

(b) the places in India where pearl fishing is possible?]

THE MINISTER FOR FOOD AND AGRICULTURE (SHRI A. P. JAIN): (a) The Central Government does not derive any income from pearl fishing, which is done by the State Governments of Madras and Bombay.

(b) The Gulf of Mannar and the Gulf of Kutch.

t [PRODUCTION OF JUTE IN TRIPURA AND MANIPUR

102. SHRI M. VALIULLA: Will the Minister for FOOD AND AGRICULTURE be pleased to state:

(a) the quantity and value of jute produced in (i) Tripura and (ii) Manipur during 1955-56 and 1956-57; and

(b) what are the means of transport of jute from these areas?]

THE MINISTER FOR FOOD AND AGRICULTURE (SHRI A. P. JAIN): (a) The quantity and estimated value of Jute produced in Tripura State is given below:—

Year (July to June)	Quantity (Thousand bales,	Estimate value (In lakh Rs.)
1955-56	50	53:3
1956-57	58	70:0

Jute is not commercially grown in Manipur and as such no regular estimate regarding production is made in this State.

(b) Jute produced in Tripura is transported by air and by rail *via* Pakistan to Calcutta.

#### PAPERS LAID ON THE TABLE

##### REPORT ON THE WORKING OF THE CENTRAL SILK BOARD AND OF THE CEN TRAL SILK BOARD ACT, 1948

THE MINISTER FOR COMMERCE (SHRI N. KANUNGO): I beg to lay on

fPostponed from the 23rd May 1957. 27  
RSD—4.

the Table a copy of the Report on the working of the Central Silk Board and of the Central Silk Board Act, 1948, for the period from 1st April 1956 to 31st March 1957. [Placed in Library, see No. S-65/57.]

#### NOTIFICATION PUBLISHING THE FERTILISER (CONTROL) ORDER, 1957

THE DEPUTY MINISTER FOR FOOD (SHRI M. V. KRISHNAPPA): I beg to lay on the Table, under sub-section (6) of section 3 of the Essential Commodities Act, 1955, a copy of the Ministry of Food and Agriculture Notification S.R.O. No. 1391, dated the 23rd April 1957, publishing the Fertiliser (Control) order, 1957. [Placed in Library, see No. S-62/57.]

#### THE RAILWAY PROTECTION FORCE BILL, 1956—continued

THE DEPUTY MINISTER FOR RAILWAYS (SHRI SHAH NAWAZ KHAN): Sir, I am very grateful to those hon. Members who took part in this debate, and it was very gratifying to know that a very large number of Members, in fact, a very overwhelming majority of Members, felt the need for this legislation. The case was very ably pleaded by Shri Rajagopal Naidu and Dr. Barlingay. Sir, I happened to be a member of the same Committee on which they were serving, namely, the Railway Corruption Enquiry Committee, and during the course of the investigations of that Committee numerous cases of fraud and thefts and embezzlement of railway property and loss of goods in transit were brought to our notice and I am sure that it was as a result of the enlightenment they got during the proceedings of that Committee that they could appreciate the situation so well. I am very grateful to my hon. friends for making out such a strong case for this legislation and this has in fact made my task very much easier.

As the House knows the Railways have to pay something like Rs. 3 crores as compensation against claims

[Shri Shah Nawaz Khan.] for goods lost in transit or damaged. This is what we accept to pay, but I might tell the House that the actual losses are very much more than this. Sometimes the claims are not substantiated and so the loss to the nation is very much more than Rs. 3 crores. Over and above this, there is a huge loss of railway property for which no claims are preferred— theft of fans, lights, cables, batteries, belts and vacuum gauges. In fact, we are losing huge sums of money through such thefts and we feel that all these losses can be stopped if we can effectively reorganise our Watch and Ward Department and make it into a really well-disciplined, strong and determined Force consisting of much younger men. At present the average age of watch and ward people is rather on the high side. So we are now concentrating on recruiting younger men and I would invite hon. Members, if they have an opportunity, to pay a visit to some of our training schools which we have opened in various places for training young men for this Force. There is a school very near Lucknow and I am sure a visit to one of these schools will convince hon. Members that we mean business and that we are recruiting intelligent educated young men who, we feel, will be able to cope with this task. We are also training our own officers, that is, Sub-Inspectors and Assistant Sub-Inspectors, in these schools. We are recruiting young men direct from universities and colleges.

Sir, quite a number of hon. Members referred to the method of recruitment. While I am on this subject I might tell them that no recruitment is made arbitrarily by the railway officers. All recruitments to Class III are made through the Railway Service Commissions. Vacancies are advertised in the papers, the candidates are called for written tests and interview and the successful ones are selected. It is only to overcome certain legal complications that we had to insert this clause that the recruiting authority will be the Chief

Protection Officer and that is in relation to removal or dismissal from service later on. Regarding the recruitment of Class IV people, we call at the Employment Exchanges. The dates are advertised and people come there. Generally we have a small Board consisting of an Assistant Personnel Officer and one departmental officer and sometimes we associate a respectable citizen of the area to make selection for Class IV. This is the method of recruitment.

Sir, it appeared to me that a number of hon. Members were opposed to the idea of railway officers being connected with the actual selection of personnel. I think their fears are unfounded. I have had the honour of spending some time in the Army and there it used to be the practice for serving officers to go into the recruitment area, tour the area, make direct contact with the people and select persons for their unit. That created what was known in the Army as *esprit de corps*. The man knew that he had been selected by a particular officer and he felt proud of his officer. The officer in turn knew that he was his man and he felt proud of him. Sir, we want to create that spirit in this Railway Protection Force so that the man could look up to his officer and the officer could look up to his man. I am sure Mr. Bhupesh Gupta would not like that.

MR. CHAIRMAN: Don't drag him unnecessarily; he is quiet.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): He has to be roused from his slumber.

SHRI SHAH NAWAZ KHAN: That is the intention of direct recruitment of class IV by railway officers. Sir, these are the reasons for raising this Force.

Sir, I might also tell the House one or two things which did not come up during the discussion in the House. Some additional reasons for reorganising this Force have recently cropped up. Hon. Members are aware that

there has been some trouble in the eastern regions of our country in the Naga hills. Our trains running in those areas have been fired upon by the hostiles. The railway employees in certain areas there have been attacked at night. We have to provide pickets in such dangerous areas and we have also to provide escorts. It is in order to cope with this changing situation that a Force of this nature has been felt to be necessary. The House is also aware that we have quite a large section of our railways running very close to the borders of Pakistan from where certain smugglers or undesirable characters might create trouble. In the past we have had to secure the assistance of a Force known as the Railway Protection Police. That Police belonged to the State Governments and their services were lent to the Railways. The Railways had to pay for their expenses. We felt that it would be much better and the Force would work much more efficiently if these men were directly controlled by the Railways rather than to have this dual control. When our own people are properly trained and properly equipped and armed for these duties, we will be relieving the Railway Protection Police and sending them back to their States. There is not going to be any great increase in the expenditure because as it is we have a big watch and ward force and we are only reorganising that force, weeding out undesirable and unfit elements and making it a strong and fit force so that it can serve the nation better and save us from these huge losses.

SHRI BHUPESH GUPTA (West Bengal): Sir, something new has been said about weeding out the undesirable elements and all that. What exactly does it mean?

SHRI SHAH NAWAZ KHAN: By that I do not mean any persons who have direct connections with my hon. friend . . .

MR. CHAIRMAN: You do not mean politically undesirable?

SHRI SHAH NAWAZ KHAN: No, Sir. I only mean persons who might have resorted to thefts or who have had bad records with the police.

MR. CHAIRMAN: He is satisfied. Go on.

SHRI BHUPESH GUPTA: No, I am not.

SHRI SHAH NAWAZ KHAN: Sir, my hon. friend, Shri Deokinandan, made a point that the members of the Force stationed in any place should not come from the same Division. I think there is a lot to be said for this suggestion and I shall certainly have this examined.

The hon. Shri Jaswant Singh and some others felt that there was no need to give a certificate to the members of this Force. I might inform the hon. Member that this is nothing new to this Force. Such certificates are being issued to the members of the Police Force also and the form is almost identical. This is exactly the form. I am reading from the Police Act, 1861: "A. B. has been appointed a member of the Police Force under X. Y. Act of 1861, and is vested with the powers, functions and privileges of a police officer." We have taken this more or less straight from the Police Act. There is nothing new or nothing very revolutionary about this which my hon. friend, Mr. Bhupesh Gupta, fears.

More than one hon. Member referred to there being a danger of dual control over the Force. The Inspector-General of Police is going to be at the Centre and he is going to be in charge of the technical superintendence of the Police Force, that is, the Railway Security Force. And the Chief Security Officers in the various zones of railways will be working under the guidance of the General Managers. It was said that it smacked of dual control . . .

SHRI BHUPESH GUPTA: How will they be appointed?

SHRI SHAH NAWAZ KHAN: They are being appointed by the Centre. There is actually no danger of dual control. In actual fact, this Force will work more or less under the General Manager, because the Forces are so spread out that it would not be feasible for the Inspector-General of Police at the Centre to be in administrative control of these units. Also, these units have to be paid by the Railways concerned. Therefore, they have to be under the guidance and administrative control of the General Manager. This system is in vogue at present and it is functioning very satisfactorily and I do not think hon. Members have any cause for anxiety in this respect,

SHRI BHUPESH GUPTA: What will the I.G.P." be doing? He will not have enough work it seems.

SHRI SHAH NAWAZ KHAN: He will have plenty of work. He will be technically in charge of all these Forces, training the people, seeing their work, touring round the country. So, he will have plenty of work.

*(Interruption.)*

The hon. Shri Jaswant Singh, while referring to the Financial Memorandum, felt that it required certain explanation because it was not uniform. He wanted to know on what basis the sums have been worked out. There is disparity, some difference on the ground that certain recurring expenses like buildings, uniforms, etc. have been included. In some places buildings are available. In some places they have to be re-built. So, the difference is on account of these things.

My hon. friend, Shri Jaspat Roy Kapoor—I was very sorry to note—took a very pessimistic view of the whole thing and it looks as though everything looked dark to him. He saw nothing but corruption all round him and he thought that there was no hope for this country . . .

SHRI JASPAT ROY KAPOOR: Not dark. The hon. Deputy Minister at least looks to me very bright.

SHRI SHAH NAWAZ KHAN: Sir, he gave an example of the peacock. It felt so proud of its feathers that it danced and danced and when it looked at its feet it found that its feet were so ugly. I may tell him that at least this peacock of the railways is very proud of its feathers. The feet may be dusty sometimes, but it is nevertheless still feeling very proud of its feet. I do not think there is any cause for any pessimism on this account.

SHRI JASPAT ROY KAPOOR: Even when the trains get derailed?

SHRI SHAH NAWAZ KHAN: Shri Sekhar and Shri Bhupesh Gupta drew the attention of the Railway Ministry to various shortcomings of the Watch and Ward organisation, which have been pointed out to us by the Mul-lick Committee and also by the Railway Corruption Enquiry Committee. It is precisely as a result of these recommendations, as a result of the shortcomings which have been pointed out to us that we are bringing forward this Bill to reorganise the Watch and Ward. It is precisely on this basis and with due respect to these suggestions and the shortcomings which have been pointed out to us by these Committees . . .

SHRI BHUPESH GUPTA: Does it mean that this new Force will not be engaged in any activities for suppression of the trade union movement?

SHRI SHAH NAWAZ KHAN: I am just coming to that. I feel that we are taking a very modest step in this connection, that is, to vest the Railway Protection Force with powers within the railway limits, not all over the country. They are restricted within the railway limits with certain powers of arrest. They have no powers of investigation. As soon as they arrest somebody, they will have

to take him straight to the police and hand him over to the police, who are responsible for conducting the enquiries and carrying out the investigations, etc. Now, in this very modest step I do not know how my hon. friends Mr. Bhupesh Gupta and Mr. Sekhar came to the conclusion that the Railway Ministry are creating storm troopers—and some fantastic ideas which I really cannot understand . . .

SHRI N. C. SEKHAR (Kerala): It is in the Bill itself. We need not go anywhere else.

SHRI SHAH NAWAZ KHAN: My friend, Shri Bhupesh Gupta, has got a knack of smelling a rat where there is no rat. He said something about a rat in this. (Interruption.) I can assure him that there is no rat in this.

SHRI BHUPESH GUPTA: Can he please tell the House that this will not be used against the trade union movement or for suppressing the workers?

SHRI SHAH NAWAZ KHAN: I am just coming to that. Sir, Shri Bhupesh Gupta very rightly pointed out that corruption cannot be rooted out without the very active co-operation of the unions. I fully agree with him. And Acharya Kripalaniji, who was the Chairman of the Railway Corruption Enquiry Committee, made a fervent appeal to all the trade unions to come forward and root out corruption from railways. I hope my hon. friend, Shri Bhupesh Gupta, took note of that request of Acharya Kripalani. I again, on the floor of this House, request my friend, Mr. Bhupesh Gupta—he was always saying that the Railway Ministry never asked for their co-operation—here right now I ask for his co-operation to root out corruption. I want full co-operation from all his friends. (Interruption.) I can assure him that by reorganising this Force there is no intention on the part of the Railways to use this Force to curb any lawful trade union activities. As far as the trade union

activities are concerned, this Force will have nothing to do with it. Of course, when there are any unlawful acts like setting fire to the railway buildings or any such thing, it becomes their duty to protect the railway property. But with the lawful activities of the unions I am giving him a definite undertaking that there will be no interference and this Force is not meant for that and it will not be used for that purpose.

SHRI BHUPESH GUPTA: Reporting on the activities at their meetings and other things.

MR. CHAIRMAN: What are you talking? Running interruptions. Please go ahead (*to Shri Shah Nawaz Khan*).

SHRI BHUPESH GUPTA: These are my specific points.

SHRI SHAH NAWAZ KHAN: With these remarks, I hope that the Bill will be passed.

SHRI T. BODRA (Bihar): Sir, one point. In clause 14 the members have been vested with powers of arresting offenders. My point is that simply by vesting them with the powers of arresting the offenders and not making an investigation into the case and submitting a charge-sheet to the court of the S.D.O. you have subordinated the members of this Force to the Police officers. My contention was that police officers very seldom co-operated with the excise officers and forest officers, and I submitted that in the case of the excise officers they had been vested with powers of arresting offenders and submitting a charge-sheet directly to the S.D.O. If the police officers are vested with the powers of arresting and submitting a charge-sheet directly to the S.D.O. without taking recourse to anybody else, why not the members of the Force be vested with the powers of investigating the case and directly submitting a charge-sheet against the offender to the S.D.O.? That is my point.

SHEI SHAH NAWAZ KHAN: Sir, we just wanted to give very limited powers to the members of this Force. Even with the giving of these very limited powers to them my hon. friends opposite feel that we are creating storm troopers. I know that it is the intention of many of the Members in this House that this Force should be vested with much greater powers, but deliberately, Sir, we have kept the powers very limited so that they can perform their duties to the extent of safeguarding the railway properties.

MR. CHAIRMAN: The question is:

"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. Raghubir Sinh."

The motion was negatived.

MR. CHAIRMAN: The question is:

"That the Bill to provide for the constitution and regulation of a Force called the Railway Protection Force for the better protection and security of railway property be referred to a Select Committee of the Rajya Sabha consisting of the following Members:—

- 1. Shri R. P. Sinha
- 2. Shri K. L. Narasimham
- 3. Shri P. N. Saprú
- 4. Shri B. K. Mukerjee
- 5. Shri Kishen Chand
- 6. Dr. Raj Bahadur Gour

with instructions to report by the first day of the next session."

The motion was negatived.

MR. CHAIRMAN: The question is: "That the Bill, to provide for the constitution and regulation of a Force called the Railway Protection Force for the better protection and security of railway property be taken into consideration."

The motion was adopted.

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

#### Clause 2—Definitions

SHRI JASPAT ROY KAPOOR: Sir, I move:

32. "That at page 1, line 14, the words 'other than a superior officer' be deleted."

MR. CHAIRMAN: The clause and the amendment are before the House.

SHRI JASPAT ROY KAPOOR: Sir, my amendment is to clause 2, part (c), which defines "member of the Force". It is stated here "'member of the Force' means a person appointed to the Force under this Act other than a superior officer."

[MR. DEPUTY CHAIRMAN in the Chair]

I suggest that the words "other than a superior officer" be deleted, so that it might mean a person appointed to the Force under this Act irrespective of whether he is a superior officer or a junior officer or any other rank. Sir, this amendment is of a rather fundamental nature, and I believe the hon. Deputy Minister for Railways, of all persons, would be readily agreeable to accept this amendment, impressed as he is, and naturally so, having once been in the military, that there must exist a good deal of *esprit de corps*, an expression which he has used only this morning to illustrate why it would be advisable to have railway officers associated with the recruitment. Now, just as in the Military, so also in the Police Force and in the Railway Protection Force which is very much akin to the Police Force, which is

in some respects not very much different probably from the Military Force, all persons who are in the Force, whatever their rank, should feel as belonging to the Force, as being members of the Force.

Sir, at page 2 in clause 3 sub-clause (1) we find that the intention and the purpose of this are stated: "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." Now, what you are going to do is to constitute a Force and according to subclause (2) "The Force"—obviously the entire Force—"shall be constituted in such manner, shall consist of such number of superior officers and members of the Force and shall receive such pay and other remuneration as may be prescribed." So, obviously, the Force will consist of all these persons, superior officers, junior officers and other ranks. All of them make up the Force. If all of them make up the Force, and rightly too, why should not all of them be called members of the Force? Why create this unnecessary distinction, meaningless, almost purposeless, not only purposeless but harmful?

SHRI P. D. HIMATSINGKA (West Bengal): Special meaning has been given here.

SHRI JASPAT ROY KAPOOR: It is quite obvious.

MR. DEPUTY CHAIRMAN: Mr. Kapoor, you have to be very brief. We have got only one hour for this Bill, excluding the time already taken. We have already spent half an hour over this.

SHRI JASPAT ROY KAPOOR: If I am allowed to proceed uninterruptedly with regard to this amendment, there will be no occasion for me to speak on my half a dozen other amendments. If this is accepted, the others will be automatically accepted.

If this falls, I will not labour again. This is the most important one in the whole lot of my amendments.

MR. DEPUTY CHAIRMAN: Yes, yes.

SHRI JASPAT ROY KAPOOR: And if I am only permitted to proceed without my line of arguments being broken, I hope I may succeed a little better. What I want to impress on the hon. Deputy Minister is that in the interests of *esprit de corps* in the Force it is necessary and desirable not to let the junior officers, the subordinate and other ranks, the Head Rakshaks, the Senior Rakshaks and others, feel that they do not belong to the same Force to which their superior officers also belong. Must there not exist some sort of affinity, or rather a good deal of affinity, between the Inspector-General and the other Sectional Officers and other ranks? Let them all feel that they belong to one body. What is the sense in saying that they belong to the Force but they are not members of the Force? What are they, the guardians, the super human beings . . .

SHRI J. S. BISHT (Uttar Pradesh): Please see clauses 6 and 7.

SHRI JASPAT ROY KAPOOR: I have seen them. Then, again, you will find if you read clause 4 (2) — if you do not accept my amendment, let the sub-clause remain, but what would it mean?—that you have said "The Inspector-General and every other superior officer so appointed shall possess and exercise such powers and authority over the members of the Force" etc., and members of the Force do not include the Sectional Officer. So, according to the force of this sub-clause, the Inspector-General of Police will be in a position to exercise authority over Inspectors, Sub-Inspectors and others, but not over his immediate juniors, the Chief Protection Officer, the Protection Officer and the Assistant Protection Officer. I hope I am clear. If you let it

[Shri Jaspal Roy Kapoor.] remain as it is, the Inspector-General will have no control over the sectional officer, the Assistant Protection Officer, and so on. and so forth. Now, again, if you come to clause 16, if you let it remain as it is, there is no provision made in the Bill for any disciplinary action being taken against these so-called superior officers. Similarly, you do not provide for making any rules for the salary, leave and all those sorts of things so far as the superior officers are concerned because in clause 21, if all remains as it is, you do not give to the Central Government the authority to frame rules with regard to the superior officers. You have got to seriously consider this thing; otherwise, there will hardly be *esprit de corps*; one will be superior, one will be inferior. The superior officer will be beyond the provisions of this Act altogether.

SHRI SHAH NAWAZ KHAN: Sir, in clause 2, only the definitions are given. 'Force', 'member of the Force', 'superior officer'—all these have been defined under this clause. Whether they are superior officers or the Inspector-General or the Rakshak, they constitute this Force.

SHRI JASPAT ROY KAPOOR: Are they members of the Force?

SHRI SHAH NAWAZ KHAN: Well, in the larger sense, yes.

Sir, I might add here that this distinction between superior officers and other officers exists even in the Army, Navy and the Air Force. In all these organisations, the same distinction exists and therefore, I would not accept the amendment.

MR. DEPUTY CHAIRMAN: The question is:

32. "That at page 1, line 14, the words 'other than a superior officer' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

*Clause 4—Appointment and powers of superior officers*

SHRI SHAH NAWAZ KHAN: Sir, I move:

3. "That at page 2, lines 15-16, for the words "Chief Protection Officers, Protection Officers or Assistant Protection Officers' the words Chief Security Officers, Security Officers or Assistant Security Officers' be substituted."

MR. DEPUTY CHAIRMAN: The question is:

3. "That at page 2, lines 15-16, for the words "Chief Protection Officers, Protection Officers or Assistant Protection Officers' the words 'Chief Security Officers, Security Officers or Assistant Security Officers' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 4<sub>x</sub> as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

*Clause 6—Appointment of members of the Force*

MR. DEPUTY CHAIRMAN: Mr. Kapoor, are you moving No. 34?

SHRI JASPAT ROY KAPOOR: No, Sir.



MR. DEPUTY CHAIRMAN: It is *good*.

SHRI SHAH NAWAZ KHAN: Sir, I move:

4. "That at page 2, line 33, for the words 'Chief Protection Officers' the words 'Chief Security Officers' be substituted."

35. "That at page 2, after line 34, the following proviso be inserted, namely: —

'Provided that the power of appointment under this section may also be exercised by such other superior officer as the Chief Security Officer concerned may by order specify in this behalf'."

SHRI BHUPESH GUPTA: Sir, when you say 'It is good', it seems that you justify this sort of thing.

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, you need not carry any meaning into that. He is saving the time of the House. That is why I say so.

SHRI BHUPESH GUPTA: I do not think it is right for you to judge the merits from the point of view of time, Sir.

SHRI JASPAT ROY KAPOOR: May I request my friend, Mr. Bhupesh Gupta, not to grudge me some good certificate from you on some occasions?

MR. DEPUTY CHAIRMAN: He does not want even that.

The question is:

4. "That at page 2, line 33, for the words 'Chief Protection Officers' the words 'Chief Security Officers' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

35. "That at page 2, after line 34, the following proviso be inserted, namely: —

'Provided that the power of appointment under this section may also be exercised by such other superior officer as the Chief Security Officer concerned may by order specify in this behalf.'"

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

*Clause 7—Certificates to members of the Force*

SHRI SHAH NAWAZ KHAN: Sir, I move:

5. "That at page 2, lines 37 and 38, for the words 'Chief Protection Officer' wherever they occur, the words 'Chief Security Officer' be substituted."

MR. DEPUTY CHAIRMAN: Mr. Kapoor, are you moving your amendment?

SHRI JASPAT ROY KAPOOR: I will do better by not moving it, Sir.

MR. DEPUTY CHAIRMAN: The question is:

5. "That at page 2, lines 37 and 38, for the words 'Chief Protection Officer' wherever they occur, the words 'Chief Security Officer' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

*Clause 8—Superintendence and administration of the Force*

SHRI SHAH NAWAZ KHAN: Sir, I move:

6. "That at page 3, lines 15-16, for the words 'Chief Protection Officer' the words 'Chief Security Officer' be substituted."

SHRI JASPAT ROY KAPOOR: Sir, I move:

9. "That at page 3, lines 17-19, for the words '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' the words 'he shall discharge his functions under the general supervision of the General Manager of the Railway' be substituted."

MR. DEPUTY CHAIRMAN: Shall I put it to vote?

SHRI JASPAT ROY KAPOOR: It might be put to the hon. Deputy Minister so that he may agree to it.

MR. DEPUTY CHAIRMAN: Mr. Shah Nawaz Khan, are you accepting it—amendment No. 9?

SHRI JASPAT ROY KAPOOR: It is more in his interest than mine, Sir. The amendment is the one standing in the name of Kazi Karimuddin—No. 9 in list No. 2.

MR. DEPUTY CHAIRMAN: Mr. Jaspat Roy Kapoor has also sent the same amendment.

SHRI SHAH NAWAZ KHAN: Yes, Sir. I accept it.

MR. DEPUTY CHAIRMAN: He accepts it, Mr. Kapoor.

SHRI JASPAT ROY KAPOOR: I thought so, Sir.

MR. DEPUTY CHAIRMAN: The question is:

6. "That at page 3, lines 15-16, for the words 'Chief Protection Officer' the words 'Chief Security Officer' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

9. "That at page 3, lines 17-19, for the words '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' the words 'he shall discharge his functions under the' General supervision of the General Manager of the Railway' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

*Clause 9—Dismissal, removal, etc. of members of the Force*

SHRI N. C. SEKHAR: Sir, I move:

10. "That at page 3,—

(i) in lines 24-25, for the words 'whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same; or' the words 'or award any one or more of the punishments for any proved misconduct' be substituted;

(ii) lines 26 to 36 be deleted;

(iii) after line 36, the following be inserted, namely: —

'(1A) For the purpose of this section, the following acts or omissions shall be deemed to be misconduct: —

(a) wilful insubordination or disobedience whether alone or in combination with others to any lawful and reasonable orders of a superior;

(b) theft and fraud;

(c) wilful damage to, or loss of, railway goods or property;

(d) taking or giving bribes or any illegal gratification;

(e) habitual absence without leave or absence without leave for more than 10 days;

(f) habitual late attendance;

(g) habitual breach of any law applicable to railways;

(h) riotous or disorderly behaviour during duty hours."

*(The amendment also stood in the names of Shri Abdur Rezzak Khan and Shri P. Narayanan Nair.)*

SHRI JASPAT ROY KAPOOR: Sir, I move:

28. "That at page 3, line 24, for the words 'shall think', the words 'shall find' be substituted."

*h\$.* "That at page 3,—

(i) in line 24, after the word 'Force' the words 'working under him' be inserted; and

(ii) in line 27, after the word 'Force' the words 'working under him' be inserted."

MR. DEPUTY CHAIRMAN: The clause and the amendments are now before the House.

SHRI JASPAT ROY KAPOOR: Sir, I hope the Deputy Minister might perhaps be feeling inclined to accept No. 28 particularly. No. 29 is only of a formal nature. Sir, clause 9 reads as follows:

"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—

(i) dismiss, suspend or reduce in rank any member of the Force whom he shall think.....".

I want to substitute the words "shall, think" by the words "shall find". I, submit, Sir, that the word 'think' is too vague. It is hardly ever used in any legal sense. It is more dreamy than substantial. What we should, have is that that superior officer should -have exercised his mind, exercised his judgement and come to certain conclusions. So we should have the word 'find' rather than the word 'think' which is hardly used in any law. That is of some substance.

My other amendment is only of a formal nature. That is only to avoid some remote possibility of any superior officer issuing an order against the person working under some other officer, though I am sure it will never happen. But the suggestion is only to make the whole thing very formal. But I am particular about my amendment No. 28.

SHRI N. C. SEKHAR: Sir, clause 9 is very important in relation to certain things. It will have dehumanising effects on the people. That is why I said that we should not adumbrate or take such measures in the name of discipline to dehumanise the human element. Here you are referring to\*

[Shri N. C. Sekhar.,] article 311 of the Constitution and you are saying:

"Subject to the provisions of article 311 of the Constitution . . .

You are stipulating to 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. Then you are saying something about the punishments to be meted out to these people, and you say "fine to any amount not exceeding seven days' pay or reduction in pay scale, confinement to quarters for a period not exceeding fourteen days with or without punishment, drill, extra guard, fatigue or other duty, removal from any office of distinction or deprivation of any special emolument." I am strongly opposed to these things and therefore I request the hon. Minister to accept the amendment that we have moved. All the points were explained by me in my speech. Even though the hon. Minister is out to repudiate my argument and argue in his favour saying that he is going to create a human force to protect the national property. I say that it is not to protect the national property, but it will work in such a way as to precipitate thieving and pilferage in some other way., That is why I take objection to clause 9 as it stands now. I would request him to accept my amendment.

SHRI B. K. MUKERJEE (Uttar Pradesh) : Sir, I want to say something . . .

MR. DEPUTY CHAIRMAN: Mr. Mukerjee, I have got only half an hour's time left.

SHRI B. K. MUKERJEE: I can finish my speech in half a minute. Mr. Deputy Chairman, I do not understand why we should not try to improve upon this Bill. It is very sad that the hon. Minister feels that we the Members of this House have mortgaged all our intelligence or intellect with the officers drafting this j

Bill. We feel that this Bill can be improved and should be improved. Sir, I support the amendment moved by my hon. friend, Mr. Jaspat Roy Kapoor. Now here if we delete this word 'think' and substitute it by the word 'find', it will improve the Bill definitely, because the word 'think' is not a term to be used in any sort of legislation. It is too vague. The term 'find' cannot be construed in any other way than what it means. Therefore I hope the hon. Deputy Minister will find his way to see that the Members of this House also have got some intelligence. Therefore it will be very kind of him—though he may not feel it very wise—at least to allow us to amend this Bill by inserting a suitable word.

SHRI SHAH NAWAZ KHAN: Sir, I am very grateful to the hon. Members who have given so much thought to this. But I can assure them that this is nothing new. We have taken this word from the existing Police Act. If it is good enough there, it should be good enough here also.

SHRI JASPAT ROY KAPOOR: Do you want to be as bad as police?

MR. DEPUTY CHAIRMAN: Order, order. I am putting it to vote.

The question is:

10. "That at page 3,—

(i) in lines 24-25, for the words 'whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same; or' the words 'or award any one or more of the punishments for any proved misconduct' be substituted;

(ii) lines 26 to 36 be deleted; and

(iii) after line 36, the following be inserted, namely: —

\*(1A) For the purpose of this section, the following acts or omissions shall be deemed to be misconduct: —

(a) wilful insubordination or disobedience whether alone or in combination with others to any lawful and reasonable orders of a superior;

(b) theft and fraud;

(c) wilful damage to, or loss of, railway goods or property;

(d) taking or giving bribes or any illegal gratification;

(e) habitual absence without leave or absence without leave for more than 10 days;

(f) habitual late attendance;

(g) habitual breach of any law applicable to railways;

(h) riotous or disorderly behaviour during duty hours."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

28. "That at page 3, line 24, for the words 'shall think', the words 'shall find' be substituted."

The motion was negatived.

SHRI JASPAT ROY KAPOOR: Sir, I beg leave to withdraw my amendment No. 29.

♦Amendment No. 29 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 9 stand part of the Bill"

The motion was adopted.,

Clause 9 was added to the Bill. Clause 10 was added to the Bill.

\* For text of amendment, vide col. 2247 supra.

MR. DEPUTY CHAIRMAN: The House now stands adjourned till 2 o'clock.

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

The House re-assembled after lunch at two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

SHRI JASPAT ROY KAPOOR: May I make a submission with regard clause 9 with reference to my amendment No. 29 that was withdrawn by me under the impression that it was not going to be accepted by the hon. the Deputy Minister. He wanted me not to withdraw it. It may kindly be re-opened as it is an acceptable thing.

MR. DEPUTY CHAIRMAN: It has been adopted already.

SHRI JASPAT ROY KAPOOR: We can re-open it. There is a precedent to that effect. In fact, I will not very much mind about it but it is acceptable to the hon. the Deputy Minister.

MR. DEPUTY CHAIRMAN: We will see about it later on.

*Clause 11—Duties of Members of the Force*

SHRI N. C. SEKHAR: Sir, I move:

13. "That at page 4, line 8, after the word 'all' the word 'reasonable' be inserted."

14. "That at page 4, lines 13 and 14 be deleted."

(The amendments also stood in the names of Messrs. Abdur Rezzak Khan and Shri P. Narayanan Nair.)

SHRI SHAH NAWAZ KHAN: Sir, I move:

38. "That at page 4, line 7, for the words 'every member' the words 'every superior officer and member' be substituted."

MR. DEPUTY CHAIRMAN: The clause and the amendments are now before the House.

SHRI N. C. SEKHAR: Mine is a very simple amendment. I, seek to add the word "reasonable" after the word "all", so that it would be obligatory on then to carry out only reasonable orders.

MR. DEPUTY CHAIRMAN: The question is:

13. "That at page 4, line 8, after the word 'all' the word 'reasonable' be inserted."

The motion was negatived.

SHRI N. C. SEKHAR: I do not want 'to press my amendment No. 14.

♦Amendment No. 14 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

38. "That at page 4, line 7, for the words 'every member' the words 'every superior officer and member' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the BiU.

\*For text of amendment, *vide* col. ^252 *supra*.

Clause 12—Poioer to arrest *without warrant*

SHRI N. C. SEKHAR: Sir, I move:

16. "That at page 4,—

(i) at the end of line 20, the word 'or' be deleted; and

(ii) lines 21 to 24 be deleted."

(The amendment also stood in the names of *Shri Abdur Rezzak Khan and Shri Perath Narayanan Nair.*)

SHRI SHAH NAWAZ KHAN: Sir, I move:

39. "That at page 4, line 15, for the words 'Any member' the words 'Any superior officer or member' be substituted."

MR. DEPUTY CHAIRMAN: The question is:

16. "That at page 4,—

(i) at the end of line 2Q, the word 'or' be deleted; and

(ii) lines 21 to 24 be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

39. "That at page 4, line 15, for the words 'any member' the words 'any superior officer or member' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clause 13—*Power to search without warrant*

SHRI N. C. SEKHAR: Sir, I move:

18. "That at page 4, line 27, for the words 'has been, is being, or is likely to be' the words 'has been or is being' be substituted."

(*The amendment also stood in the names of Shri Abdur Rezzak Khan, Shri Perath Narayanan Nair and Shri Jaspat Roy Kapoor.*)

SHRI JASPAT ROY KAPOOR: Sir, I move:

30- "That at page 4, line 34, the words 'so far as may be' be deleted."

SHRI SHAH NAWAZ KHAN: Sir, I move:

40. "That at page 4, line 25, for the words 'any member' the words 'any superior officer, or any member' be substituted."

MR. DEPUTY CHAIRMAN: The clause and the amendments are now before the House.

SHRI N. C. SEKHAR: Regarding my amendment, I submit . . .

SHRI JASPAT ROY KAPOOR: I understand that No. 18 is to be accepted. We need not proceed with any discussion over it.

MR. DEPUTY CHAIRMAN: Yes.

SHRI SHAH NAWAZ KHAN: I am accepting it.

SHRI JASPAT ROY KAPOOR: Regarding my amendment No. 30, it is stated here that the provisions of the Code of Criminal Procedure relating to searches, so far as may be, are applicable here. Perhaps it would be better if these words "so far as may be" are omitted. If the hon. Minister is prepared to accept it, well and good. Otherwise, I am not very insistent about it.

MR. DEPUTY CHAIRMAN: The question is:

18. "That at page 4, line 27, for the words 'has been, is being, or is likely to be' the words 'has been or is being' be substituted."

The motion was adopted.

SHRI JASPAT ROY KAPOOR: I am not pressing my amendment.

♦Amendment No. 30 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

40. "That at page 4, line 25, for the words 'any member' the words 'any superior officer, or any member' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clause 14—*Procedure to be followed after arrest*

SHRI SHAH NAWAZ KHAN: Sir, I move:

41. "That at page 4, line 36, for the words 'Any member' the words 'Any superior officer or member' be substituted."

MR. DEPUTY CHAIRMAN: The question is:

41. "That at page 4, line 36, for the words 'Any member' the words 'Any superior officer or member' be substituted."

The motion was adopted.

\*For text of amendment, *vide* col. 2255 *supra*.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 14, as amended, stand part of the Bill.

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clause 15 was added to the Bill.

*Clause 16—Responsibilities of member of the Force during suspension*

SHRI N., C. SEKHAR: Sir. I move:

19. "That at page 5, after line 11, the following proviso be inserted, namely:

'Provided that the member of the force so suspended from office shall be entitled to get his salary and such other allowances for which he is entitled immediately prior to his suspension for the period he remains under suspension.' "

*(The amendment also stood in the names of Shri Abdur Rezzak Khan and Shri Perath Narayanan Nair.) j*

MR. DEPUTY CHAIRMAN: The clause and the amendment are now before the House.

SHRI N. C. SEKHAR: I want to add a proviso to this clause. When any member of the force is under suspension or is undergoing punishment, he is asked to be there as if he were on active service.

MR. DEPUTY CHAIRMAN: You spoke about this last time. You said that during the suspension period he should be paid a salary,

SHRI N. C. SEKHAR: If he is to be treated as if he was on active service during the punishment period, then he should be given all the amenities that an active member gets.

SHRI SHAH NAWAZ KHAN: This is a matter of detail which will be covered by rules which will be framed. I do not accept the amendment.

SHRI PERATH NARAYANAN NAIR: The hon. Minister says that these would be covered by the rules which will be framed. If that is so, then we have no objection to withdrawing this amendment.

MR. DEPUTY CHAIRMAN: Certain other things also will be covered. He does not say whether this particular thing will be covered or not. Anyway he is not prepared to accept the amendment.

SHRI P. S. RAJAGOPAL NAIDU (Madras): The rules will provide for subsistence allowance.

MR. DEPUTY CHAIRMAN: The question is:

19.. "That at page 5, after line 11, the following proviso be inserted, namely: —

'Provided that the member of the force so suspended from, office shall be entitled to get his salary and such other allowances for which he is entitled immediately prior to his suspension for the period he remains under suspension.' "

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

MR. DEPUTY CHAIRMAN: Amendment number 20 in regard to-clause 17 is barred.

Clause 17 was added to the Bill.



*Clause 18—Application of Act 22 of 1922 to members of the Force.*

MR. DEPUTY CHAIRMAN: Amendment number 21 is barred.

(Amendment number 22 was not moved,,)

SHRI JASPAT ROY KAPOOR: Sir, I move:

23. "That at page 5, line 27, for the words 'they apply' the words 'it applies' be substituted."

MR. DEPUTY CHAIRMAN: The clause and the amendment are now before the House.

SHRI JASPAT ROY KAPOOR: Sir, this is to rectify a grammatical error I understand it must necessarily be acceptable.

SHRI SHAH NAWAZ KHAN: Yes, it is a grammatical error and I accept the amendment.

MR. DEPUTY CHAIRMAN: The question is:

23. "That at page 5, line 27, for the words 'they apply' the words 'it applies' be substituted.

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added 'to the Bill.

MR. DEPUTY CHAIRMAN: Amendment number 24 to clause 19 is barred.

Clause 19 was added to the Bill. 27  
RSD—5

*Clause 20—Protection of acts of members of the Force*

SHRI N. C. SEKHAR: Sir I move:

27. "That at page 5, after line 39, the following proviso be inserted, namely: —

'Provided that the authority issuing such order, shall be liable for any action or actions under any law for the time being in force by the person or persons affected by such order.' "

(The amendment also stood in the names of Shri Abdur Rezzak Khan, Shri Perath Narayanan Nair and Shri Jaspas Roy Kapoor.)

SHRI SHAH NAWAZ KHAN: Sir, I move:

44. "That at page 5, line 31, for the words 'any member' the words 'any superior officer or member' be substituted."

45. "That at page 5, line 36, for the word 'member' the words 'superior officer or member' be substituted."

46. "That at page 6, line 3, for the words 'any member' the words 'any superior officer or member' be substituted."

MR. DEPUTY CHAIRMAN: The question is:

27. "That at page 5, after line 39, the following proviso be inserted, namely: —

'Provided that the authority issuing such order shall be liable for any action or actions under any law for the time being in force by the person or persons affected by such order.' "

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

44. "That at page 5, line 31, for the words 'any member' the words 'any superior officer or member' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

45. "That at page 5, line 36, for the word 'member' the words 'superior officer or member' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

46. "That at page 6, line 3, for the words 'any member' the words 'any superior officer or member' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

#### *Clause 21—Power to make rules*

SHRI JASPAT ROY KAPOOR: Sir, I am not moving amendment number 47. I want to move number 31 with a slight amendment with your permission and I believe, with the hon. Minister's consent. I would like my amendment to read as follows: —

I beg to move:

31. "That at page 6,—

(1) in line 17, for the word 'officers' the words 'superior officers' be substituted;

(ii) in line 19, for the word 'officers' the words 'superior officers and members of the Force' be substituted; and

(iii) in line 21, for the word 'officers' the words 'superior officers' be substituted."

I am inclined to think that they are acceptable to the hon. Minister.

SHRI SHAH NAWAZ KHAN: Yes, Sir, I accept them.

MR. DEPUTY CHAIRMAN: The question is:

31. "That at page 6,—

(i) in line 17, for the word 'officers' the words 'superior officers' be substituted;

(ii) in line 19, for the word 'officers' the words 'superior officers and members of the Force' be substituted; and

(iii) in line 21, for the word 'officers' the words 'superior officers' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 21, as amended, stand part of the Bill."

The motion was adopted.

Clause 21, as amended, was added to the Bill.

#### *The Schedule*

SHRI SHAH NAWAZ KHAN: Sir, I beg to move:

7. "That at page 7, line 4, for the figure '1956' the figure '1957' be substituted."

MR. DEPUTY CHAIRMAN: The question is:

7. "That at page 7, line 4, for the figure '1956' the figure '1957' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That the Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Schedule, as amended, was added to the Bill.

*Clause 1—Short title, extent and commencement*

SHRI SHAH NAWAZ KHAN: Sir, I beg to move:

2. "That at page 1, line 4, for the figure '1956' the figure '1957' be substituted."

MR. DEPUTY CHAIRMAN: The question is:

2. "That at page 1, line 4, for the figure '1956' the figure '1957' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

*The Enacting Formula*

SHRI SHAH NAWAZ KHAN: Sir, I beg to move:

1. "That at page 1, line 1, for the word, 'Seventh' the word 'Eighth' be substituted."

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 1, line 1, for the word 'Seventh' the word 'Eighth' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted..

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI SHAH NAWAZ KHAN: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY CHAIRMAN; Motion moved:

"That the Bill, as amended, be passed."

We have ten minutes more.

SHRI BHUPESH GUPTA: I will not take even ten minutes. I want only to elicit a statement, if I may, from the hon. Minister with regard to certain aspects of the Bill. In the course of my speech, I had insistently demanded that it be made clear that this measure would not be used in any way in suppressing or interfering with trade-union activities.

MR. DEPUTY CHAIRMAN: The hon. Member was not here when the hon. Minister (made that statement.

SHRI BHUPESH GUPTA: I am analysing the statement. Sir.

MR. DEPUTY CHAIRMAN: It won't be used to suppress any lawful activities.

SHRI BHUPESH GUPTA: The hon. Minister has made the statement and

[Shri Bhupesh Gupta.] you are satisfied with it. Precisely you have got it. It is good that you come to the point much quicker than I. You have got there 'lawful activities'. Now I would not like a qualification to be here because trade union activities are always lawful activities. If anything becomes unlawful there is the ordinary law, the Indian Penal Code, the Criminal Procedure Code, and there is of course the police force to take matters in their hands. I do not think that this Government or the railway authorities either with the help of the railway protection force or otherwise should enter that domain. To make it very clear I am not here to support unlawful activities, activities which violate the law. That is not at all my concern at the moment. All that I want is that their normal activities should not be interfered with. I made a suggestion that the system of interfering with the meetings or reporting on the meetings by the watch and ward should stop. I would ask the hon. Minister to tell the House and the country that this railway protection force would not be given any assignment to report on the trade union meetings held by the workers and the employees of the railway. Any report coming from them with regard to such matters should not be entertained either by the Inspector-General or by the Security Officers in the various zones. This system should be discouraged. He should say this thing. Now you will say: What about the meetings? Well, if the meetings are, what they call, subversive or any such thing, there are the normal ways of taking cognizance of such meetings and keeping track of such men, but the police, this particular force, need not come into the picture at all. I am again asking the hon. Minister which I have done time and again that this should be made clear. Misgivings do exist in the minds of the railwaymen. I am not a railwayman. When I say this thing, I am only voicing the feelings and the anxieties of hundreds and thousands of rail-

waymen. We have been receiving representations, letters and all kinds of things. Certain things also appear in the press. The unions have expressed that they should be allowed their legitimate rights. I am not going into that. I am trying to express those sentiments and feelings here. I think the hon. Minister should disabuse the minds of railwaymen of any kind of apprehensions, whatsoever they may be in the matter. A clear, categorical, unqualified forthright statement to the effect that this force is not meant in any manner to interfere with the trade union activities of the working class or otherwise prying upon them and the rest of it would be very much appreciated and welcomed. I hope the hon. Minister would make that statement and would not try to be prevaricating about it or qualify it.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): Just a few words only, Sir.

MR. DEPUTY CHAIRMAN: Just two minutes.

SHRI JASPAT ROY KAPOOR: We shall finish this much before 1 hour and 30 minutes. We have still about 10 or 12 minutes. Anyway I won't take much time.

MR. DEPUTY CHAIRMAN: It is about five minutes more. At 2.30 we have to take up the next Bill.

SHRI JASPAT ROY KAPOOR: I would submit we started dealing this at about 12.10. At 12 the Question Hour was over. Then we had the Short Notice Question and then something else. Anyway even this much time can be saved if I proceed straight with my submission.

My one submission is that I do not consider this measure to be necessary at all. At the initial stage I had said that this would not serve any useful purpose. With regard to that my hon.

friend was saying that I see everything black. Hardly anything like that. I had said that, seeing the position in the country, we dance virtually as the peacock does; only the ugly leg is there and the ugly leg is the demoralising situation in the society, and I think the hon. Minister and all his colleagues would do well to realise that there is something very rotten in the society so far as the moral aspect was concerned. I am glad that I have at this moment the presence of my hon. friend Mr. Gulzarilal Nanda who realises it probably more than anybody else and has therefore brought into existence the Sadhu Samaj to deal with the situation.

My another point is that it appears to me, though at a very late stage now, that this measure is unnecessary and it appears to me to be so because of the fact that the Railway Ministry themselves at page 10 of their White Paper have claimed very great credit for the existing force. They say in the last paragraph on page 10, "The increased effectiveness of the Railway Protection Force is evident from the steady reduction in the number of thefts in running trains, yards and goods sheds since 1953, when there were 7,630 cases, to less than half that number in 1956. "That being so, if the existing force is so very effective, why at all was the necessity felt for bringing before us this new measure with this Statement of Objects and Reasons, which led us to think that the existing force is hardly effective at all? It says in the Statement of Objects and Reasons, "The Railways have during these years incurred heavy losses on account of theft and pilferage of railway property" etc., and this Railway Protection Force is the same as the watch and ward.

SHRI P. S. RAJAGOPAL NAIDU: No, no, that is different.

SHRI JASPAT ROY KAPOOR: The watch and ward is going to be con-

verted into the Railway Protection Force, I suppose.

SHRI P. S. RAJAGOPAL NAIDU: Hereafter.

SHRI JASPAT ROY KAPOOR: Exactly so. In this White Paper they say that the Railway Protection Force is the new designation that they are going to give to it, which only meant that this watch and ward has been doing the thing very properly and effectively, thefts being reduced to half. That being so, why do you say in the Statement of Objects and Reasons that it has all been ineffective? 'it is an obvious contradiction. You cannot use any words, any expressions or any language, whatever it may be, as they suit you at any particular moment. Now all this time we were lending support to the measure under the idea and belief derived from the Statement of Objects and Reasons, that the present force has not been effective enough. But I notice in the White Paper that the existing force has been effective enough, was so very useful that it brought down pilferage to 50 per cent. Still you have come before this House with this measure seeking to give it more powers and we were under the mistaken impression all this time that the existing force and powers were ineffective and more powers were necessary.

MR. DEPUTY CHAIRMAN: We have passed the clauses already.

SHRI JASPAT ROY KAPOOR: Just a minute only; only 30 seconds and no more.

Apart from that I feel very unhappy that of all the persons the Deputy Minister found it necessary to support the view that the superior officers should not be members of this Force at all. I have with me the Police Act of 1861 and I am glad to find that even here such a distinction as I find in this Bill is not made.

[Shri Jaspat Roy Kapoor.] There is always the distinction with regard to salary, position and powers, but I have not come across one single instance, whether it be in the army or in the police, where superior officers, are not considered to be members of the force; though they are in the force, yet not members of the force. This is a very bad precedent that you are creating in the Year of Grace 1957, when we are crying from the housetops to create a new society on a socialistic pattern. This is not socialistic. I do not know what it is. It is anything but socialistic.

SHRI SHAH NAWAZ KHAN: Sir, I have nothing to add to the reply I gave to the hon. Member before. I do not know how he got this afterthought because he did not touch on this aspect before. Let me give him the example of the army Commander-in-Chief. He would be Chief of Staff. He would be regarded as a superior officer. Nevertheless he is a soldier like any other soldier. Same is the case with the superior officers of this force. It is mainly defining the status of an officer. Nevertheless he is a member of this Railway Protection Force in the wider sense of the term. I may inform the hon. Member, Sir, that this watch and ward has been existing on the railways for the last 20 or 25 or even 30 years, and it is in respect of that organisation that I was talking. For the last, I think about two or three years, when the situation regarding thefts became very serious we started reorganising it and improved results were obtained as a result of the reorganisation which had taken place in anticipation of this Bill. It is only to give legal shape to what we had done, this Bill was brought forward I may inform the hon. Member that we intend giving rifles and other weapons to some members of this Force for their duties, as I told you, in dacoit-infested areas, to deal with the Naga

hostiles, to protect the trains, etc. For these purposes they will have to be armed with rifles.

SHRI BHUPESH GUPTA: I hope not for use on Kalka workers.

SHRI SHAH NAWAZ KHAN: We must give some sort of a legal form to make it a statutory body. Otherwise, to have about 5,000 men or so going about with rifles and not bound by strict rules of discipline will be very dangerous for the country. So it is only to bring about those improvements, also to give more powers to our youths, to the watch and ward men, to assist people, so that they can be more effective. It is only the necessities of the cases that made us bring forward this Bill.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

#### **THE INDUSTRIAL DISPUTES (AMENDMENT) BILL, 1957**

THE MINISTER FOR LABOUR AND EMPLOYMENT AND PLANNING (SHRI GULZARILAL NANDA) : Sir, I beg to move:

"That the Bill further to amend the Industrial Disputes Act, 1947, as passed by the Lok Sabha, be taken into consideration."

Sir, the Bill before the House does not call for any elaborate explanation. The necessity for it arose because of a judgment of the Supreme Court. And this arose out of a case which came up before the High Court of Bombay. The parties were the Barsi Light Railway Co Ltd. and the Barsi Light Railwaymen's Union and the workers. The High Court gave its judgment in favour of the