonable and well-meant.

One may or may not agree with them. But they need to be discussed, considered, approached with an open mind and tested in practice when there are doubts and misgivings. That is not done. On the contrary, this railway administration, particularly the Watch and Ward Department—the political branch of it—which, I believe, will now be shifted under this Railway Police Force, is being strengthened. Well, I do not

know why. McCarthy is dead, I am told. But here McCarthyism dominates. I do not know whether McCarthy is dead to be reborn in the railway administration of our country to guide them. I would ask them why it is so? I know that a railway employee was persecuted because he was.....

MR. DEPUTY CHAIRMAN: Railwaymen do not come into the picture at all.

SHRI BHUPESH GUPTA: That is your great hope, Sir. I wish it was so. But the railway police does bring these railwaymen under their oppression.

MR. DEPUTY CHAIRMAN: You have every remedy, but not under this Bill.

SHRI BHUPESH GUPTA: Personally, I will put you in the Railway Ministry any day if you are guided...

MR. DEPUTY CHAIRMAN: Anyway, you have not got that power.

SHRI BHUPESH GUPTA: I wish that a change-over takes place.

Anyway, the Government thought that the wife of the persecuted employee was a Communist. But the Watch and Ward Department did not know that the girl in question was the wife of the railwayman who was persecuted. The suspicion was that she was a Communist. Well, we do not have such an untouchability in our Party. If, for instance, any member of our Party supports the Congress in any matter, we do not expel him from the Party or suspend him. They suffer from this kind of a complex. I do not know whether it is ideological fright or what.

Then again, there are certain provisions which require that railway employees have to report about the activities of their relatives. The Watch and Ward Department is in charge of finding out which railwayman is engaged in certain activities which are considered by the Government to be something wrong and espionage is

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conducted and carried out by the Watch and Ward Department all the time. I hope that this new Force that you are creating will not engage itself in these nefarious activities.

Mr. Deputy Chairman, I am opposed to this kind of a measure because we do not really need a separate police force for protecting railway property. You have got the railway police for it already. You can have a proper type of Watch and Ward to man and to look after the properties and all that in addition to the railway police and you do not at all need a Force of this kind which would get wide powers and functions. You do not need all this. This is what I say. Let there be no mistake about it. I am not at all suggesting that the question has not to be gone into as to how the railway property should be protected. But this kind of a Force, you do not need at all. What is necessary today is to reorganise the Watch and Ward Department that you have and instil into it certain patriotic ideas and to extricate it from other underhand and, shall we say, wrong type of activities, so that they give their full attention and they are fully employed for protecting railway properties. If you do that, this 20 per cent. loss that is taking place will not be there for ever. Simultaneously, the Railway Police is there which operates on the line and they can look after the railway properties. They have all the powers of the police force. I do not know why such a Force is now being created in the name of protecting the railway property. I hope that railwaymen in the country will take note of this point. They are justly apprehensive of the measure because of past experience. I hope that the Government will change their mind. If they are determined to have this measure, they should see that this measure is not at all used for carrying on any other activity than protecting the railway property. Suggestions have to be made in the Select Committee. I

do not know why they are fighting shy of the Select Committee. Some hon. Members said that it would take four months or so to complete the work. Not at all. Within two days, the Select Committee's business could be done. Well, there are only a few clauses; they can go into the matter and deal with questions of policies and see, in the light of the changes made there, what could be done in the Bill. We can finish the whole thing in a matter of two days. He has got trade-unionists on his side; we have trade-unionists on our side also. You can call them to a conference to discuss this matter. You can invite, if you like, the leaders of the railwaymen and discuss with them these things, and then prepare a Bill of this kind or modify the Bill in a Select Committee, and then present it to the House. That would be a democratic approach, that would be a sensible approach and that would be a reasonable approach. And that approach would go a long way in creating a better atmosphere in the Railway Administration that we so badly need today. Mr. Deputy Chairman. I therefore would ask the hon. Minister to accept the suggestion for appointing a Select Committee. The names we have already given. Anyway, we are not dogmatic about these names. Any other names we are prepared to accept. But let there be a Select Committee to go into this question. If you insist on a measure of this kind, let there be some agreement and understanding of all the sections of the House. This is all that I would ask the hon. Minister. But as you know, I am very pessimistic whenever I deal with the Government, and with that pessimism I sit.

SHRI B. K. MUKERJEE (Uttar Pradesh): Mr. Deputy Chairman. I fully realise the anxiety of the Railway Ministry to reorganise the present Watch and Ward Department to provide adequate safety of the railway property. I have full agreement with the Railway Ministry in their

attempt to reduce thefts and pilferages on the railways. But I feel that this Bill, as it has been drafted, will not serve the purpose. It has got a very limited scope and I wish the scope to be expanded further to provide safety of the railway property, not only that property which is carried by the railways, but also the property of the railway purchased from the market for their engineering and other purposes. Sir, the Statement of Objects and Reasons says that "The Railways have during these years incurred heavy losses on account of theft and pilferage of railway property and of payment of quite a large number of compensation claims preferred against them". I do not want to go into the details of how the claims are preferred because many who preceded me have dealt with that subject. But I only want to inform the Railway Ministry that this is not the only thing which is lost by the railways by thefts and pilferages. There is not only this amount, but according to me and according to some expert calculations, the railway loses not only the same amount, but more than double the amount it pays in respect of claims which are preferred by the ordinary merchants in this country. These pilferages are often happening mostly in the case of railway stores, either civil engineering or mechanical engineering, and we have got to provide some protection to safeguard the interests of the railways in those spheres also. Of course, I do not know whether this protection will have any sphere of activities where the stores are kept, because they are not kept on the railway platforms. Therefore, I feel that this Bill has got a very limited scope and I wish its scope to be enlarged.

Now, Sir, before I proceed to the other aspects of this Bill, I want to deal with a subject which has also been raised at least by four Members here, and three of them opposed because they come from a class which is opposed to the common man and more opposed to the workers either in the railway or in any other industry. But there was another gentleman

who I feel by education belongs to that class, but who professes to be a common man and he shed a lot of crocodile tears for the workers employed in the railways. I can only advise him that it is better that the quacks should not deal with medicines as they are sure to injure the patients on whom those medicines are administered. My friend felt that this Bill will prevent the workers employed in this protection Force from the operation of trade unions. I do not wish that they should be given protection when they fail in their duties. Of course, it may be futile on my part to make any suggestions because those who are opposed to the working class will always be opposed, because we cannot teach them the utility of the trade unions. Sir, there is a law for the trade unions. They do not mean a combination of workers alone, but they mean a combination of the employers also. Whenever the workers combine themselves to safeguard their interests against the class of these employers, they are shouting against them. Sir, trade unions stand for discipline; they stand for raising the standard of the people in this country; they stand for more production in the country, whereas our employers today are opposed to more production, because more production will mean more employment, and more employment will mean that there will be....

MR. DEPUTY CHAIRMAN: Mr. Mukerjee, I have to tell you that that is something with which we are not concerned at all. We are not concerned with the trade unions here.

SHRI B. K. MUKERJEE: Sir, I am referring to it because this point was raised by four Members. Therefore, I felt it to be my duty to explain it.

MR. DEPUTY CHAIRMAN: Because four Members were irrelevant, it does not mean that you can also be irrelevant.

SHRI B. K. MUKERJEE: No, no. I am relevant because there is clause 18 in the Bill which prevents the people....

MR. DEPUTY CHAIRMAN: I am afraid we are not concerned with that point at all.

SHRI B. K. MUKERJEE: Anyhow, Sir, I may submit that trade unions mean more production, more discipline and more prosperity in the country.

Now, Sir, this Bill provides for the constitution and maintenance by the Central Government of a Force to be called the Railway Protection Force for better protection and security of the railway property. Unfortunately, Sir, I am not a lawyer. But having remained in this House and elsewhere also in the Legislatures for a pretty long time, I had the privilege of always associating myself with lawyers in the Legislatures. I do not know if any of our Ministers are lawyers. But anyhow, I want to deal with some constitutional points.

This is a force to be created, and this will be unconstitutional unless the law provides for the creation of an All India Service. There are at present only two Services, the Indian Administrative Service and the Indian Police Service.

"The Services known at the commencement of this Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this article."

Parliament has not created any other service, but this Bill seeks to create a third Service, i.e. the Railway Protection Force. If this is not to be treated as a third force, it will have to be treated either as Police Service or Administrative Service. But the Bill provides that they should be treated as railway servants. I think the intention of the Railway Minister is to give them the status of railway servants. In clause 10 of this Bill it is stated that they shall be treated as railway servants within the meaning of the Indian Railways Act, 1890, which says that a railway servant means any person employed by the

railway administration in connection with the service of the railway. If this is intended to be a railway service, then we have to go by the definition given in the Indian Railways Act, 1890. But this Bill seeks to create a different service. I do not know whether it is a mis-print and the Railway Minister did not mean it, but the head of this organisation will be the Inspector General of the Force, and the Chief Protection Officer is the head of the force for the purpose of appointment, but this will violate the Indian Railways Act. The Indian Railways Act says that railway servants will be employed by the railway administration. The Chief Protection Officer cannot be a constituent part of the railway administration if he is not under the General Manager or the Railway Board. I do not know whether the Chief Protection Officer will be directly under the Government of India and, if so, whether he will be under the Railway Minister or under the Home Minister. We are not sure about it. I believe he will be under the Home Minister and not under the Railway Minister. If he is under the Home Minister, then how can the men in this force be governed by the railway administration? I do not understand this point. Anyhow, if they are to be treated as police service, I have no objection. If they are of the Administrative Service, they must be under the railway administration, and the railway administration is represented by the General Manager and not the Inspector General of the Protection Force. He cannot be the head of the administration of railways. Therefore, it violates either the Constitution or the Indian Railways Act. I do not know whether the hon. Minister has looked into this. I believe the hon. Minister has of course gone into the matter because we have received notice of amendments given by the hon. Minister himself, but I do not think that he has had time to fully go through the implications of the provisions made in this Bill.

Now, the Railway servants are protected by certain labour legislations,

three of which have been referred to in clause 19. I do not know if the Railway Minister is aware that there are certain other laws protecting the interests of the workers on the railways and also in industries, such as the Workmen's Compensation Act and other Acts. Probably the Railway Ministry is ignorant of the fact that there are other legislations which protect the interests of the workers. Anyhow, here they evidently do not want the application of the Payment of Wages Act and the Industrial Disputes Act. I understand the anxiety of the Minister not to make the Industrial Disputes Act applicable here. I agree with him that this force, if it is to be very useful, should not have the Industrial Disputes Act applicable to it, but I fail to understand why their pay should not be protected. Why should not they be paid in time? The Payment of Wages Act is an innocent Act and governs the period within which payment should be made. Another section of the Indian Railways Act, Chapter VI-A, which governs the working hours of the railway workers, has also been excluded from the provisions for this Bill. The Force will not be working under the Hours of Employment Regulations, nor under the Payment of Wages Act. I agree and can understand their anxiety to avoid the Industrial Disputes Act, but I do not understand why these two Acts should not be applied to them, if the intention is to make them railway servants as it is stated in this Bill.

MR. DEPUTY CHAIRMAN: Where has it been said that they will be railway servants?

SHRI B. K. MUKERJEE: Here it is in clause 10. It is said here that they shall be regarded as railway servants. . .

MR. DEPUTY CHAIRMAN: ".... within the meaning of the Indian Railways Act, 1890, other than Chapter VIA thereof.."

Shri B. K. MUKERJEE: VIA deals with the Hours of Employment Regulations. This means that the men in

the force will not have any hours of duty, that they can be made to work for 24 hours a day.

MR. DEPUTY CHAIRMAN: For the protection of railway property.

SHRI B. K. MUKERJEE: That is a different thing. There are no service conditions by which the men in the force will be governed. There are certain laws which govern the conditions of the railway workers such as the Industrial Disputes Act, the Payment of Wages Act and the Hours of Employment Regulations. These Acts are not applicable to the men in the force. If they are to be treated as railway servants, they must be given the protection that the other railway servants enjoy. I do not mind if you take from them the protection given to other railway servants by the Industrial Disputes Act, because it governs strikes and other things, but I do not understand why the other Acts should not apply to them. I do not know if the hon. Minister means that the men in the force can be continuously put on duty for seven days or 10 days. I do not know why they should not be paid within the 10th of the next month, i.e. the provisions of the Payment of Wages Act. I do not know whether they could be paid after six months. You may deal with the question of salaries under the rules to be made but I want that this should be provided for in the Act itself. You cannot provide there that they will be paid Rs. 15 per month or they will be paid after six months.

Now, the Bill uses the terms 'superior staff' and 'staff'. This leads to a bad psychology, and I do not want that to be created. I think that these officers, when they are appointed, must feel that they are the servants of the nation and are not the masters of the nation. The terms 'superior officers' and 'superior men' give them a bad psychology that they can behave as if they are our masters and we are their servants. We take it that they are our servants but they do not feel like that. Therefore, this wording has got to be changed. There

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should not be any difference in the country between men and officers. We can say, 'gazetted officers' and 'non-gazetted officers' if you want. The Railway Ministry has reduced the classes on the railways. We are aiming at a classless society. We are striving for it, and I ask the Railway Minister to help the people of this country to bring about that position when there will be no classes in this country.

He wants to retain the classes in this country by introducing the category of superior officers and inferior officers, superior staff and inferior staff. How could a man be superior when he after all is a public servant just as a man getting Rs. 30 is also a public servant? The Inspector-General may be getting Rs. 3,000 or Rs. 4,000 or may be more than that but after all, he is a public servant. He is the servant of the people and the people keep him there. Therefore, you must give proper respect to the people. It must not be as if he is the master and the people are his servants. I say that this has got to be changed. The entire Bill has got to be changed. There was a Motion for referring this Bill to a Select Committee. I do not know whether it is going to be pressed or not because the Mover is not present but I feel that this Bill requires to be changed thoroughly. If it is changed, it will be so changed that this draft will not be recognised. The draft Bill has got to be changed in every line so that you will not recognise this as the old Bill when it comes back to the House. If you do not do it, you will not get the results for which you are taking all this trouble of passing this legislation. That is my only fear. Therefore, I am of opinion that the Railway Minister should agree to the proposal of sending the Bill to a Select Committee. It may take one or two months more but then it will come back in proper form. If we pass this legislation as it is, it will go to the other House and as they will be the revising authority, they will not allow this Bill to be enacted

in this way, in this fashion. This Bill will be referred to a Select Committee by that House and there will be delay.

MR. DEPUTY CHAIRMAN: We are not concerned with what the other House does with this Bill.

SHRI B. K. MUKERJEE: My point is that because it will be done there it is better to do it here and avoid more lapse of time.

This Bill gives too much powers to the protection Force. I do not mind if these powers are to be utilised by the proper authorities, namely, those responsible to the people. I do not know what the people are going to be paid, whether it is Rs. 30 or Rs. 25 or even Rs. 15. I do not know what salary is going to be paid to these Rakshaks or Senior Rakshaks because our hon. Minister, particularly the Deputy Minister, depends not upon those people but upon people who are the officers and who have nothing to do with these people. Therefore, I am afraid these Rakshaks, etc., will get paid only Rs. 15.

MR. DEPUTY CHAIRMAN: Anyway the rules will be laid on the Table of the House.

SHRI B. K. MUKERJEE: May be, Sir, but we may or may not get an opportunity to rectify them. I think it is better that we go into this question now and fix the salaries of these people instead of allowing those other men to take a decision.

Then, Sir, I find that these people have got the powers to arrest anybody any time anywhere they like. These powers have got to be curtailed or some other provision has got to be made so that these people may not use these powers wantonly. I am afraid they will not use these powers for the public purpose alone. Therefore, these provisions have got to be amended. We know the policemen at present, I mean that the members of the Force at present have been drawn from among them. They will be recruited now by the Protection Officers and the Inspector-General. Therefore they will not be the right

people who can understand responsibility. They may be under discipline but they do not understand responsibility. Therefore the power given to these Rakshaks and Senior Rakshaks is too much and too wide and I hope it will be curtailed or modified in such a manner that they may not exercise these rights very often, or when they have to exercise these rights there will be checks on them. There is no check at present. They may hand over the man arrested to the police authorities as they like. It may be one day or two days or three days after arrest.

Now, I come to the question of recruitment. In what manner will recruitment be made I do not know, whether these people, the officers will be recruited by the Public Service Commission or not, whether this department will use the labour bank, that is, the Employment Exchange. Our labour bank in this country is our Employment Exchange. For other railway staff generally they go to the Employment Exchange. But I do not know what is in the mind of the hon. the Deputy Minister, whether the Railway Ministry will use these Employment Exchanges or will give wide powers to these officers to recruit anybody, anywhere and at any time they like. Whether the officers will be recruited by the Public Service Commission or not, that also is not clear here. I understand they will be recruited by the Public Service Commission, and if we do not get these officers from the Public Service Commission I feel that we will be violating the provision in the Constitution, the sanctity of which we are pledged to protect. Therefore I am of the opinion that the sources of recruitment should be made clear in this Bill. It is of course clear that the appointing authority will be the Chief Protection Officer, but about the sources of recruitment, how they will be recruited, on it the Bill is silent. I hope that the hon. Minister will make a clear provision here that the officers will be recruited by the Union Public Service Commission as is done in other cases. And for the men, if

it is not the Public Service Commission, they may be recruited through the Employment Exchanges.

Now, about the nomenclature of the 'Inspector-General of the Force' there may not be any objection to this but for this reason. This Bill says in sub-clause 2(g), "Words and expressions used but not defined in this Act and defined in the Indian Railways Act, 1890, shall have the meanings respectively assigned to them under that Act". Now the word "inspector" occurring in this Bill and which has not been defined herein takes the meaning given to it in the Indian Railways Act, 1890 and it has a definite meaning under that Act of 1890. Now if you say "Inspector-General", that will mean that among the several inspectors in the railway there is one at the head of them. Therefore this term may be suitably amended by the Railway Ministry if this Bill is not referred to a Select Committee. I do not know if the hon. the Deputy Minister knows anything about this, namely section 4 of the Indian Railways Act, wherein it deals with the duties of inspectors, one duty being the inspection of railways. Those inspectors now are not under the Railway Minister; therefore he might not be knowing about it. Therefore this word "Inspector-General" has got to be modified or another name given. I feel that the 'Chief Protection Officer' should be the nomenclature given to the 'Inspector-General', or any such name—I have no fancy for any particular name, but the word "inspector" has got some significance so far as the Railways Act goes. Therefore this name should not be there as "Inspector-General".

Now I shall refer to another clause which was dealt with by another speaker who preceded me and that is this. I have dealt with the question of recruitment before and suggested as to how it should be done. Now if the matter is to be dealt with by the Railway Ministry as it is provided for here, I want to have a clarification from the Minister if article 320, clause 3(a) has been taken into account or

[Shri B. K. Mukerjee.]
not, that is, whether the Public Service Commission has been consulted if you adopt any other procedure for recruitment of the men and the officers of this department.

Now I come to clause 9 which says: "Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may dismiss, suspend or reduce in rank any member of the Force" etc. Here it does not deal with the officers. I wish officers also should be included in this clause, that in case any officer is found lapsing in his duties, he would be also penalised in the same way. Here the provisions of article 311 of the Constitution also should be explicitly mentioned, namely, what would be the procedure to be adopted by an officer to award penalties to the staff or the officers under him, because we cannot avoid this article 311 which must be specifically mentioned here.

In conclusion I may say that the motion for Select Committee was a motion which I wanted to support. But the mover of the amendment to the motion is not present here. Yet I wish that the Railway Minister, if he feels that it should go to a Select Committee to avoid more delay in passing this Bill and making it into an Act, may consider this and agree to the proposal to send it to the Select Committee.

Thank you, Sir.

SHRI T. BODRA (Bihar): Mr. Deputy Chairman, I am also very anxious about the protection of railway properties and in the interest of protection of railway properties I would submit only two or three points as most of the other points have been discussed in detail.

In my opinion, Sir, clauses 10 and 14 are conflicting in spirit. Clause 10 speaks about the whole personnel of the Force to be considered as railway servants, and clause 14 speaks about the procedure to be followed after

arrest as this: "Any member of the Force making an arrest under this Act, shall, without unnecessary delay, make over the person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken to the nearest police station". It might sound very strange to you but I am speaking from practical experience, as it has been seen that there is lack of co-operation between officers and officers; the police officer has been seldom seen to co-operate with an excise officer, an excise officer has been seldom seen to be co-operating with a forest officer. Now, to avoid all these practical difficulties, the former Government, rather the British Government, had separate enactments altogether. Under the Excise Act every Excise Officer was vested with powers of arresting the offender and also submitting a charge-sheet against the offender. Similarly, under the Forest Act, every forest officer, not below the rank of a Forest Officer, was vested with powers of arresting the offender as well as to investigate into the case and submit a charge-sheet against the offender. But what do we find here? A member of the Force, when he comes to know that an offence has been committed or when he comes across an offender, has to hand over that offender to the nearest police officer, that means, the thana officer. Here in the railways also, there is the Government Railway Police. Now, I put this question. If a member of the Force finds an offender on the railway track, I want to know whether that member of the Force should hand over the offender to the Government Railway Police or to the ordinary mofussil thana officer in charge. If the Government Railway Police officer does not take the responsibility of investigating into the case and submitting a charge-sheet against the offender to the Sub-Divisional Magistrate, the whole purpose is frustrated. Similarly, if a member of the Force takes the offender to a police officer in charge of the ordinary thana—not the Government Railway Police—he might refuse; he might say, 'this is beyond my jurisdiction'. So it is not clear in

this Bill whether a member of this Railway Protection Force will hand over the offender to the Government Railway Police officer in charge or to any other thana officer in charge who does not belong to the Government Railway Police.

Secondly, suppose a member of the Force has got grave and *bona fide* doubts about stolen properties, railway properties, in the house of a railway station master, he might go inside the house without a search warrant, he might carry out the search and take the station master to a police officer in charge. Now arises the conflict. A member of the Force who is honest and who is conscientious in the discharge of his duties has entered into the premises of a railway station master, has arrested him and has taken him to a thana police officer in charge. The police officer in this case—99 per cent. in my opinion—will not co-operate in submitting a charge-sheet against that station master. There are two parallel or rival organisations. In the Railways you have got the Inspector General, the Chief Protection Officer, the Assistant Protection Officer, Inspectors, Sub-Inspectors and Assistant Sub-Inspectors beyond other ranks. In the rival police organisation, what have you got? You have got Inspector General, Superintendent of Police, D.S.P., Inspector, Sub-Inspector, Assistant Sub-Inspector and constables. Here in this case because they are railway servants you have not vested them—the Inspectors, Protection Officers and others—with the powers to investigate into the case and to submit charge-sheet direct to the Sub-Divisional Magistrate. You have subordinated them to Police officers. Even your supervisory staff and high officers have not got the power to investigate into the case and to submit charge-sheet directly in the court of the Sub-Divisional Magistrate, and thereby these railway protection police officers personnel are subordinated to the police officers of the regular force. My contention is that if you want this measure to be really effective, if you want this measure to be of really useful

purpose, then just as under the Indian Forest Act every Forest Officer has been vested with the powers not only of arresting the offenders but also of investigating into the case and submitting charge-sheets in the courts of Sub-Divisional Magistrates directly and again as under the Excise Act every Excise Officer has been vested not only with the power of arresting the offenders but also of investigating into the case and submitting charge-sheets, similarly it is not very difficult to amend the provisions of the Bill. Unfortunately, I came only this morning and I had no time to put in any amendment. If there is time I will put in amendments tomorrow or day after tomorrow. These officers of this Force should be vested with the powers of investigating into cases and directly submitting charge-sheets against the offenders and then and then only can this measure be of any utility; otherwise in my humble opinion all your labours will be in vain.

My next point is about the definition of railway property. Of course, last time also we tried our best to make the definition exhaustive but I do not think it has been done to our satisfaction. The definition of railway property should be such so as to avoid all legal and technical difficulties to prove the offence against the offender and to obtain conviction because unless and until the station masters and officers above the station masters are convicted in the courts and given rigorous imprisonment, things will not improve and all our pious hopes will be of no use at all. So, Sir, unless the definition of railway property is exhaustive, there is every chance of the accused getting an acquittal. For example, take a very common commodity like coal. Now, coal is selling at Rs. 3 per maund. If the Government will acquire the coal-bearing areas, there may come a time when coal will be selling at about Rs. 5 or Rs. 6 per maund. What actually the railway staff do is to drop the coal somewhere on the roadside for their family members and other friends to pick up,

[Shri T. Bodra.]

Now there is no identification mark on the coal. Suppose a member of the Force sees some people picking up the coal from the railway track and taking it to their house in a nearby village, he follows them, goes into their compound and takes into custody all the properties available there and arrests the offenders. What will be the identity for that coal? There are so many coal vendors here and there and this coal is also sold in the market. You have got no proper identification mark to prove in a court of law that that coal is railway property. That is so with copper and many other things. Some device, some such exhaustive definition should be there so as to leave no doubt for the lawyers to make an argument in favour of the accused.

SHRI SONUSING DHANSING PATIL: Will not that Railway coal be attached under a panchanama? Will not the police draw up a panchanama?

SHRI T. BODRA: Sir, I do not follow what he says.

I was saying that the definition of railway property should be exhaustive enough so as not to leave any room for misinterpretation and thus to

get acquittal in case of genuine offenders.

My last point is about recruitment. Unless good people, honest people, are recruited to this Railway Protection Force, again much of our hopes will be dashed to pieces. It is common knowledge that many of the soldiers of the Army, Navy and Air Force are being demobilised. They have undergone rigorous training for years, for 10 years, 15 years, and I do hope that the Government will consider them and give them preference when the question of recruitment comes up to this Force. Again, Sir, there are Adivasis who are full of muscles. If they have no brain power or money power, of course, they have got muscle power and unsophisticated Adivasis from mofussil areas can also be recruited with advantage to this Railway Protection Force. Thank you, Sir.

MR. DEPUTY CHAIRMAN: The hon. Minister will reply on the next day. The House stands adjourned till 11 A.M. on Monday.

The House then adjourned at five of the clock till eleven of the clock on Monday, the 27th May 1957.