

(ii) G.S.R. 1539 published in Gazette of India dated the 14th October, 1965. [Placed in Library. See No. LT-5119/65].

(iii) G.S.R. 1585 published in Gazette of India dated the 27th October, 1965. [Placed in Library. See No. LT-5121/65].

(iv) G.S.R. 1569 published in Gazette of India dated the 30th October, 1965. [Placed in Library. See No. LT-5120/65].

(3) a copy of the Delhi Sales Tax (Amendment) Rules, 1965, published in Notification No. F. 4 (98)/64-Fin (E) in Delhi Gazette dated the 29th July, 1965, under sub-section (4) of section 28 of the Bengal Finance (Sales Tax) Act, 1941, as in force in the Union Territory of Delhi. [Placed in Library. See No. LT-5110/65].

(4) a copy of Notification No. G.S.R. 1491 published in Gazette of India dated the 30th September, 1965, under sub-section (4) of section 280ZE of the Income Tax Act, 1961. [Placed in Library. See No. LT-5117/65.]

12.43 hrs.

RAILWAYS (EMPLOYMENT OF MEMBERS OF THE ARMED FORCES) BILL—contd.

Mr. Speaker: Further consideration of the following motion moved by Dr. D. S. Raju on the 8th November 1965, namely:—

"That the Bill to make certain provisions relating to the employment of members of the Armed Forces of the Union in the working and management of railways, be taken into consideration."

श्री श्रीकार लाल बेरवा (कोटा) :
इस पर कितना समय रह गया है ?

प्रध्यक्ष महोदय : दो घंटे का समय इस के लिए था जिस में मे 45 मिनट खर्च हो चुके हैं और अभी 1 घंटा और 15 मिनट बाकी रहते हैं ।

Shri D. C. Sharma (Gurdaspur): My first duty is to pay my humble tribute to the railway workers of all grades in all parts of India for the splendid part they played when we were fighting aggression from Pakistan.

You, Sir, were kind enough to send a parliamentary delegation to the forward areas. One of the under-secretaries of this secretariat was with us. He had promised to give us a meal at Ludhiana. He wanted to see where we were located and he held a torch to see whether he could find us out. But he was taken hold of by the railway authorities, thinking that he was a Pakistan spy. He was not able to come to us. He was held there for about 30 minutes. That shows how vigilant the railway authorities have been at the time of the aggression.

12.45 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

I think I am fully justified in saying that the railways all over India have given a very good account of themselves. This becomes all the more apparent when we come to those areas where the war actually fought, in the Punjab and Rajasthan, and also Assam and other States of India. I know what the railway workers did all along the line from Amritsar to Pathankot. I know what wonderful work they did in the railway line from Ludhiana to Ferozepore and Fazilka. In the same way, railway workers of all grades in Rajasthan did their duty by their country. Their work was a work of dedication. I think the whole country is proud of it.

[Shri D. C. Sharma]

So far as my own constituency is concerned, it had to bear the brunt of Pakistani aggression. Gurdaspur was bombed, Pathankot was bombed, Dinanagar was bombed, Bhariwal and Batala were bombed. People lived in a very strange kind of atmosphere. Of course, they had no fear. All the same, they know they were liable to attack any time of the day or night. As you know, a railway train carrying petrol was bombed at Gurdaspur. In the same way, the marshalling yard at Dinanagar railway station was damaged. While I pay my tribute to the railway workers, I also pay my tribute to the citizens of the Gurdaspur district, Dinanagar and Batala and Pathankot who volunteered themselves at that time in hundreds in order to offer their services. Some volunteered to disengage the burning wagon from the other wagons. If that petrol wagon had not been disengaged, I think Gurdaspur would have been reduced to ashes that very day. So the railway workers and the voluntary workers are all to be congratulated on bearing the brunt of the Pakistani aggression.

At the same time, I feel that this is a wholesome Bill, because I feel there are occasions when our civilian forces cannot work as efficiently as our armed forces. This happens when there is any kind of aggression. All these strategic lines of India from Amritsar to Pathankot, from Ludhiana to Ferozepore and Fazilka, all the lines of strategic importance—in fact, I do not know which line is not of strategic importance now—all the lines of India have, I feel, to be taken over sooner or later, at one time or other, by the military authorities because they can ensure greater safety of passengers, greater custodianship of goods and greater preservation of the transport activities of our country. This Bill is aimed at that.

But I find that this Bill does not refer only to that. This Bill relates to the past. But in the *Hindustan Times*

of Sunday, 7th Nov., I read an account which shows that the Defence Ministry has not to sleep over this Bill; it has not to go on a holiday after the Bill has been passed, but it has to think of the immediate future, the near future. In the *Hindustan Times* issue of the date I referred to, it is given that there is a very heavy build-up by Pakistan in the Sialkot and Lahore sectors and that the Jammu, Ferozepore and other districts are very much in the purview of their military activities, that Pakistan is not going to be content with these things, but it is also thinking of staging some kind of aggression in Kashmir and Ladakh; it might do so after the snows have melted.

Then there is the question of those persons who have been displaced from the Chhamb area and other places occupied by Pakistan.

As I was submitting this Bill is a Bill meant for the future safety of our country.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri D. C. Sharma: I would make a few suggestions and then sit down because you have rung the bell so soon. Firstly, in order that the railways should be safeguarded and the armed forces should be strengthened, an armed belt should be created within 15 miles of those districts which are called border districts, such as, Ferozepore, Gurdaspur and others.

My second suggestion is that we should see to it that within that 15-mile belt the people are armed as fully as possible. This will help the railways and the army men. Then, the civil defence apparatus, which is of course under the Home Ministry, has got to be geared up. My fourth point is that anti-aircraft guns have to be supplied as abundantly as possible in order to counteract the air raids which were so frequent in the Gurdaspur, Ferozepore and Fazilka sectors.

[Shri D. C. Sharma]

I was told that about 5,000 private carriers were deployed by the Punjab and about 600 came from the UP. All these private carriers who helped the Government should also be taken note of and something should be done for them also.

So, I would say that this Bill is welcome because it assigns definite duty to the military personnel for the protection of railways and for safeguarding all our cargo, equipment and everything. It also gives them those very privileges which are due to railway workers. This is good. Though ostensibly they may be in the armed services, practically they will be in the railway service. It is a very happy compromise. But I would also say that the Minister should bring forward a comprehensive Bill covering the railways, the Navy, as Shri Raghunath Singh said, the public carriers and other vehicles of communication also so that the people in those places which are border States or border districts can give a good account of themselves and can be a real source of strength to the armed forces of our country.

श्री श्रीहर लाल बेरवा : उपाध्यक्ष महोदय, मैं उन सभी गाइड, ड्राइवर्स, अन्य रेलवे कर्मचारियों और सैनिकों को धन्यवाद देता हूँ, जिन्होंने इस संकट कालीन स्थिति में अपना बलिदान दिया। मैं ने राजस्थान में अपनी आँखों से देखा है कि बम-वर्षा होदे हुने भी वहाँ पर रेल-गाड़ियां ठीक तरह से चलती रहीं। जोधपुर से बाड़मेर जाने वाली गाड़ी पर सैनिक तैनात थे। उन्होंने इतनी बहादुरी से काम किया कि उन को जितनी भी सहायता दी जाये, उन का जितना भी उपकार किया जाये, वह उनकी बहादुरी के मुकाबले में बिल्कुल निल है। उस क्षेत्र में ब्लैक फ़ाउट की वजह से भ्रष्टकार होता था जिस में बमों की धावाज और चमक से ऐसा मालूम होता था कि बारिश की

बिजली चमक रही है और दीपावली मनाई जा रही है। बमों की जगह से वहाँ पर तीन तीन घंटे तक आँखें बन्द हो जाती थीं और ख़ाद्यों में बैठे हुए साम भी नहीं लिगा जा सकता था। इन परिस्थितियों में वे सैनिक अपनी गाड़ियों का रक्षा करते थे। इस लिए इस बिल के द्वारा उनको जो सुविधाएं दी जा रही हैं, उस के बारे में तो कोई दो रायें नहीं हो सकती हैं।

रेलवेज की सब सुविधायें तो उनको देनी ही चाहियें, लेकिन वहाँ पर जिन लोगों की मृत्यु हुई है, खास तौर पर उन के बच्चों बच्चियों के लिये शिक्षा की व्यवस्था की जानी चाहिए। उन को जमीन आदि की जो मदद हो सके, वह दी जानी चाहिये, क्योंकि इस संकट कालीन स्थिति में उन लोगों ने जो काम किया है, उसका वर्णन नहीं किया जा सकता। रेलवे प्रशासन उन का जितना भी उपकार करे, वह थोड़ा है।

बाड़मेर तक जो गाड़ी जाती थी, उस पर ब्लैक फ़ाउट के भ्रष्टकार में सैनिक जब टार्च जलाते थे, तो ऐसा लगता था कि बाग में कीड़े चमचमा रहे हैं। उन्होंने इतनी तत्परता से काम किया कि उस भ्रष्टकार में कोई भी एक्सप्लोड नहीं हुआ और यात्रियों को किसी असुविधा का सामना नहीं करना पड़ा। उन दिनों भ्रष्टकार में, पंजाब, बाड़मेर और जैसलमेर आदि सभी लाइनों पर उन्होंने सुरक्षा की इतनी अच्छी व्यवस्था की कि कहीं भी ऐसी घटना नहीं हुई कि किसी यात्री का दस पांच हजार रुपये का माल गायब हो गया हो।

जो बिल इस समय सदन में प्राया है, मैं उस का हृदय से स्वागत करता हूँ और समर्थन करता हूँ। रेलवे विभाग को उन लोगों को सब फ़सिलिटीज देनी चाहिए।

[श्री श्रीकार लाल बेरला]

इसके साथ ही मैं यह भी चाहता हूँ कि इस संकट-कालीन स्थिति में गाड़ों, ड्राइवर और टी० टी० वगैरह को हथियारों की ट्रेनिंग दी जाये, उन को राइफलें दी जायें, ताकि वे स्वयं अपनी रक्षा कर सकें। गाड़ी में गाड़ पीछे होता है और ड्राइवर आगे होता है। वगैरह ड्राइवर के गाड़ी नहीं चल सकती है। इसलिए यह आवश्यक है कि उन को अपनी हिफाजत करने के लिए राइफल वगैरह दी जायें और हथियारों की ट्रेनिंग भी दी जाये।

माननीय सदस्य, श्री शर्मा, ने एन्टी-एयरक्राफ्ट गन्ध के बारे में जो कुछ कहा है, मैं उस का समर्थन करता हूँ। एन्टी-एयरक्राफ्ट गन्ध न होने की वजह से दुश्मन के हवाई जहाजों ने राजस्थान में इस तरह बम फेंके, जैसे किसी शहर में चोर बेधड़क फिरता है, पुलिस लगता है और किसी की हिम्मत नहीं है कि उस चोर को पकड़ सके। दुश्मन को मालूम हो गया था कि जांधपुर में एन्टी-एयरक्राफ्ट गन्ध नहीं है, इसलिए उस ने उस नगर पर बहुत हमले किये। अगर वहां पर एन्टी एयरक्राफ्ट गन्ध होती, तो वहां पर जो 189 बम गिराये गए, जो पांच लाख रुपये का नुकसान हुआ, जो चालीस प्रादमियों की मृत्यु हुई, वह शायद न होता।

मैं यह भी निवेदन करना चाहता हूँ कि इस संकट-कालीन स्थिति में एन्टी-एयरक्राफ्ट गन्ध गाड़ी के पीछ के डिब्बे में या किसी और तरह से फिट की जायें। जैसा कि मैं ने पहले कहा है, रेलवे के कर्मचारियों, ड्राइवर, गाड़ और टी० टी० आदि को हथियारों की ट्रेनिंग दी जाये, उन को राइफलें दी जायें, ताकि वे स्वयं अपनी हिफाजत कर सकें।

जिन लोगों को इस प्राप्ति का सामना करना पड़ा है, जिन परिवारों के लोग मरे हैं, उन को पूरी सुविधा दी जानी चाहिए। सैनिकों को वे सब सुविधाएं दी जायें, जो कि

रेलवेज में गाड़, टी० टी० और अन्य कर्मचारियों को दी जा रही है। धन्यवाद।

Shri V. B. Gandhi (Bombay Central South): Mr Deputy-Speaker, Sir, I see that this Bill has been receiving general support from all sides of the House.

श्री हुकम चन्द कछवाय : (देवास) : उपाध्यक्ष महोदय, मेरा ब्यवस्था का प्रश्न है। सदन में गणपूर्ति नहीं है।

Mr. Deputy-Speaker: The bell is being rung. . . Now there is quorum. Shri Gandhi may continue his speech.

Shri V. B. Gandhi: This is as it should be. It is a simple Bill for all it asks of us is that when members of the armed forces are employed to assist the railway services, these members of the armed forces should have the same powers. . . .

श्री हुकम चन्द कछवाय : उपाध्यक्ष महोदय, मेरा ब्यवस्था का प्रश्न है। हाउस में गणपूर्ति नहीं है।

श्री हरि चिन्म कामत (होशंगाबाद) : गणना ठीक नहीं हुई है।

श्री शिव सुन्द (बटिहार) : इलकटानिक काउंटर होना चाहिए।

Mr. Deputy-Speaker: There is quorum. Shri Gandhi may continue his speech. Please go on.

18 hrs.

Shri V. B. Gandhi: As I was saying, this is as it should be. It is a simple Bill. All it asks is that when members of the armed forces are sent to assist the railway services, they should have the same powers, the same status and the same immunities as members of the railway services have

[Shri V. B. Gandhi]

In other words, we should see that the members of the armed forces fall within the definition of a 'railway servant' under the Railways Act of 1890.

श्री हुकुम चन्द कछवाय : उपाध्यक्ष महोदय, हाउस में गणपूर्ति नहीं है।

Mr. Deputy-Speaker: The bell is being rung—Now there is quorum. Shri Gandhi.

Shri A. S. Saigal (Janjgir): On a point of order. We in this House have decided that between 1.00 and 2.30 p.m. quorum shall not be challenged. So is it in order to raise the point of quorum now? If you refer to the proceedings of the House relating to that, you will see that we have taken this decision.

Mr. Deputy-Speaker: That convention is given up.

Shri Hari Vishnu Kamath: He is talking of ancient history, not modern history.

Shri V. B. Gandhi: As I was saying, it is only fair that the members of the armed forces employed in railway service should have parity with the members of the regular railway service. They should also have the same protection because without this protection, it is not possible for them to handle railway property and to give instructions. It is not unusual for members of the armed forces to come to the assistance of the railway services in times of emergency. That is done all over the world when major emergencies are to be faced.

Now, what is the idea behind associating members of the armed forces with the railway services? It is not that they only supplement the members of the railway service; it is more than that. These armed forces are in a position to supply certain skills, they are in a position to supply a certain stiffening; they are in a position

to supply a certain element of discipline, and above all, they are able to provide resourcefulness, which is of great value in emergency.

श्री हुकुम चन्द कछवाय : उपाध्यक्ष महोदय, हाउस में गणपूर्ति नहीं है।

Mr. Deputy-Speaker: The bell is being rung—Now there is quorum.

Shri V. B. Gandhi: That members of the armed forces are to assist the railway services is no reflection on the quality of the railway services. After all, Shri Indrajit Gupta asked the other day what was the *raison d'être* of this Bill. The *raison d'être* of this Bill is not that those members of the armed forces are required to protect or guard railway property or do any such thing; for that, we have the Railway Security Force. But it is these qualities I have referred to that the armed forces are expected to supply in an emergency. There are occasions, there may arise occasions, when it will be necessary to assume exclusively the whole of the working, management and maintenance of the railways or a portion of a railway or a section of it. In such cases, of course, the Indian Railways Act will not apply; only the Army Act will apply. This is all that the Bill seeks to achieve.

Shri Priya Gupta: I rise to make a few observations on this Bill and I would solicit the Minister to clarify the points. First, in the first portion of the statement of objects and reasons, it has been mentioned that in an emergency, occasions may arise when members of the armed forces have to be employed to assist the railway administration.

श्री हुकुम चन्द कछवाय : उपाध्यक्ष महोदय, हाउस में गणपूर्ति नहीं है।

Mr. Deputy-Speaker: The bell is being rung—Now there is quorum. Shri Priya Gupta.

Shri Priya Gupta: What I wanted to say was that the first portion of the Statement of Objects and Reasons says:

"The personnel so employed do not, however, fall within the definition of "Railway servants" under the India Railways Act, 1890, even while actually working on Railways. It is, therefore, necessary to confer upon the members of the Armed Forces so employed the same powers, status and immunities, and impose upon them the same liabilities, as are applicable to Railway servants under the Indian Railways Act, 1890."

This is the first portion. Then, the latter portion says:

"During the period of such assumption the Indian Railways Act, 1890 should not apply in respect of the Railway or portion or section of the Railways so taken over. . . ."

Here you say that during the period of such assumption, the Indian Railways Act, 1890 should not apply. But in the former portion it is said that this is to bring them at par. . . .

The Deputy Minister in the Ministry of Defence (Dr. D. S. Raju): For the latter portion, they come under the Indian Arms Act,

Shri Priya Gupta: Then, I want to know whether the entire working of the Railways including the works of the guard, the driver, the Station master, the points-man, the fire-man, the controller and all other transportation work will be done by the military personnel or there will be railwaymen working in those areas also which come under the latter portion of the statement of Objects and Reasons. That should be clarified. If the position is that wherever the military assumes a section or a portion, or the entire Railway Zones, there will be no railwayman. I want to know the criterion of choosing such areas. Take, for example, Poona. Poona supplies war production mate-

rial to Punjab frontier, Assam frontier, West Bengal frontier and Bihar frontier. Similarly, there are some other war production centres in different parts of India and not a single railway route will be left but where the military and ammunition movement will not be made. So, I want to know whether the entire 12 lakhs of railway employees will be replaced by 12 lakhs of armed personnel. I want to know further whether in the portions taken over by the military, there will be the railwaymen working in those portions. What I intend to say is this. During the Second World War, during the period 1942-45, when the eastern portion was taken over by the U.S.A. armed personnel, they were running the railways along with the railwaymen working as station masters, guards, points-men, fire-men, controllers, D.T.S., A.T.S. and so on. I want to know whether the Minister means this sort of arrangement or the entire replacement of these railwaymen.

Secondly, when taken over by the military, I want to know, whether the "General Rules" prescribed by the authorities in respect of safety and the operational rules which come under the Indian Railways Act will also be abolished. Recently, the Accidents Commission had said that Safety Rules must be more strictly observed—it gave certain decisions also—that many guards and drivers, A.S.Ms. etc. are losing their jobs because of stiffening the safety rules. I want to know whether during the period of assumption of charge by the military people exclusively, these "General Rules" and the "safety rules" will also be abolished. During the emergency it is not proper that something most essential should be done away with. These safety rules are the basic requirements which are to be followed in the matter of safe running of the trains.

Thirdly, I want to know whether wherever the railwaymen and the military people will be there, the

[Shri Priya Gupta]

trade union rights, the service conditions and other things as given to the railwaymen by virtue of the service agreement will remain in tact. During the Second World War, we have seen that the trade union rights, the service conditions, etc. had remained in tact. The hon. Minister may clarify the actual position in respect of the fate of these things wherever the military personnel will administer a portion or take over the entire working of the Railways.

Then, there are also the "Appeal and Discipline rules," for Railwaymen. I want to know what will happen to them.

What will happen to the public? Will they get the facilities as they have been ensured under the I.R.C.A. rules in the matter of sending and bringing materials from one province to another and in the safe running of the trains?

Then, during the Second World War, the railwaymen were given 25 per cent allowance of their basic pay on account of their working on the war front. During recent Pak. aggression, we have all appreciated their sacrifices and have stood up in reverence for the deceased railwaymen who sacrificed their lives in protecting the motherland in the border areas of Ferozepur., Gurdaspur, Jodhpur, Amabala and other places. You have appreciated their services. Is it because of the deficiency in the work of the railwaymen in the matter of running of trains that you have deemed it necessary to assist or to replace them by the military personnel? If so, are you going to give these Armed Forces proper training of transportation which is the fundamental pre-requisite from the operational point of view?

My submission is that you must clarify these points. On the one side, you appreciate the services of the railwaymen and on the other side, it will appear to be a great slur on the railwaymen that they are incapable and inefficient in running the

Railways. I request the hon. Minister to clarify these points. If the intention is otherwise, if it is in the greater interest of the country, I have no objection in supporting this measure. These points should be clarified before you proceed with the passing of this Bill.

Mr. Deputy-Speaker: He should conclude now.

Shri Priya Gupta: Lastly, I give my respectful ovation to all the railwaymen who have been working round the clock. We expect the Ministry of Defence to give them proper facilities and to give them the war front allowance. They should also be provided with subsidised grain shops for which they have been crying for so long. Rice is being sold at Rs. 2.75 p. per kilo in north Bihar and Bengal in eastern parts of Bihar and in Assam also. The prices have shot up. The prices of all the essential commodities are going up. As for the efficient running of the trains, coal is required, similarly, for the efficient working of the man, food is required. The Prime Minister has been telling the people एक रात खाना छोड़ दो। हम दो रात से खाना नहीं खा रहे हैं। एक रात खाना छोड़ने का सवाल नहीं है। Only that will not solve the problem. My question is: Why should the price shoot up? Have the Government thought of controlling the price? That is my demand. I request the hon. Minister to clarify the points that I have made.

श्री श्री सिंह सहगल : उपाध्यक्ष जी, यह जो बिल लाया गया है उस के ऊपर मैं अपने स्वागत जाहिर करना चाहता हूँ और वह यह है कि

श्री हुकम चन्द कश्यप : मेरा ब्यवस्था का सवाल है। हाउस में गणपूर्ति नहीं है।

13.21

(कोरम की घंटी बजाया गयी)

Mr. Deputy-Speaker: This is the 5th or 6th time that the quorum bell is being rung. I request the members to keep the quorum.

Now there is quorum. The Hon. Member may continue.

श्री छ० सि० सहगल : उपाध्यक्ष जी, मैं कहना चाहता था कि हमारे ग्राम्पें फोरसेज को वे शी हक दिये जाएं जो कि रेलवे ऐक्ट 1890 के मातहत रेलवे कर्मचारियों को है। मेरे दोस्त गुप्ता साहब से मैं कहना चाहता हूँ कि जो बिल में यह कहा गया है कि रेलवे कर्मचारियों पर वही कानून लागू होंगे जो कि ग्राम्पें फोरसेज पर होने हैं, इसका मतलब यह नहीं है कि रेलवे के लोगों को कहा जाएगा कि वे कार्य नहीं कर सकते। ऐसी चीज नहीं है। मैं कहूँगा कि वह इस चीज को ध्यान में देखें।

यह बिल लाया तो जरूर गया है और मैं इस की तारीफ़ करता हूँ, लेकिन पाकिस्तान से लड़ाई के बाद जो स्थिति उत्पन्न हो गई है उसको देखते हुए उनको एक काम्प्रीहेंसिव बिल लाना चाहिये था। उनको चाहिये कि हमारी मारी दिक्कतों का देख लें और उसके बाद ऐसा कानून लाइए कि जिस के अनुसार इमरजेंसी के वक़्त हमारे ग्राम्पें फोरसेज के लोगों को ज्यादा से ज्यादा मदद दी जा सके। इसके अलावा मैं तो यह भी कहूँगा कि रेलवे कानून में भी हमका इन तरह रद्दो बदल करनी चाहिये जिससे हमारे फोरसेज के लोग रेलवे में काम कर सकें।

हमने अपने बड़े बड़े स्टेशन्स पर देखा है कि जो सामान आता है उसका देख रख के लिए रेलवे प्रोटेक्शन पुलिस रहती है। लेकिन मेरा खयाल है कि अगर

यह काम फौज के किसी प्रादमी के जिम्मे कर दिया जाए तो ज्यादा अच्छा होगा।

मैं मंत्री महोदय से कहूँगा कि हमारे जवानों ने जो काम किया है उसको देखते हुए उनको जितनी भी मदद दी जा सकती है दी जानी चाहिये। इन शब्दों के साथ मैं उनसे अप्रार्थ करूँगा कि वह एक काम्प्रीहेंसिव बिल इन सब चीजों को देख कर लाएँ। इस तरह पीस मिल बिल लाने में फायदा नहीं हो सकता।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

Dr. D. S. Raja: Mr. Deputy-Speaker, Sir. . .

श्री हुकम चन्द कश्यप उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है, हाउस में गणपूर्ति नहीं है।

Mr. Deputy-Speaker: The bell is being rung . . .

Now there is quorum. The Hon. Minister may begin.

Dr. D. S. Raja: Almost all the hon. Members who participated in the discussion of this Bill have given their wholehearted support except perhaps one or two members who have given their consent rather unwillingly.

The Bill, in a sense, has got two Clauses. There are two possible contingencies in which armed personnel might be inducted into the Railway administration: one is for assistance only and the other is that some portions of the Railway lines might be taken over by the Army authorities. These are the two contingencies. When the Armed Forces personnel are inducted into the Railways, actually they do not come under the definition of 'Railway Servants'. So some difficulties arose: they could not give instructions or issue orders or handle

[Dr. D. S. Raju]

property. So it has been found necessary to allow to them the same privileges, status, duties and also liabilities which are conferred on Railway servants. That is why Clause 3 has been put in here; otherwise, it has been found difficult for these people to operate and help the Railway administration. Clause 4 comes into operation when a portion of the Railway lines has been completely taken over by the Army authorities, in which case the Armed Forces personnel so inducted would not come under the Railway Act but would come under the Army Act. These are the two essential things.

Some hon. Members have raised the question as to what would happen to the railway employees who are already serving in a certain area when the railway line is taken over by the armed forces. I would submit that the question of the removal of those railway employees does not *ipso facto* arise at all. They are railway employees, and they will continue to be railway employees, but perhaps a few transfers or such other arrangements will have to be made by mutual consent with the railway authorities; that is probably what is going to happen.

Shri Priya Gupta: To the extent that the military personnel take over the strength of the railway servants will be reduced.

Dr. D. S. Raju: That is what I am saying; so, they may have to be transferred here and there; after all, our whole country is there; a vast area is there to be catered to by the railways. So, if it becomes necessary, they will be transferred here and there, but only if it becomes necessary to do so.

Shri Priya Gupta: Where are the posts for them?

Dr. D. S. Raju: There are other portions of the country and there are

other railways which are still there and where they can serve....

Shri Priya Gupta: Already there is a declaration about their being surplus according to Austerity move.

Dr. D. S. Raju: But I would like to bring to the notice of hon. Members one fact, namely that quite a number of railway units which are called territorial army units actually consist of railway employees already. So, it is the duty of the Army authorities to employ the railway units first, that is, the territorial army units consisting of the railway employees, and then only if it becomes necessary so to do, they can be reinforced by other Army units.

Shri Priya Gupta: But I, would like to have one clarification....

Mr. Deputy-Speaker: Order, order. There cannot be a running commentary on the speech.

Shri Priya Gupta: It is a very important point. So, kindly permit me to seek a clarification.

Mr. Deputy-Speaker: He cannot go on making a running commentary.

Shri Priya Gupta: It is not a running commentary. I only want to seek one clarification.

Shri Harish Chandra Mathur (Jalore): The hon. Minister can say that there would not be any retrenchment and dispose of this point in one sentence.

Shri Priya Gupta: When the Army units take over, will the Army men and the railwaymen remain there together.....

Dr. D. S. Raju: That is what I have said. It is only for helping....

Shri Warrior (Trichur): The point is that it must be guaranteed that there will not be any retrenchment on the plea that these people are surplus owing to the fact that the

railway line has been taken over by the Army units.

Dr. D. S. Raju: They are permanent servants of the Railway Ministry or the Railway Administration. So, how can there be any retrenchment? There will not be any retrenchment.

Shri Warrior: Perhaps the hon. Minister does not know that there are ever so many temporary posts and casual posts apart from the permanent posts. So, the fear is that these badlis will be retrenched.

Dr. D. S. Raju: These provisions are only for emergency purposes.

Shri Warrior: We are in an emergency now.

Shri Priya Gupta: Does it mean that military personnel will also be posted there and the railwaymen who are working there will also work there in the areas where the control is assumed by the Army units?

Dr. D. S. Raju: Anyway I think there will be no retrenchment on account of it.

Shri Priya Gupta: Thank you.

Dr. D. S. Raju: Hon. Members have paid very handsome tributes to the railway servants and to the Railway Administration for their performance during these operations. I wholeheartedly associate myself with the tributes which have been paid. They have done excellent work. The fact that this Bill has been brought forward should not be construed to mean that there was any deficiency or ineffectiveness on the part of the Railway Administration. That is not so at all. The last experience has given us the lessons. Some territorial army units were inducted into some of the forward areas, and they have done excellent and very good work. But, in future, we must be ready for any contingency and any eventuality. Bigger battles might be fought; bigger battles on a vaster scale might be fought where there

might be greater employment of Armed Forces.

Shri Hari Vishnu Kamath: Bigger battles? Does my hon. friend apprehend bigger battles next year?

Dr. D. S. Raju: We are not afraid of them, but we must be prepared for all these eventualities. Perhaps, hon. Members do not know that in some of the major battles whole cities will be completely destroyed, and a number of railway stations and wagons etc. will be destroyed and can be destroyed....

Shri Hari Vishnu Kamath: God forbid. Let my hon. friend not say 'will be', but 'may be'.

Dr. D. S. Raju: In a major battle these things are likely to occur.

Shri Hari Vishnu Kamath: He should say 'likely to be destroyed' or 'may be destroyed'.

Dr. D. S. Raju: Hon. Members perhaps do not have the experience of major battles. I have some experience of these battles. Civil life will be completely paralysed. Under such circumstances it is very difficult for the Railway Administration to function, whereas the Army units which are well disciplined and well equipped will be much more fitted to take over the functions at that time. That is the reason why during this emergency this Bill has been brought forward.

श्री हुकन चन्द कच्छदाय : उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है कि सदन में गणपूर्ति नहीं है।

Mr. Deputy-Speaker: The hon. Deputy Minister may resume his seat for a while. The quorum has been challenged.

The quorum bell is being rung. . . Now, there is quorum. The hon. Deputy Minister may now resume his speech.

Dr. D. S. Raju: Shri Raghunath Singh, Chairman of the Shipping Board has raised the point that similar legislation should be brought forward with regard to commercial shipping. Actually, under the DIR, commercial shipping can be taken over and requisitioned by the Navy. This has been done in the recent war also. Two of the ships had been requisitioned; one has been derequisitioned, while the other is still with the Navy. So, that does not require any extra legislation at all.

One hon. Member had raised a similar point with regard to road transport. Under the DIR, road transport also can be taken over during an emergency. So, there is no necessity to bring forward any additional legislation for that purpose.

Shri Indrajit Gupta suggested that there was no necessity for this Bill. I am afraid that he has not paid sufficient attention to this Bill. Probably this did not come in the list of his priorities, and therefore, he has not paid enough attention to this Bill. So, he has said that this Bill is not necessary at all, and there is nothing much, either good or bad, in this Bill; so, he did not either oppose it or wholeheartedly support it. All the same, this is a very important Bill.....

Shri Hari Vishnu Kamath: He was neutral.

Dr. D. S. Raju: When the territorial army units of the railways are embodied, they are no longer railway servants, but they become Army units. That is a very important point to remember. They automatically become Army units at that time, and so clause 3 of this Bill would apply to them. After all, when an emergency arises, first of all, it is the territorial army units which will be employed first, which are already with the Railway Administration, and then only the other army units which are trained for this purpose will be inducted into this.

Shri Indrajit Gupta had also raised the point that there was already provision in this regard in section 71-C (4) of the Indian Railways Act, and, therefore, there was no necessity for the application or exemption of the provisions of Chapter VI-A. Actually, section 71-C (4) relates to the question of hours of work, hours of rest, overtime, periodical rest etc. The present provisions, that is, the provisions in this Bill will apply only in emergency, such as when bridges are broken or other unforeseen circumstances occur, when accidents can happen and so on. But actually, even there, they are entitled to overtime allowances and some other concessions. But under the Army Act they are not entitled for such overtime allowances. So, this is also necessary.

Shri Priya Gupta: Army personnel may not get it. But the railway people who are working there should get these things as conferred on them under the Act.

Dr. D. S. Raju: The railway servants are railway servants, and they are entitled to all the benefits under the Railway Act.

Shri Priya Gupta: I am not referring to the military personnel, but to the personnel of the railways who may be working there. They should be allowed to enjoy the benefits of overtime allowances and all those other rights.

Dr. D. S. Raju: If they come under the Army Act, they are not entitled to all those things. But so long as they are railway servants, they are entitled to these benefits, and that is very clear.

Shri Priya Gupta: The Army Act will apply to the military officials and the Railway Act to the railwaymen working in the area. That is what you mean.

Dr. D. S. Raju: Yes, that is right.

I have tried to answer the points raised by hon. Members. I move.

Mr. Deputy-Speaker: The question is:

"That the Bill to make certain provisions relating to the employment of members of the Armed Forces of the Union in the working and management of railways be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clause 2 and 3 were added to the Bill.

Clause 4 was added to the Bill.

Shri Hari Vishnu Kamath: When Members stand up, please look up before you put the Clause. They may be allowed to speak on the Clause. He stood up to speak on the Clause.

Shri Priya Gupta: I wanted to say something.

Shri Hari Vishnu Kamath: You did not lift your eyes at all.

Mr. Deputy-Speaker: There was no amendment.

Shri Hari Vishnu Kamath: That is no reason.

Amendment made:

Page 2,—

after line 29, add—

Repeal "5(1) The Railways and saving. (Employment of Members of the Armed Forces) Ordinance, 1965 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this

Act had commenced on the 29th day of September 1965." (2).

(Dr. D. S. Raju).

Mr. Deputy-Speaker: The question is:

"That new clause 5 stand part of the Bill".

The motion was adopted.

New Clause 5 was added to the Bill.

Clause 1.—(Short title, extent and commencement.)

Amendment made:

Page 1,—

omit lines 6 and 7. (1).

(Dr. D. S. Raju).

Mr. Deputy-Speaker: 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 and the Title were added to the Bill.

Dr. D. S. Raju: I beg to move:

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

Mr. Deputy-Speaker: Motion moved:

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

Shri Priya Gupta: From what the Minister has stated, I understand that though the military will be administering the railways for certain purposes, the technical or working side of it will be left to the railways, that the safety rules, protection of service conditions, the privileges conferred on railwaymen etc. will remain. I hope the assurance given on the floor of the House by the hon. Minister will be communicated to the Railway

[Shri Priya Gupta.]

Ministry for its proper implementa-
tion.

There is a very important question, whether the public will be allowed to travel in the sections administered by the military and whether they will be allowed to book merchandise for consumption in the country because there are some parts which do not produce goods and have to get them from other parts.

Thirdly, I would again repeat the demand for war front allowance, to be given to the railwaymen working in those areas and subsidised grain shops which is a pre-requisite for the railwaymen to run their families because grains are not available even at Rs. 2.75 per Kg. This should be ensured to them as was done earlier.

I request the Minister to communicate this to the Ministry of Railways and the Ministry of Food to arrange for these things.

Dr. D. S. Raju: This is a national emergency and I think the defence of the country has got to receive prior attention. Consistent with that, all the proposals which are made will, of course, be given due consideration. These things will be conveyed to the Ministry of Railways and if any rules are to be framed, they will do so. All these things will be given sympathetic consideration.

Shri Priya Gupta: We are grateful to the Minister for his assurance that the service conditions will be kept.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

13.46 hrs.

INDUSTRIAL DISPUTES (AMEND-
MENT) BILL

The Deputy Minister in the Ministry of Labour and Employment (Shri E. K. Malviya): I beg to move:

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

This is a simple Bill to amend the Industrial Disputes Act of 1947. The proposals for amendment of the Act were considered by the Twenty-first session of the Standing Labour Committee, a national tripartite body, which met in New Delhi on 27th December, 1963. The Committee recommended certain proposals for amendment of the Industrial Disputes Act. The Bill now presented before the House seeks to give effect to the recommendations of the Standing Labour Committee and a few other proposals.

श्री हुकम चन्द कछवाय (देवास) :
उपाध्यक्ष महोदय, मंत्री महोदय बिल पेश कर रहे हैं, लेकिन सदन में गणपूर्ति नहीं है।

Mr. Deputy-Speaker: The bell is being rung... Now there is quorum.

Shri E. K. Malviya: Under section 2(a) of the Industrial Disputes Act, industrial disputes in respect of Indian Airlines Corporation and Air India Corporation, which have been established under the Air Corporations Act 1953, fall in the State sphere. The functions of the two Corporations are to provide safe, efficient, adequate, economical and properly co-ordinated air transport services, whether internal or international, and to develop these services to the best advantage. In order to simplify the existing procedure for handling disputes in respect of these Corporations, it is considered necessary to bring them within the jurisdiction of the Central