

12.20 hrs.

STATEMENT RE: RAILWAY MINISTER'S DISCUSSION WITH THE PRESIDENT ABOUT POST-STRIKE SITUATION

THE MINISTER OF RAILWAYS (SHRI L. N. MISHRA): Mr. Speaker, Sir, after the question of striking railwaymen was raised in the House on the 19th instant, I contacted Shri Abdul Hamid, Press Secretary to the President, and got from him a text of the President's answer to the question submitted by the PTI correspondent. I quote the extract of the portion pertaining to the President's talk with me on this subject:—

"I met the Railway Minister on the 17th and we both had a fruitful discussion regarding the re-instatement of all the employees not charged with sabotage or violence. He assured me that this will be resolved soon to the satisfaction of everyone. I want all parties to unite in this effort. I am sure, justice will not be delayed."

I may add that I did assure the President that cases of individual railway employees would be looked into sympathetically.

Some Hon. Members rose—(Interruptions)

MR. SPEAKER: So many of you are speaking at a time. I cannot listen. I can listen to only one Member at a time.

SHRI DINEN BHATTACHARYYA (Serampore): I have asked for a discussion on this matter under Rule 193. (Interruptions)

SHRI INDRAJIT GUPTA (Alipore): Sir, the paragraph which the Railway Minister has quoted just now and which, he says, is confirmed by the Press Secretary to the President, Shri Abdul Hamid, is the same. I was comparing, as he was reading, from the newspaper report. There is no difference. Word for word, it is

the same here. But he has not quoted the previous paragraph. His quotation begins from the words:

"I met the Railway Minister...."

The previous paragraph to that, in this interview, is:

"I would like that those who are not responsible for violence and sabotage should, without exception, be taken back into service without victimisation or break in service. If this is followed, we shall have no regrets later and the economy of the Railways will improve."

Yesterday, I had quoted this also. I wanted to know what is his reaction on behalf of the Government to this very clear request made by the President. He has not said anything about that.

SHRI L. N. MISHRA: Of course, this is a delicate matter. The President's statement is being quoted. I would request the hon. Members to go by the facts, not by emotions and sentiments.

I got a copy of the statement from the Press Secretary to the President, Shri Abdul Hamid. There are other paragraphs also but not concerned with the talk with me. In the last paragraph, he says:

"I met the Railway Minister...." I am only quoting what he told me. These things are his views. What has been conveyed to me is the last paragraph. I have honestly quoted what he conveyed to me. I assured the President that individual cases would be looked into sympathetically. (Interruptions)

श्री अटल बिहारी वाजपेयी (ग्वालियर) :
अध्यक्ष महोदय, कल जो मामला उठाया गया था, वह केवल इतना नहीं था कि राष्ट्रपति जी और रेल मंत्री के बीच में क्या बातचीत हुई। मामला यह था कि राष्ट्रपति जी ने सार्वजनिक रूप से जो बात कही है और जो सरकार के

लिये सलाह के रूप में है कि किसी भी रेलवे कर्मचारी को किसी तरह की सजा नहीं होनी चाहिए, सिवाय उनके जो सेवोटाज से ग्रस्त बागलेस ले जुड़े हुए हैं, यहां तक कि ब्रैक-इन-सर्विस भी नहीं होनी चाहिए—इसके बारे में रेल मंत्री की क्या प्रतिक्रिया है? क्या सरकार इस सलाह को मानने के लिए तैयार है या रद्दी की टोकरी में फेंकने जा रही है ?

श्री एल० एन० मिश्र : अध्यक्ष जी, राष्ट्रपति जी की राय को सर्वदा इज्जत से, आदर से देखा जाता है और आगे भी देखेंगे। लेकिन जैसा आप ने कहा कि उन्होंने मुझसे क्या कहा—मैं इनका ही कह सकता हूँ जो मैंने अपने स्टेटमेंट में कहा है, इसलिए जो उन्होंने मुझसे कहा और जो उनकी राय है उसे आप जानते हैं। हम हमेशा उनकी राय को इज्जत से देखते हैं।

श्री अटल बिहारी वाजपेयी : क्या देखते हैं ? यह तो वही बात हुई कि हम आप को इज्जत की नजर में देखते हैं, लेकिन आप की बात नहीं मानेंगे।

श्री इन्द्रजीत गुप्ता : अध्यक्ष महोदय, यह तजुर्बा तो आप को भी है—

All of us respect you, and you always accuse us of not following your advice.

गवर्नमेंट यही कर रही है।

अध्यक्ष महोदय : मेरी बात छोड़िये। कल आप ने कहा तो मैंने गवर्नमेंट को डायर-रेक्वायरी कि राष्ट्रपति जी ने इस पर जो कहा है उसके बारे में अपना स्टेटमेंट कीजिए। अब यह स्टेटमेंट मुझे तो नहीं जाना है, उनको लिख कर लाना है। अब आप मुझे कहें कि मैं ही उनकी तरफ से लिख दिया करूँ यह कैसे हो सकता है।

SHRI S. M. BANERJEE: I rise on point of order.

MR. SPEAKER: Point of order on what? I cannot force the Minister to make a statement in a particular way; I can only direct him to make a statement. In my opinion, all that you can do, in case you are not satisfied, is to ask for a discussion.

SHRI H. N. MUKERJEE (Calcutta-North-East): Could I have your guidance? This matter has been permitted to be raised because of the importance of it. The President, like the Crown in England, has the right to encourage, the right to be consulted, and the right to warn, and he has done it in this case. Having done that, surely, certain results ought to ensue, and judging from the sentiments of the House, at least on this side, you can see how the public are agitated. Therefore...

अध्यक्ष महोदय इस पर मैं फाई-गिडज नहीं दे सकता हूँ, इस पर तो आप ने मिनार कोजिये।

SHRI H. N. MUKERJEE: Therefore, you may kindly facilitate a discussion which is being called for, of which notice has already been given by one of us, and this might possibly be expedited so that you take note of the emotions in the country and get the Government tell us in detail about its reaction to the Presidential advice. The President has warned the Government, he has given his advice, and the Government can ignore it only at its own peril. That being so, this House has a right to discuss it.

MR. SPEAKER: That is your right. Kindly sit down. If you can gain anything by doing like this or shouting, I will keep on sitting till some solution comes.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): The Minister was asked to make a statement as to the reaction of the Government. We

have not asked for confirmation of President's interview. The President is a great democrat and we would have gone to him straight. He is only giving a confirmation of..

SHRI L. N. MISHRA: I gave my reaction.

SHRIMATI PARVATHI KRISHNAN: What is Government going to do about it? What are you going to do in line with the President's advice. That is the point. We were not questioning the veracity of what has happened..

SHRI DINESH CHANDRA GOSWAMI (Gauhati): He has given his reaction.

SHRIMATI PARVATHI KRISHNAN: No reaction. The President has given certain advice and he has to say what he is doing in line with the President's advice.

SHRI S. M. BANERJEE: I rise on a point of order.

MR. SPEAKER: No point of order now. We are very much behind time. Order please.

SHRI DINEN BHATTACHARYYA: Shri Indrajit Gupta has clearly stated what the President had said. He has not replied what he is going to do about it.

MR. SPEAKER: He has quoted from the official copy of what the President has said. May I request all of you to kindly sit down? Please don't do it.

SHRI DINEN BHATTACHARYYA: Here is a categorical statement by the President of the country that the Ministry should take back all those employees who are not directly charged of sabotage but what is his reaction about that?

MR. SPEAKER: I cannot force the Government to come out with a statement.

SHRI DINEN BHATTACHARYYA: Does he give an assurance that all the employees will be taken back? (Interruptions)

MR. SPEAKER: I am not able to listen to all of you.

श्री अटल बिहारी वाजपेयी: आप यह तो देख सकते हैं कि यह जो बकनब्य दिया गया है वह पूरा है या नहीं है। (व्यवधान)

SHRI A. P. SHARMA (Buxar): They want to have reaction of the Government, Sir, and the Minister had already given such a reaction. He said, he respects the advice of the President. He will see that the advice of the President is reflected. What more reaction do you want? They should take advantage of this and leave it here. What more reaction do they want?

SHRIMATI PARVATI KRISHNAN: So many thousands of families of railway employees are starving. Are not the women and children your sisters? (Interruptions).

SHRI S. M. BANERJEE: Mr. Speaker, Sir, we want a discussion on this. Otherwise we will not allow the supplementary budget to be presented. (Interruptions).

MR. SPEAKER: Don't take the time of the House like this everyday.

SHRI S. M. BANERJEE: We want the Railway Minister to tell us as to what will happen to these 22,000 employees. We want reinstatement of all of them. (Interruptions).

MR. SPEAKER: Order, please. Will you kindly sit down? I have been listening to you patiently.

SHRI S. M. BANERJEE: All that we want is a discussion. (Interruptions).

SHRI JYOTIRMOY BOSU (Diamond Harbour): All that we want from the Government is a statement.

Are they going to heed the advice of the President? Why are we not able to have a discussion on this? Let the Government tell us as to what they are going to do with the President's advice.

SHRI INDRAJIT GUPTA: From the paragraph which he has quoted, I take it, that he does not challenge the authenticity of it. He has quoted it in his own statement. Now, will you please tell the House clearly whether you agree with this statement which you have read out as attributed to the President, namely, 'He assured me', that is, you assured the President that the question of reinstatement will be resolved soon to the satisfaction of everyone? This is what you have read out—the text of the President's statement. I want to know whether you agree with this that you assured him that this will be resolved soon to the satisfaction of everyone. Have you given him this assurance or not? If not, you must deny it? If 'Yes', you must stand by this assurance.

SHRI L. N. MISHRA: Perhaps Shri Indrajit Gupta did not hear me properly. I said: 'I may add' this is what I assured the President—that cases of individual employees would be looked into.

SHRI INDRAJIT GUPTA: No, no. (Interruptions).

श्री छटल बिहारी बाजपेयी : मदन को समझा दिया जा रहा है। प्रिवलेज का मोशन लाना पड़ेगा।

श्री बीनेन भट्टाचार्य : मरामर झूठ बोना है।

SHRI H. N. MUKERJEE: Sir, the Government has declared war on the working class. In that context don't you think it important that the Leader of the House, that is, the Prime Minister is ultimately responsible for whatever policy is implemented or

sought to be implemented be called to the House and made to answer. The advice of the President is to the Government through Mr. L. N. Mishra. We have the right to know how the Prime Minister as the head of the Government reacts to the advice of the President. We want to have a full-fledged discussion. There is a declaration of war by the Government on the Indian working class. If it is so, you will have to do something.

SHRI ATAL BIHARI VAJPAJEE: We want to know was the advice of the President was considered by the Cabinet? It is not a simple matter. The advice has been given publicly. (Interruptions)

श्री छटल बिहारी बाजपेयी : मेरा व्यक्त्या ना प्रश्न है। आगे निर्णय पर रेल मंत्री ने बयान दिया है। उस बयान को लेकर विवाद खड़ा हो गया है कि सचमच ने राष्ट्रपति महोदय से रेल मंत्री को क्या वागदोर हुई थी। राष्ट्रपति जो का बयान अखबारों में छापा है उसे देख कर और रेल मंत्री ने जो कुछ कहा है उसे मन कर ऐसा लगता है कि रेल मंत्री महोदय ठीक बात नहीं कह रहे हैं।

श्री एस० एम० बनर्जी : राष्ट्रपति ने इनको क्या कहा वह पूछें आप।

अध्यक्ष महोदय : राष्ट्रपति के दफ्तर में कर्तव्य सन्धि में लागू हैं वह हमें। मैं अब क्या पूछना करूँ कि प्रेश में जो घाया है वह ठीक है या वह जालान है वह ठीक है। मैं यह भी नहीं कह सकता हूँ कि जो प्रेश में घाया है वह गलत है। राष्ट्रपति के दफ्तर ने जो उनका दिया है वही उन्होंने पढ़ा है।

श्री छटल बिहारी बाजपेयी : पूरा नहीं पढ़ा है।

MR. SPEAKER: He may better lay it on the Table.

SHRI L. N. MISHRA: Yes, I am doing so.

SHRI INDRAJIT GUPTA: He read out only one paragraph.

SHRI SAMAR GUHA (Contai): On a point of order. I want to draw your attention to one important matter. This question is related to the statement that has appeared in the press in the name of the President, and that statement was a full and complete one and that was read out by my hon. friend Shri Indrajit Gupta yesterday and he had reiterated the same thing today. You, Sir, in your wisdom said yesterday that the hon. Minister would make a full statement in regard to what actually had transpired between the President and the hon. Railway Minister....

SHRI C. M. STEPHEN (Muvatupuzha): No, only his reaction.

SHRI SAMAR GUHA ...and the reaction of the hon. Minister. The most important point now is that keeping back the most relevant point and the relevant portion of the statement of the President that had appeared in the press the hon. Minister has reported to this House only that portion which suited his purpose.

The President had said this some time earlier, and he said the same thing another time also. I had also met him and he had categorically said that the Railway Minister had categorically assured him that those who had not been prosecuted on charge of violence or sabotage activities would be reinstated without break in service. This was what the President had categorically told me. When he categorically told me, he used the words 'without break in service all who were not

involved in sabotage or any violent activities'. Now he has repeated publicly what he told the Railway Minister in his own chamber. It has appeared in the press.

Now what is the constitutional obligation? The constitutional obligation is not to sign a scroll; it is not to bring out a stamp in honour of the President. The constitutional obligation of Government is to honour his advice which is constitutional (*Interruptions*). As Shri H. N. Mukerjee has rightly pointed out, an advice has been communicated through the Railway Minister to the Prime Minister. Therefore the Railway Minister has concealed facts. I want to know whether Government are going to honour your statement and at the same time honour the advice given publicly by the President which is usual but they are taking the unusual step of having a stamp or having a scroll for him which has not been accepted either in the case of Dr. Rajendra Prasad or in the case of Dr. Radhakrishnan.

SHRI S. M. BANERJEE: I have a limited point of order and I want your ruling on that. We are in a peculiar situation. A report said to be the gist of a talk exchanged between the President and Shri L. N. Mishra regarding the employees who participated in the railway strike came out in the press. Taking advantage of this, my hon. friend, Shri Indrajit Gupta, raised it on the floor of the House with your permission. When the entire House at least this side of it, was agitated, you in your wisdom asked for a statement from the hon. Minister. What was that statement about? We wanted to know what transpired between the President and the hon. Minister, what was the advice given by the President to the hon. Minister and whether he had acted on that advice. This was the limited question.

He has not quoted the entire statement. When a pertinent question was

put to him by Shri Indrajit Gupta as to what was the advice given by the President....

MR. SPEAKER: Please come to the point of order. You are making a regular speech.

SHRI S. M. BANERJEE: I am not making a speech. When a question was asked to what was the advice given by the President, no answer came.

We cannot go to the President to check up on this. We cannot ask him to address both the Houses and say what he did say to the Minister. So I want either a discussion or you give us your ruling on this. The entire proceedings of the House must be referred to the President. Even today he is the President. Tomorrow that gentleman may be elected or defeated. That is not the thing. The point is that even today he is the President. The entire proceedings must be sent to him. Let him know. Let the country know what was his advice. Or allow us to put a question to him and expose this Government on the 22nd when we are giving him a farewell.

As I said, we cannot check up with the President. So I want your ruling. The proceedings should be sent to him. Or send an all-party delegation to the President to ascertain the full facts. The fate of the railway employees is hanging on that. I would appeal to your impartiality and sense of justice and fairplay to agree to this.

SHRI H. N. MUKHERJEE: We are not entitled to know what advice the President gave to X or Y. But we are entitled to this, the government reaction to the public announcement of the advice tendered by the President because the government reaction affects the condition of the working class which today feels it is being fought in the most barbarous fashion by government action in the railways. This is a point arising out of what you

have permitted to be said in this House. We in this House surely want a discussion in which the Government represented primarily by the head of the Government should answer whatever charges arise in our minds in regard to this entire episode. This episode is constitutionally, politically and economically important for this country at the present stage. Parliament has got to take notice of it and you as Speaker, have got to help Parliament take notice of it in the proper fashion.

श्री मधु लियये (बाँका) : अध्यक्ष महोदय, कल आप ने निर्देश दिया था कि रेल मंत्री इस विषय पर वक्तव्य दें जैसा कि अखबारों में आया है, क्या राष्ट्रपति जी ने उनका कहा है कि जिन लोगों पर हिंसा और भेदाचार के आरोप नहीं हैं, उन सभी को वापिस काम पर लिया जाये और क्या रेलमन्त्री ने राष्ट्रपति जी को यह आश्वासन दिया कि उन सभी लोगों को वापिस लिया जायेगा और इस मामले को 'द्वि सैटिमफ़ेशन आफ एबीवाडी' हल किया जायेगा। हम आप की यह व्यवस्था चाहते हैं कि क्या आप के निर्देश का पालन हुआ है।

SHRI DINEN BHATTACHARYYA: You should understand the implications of the situation. Already many dismissed employees are committing suicide. Thousands of them are on the street. The advice was categorical and there is no ambiguity about it. He categorically assured that those who have no charge against them of sabotage will be taken back and he would do it to the satisfaction of all. "All" means all railway employees, those who have been dismissed or suspended or have suffered a break in service. He has suppressed this assurance which he gave to the President. I do not know why he is playing this dubious role. Already so many corrup-

tion charges are there against him and he should feel ashamed. Now he is doing this also.

SHRI JYOTIRMOY BOSU: Your observation yesterday was that the Government should tell the House what they are going to do in the light of the President's advice. I was anxiously waiting to hear an elaborate statement from the Railway Minister stating what reaction Government has generated in itself on the face of what the President has advised, but so far the Railway Minister has gone nowhere near it. Would you kindly read your own observation from yesterday's debate and make it mandatory on the Railway Minister or Prime Minister to make a statement as to what they propose to do in the context of the President's advice which was very specific.

13.00 hrs.

MR. SPEAKER: Yesterday this point was raised based on the observations made by Rashtrapati and I asked the minister to come out with a statement and reaction. About the statement made by Rashtrapati this is the copy given by Mr. Abdul Hamid, Director in charge of Publicity, Rashtrapati Bhavan. The first para contains general observations—that the solidarity should be kept, this and that. The last para is like this:

"Talking of the recent strike, I would like"—this is the portion other than the one quoted by him—

"I would like those who are responsible for violence and sabotage should, without exception, be taken back into service."

—the words used are "without exception be taken back into service—

"without victimisation or break in service."

(cheers) Suddenly your mercury goes up and then it comes down so suddenly.

SHRI ATAL BIHARI VAJPAYEE: Sir, we are applauding the President and not your ruling.

MR. SPEAKER: In these few years my skin has grown very thick. But it is not so thick as to endure all this. I cannot continue my link if you break it like this. I will just sit down if you so desire.

SHRI ATAL BIHARI VAJPAYEE: There should be no break in service for the railway employees.

MR. SPEAKER: There should be no break in my speech also. The Rashtrapati says:

"Those who are not responsible for violence and sabotage should without exception, be taken back into service without victimisation or break in service. If this is followed, we shall have no regrets later, and the economy of the railways will improve."

The last paragraph is as quoted by the Minister:

"I met the Railway Minister on the 17th and we both had a fruitful discussion regarding the reinstatement of all the employees not charged with sabotage or violence. He assured me that this will be resolved soon to the satisfaction of everyone. I want all parties to unite in this effort. I am sure justice, will not be delayed."

Now, the Minister's reaction is in two lines:

"I may add that I did assure the President that cases of individual railway employees would be looked into sympathetically."

The advice given by the Rashtrapati is that "those who are not responsible for violence and sabotage should, without exception, be taken into service without victimisation or break in service" whereas the assurance of the Minister is that individual cases will

be looked into sympathetically. Later on the the Minister says that he did assure the President. So, there is difference between the two. The Rashtrapati says that the Minister assured him that this will be resolved to the satisfaction of everyone. But the Minister comes out with a statement that individual cases should be looked into sympathetically.

SHRI L. N. MISHRA: I said, all individual cases would be looked into.

MR. SPEAKER: I will not say whether the Rashtrapati is wrong or the Minister is wrong. I am not holding anybody wrong.

श्री अटल बिहारी वाजपेयी : आप के निर्देश का पालन नहीं हुआ । जो राष्ट्रपति जी का बयान अखबारों में छाया था और जिस के अनुसार सब कर्मचारियों को बिना ब्रक-इन मॉविस के लेना है, उम के बारे में रेल मंत्री का रिप्रेजेंटेशन क्या है यह हम जानना चाहते हैं ...

अध्यक्ष महोदय : वह जो रिप्रेजेंटेशन उन्होंने दिया है वह भी आप के सामने है और जो राष्ट्रपति जी ने दिया है वह भी आप के सामने है । . . (व्यवधान) . . .

मिनिस्टर ने जो आप के सामने कहा है वह आप के सामने है और राष्ट्रपति जी का जो पेर में आया है और जो उन के पब्लिसिटी आफिसर ने दिया है वह भी आप के सामने है । मैं किस को कहूँ गलत है, किस को कहूँ सही है ?

श्री अटल बिहारी वाजपेयी : इन का रिप्रेजेंटेशन क्या है ?

अध्यक्ष महोदय : रिप्रेजेंटेशन आप समझ लीजिए ।

I am not there to judge.

SHRI INDRAJIT GUPTA: What the President has said has not been denied by the Minister (Interruptions)

MR. SPEAKER: Shri Muhammed Khuda Bukhsh.

SHRI ATAL BIHARI VAJPAYEE: We walk out. (Interruptions) Some Hon. Members then left the House.

MR. SPEAKER: Please don't interrupt. I have called Shri Muhammed Khuda Bukhsh.

Please do not waste the time of the House. It should not go on like this indefinitely.

SHRI P. K. DEO: Sir, I rise on a point of order.

MR. SPEAKER: I have gone to the next item. I have called Shri Muhammed Khuda Bukhsh. The previous item has been disposed of. I have told you that if you are not satisfied you could ask for a discussion. That is over now. (Interruptions) Order, order. I am not able to listen to anything. There is a clear procedure. I cannot force the Minister to give a statement.

13.15 hrs.

MATTERS UNDER RULE 377

(1) REPORTED FAILURE OF ALARM-CHAIN SYSTEM IN UPPER INDIA EXPRESS

SHRI MUHAMMED KHUDA BUKHSH (Murshidabad): Mr. Speaker, Sir, I am deeply grateful to you for giving me this opportunity of raising a grave matter of public importance namely, the failure of the alarm chain system in the trains in times of emergency. I am further grateful to you for having condoned the delay in giving notice for the motion. (Interruption) The Speaker has clearly told you that you can have a discussion. Why are you shouting? (Interruption) Sir, they are preventing me from exercising my right to speak in this House. I seek your protection. You have all the powers in your hand to