

Jwala Prasad, Shri
Kajrolkar, Shri
Kakkan, Shri
Kale, Shrimati A.
Kanungo, Shri
Karmarkar, Shri
Katham, Shri
Katju, Dr.
Kazmi, Shri
Kesar, Dr.
Khedkar, Shri G. B.
Khongmen, Shrimati
Kirolikar, Shri
Lal, Shri R. S.
Laskar, Prof.
Lingam, Shri N. M.
Lotan Ram, Shri
Maitra, Pandit L. K.
Majhi, Shri R. C.
Malliah, Shri U. S.
Mathew, Prof.
Mathen, Shri
Maydeo, Shrimati
Minimata, Shrimati
Mishra, Prof. S. N.
Mishra, Shri Bibhuti
Mishra, Shri M. P.
Mishra, Pandit Lingaraj
Mohd. Akbar, Sofi
Mohiuddin, Shri
Morarka, Shri
Mudaliar, Shri C. R.
Mukne, Shri Y. M.
Mussaff, Giani G. S.
Muthukrishnan, Shri

Namdhari, Shri
Natesan, Shri
Nathwani, Shri N. P.
Nehru, Shrimati Uma
Nijalingappa, Shri
Pannalal, Shri
Paragi Lal, Ch.
Patel, Shri B. K.
Patel, Shri Rajeshwar
Pillai, Shri Tharu
Prabhakar, Shri N.
Radha Raman, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Raghubir Singh, Ch.
Ram Dass, Shri
Ram Saran, Prof.
Ram Subbag Singh, Dr.
Ramaswamy, Shri P.
Ramaswamy, Shri S. V.
Ranbir Singh, Ch.
Rane, Shri
Raut, Shri Bholaj
Reddy, Shri Janardhan
Reddy, Shri Viahwanatha
Roy, Shri B. N.
Roy, Shri Patiram
Rup Narain, Shri
Sahu, Shri Bhagbat
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Sakhare, Shri
Sankarapandian, Shri
Setyawadi, Dr.
Sen, Shri P. G.

Sen, Shrimati Sushama.
Sewal, Shri A. R.
Shah, Shri R. B.
Sharma, Prof. D. C.
Sharma, Shri R. C.
Shastri, Shri Algu Rai
Siddananajappa, Shri
Singh, Shri Babunath
Singh, Shri L. J.
Singhal, Shri S. C.
Singh, Shri B. P.
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri N. P.
Sinha, Shri S.
Sinha, Shri Satya Narayan
Sinha, Shrimati Tarakeshwari
Subrahmanyam, Shri T.
Suresh Chandra, Dr.
Suriya Prasad, Shri
Swaminadhan, Shrimati Amma.
Syed Mahmud, Dr.
Telkikar, Shri
Thomas, Shri A. M.
Tiwari, Pandit B. L.
Tiwari, Shri R. S.
Tiwary, Pandit D. N.
Uikey, Shri
Upadhyay, Shri S. D.
Vaishya, Shri M. B.
Varma, Shri B. B.
Varma, Shri B. R.
Venkataraman, Shri
Vyas, Shri Radhela
Wodeyar, Shri

The motion was **negated**.

Shri B. S. Murthy (Eluru): What about neutrals?

RESOLUTION RE SAFEGUARDING OF NATIONAL SECURITY RULES

Shri Nambiar (Mayuram): I beg to move:

"This House is of opinion that the Safeguarding of National Security Rules 1949 introduced in the Railways, Postal, Defence and all the other Central Government Services to discharge Government employees without recourse to normal procedure of disciplinary rules be cancelled forthwith and all those discharged or suspended under these rules be reinstated."

This is a resolution which has been moved under the circumstances that prevail today. Today the Government servants are afraid that for any reason whatsoever, very often under the guise of political colour.....

Shri M. L. Dwivedi (Hamirpur Distt): On a point of privilege, Sir. There was a voting just now in the House. I was working in the Library, and as soon as I heard the division bell, I came run-

ning to the House, and the door was open. As soon as the bell was stopped, I had entered half inside the lobby, and I was half outside. But I was forcibly dragged out and debarred from voting.

Mr. Chairman: So far as that Resolution is concerned, that has been voted upon already. And the result has been decided. If the hon. Member has got any complaint, he can make it to the hon. Speaker.

Shri M. L. Dwivedi: I would have voted, had I not been forcibly kept out. I have been debarred from voting, and I have lost my privilege of voting, and at the same time been insulted.

Mr. Chairman: The result of the voting has been announced already. It cannot be changed now. The only question now is that if the hon. Member had been allowed to enter, he would have voted. That is the only point. And in respect of that, the hon. Member can certainly make a complaint to the hon. Speaker.

Shri M. L. Dwivedi: My point is that I was forcibly kept out of the gate when I was half in.

Dr. S. P. Mookerjee (Calcutta South-East): Who did it?

Shri M. L. Dwivedi: The gate-keeper.

Mr. Chairman: Do I understand that the hon. Member did vote?

Shri M. L. Dwivedi: No, no. I was kept out forcibly when I was half in. When the bell was over, at that time I was half in and half out and he dragged me out forcibly.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I think this is a serious thing and an inquiry should be made into it.

श्री रघुनाथ सिंह (बिला बनारस—मध्य) : यदि संसद के किसी सदस्य के साथ दुर्व्यवहार होता है तो उस का प्रतिकार होना ही चाहिये।

Mr. Chairman: Anyhow, so far as that resolution is concerned, it is over and the vote of the hon. Member cannot be added on to it now. But so far as this matter is concerned, it is a serious matter and therefore a complaint should be given to the Speaker and an inquiry should be made and it shall be seen what action is necessary against the person complained of.

Shri Nambiar: This resolution is moved by me after exhausting all other methods to see that the Government servants get their legitimate rights to conduct their business themselves with regard to their trade unions. (*Interruptions*).

Mr. Chairman: Order, order. There is so much talk in the House that the hon. Member cannot be allowed to proceed unless the talk ceases. I will request hon. Members to kindly hear him.

Shri Nambiar: The Government servants at present have not even got their trade union rights and they are victimised. I have got cases here and I will place them before this House. These Safeguarding of National Security Rules were promulgated in 1949 under the Government of India Act by the then Governor General, Shri Rajagopalachari. In that he states that under normal circumstances if a Government servant is to be discharged from service, he has to be discharged under various procedures. He has to be given a charge-sheet, an explanation is to be obtained, an enquiry is to be made and he must be heard in person. So much of procedure is to be followed before a servant is to be discharged or dismissed from service. But under

these rules all this procedure is denied and summarily a Government servant could be discharged from service. Either he may be suspended or may be dismissed. This is the purpose for which it was promulgated.

In 1949, especially when the rules were promulgated under the then Government of India Act by the Governor General, what was the situation? Does that situation continue today? We have to see. Immediately after the war, not only the Government servants but the industrial workers, ordinary working class as a whole, were suffering under the high prices and low wages. They wanted adequate dearness allowance, they wanted reasonable living conditions and they were agitating. They had hoped that this Congress regime which promised so much in those days would give them something and with all expectations they approached the Government. But the Government rather than hearing them and giving careful consideration to the points raised by them, resorted to repressive measures and this Safeguarding of National Security rules is one of those measures used against Government servants to deprive them of their bread. This has got the smell of the Preventive Detention Act. Then in 1949, it was known as the Maintenance of Public Order Act in various States. First, under the Maintenance of Public Order Act, a Government servant used to be arrested and detained in jail. While he is kept in detention, he is given a charge-sheet; and there was, as you know, Sir, no enquiry by a court of law. Added to that, he is deprived of his job also. Firstly, he is imprisoned and his family is made to suffer; secondly, he is totally removed from the service under these rules. Therefore, this was a rule against the normal rights of a Government servant.

In 1949; you may remember, as a result of the Central Pay Commission's recommendations the Government servants had some hopes that they would get their wages increased and they would get adequate dearness allowance. When the Central Pay Commission stated that the dearness allowance that they are entitled to is according to a slab system, for every 20 points rise in the cost of living index they were expecting Rs. 5. This was made clear in their recommendations. But when it was applied to the services, it was not given according to the recommendations of the Central Pay Commission.

So far as the Railways were concerned, I know, that when in 1948 they had the right under the minimum wage group to get upto Rs. 60, they

[Shri Nambiar]

were given only Rs. 30. So you can see how their wages and dearness allowance has been reduced to the minimum. Therefore, they wanted that they should be given pay and allowances in accordance with the recommendations of the Central Pay Commission. Added to that, for the railway servants they had the grainshop facilities under which they could purchase food and other articles—about 26 items—at reduced rates, and further they had many other facilities. All these facilities were curtailed. The House will remember an inquiry was held by a Committee called the Grainshop Inquiry Committee under the Chairmanship of Mr. Santhanam and this Committee recommended that the grainshop system must be abolished on the railways with the result that there was another attack on the earnings of the railwaymen. So attacks after attacks came on the railway workers. Therefore, they had to resist them and they resorted to legal, constitutional steps. A legal, constitutional step under the Constitution is the right to strike. Till today that right is not denied, of course, on paper—not denied according to the Constitution. But in practice, they are terrorised and victimised so that they should not go on strike. They will not get fulfilment of the promises which are given to them, they will not get wages and dearness allowance which they are entitled to even under the Pay Commission's recommendations and if they resort to the legal method of strike, they are denied even that right. They are victimised for attempting to go on strike. This sort of situation was there in 1948. In 1948, I hope you will remember, Sir, there was a strike ballot by the All India Railwaymen's Federation. That strike ballot was for enhancing the dearness allowance according to the Pay Commission's recommendations and against the Grainshop Inquiry Committee's recommendations. Even then they tried all methods to see that they get adequate dearness allowance increase and justice at the hands of the Government. The Government did not satisfy the railwaymen; therefore, the railwaymen decided to go on strike.

So also the postal employees. You may remember in 1949, the postal employees threatened to go on strike. Along with them, the railwaymen also. But finally when certain talks were conducted, a section of the railwaymen did not go on strike. But other sections agreed to go on strike and they were preparing and a ballot was taken; an all-India agitation was going on. It was at this time that the *Safeguarding of National Security*

Rules was promulgated by the Governor-General. That was the situation and that thing continues till today. Even last week there was a case in Kalka, very near here. A railway worker by name Gandhi was issued a charge-sheet under the *Safeguarding of National Security Rules*. They have given reasons why he is to be removed from service. One of them is that he attended a meeting in which a Communist also spoke and participated. So, the whole thing is a political attack on the Government servants. To say that this is an attack against subversive activities is only a cover. But the real content of the attack is that no Trade Union activity will be permitted to the Government servant. Whatever is given to them, they must accept; they should not agitate against that. That is the idea behind this order. I will read to you, Sir, how the order reads. It reads:

"In exercise of the powers conferred by sub-section (2) of section 241, section 247 and sub-section (3) of section 266 of the Government of India Act 1935, the Governor-General is pleased to make the following rules.

These rules may be called the Civil Servants....."

It goes on to say that they apply to all persons serving in connection with the affairs of the Dominion whose conditions of service are regulated by the Governor-General or the Governor of a Province under section 247 of the Government of India Act, 1935. So, it covers the entire Government servants, both Central as well as provincial. It says:

"A government servant who, in the opinion of the competent authority is engaged in or is reasonably suspected to be engaged in subversive activities or is associated with others in subversive activities in such a manner as to raise doubts about his reliability, may be compulsorily retired from service."

You see, Sir, how ambiguous and how all-powerful the wording is. Anybody under the sun, any Government servant whom the official does not like can be booked under this rule, because it says, 'reasonably suspected to be engaged in subversive activities or associates with others in subversive activities'. Anybody may be said to be "reasonably suspected" or he may be associated with another person who is "reasonably suspected" of any subversive activities. What is subversive activity? Nobody has

defined it and the rule does not say what amounts to a subversive activity. The rules also say, in clause 5,

"Nothing contained in Parts X and XIII of the Civil Service, Classification, Control and Appeal Rules, shall apply to or in respect of any action taken by or proposed to be taken under these rules."

If a Government servant has to be dismissed or discharged, he has to be dismissed or discharged under Parts X and XIII of the Civil Service, Classification, Control and Appeal Rules, which gives an elaborate procedure. So, anybody dismissed under this procedure need not go through the various clauses of the procedure mentioned in those chapters. That procedure is suspended. A Government servant may be removed under these Rules without giving any reason.

So also with regard to the railway. There also you have the same thing reproduced. It says:

"In the exercise of the powers conferred by sub-section (2) of section 241...These Rules may be called the Railway Service (Safeguarding of National Security) Rules, 1949."

There again, it is mentioned in clause 3:

"A member of the railway services who is, in the opinion of the competent authority, engaged in or is reasonably suspected to be engaged in subversive activities or is associated with others in subversive activities in such manner as to raise doubts about his reliability....."

The same thing is repeated. This is issued separately under the name of the Secretary, Railway Board. The other thing was issued by the Secretary, Home Department. Therefore, it is a sort of move to suppress the legitimate agitation of the Government servants. From this you can understand, Sir, how dangerous a move it was, how it was aimed at suppression of certain minimum rights that are guaranteed to the ordinary railway or Government servant.

In planning this attack, Sir, there was another circular issued by the Home Ministry, which also I want to bring to your notice, Sir. That circular is No. 25/11/49, dated 14th April, 1949 which explains how this is to be implemented. In one of the paragraphs, it is stated:

"Under the ordinary rules, the removal of a permanent government servant involves the holding of an elaborate enquiry amounting virtually to a judicial proceeding with correspondingly high requirements of the quality of evidence and the degree of proof needed. In the case of government servants engaged in or associated with subversive activities, it is clearly impracticable to follow this procedure."

Therefore, they say, in the case of Government servants,

"As a result of prolonged and careful consideration of the position, it was therefore found necessary to make *ad hoc* rules which would enable government compulsorily to retire without recourse to the elaborate procedure laid down by Rule 55."

This is given in the body of the explanatory circular issued by the Home Department. Of course, I can place a copy of this on the table of the House. I am not reading any secret document.

In paragraph 2 you can see something more interesting.

"For the present it has been decided that the following organisations should be listed to be treated as subversive:

The Communist Party,
The Revolutionary Communist Party of India,
The Revolutionary Socialist Party of India,
The Rashtriya Swayam Sewak Sangh,
The Muslim National Guards;
and
The Khaksars."

Again, in paragraph 3, it explains,

"The Committee of Advisers referred to in the Standard Form of notice will consist of 4 members."

They are forming a Committee or a Board of Members to go through the cases. There are four members, namely,

"an officer of the Ministry of Home Affairs, an officer of the Ministry of Law, and the Director, Intelligence Bureau, who will function in all cases, and the fourth will be an officer of the Ministry concerned with the particular case."

[Shri Nambiar]

This Intelligence man must always be there.

"The officers of the Ministries will not be below the rank of Joint Secretary. The officer nominated to represent the Ministry of Home Affairs will be the Chairman of the Committee of Advisers."

Of course, this is not a non-official committee. This is a committee containing the Intelligence Bureau officer, as the super-man and he must certainly be there. That is, the C.I.D. is the final person to decide it. In an annexure it is said and it is a very interesting thing which the House must know and which I want to bring to the light of day:

"Information about subversive activities or sympathies of Government servants would normally be available through two official channels, i.e., the Police or the officer under whom the Government servant is employed."

One railway servant or Government employee may have sympathy for communism. Then it is enough. He may have read Lenin or Stalin or something like that. If it is found that a Government servant is possessing a book in which Lenin or Stalin is written, that shows sympathy. All the parties whom they considered against the Congress are there, all those parties whom the Home Ministry considered at that time as against the Congress, all those who belong to the opposition against the Congress must be singled out. That was their theory and they brought it like that. They say:

"Information about subversive activities or sympathies of Government servants would normally be available through two official channels, i.e., the Police or the officer under whom the Government servant is employed. Information received from either source should be passed on by the competent authority to the appropriate Provincial Police Authorities. It will be examined by the D.I.G., C.I.D. or I.B. as the case may be who will, in his turn, verify the information, offer his comments and, in all cases, where he....."

Therefore, the whole thing is done by the C.I.D. officials who are the persons giving information apart from the officers of the department.

Now, with regard to how the rules should be applied to the provincial services, the instructions read as follows:—

"Provincial Governments are requested to issue instructions to the provincial authorities to afford the necessary assistance to the competent authorities mentioned in the rules to enable them to take all the necessary action in accordance with the instruction prescribed. Instructions may also be issued to the Provincial Officer mentioned in para. 3(a) of item (ii) above. A copy of the instructions issued by the Provincial Government in this behalf may kindly be communicated to the Ministry of Home Affairs and the Ministry of Railways for information."

So, it is an all-comprehensive arrangement. Through this, they wanted to isolate a certain ideology, not even the activities. I do not for a moment say that any Government servant should have anything to do with any party, whether it be the Communist Party, or the Socialist Party or any other party, but this rule should also apply to the Congress Party. If a Government servant wears Khadi and dons a Congress cap, he can do anything; on the other hand, if he has sympathy for any other party he is treated as an untouchable. This is how the ordinary, fundamental rights of the Government servants are hard hit.

If these rules were merely there on paper and did not actually affect Government servants, I would have understood, but as the full particulars and details which I have given to the Ministry will show, some 250 railwaymen have been dismissed and 70 of them have in addition been suspended under these rules. I have submitted three lists. Apart from railwaymen, there are employees of the P. & T. Department, civilian employees of the Defence Services and employees of Naval Dockyards and other services. In all, the number will be about 600 men who have been either dismissed or suspended under these rules.

A long agitation against these rules was started and it was continued. Let us see whether the persons affected are top ranking Communists or politicians, or mere ordinary workers. For instance, taking the South Indian

Railway, you have the following names:—

- V. Muniswami Naidu—Rolling Stock Labourer, Mettupalayam.
 Natarajan—Train Lighting Fitter, Mettupalayam.
 Mariassosai—Carpenter, Erode.
 Maruthamuthu—Painter, Erode.
 Sankaran Nair—Sepoy, Watch and Ward, Shoranur.
 T. Arugugam—Pointsman, Karai-kudi.

These sepoys, fitters and carpenters are considered to be persons who ought to be dismissed for reasons of security under these rules. Workers had the right to strike, but despite that they were dismissed. This is nothing but victimisation. I am appealing to the Government, not only in my capacity as an Opposition Member and a Member of the Communist Party, but in my capacity as one who feels sympathy for the families of these people—I am appealing to the Government that they should not victimise these ordinary workers under these obnoxious rules. If they have anything against a certain political party, let them fight it openly. When they found the Communist Party not acting up to their wishes, they banned it. Even today, although they allow us to sit here, if they want to lock us in, they will straightaway take us to the Delhi jail in a moment. We are also prepared to go. But why should they attack the ordinary workers for the sin that they belong to a trade union, for the sin that they voted in favour of a strike ballot? From the South Indian Railway alone, hundred people have been dismissed. It has a total of 50 thousand workers, but they singled out these 100 men who were the founders of the trade union movement there. They were Vice-Presidents, General Secretaries or Secretaries.

Leave aside the railways. You have similar cases, as I said, in the postal department and among dockyard workers. Here is the case of Samuel Augustine who joined the dockyard in 1941 and worked as a fitter. He was discharged. Then Pritam Singh; then Menon. There are so many cases.

Mr. Chairman: He has four minutes more. Already he has taken twenty-six minutes.

Shri Nambiar: I have hardly covered the ground. I am giving you concrete examples. The railwaymen did not keep quiet. They agitated. They went to court. I shall read to you from the judgment in one of these cases, namely, Sambandam against the G. M. Southern Railway.

The petition is No. 14078 of 1950 and was disposed of on 13th November 1951 and the judge says in his judgment:—

“As the question is one of right procedure to be followed in exercise of the powers conferred under the Safeguarding of National Security Rules and as the rights of the petitioner have been clearly infringed, this is a fit case in which the writ must issue. The order dated 6th September 1950 is accordingly set aside. The petitioner will be entitled to his costs, advocate's fee Rs. 100.”

That worker was a wireman in Mandapam. He got the order cancelled and he was entitled to Rs. 100 as costs. But what happened? While we thought that everyone would come under the same interpretation and will be taken back to duty, the Railway Board interpreted the judgment as applying to a certain procedure and they said they will change the procedure. So, they cancelled the discharge order and served a fresh notice. Till today this man has not been taken back. At one stage, he got an order that he must pay back his provident fund, allowances etc. That order also is now cancelled. Yet, he is hanging in the air. He does not know whether he is in service or not. These points did not arise for the first time in the South. I had the honour of representing the railwaymen in the South. I went as a trade unionist and met the Deputy Minister and the Minister of Railways. I tried my best. Then, this matter was brought up on the floor of the House. During the last session, on 28th July 1952, all Opposition leaders, including Dr. Lanka Sundaram, Shri Deshpande, Shri Gopalan, Shri More, Shri Menon etc. went and represented this matter to Shri Lal Bahadur Shastri and he said that barring two or three very serious cases, he would apply his mind very sympathetically. We had much hope. But after eight months during the Budget session this year he replied to us saying that he had gone through all the cases himself and had seen no reason to reinstate them except in a few cases, and those few cases, as we were able to elicit in this House during question time will mean twenty cases of discharged men and ten cases of suspended men. As the matter stands they are not prepared to take them back. That is the position.

6 P.M.

It is in this background, Sir, that I am moving this Resolution. But apart from moving this Resolution I have been in touch with the Railwaymen. You can see the number of telegrams

[Shri Nambiar]

that I have received, copies of all of which have been sent to either Mr. Lal Bahadur Shastri or Mr. Alagesan. These are telegrams coming from the railway workers of South India and I am prepared to place them on the Table of the House, because the House must know what is the feeling on this matter in South India. Not only the trade unions in the South, but other trade unions as well are agitated over this question and they too have sent telegrams. The United Trade Union Congress which was in session in Calcutta sent a telegram:

"Railway Minister promised liberal consideration Security Rules cases. Now declares reinstatement of 30 out of 100. Most unsatisfactory. Demand reinstatement order."

The All-India Railwaymen's Federation, which has taken up the case has passed a resolution in its session in Assam. That resolution is also here with me and I am prepared to place it on the Table of the House.

Mr. Chairman: The hon. Member has already taken thirty minutes. I would request him to conclude in five minutes.

Shri Nambiar: This resolution says:

"This meeting of the General Council of the All-India Railwaymen's Federation vehemently protests against suspending or forcing to go on compulsory leave of railway employees, under the National Safeguarding Security Rules."

All sections of labour have passed resolutions in support of their reinstatement and for the withdrawal of these orders.

Apart from all this I have got copy of a letter addressed by the Trade Union International under the signature of Stelian Moraru, its Secretary-General, dated the 2nd October 1952, to no less a person than the Prime Minister of India, Pandit Jawaharlal Nehru. This letter was forwarded by the Trade Union International of Land and Air Transport Workers with these words:

"We are giving below the text of the letter addressed by the T.U.I. Secretariat to the Prime Minister of India. The land and air transport workers of 24 countries, members of our Trade Union International are deeply worried by the grave injustice perpetrated against the railwaymen in our country."

This body has got a membership of 6,800,000 in twenty-four countries. Certain trade unions in India are affiliated to this World Federation of Trade Unions. It is recognised by the United Nations. That body has appealed to Pandit Jawaharlal Nehru to reconsider this question.

It is not merely a question affecting certain number of workers. It is a question of right to do trade union work, for which these people have been discharged. I may perhaps be asked: They were considered to be subversive elements; they did not do any trade union work. How can you say that their right of doing trade union work is being impeded?

I can quote to the House extracts from charge-sheets served on these men which will prove beyond any doubt that these are all cases of victimisation for trade union work. One of the charge-sheets reads:

"... You as a member of the Executive Council of the E.I. Railway Road Workers' Union carried on propaganda as a member of the Executive Council of the Union."

In several cases the charge-sheets say: "You agitated for strike: you are a member of a trade union". So agitation for strike or being a member of a trade union is an offence. Agitation for better livelihood is the reason behind the action against these people, not any subversive activities. If it is subversive activities, there is a case for action against them. If anyone wants to sabotage the interests of the country, I for one am not here to support him. Anyone working against the interests of the country may be punished. Sometime back they propagated that the Communist Party indulged in subversive activities and the Party was banned. But today do they say that the ban continues? No. Because they have found it not possible to do so. They found that people did not respond to their propaganda scandals. But why should they victimise the ordinary trade union worker today saying that he is connected with the trade union movement.

We have tried all avenues and all methods. We tried to convince the Ministry; we tried to convince the Government on the floor of the House. We, the Opposition leaders went to the hon. Minister and brought the High Court Judgment to his notice. But in spite of all these, they are not prepared to take these men back.

I have got mass signatures from 5,000 workers. They have understood that my resolution is having a hope of coming before the House and they have sent these petitions signed to me. A copy of this has gone to the hon. Minister. I want to place this also on the Table of the House. I want to take the House into confidence and request it to persuade the Ministry to reconsider the whole question. This is a case of victimisation and about 500 families are suffering in these hard days for no fault of theirs. It is not merely a question of victimisation of certain individuals. This has some political implications. This is an attack made on political grounds. So it is a political matter having international consequence, because the International Trade Unions have intervened. I would therefore request the hon. the Prime Minister to give personal attention to this matter.

I had appealed to Dr. Katju personally. I went to his Chamber and asked him: "Why do you want the National Security Rules to continue? I convinced him that the situation has changed". He told me: "I am considering the matter, but I do not think that I can do it myself. This involves bigger issues." Thus he evaded the issue. I request the hon. the Home Minister, the Railway Minister and the Prime Minister to reconsider this issue afresh. We on this side of the House are certainly prepared to place all the material before them and seek their co-operation. I am not agitating here with a view to put the Government in the wrong and score any debating point. My object is only to get the sympathy of this House, so that it may see that these men are reinstated and this obnoxious rule put an end to. Let us create a situation in which the railwaymen and the Central Government employees may have confidence that this Government will render them justice. Without that confidence there will be no improvement in the state of affair in the country. Your Five Year Plan will not be successful. Let them think in these terms.

Mr. Chairman: Resolution moved:

"This House is of opinion that the Safeguarding of National Security Rules, 1949 introduced in the Railways, Postal, Defence and all the other Central Government Services to discharge Government employees without recourse to normal procedure of disciplinary rules be cancelled forthwith and all those discharged or suspended under these rules be reinstated."

81 PSD.

Dr. Lanka Sundaram (Visaklapatnam): I would like to say a few words in support of this Resolution, generally, because, I am convinced that the problems which this Resolution wants to spot-light are of vital interest to workingman's movement of this land. My hon. friend Mr. Nambiar mentioned that I was one of the people who waited on deputation on the hon. the Railway Minister on the 28th of July last year. I agreed to join the deputation because I was convinced then, as I am convinced now again, that something has gone wrong on account of the attitude adopted by the Railway Administration to the fortunes of these 600 unfortunate railway workers. Let there be no mistake, Mr. Chairman, that I come to defend saboteurs. It is not my line. Twenty-five years of my life I have spent in trade union work. I am for legal, constitutional and trade union rights to be maintained on the highest pedestal. I do not ask for anything more than what is guaranteed to me in terms of the law of the land. If anybody, especially a government servant, is proved to be guilty of subversive activity or is proved to be a saboteur, let the course of the law be pursued. That is all I ask from the Home Minister in particular.

I was rather surprised that after nearly eleven months of review the hon. the Railway Minister was not able to satisfy me at any rate—I am speaking for myself as one of the members of the deputation—that justice was done and justice was shown to have been done in those cases. I often wonder why, like in the case of the Preventive Detention Act of which my hon. friend the Home Minister is so fond, there is no judicial tribunal to review these cases.

The Minister of Home Affairs and States (Dr. Katju): I think it is one of the best Acts that you have enacted.

Dr. Lanka Sundaram: I am giving you like for like. I think the Home Minister did not catch what I have said. I was saying like in the case of the Preventive Detention Act where there are reviewing judicial boards, why was there not such a provision in the case of the discharged workers. I still feel that it is not beyond remedy at the moment. A procedure of that type can still be adopted, and a proper quasi-judicial review can be done as regards these railway workers.

Having said this, I would like to make one or two general observations with your permission. Sir. This is a legislation born out of war conditions, in 1949. My hon. friend Mr. Nambiar

[Dr. Lanka Sundaram]

made a reference to his talk with the Home Minister and said why these Rules should now be withdrawn, and that is the purport of this Resolution. I want to ask the House to bear with me for a few seconds, with your permission, in what I am going to present to you in terms of the employment conditions created in government service these days. It is not only the National Security Rules of 1949 which are invoked against certain types of trade union workers. Actually there is what is called the Essential Services Rules.

I will give you a case, a very pathetic case, the accuracy of which I am prepared to vouch personally. About 100 conservancy workers—I do not want to use the word 'Scavengers'—of a municipality in my constituency demanded a little increase of basic pay, a little dearness allowance and some uniforms. And I want my hon. friend the Home Minister to remember what happened to them. They were arrested and kept in prison under the Essential Services Rules. I fought the case for the past three years, but there is no redress. The damage has been done. Of course my hon. friend would tell me that it is a matter for the Madras Government. I am trying to present to the House a very faithful picture as to the manner in which lawful trade union activity is sought to be interfered with, and officials of trade unions properly registered and properly conducted—leave aside saboteurs and people guilty of subversive activities—are victimised.

I am glad my hon. friend Shri Jagjivan Ram is here. Only four days ago a letter was passed on to him by my hon. friend Seth Govind Das about the discharge from service of one of the committee members of the Postmen and Lower Grade Employees' Union from Jubbulpore, a union which has nothing to do with Communism, requesting him to look into the case.

I will give my hon. friend the Home Minister another illustration of a case of which I have personal knowledge and which I have been fighting, in company with my friend Mr. Venkataraman who is sitting here, and also of the Deputy-Speaker. This is the case of a trade union official from Visakhapatnam, the Secretary of the local branch of the Military Engineering Service Union. And what was his fault? He wrote a few letters to the higher authorities that the garrison engineer and contractors are defrauding public funds, and asked for an enquiry—please mark my words, Mr. Chairman. And what is the result?

He was given a summary notice of discharge. I make reference to the good faith behind his action, and I hope that justice will be done eventually. Let it be said to the credit of the late Shri Gopalaswami Ayyangar that after four months of enquiry he rescinded the order of discharge. And what happened to the case? Here I want you to bear with me for a few seconds. The moment the man went from here to Visakhapatnam with this order of rescission of discharge for the offence supposed to have been committed by him, what happened? The moment he reported to duty he was served with a fresh order of discharge on the ground of inefficiency, and was discharged again. The poor man is twiddling his thumbs, working in a trade union office. My friend Mr. Venkataraman would bear me out when I say this. Out of pity for his condition and his family of seven children, he was given this job where he is trying to earn his meagre bread every day. That case is still being looked into by the Defence Ministry.

Sir, I am saying these things with a full sense of responsibility. Why are these things happening? Because I can tell you, with all the sense of responsibility I can command, that certain types of union workers who are energetic, who are go-getters, are not liked by the employers. In this case I am prepared to make a declaration, and I will prove it here, or as legally required, that the Garrison Engineer had the temerity to come to me and ask me not to sponsor the application of this particular union official with the Government of India. I am making a very bold assertion because the sort of victimisation that is going on is something which my hon. friend in charge of the Ministry of Home Affairs, which frames the rules of conduct and procedure for government departments and government servants, does not unfortunately know.

I would not like to weary the House with a further recital of a number of cases. But I would like to spotlight another point of importance. Today the laws of the land have been altered in such a way that there is no provision for a legal strike. I have said so last time, and I am sure the Home Minister would remember what I said when I intervened in the discussion on the Preventive Detention Bill. Why? Because the Government in particular, being the biggest employer in the land involving 25 to 30 lakhs of people in the various Ministries, Railways, Posts and Telegraphs, Telephone Services, Railway Collieries,

Shipyard, Sindri and so on and so forth, are unable to tackle this problem of wages, living conditions and the rights of workers under the trade union law.

The other day, on the 7th of this month, there was a short notice question about what happened in Visakhapatnam. What happened? Without any consultation with the Works Committee and so on, completely destroying all the normal processes available under the trade union law, on the 30th of last month at 2 o'clock the office-bearers of the Shipyard Labour Union were called by the Managing Director and served with an order of discharge, and on the next morning, without even seventeen hours' notice, 813 workers were discharged. Why was such a thing resorted to? If the legal requirement of a fourteen days' notice, which is the normal custom under the trade union law, had been followed, these people would have gone to the labour conciliation officers, an industrial tribunal would have come into existence, and no one could have been discharged.

I am making a reference to all these things for the reason that it is not merely the enforcement of these rules, but the entire type of approach of the Government as an employer which is at fault. I do trust the Home Minister would look into these rules.

There are two things which Government does every time as an employer. It declares on paper that such and such service is an "essential service", naturally seeking to compel the workers to work against their will. Secondly, immediately a strike notice is given it is declared illegal. Previously the Railwaymen wanted to go on strike. In Visakhapatnam they are likely to do so on the 22nd when the strike notice expires. What is the purpose of your declaration when the workers are determined not to work. Nothing on the face of the earth can compel them to work. Circumstances like these should be avoided.

I propose to make one or two constructive suggestions to the Home Minister, to investigate and to see whether he cannot do something to stop the growing deterioration in the policy of the Government as an employer, who have to set a standard for the ordinary employers in the private sector.

Otherwise I can assure him it will not be very long before there will be a major revolution in the working-man's movement, because in Railways, Posts and Telegraphs, Defence Services, collieries, shipyards, everywhere,

there is retrenchment going on, and everywhere there is a clamour against it. When one worker is discharged, the entire Trade Union stands by him. That has been the practice in this country, and the tradition of this country, I am glad it is a very noble and enduring tradition.

The suggestions I would like to make are these. I want the Home Minister to examine whether the conditions of service in Government are uniform for the various Ministries. If they are not, I would ask him to bring about a uniform code of service conditions, especially in regard to recognition of Trade Unions, and Rules of Procedure about enquiries into alleged misconduct of officers of Unions, and if he cannot do that, I regret to say it will not be possible for him to carry on the administration of the land as the Home Minister, for the reason that every particular Ministry, every particular Department in a Ministry, has taken the law into its own hands. I discussed this matter with the Minister for Labour, who unfortunately is not here. Everybody knows, including the Labour Minister, that the directions of the Home Ministry and the Labour Ministry are flouted, with the result that these vitriolic positions as regards unemployment and Union conditions are arising in various parts of the country.

I hope I have said something which will stir my hon. friend into furious activity, in order to see that wherever there is a wrong, it is righted, and procedures which have got to be established for the sake of the harmonious relationship between the employer and the employee; particularly, laws relating to the Unions where the Government stands as an employer are properly laid down.

पंडित अलगू राय शास्त्री (जिला ब्राजमगढ़)
—पूर्व व जिला बलिया—पश्चिम) : सभापति महोदय, मेरे मित्र तन्बियार साहब ने जो प्रस्ताव रखा है मैं खेद के साथ उसका विरोध करने खड़ा हुआ हूँ। आपको यह जान कर प्रसन्नता होगी कि मैं क्यों विरोध कर रहा हूँ। मैं जानता हूँ कि जब यहाँ विदेशी शासन था तब विदेशी शासन ने अपनी रक्षा के लिये वे क्रायदे कानून बनाये थे। उस समय जो देश में स्वाधीनता की लहर थी उस में सभी देशभक्तों का हाथ रहता था और हमने १९४२ के आन्दोलन में यह देखा कि देशभक्त

[पंडित जलगू रायशास्त्री]

जनता ने उन साधनों को भी नष्ट कर दिया था जो कि जनता के लिये उपयोगी दिखलाई पड़ते थे। वह आन्दोलन ठीक उसी तरह का आन्दोलन बन गया था जैसा कि महाराणा प्रताप के जमाने में उस समय हुआ था जब अकबर की फौजों के साथ उन की लड़ाई थी। उस समय जनता के लोग स्वयं अपने कुंवों में जहर डाल देते थे और अपनी फसलों को बरबाद कर देते थे क्योंकि जनता यह समझती थी कि उनसे शत्रुओं को लाभ होता था। इस भावना में अपनी ही चीजों को अपने हाथों से बरबाद करना आवश्यक हो गया क्योंकि उसका लाभ विदेशी हुकूमत को मिलता था और उन्हीं साधनों से विदेशी हुकूमत हमारे ऊपर अपना शासन चलाती थी। उस वातावरण में विदेशी हुकूमत ने अपनी रक्षा करने के लिये इस प्रकार के कानून बनाये थे जिस से लोगों को जरा जरा सी बात पर जेलखाने में रख सके। एक मामूली कांस्टेबल अच्छे से अच्छे आदिमियों को, बड़े से बड़े आदिमियों को, जिन में हमारे माननीय गृह मंत्री भी हो सकते हैं, बन्द कर दिया करता था। एक समय ऐसा था कि विदेशी हुकूमत ऐसा करती थी। आज जब जनता का शासन स्थापित हुआ है, जब प्रजातंत्र इतने बड़े आधार पर इस देश में अपना काम कर रहा है, जब प्रत्येक बालिश को मतदान का अधिकार है और उसने अपने मत से एक शासन व्यवस्था बनाई है, तो उस शासन व्यवस्था के प्रति उसी प्रकार का दृष्टिकोण रखना कि जो विदेशी शासन के प्रति इस देश में रहा, उचित नहीं है, और आज खेद के साथ कहना पड़ता है कि उन क्रायदे कानूनों को यदि जारी रखना पड़ रहा है तो केवल इस कारण कि इस तरह का ऐलीमेंट (तत्व) हमारे देश में मौजूद है जो सरकार को परेलाइज करने के लिये और उसके चलते हुए काम को ठप कर देने के लिये अभ्यसर है। मैं अपने अनुभव से कह

सकता हूँ कि जहां कदापि स्ट्राइक की आवश्यकता नहीं थी, किसी प्रकार की हड़ताल की आवश्यकता नहीं थी, वहां आज नारे लगाये जाते हैं वेजेज का नाम लेकर, और तरह से भी सहानुभूति के भासू बहाये जाते हैं। जिन लोगों के हित के लिये और जिस वर्ग का नाम लेकर यह कार्यवाहियां की जाती हैं उसी वर्ग के हितों के लिये वह घातक हो रही हैं। यहां कहा जाता है कि जो कोई सरकारी कर्मचारी खादी पहन कर या गांधी टोपी लगा कर आता है तो उस पर मौजूदा सरकार बड़ी दयालु रहती है और जो ऐसा नहीं करता है उसके लिये भ्रदयालु रहती है। मैं अपने मित्र से यह पूछूंगा कि वह दिखलायें कि इस सेक्रेटरियट में कितने सरकारी कर्मचारी खदूर पहनने वाले हैं और कितने गांधी टोपी लगाने वाले हैं। मैं नहीं समझता कि सरकार किसी भी तरह से इस भावना से प्रेरित होती है कि कौन खदूर पहन कर आता है और कौन खदूर पहन कर नहीं आता है। एफीशियंसी और इन एफीशियंसी की बात हो सकती है किन्तु सरकार पर यह लांछन लगाना कि जो सरकारी कर्मचारी कांग्रेस के साथ सहानुभूति रखते हैं उन के साथ सरकार नरमी का व्यवहार करती है और जो कांग्रेस के विरुद्ध हैं उन पर सख्ती करती है, यह गलत है। अगर आज इस जमीन में यह कायदे कानून मौजूद हैं तो उसका कारण यह नहीं है कि यह कांग्रेस सरकार, जो कि जनता के मत से यहां पर आकर स्थित हुई है, वह चाहती है कि ऐसे रेयूलेशन्स रखे जायं या ऐसे कानून रखे जायं, बल्कि उसको विवश होकर उस परिस्थिति के कारण इनको रखना पड़ रहा है जिस परिस्थिति को पैदा करने में हमारे उन भाइयों का हाथ है जो कि इस प्रकार के प्रस्ताव लाते हैं। उनका काम है कि इस प्रकार के लोगों को जो हमारे आवश्यक कामों में लगे हुए हैं उनको छोटे मोटे लाभ दिखाकर

वह उभार देते हैं और जिनकी ओर से यह प्रस्ताव आया है उन भाइयों के रिबोल्यूशन की जो टेकनीक है उसका यह एक अंग है कि लोगों को किसी प्रकार के मुलहनानों पर मत आने दो और झगड़ों को बराबर जारी रखो, क्रान्ति चिरजीवी हो, क्रान्ति चलाते रहो। जो मौजूदा समाज का ढांचा है उससे उनको नफ़रत है। वे यह समझते हैं कि इस ढांचे में जो सरकार होगी वह कोअरसिव होगी, वह सत्ताधारियों की सरकार होगी, पूंजीवादियों की सरकार होगी। जो डिमोक्रेटिक प्रिंसिपल्स हमारी लाइफ को चला रहे हैं उनकी ओर उनकी निगाह नहीं जाती है। मेरे वह मित्र यह देखते हैं कि इस सरकार को तो नष्ट करना है। इस सरकार को नष्ट करने का उनका तरीका यही है कि इस के जो अंग प्रत्यंग हैं उनको पारेलाइज़ किया जाय और वह ऐसे उपायों से जो उनको अपील करें। उसमें सबसे बड़ा उपाय तो यही है कि जो श्रमिक वर्ग है उसके सामने बड़े बड़े नारे लगाये जाय कि देखो तुमको मजदूरी कम मिलती है, मिनिस्टर बड़े बड़े मजे कर रहे हैं, वे यों कर रहे हैं; और वो कर रहे हैं और आप दुःख की जिन्दगी व्यतीत कर रहे हैं। मौके बेमौके यहाँ पर बिड़ला और टाटा का नाम भी आ जाता है और वे सरकार के साथ वाविस्ता कर दिये जाते हैं जैसे कि यह सरकार बिल्कुल उन्हीं के चलाये चल रही हो। इस सरकार के ऊपर, जो कि बालिग मताधिकार के ऊपर चुनी गयी है और जो लोग चुने गये हैं उनको जनता ने उनकी उन सेवाओं पर दृष्टि रख कर चुना है जो कि स्वर्णाक्षरों में लिखे जाने लायक हैं तरह तरह के लांछन लगा दिये जाते हैं। यह प्रजातंत्र की बलिहारी है कि कांग्रेस ने इस सिद्धान्त को माना है कि आप जो कुछ भी चाहे कह सकते हैं, और जो कुछ भी बोलना चाहें स्वतंत्रतापूर्वक बोल सकते हैं। जिन देशों में उस प्रकार की सरकारें चल रही हैं जिसके सिद्धान्त कि

हमारे निम्बियार साहब और उनकी तरफ बैठे हुए उनके साथी मानते हैं, उनके विरुद्ध कोई इस प्रकार के नारे नहीं सुनाई पड़ते, न अखबारों में न रेडियो में उनके विरुद्ध कुछ सुनाई देता है। वहाँ जो बातें होती हैं वह बाहर नहीं सुनाई पड़तीं। लेकिन कल तक जो वहाँ हो रहा था उसका नकशा अब बदलता नजर आता है। कुछ शान्ति की सी बातें सामने दिखाई पड़ने लगी हैं। अभी हाल ही में डलेस का जो ब्यान हुआ है उस में जरूर उन्होंने कुछ फंडामेंटल्स के बारे में कहा है कि जो एक मजदूर तानाशाही सिद्धान्त पर अवलम्बित सरकारें हैं उन के साथ कोई शान्ति या समझौते की बात चल सकती है, इस में सन्देह है यह बात उन्होंने कही और उन फंडामेंटल्स को मैं भी पहचानता हूँ कि जिसमें हम श्रमिक वर्ग की तानाशाही को स्वीकार करते हैं, जिस में हम इस बात को स्वीकार करते हैं कि पूंजीवादी प्रथा के ऊपर हमारा विश्वास नहीं। क्रान्ति के आधार पर हम सत्ता चाहते हैं। जिसमें हम हिंसा को एक उचित सिद्धान्त मान लेते हैं और उसे प्रोत्साहित करने के लिये छुपे तरांके पर काम करने का सिद्धान्त रखते हैं। तो ऐसी अवस्था में हम उस वर्ग की जिस को आज मजदूर वर्ग कहा जाता है, उस वर्ग की तुलना पूरी सामाजिक स्ट्रेन्चर को देख कर करें तो हमारे समाज में जिस तरह का जीवन का स्तर हमारा है उस को देखते हुए ऐसा नहीं जान पड़ता कि जिन मजदूरों की मजदूरी को कम बता कर उन्हें उकसाया जाता है और भड़काया जाता है, वह वास्तव में कम है। जो हमारा पूरा राष्ट्र है, उसकी जो सामाजिक अवस्था है उस के अनुसार सचमुच तुलना करें तो वह इतनी बुरी अवस्था नहीं है। उन को उस स्तर के अनुसार और अनुपात से ही वेतन मिलता है। हो सकता है कि कुछ थोड़े से आदिमियों के बारे में, उनके वेतन का अनुपात कुछ अधिक हो। अभी

[पंडित अलगू राय शास्त्री]

यहीं उस दिन पता चला कि रशिया में क्या है। वहां के बेतन के स्तर की कुछ चर्चा चली। नीचे मजदूरी करने वाले मजदूर का बेतन अगर ३०० रूबल्स है तो ऊपर १० हजार और २० हजार तक की बात कही गयी थी। मुझ को पूरे तौर पर उसका पता नहीं है, उन के अनुपात का पूरा पता नहीं है। लेकिन स्तर की बात वहां भी दिखाई पड़ती है। वहां भी इसी स्तर का तारतम्य है, जमीन और आसमान का तारतम्य वहां भी है। यहां भी जमीन आसमान है, तो वहां भी जमीन आसमान की बात है। यहां नीचे जमीन है, आसमान ऊपर है, यह वहां भी है। जो टेक्निकल और हार्डली स्पेशलाइज्ड काम हैं उन को कुछ ज्यादा वेजेज (मजूरी) देनी पड़ती है, कुछ उन की प्रीविलेजेंज ज्यादा होती हैं। एक आदमी को जरूरत पड़ती है कि मोटर कार पर चले, एक दूसरा आदमी पैदल भी चल सकता है। मगर यहां की दुनिया को भुला कर, यहां की जनता की इच्छा से आई हुई सरकार को दफना कर, उसके स्थान पर ऊंची अट्टालिका बनाने का स्वप्न देख कर जो लोगों को भड़काया जाता है, उन को जो कहा जाता है कि तुम दबे हुए हो, तुम्हारा कोई पुरसां हाल नहीं है, तुम पिसे जा रहे हो.....

श्री के० के० बंसु (डायमण्ड हार्बर) : यह सत्य है।

पंडित अलगू राय शास्त्री : इस में सत्य का अंश होता तो मैं मान लेता। मैं तो सत्य को मानने तथा, असत्य को त्यागने के लिये सदा तत्पर रहने वालों में से हूँ।

डा० संका सुन्दरम् : कभी भूल जाते हैं।

पंडित अलगू राय शास्त्री : नहीं, ऐसी बात नहीं है। मैंने सत्य की रक्षा के लिये ही जीवन दिया है और उसके लिये आप भी सत्य के अनुयायी बनें तो आपका भी कल्याण हो जायगा।

श्री गिडवानी (थाना) : शास्त्री जी, कुछ अध्यापकों का भी हाल सुनाइये।

पंडित अलगू राय शास्त्री : वह भी सुनाता हूँ। उत्तर प्रदेश के अध्यापक तो गुमराह हैं। "आन क लरिका पाई, त कीरा की बियरी में हाथ नंवाई", ऐसी कहावत भोजपुरी में है। एक दूसरे का बच्चा मिल जाय तो सांप के बिल में उसका हाथ डालकर सभी आनन्द लेते हैं।

संचरण उपमंत्री (श्री राज बहादुर) : फिर कहिये, पुनः।

पंडित अलगू राय शास्त्री : भोजपुरी में कहावत है : "आन क लरिका पाई, त कीरा की बियरी में हाथ नंवाई"। जो दूसरे का बच्चा मिल जाय तो सांप के बिल में उस का हाथ डालकर आजमा सकते हैं कि सांप की बाइटिंग क्या होती है। तो अध्यापक इस तरह मिल गये हैं। लिहो, लिहो करके उन को मूलावा दिया जा रहा है, भड़काया जाता है। उन के दुःख से मतलब नहीं, उन के सुख से मतलब नहीं और मेरे भाई उनको भड़काते हैं।

श्री गिडवानी: आप ४० रुपये रोज लें और उनको ४० रुपये माहवार आप दें।

पंडित अलगू राय शास्त्री : बहुत अच्छा तो आप उसमें से चन्दा करके उनको दीजिये अभी गिडवानी जी तो अध्यापक तक ही सीमित नहीं हैं। मेरे मित्र गिडवानी जी तो अभी रिफ्यूजीज से भी कुछ सत्याग्रह कराने का जिक्र कर रहे हैं।

Mr. Chairman: Order, order; I request the hon. Member to speak on the Resolution.

पंडित अल्लू राय शास्त्री: मैं केवल यह निवेदन करना चाहता हूँ कि यह मैंने बैंक ग्राउंड दिया (प्लॉटभूमि दी) कि इस रिजोल्यूशन (संकल्प) के पीछे यह राजनीतिक भावना है। इस कारण अगर इस प्रस्ताव को स्वीकार करके हम उन हल्स और रैग्यूलेशन्स को रद्द कर दें तो हमारे इन मित्रों को बड़ी बुरी छूट मिल जायगी इस मुल्क की सारी शासन व्यवस्था को उलट पुलट कर देने की। इसलिए मैं पुरजोर और बड़ी गंभीरता के साथ इस प्रस्ताव का विरोध करता हूँ और चाहता हूँ कि इस को स्वीकार न किया जाय।

इन्हीं शब्दों के साथ मैं समाप्त करता हूँ।

Shri Venkataraman (Tanjore): We have had a very eloquent plea on behalf of the workmen who have been rather badly treated under the Safeguarding of National Security Rules, and my friend Mr. Nambiar made a powerful plea for the scrapping of these rules.

Trade union work broadly falls under two categories. One category is of those who espouse the cause of the workers with a view to remedy all the difficulties which they are undergoing and also to improve the standard of life of the workmen. The other category is that class of people who exploit the difficulties, the miseries and the hardships of the people either to build up certain political backing and following for themselves, or for the purpose of creating a sort of confusion in the country. This distinction has been made not by me, but by the Professor of Industrial Relations in the Oxford University, in describing what is trade union work and what is political agitation. Trade unionists are those who try to improve the standard of life of the workmen by means of constitutional agitation. The political agitator is one who tries to exploit anyhow the grievances and difficulties of the workers with a view to build up the party organization. Therefore, in making a distinction between these

two, one has to be very careful to see that no injury is caused to the real trade unionist either under a mistake of the intentions of that man, or the following which he is leading. I quite agree that instances may occur where an honest trade unionist may be misunderstood to be a political agitator who exploits the situation. Also there are occasions—and I am quite sure you can easily imagine them—in which political agitators may try to masquerade as real trade unionists and play on the grievances of workmen. So, it is impossible to lay down a hard and fast rule and say that all trade union work is of the trade union variety, or to say otherwise, viz., that every agitation is really of a political character. Therefore, everybody who is in charge of administration has to apply the principles to the facts of each case and ascertain whether or not that particular instance is an instance of real, genuine trade union work, or it is an instance of political agitation.

The Safeguarding of National Security Rules were brought into existence at a time when certain parties in this country thought of subverting the Government of the day by means of an industrial outburst. In 1948-49 the philosophy of certain political parties in this country was that they could change the administration of this country by means of an organized uprising of the people in factories, in the Railways, in Posts and Telegraphs, in the fields and in agriculture. They tried that method, and it is common knowledge that at that time many workers were induced to go on strike, not necessarily to remedy the hardships which they were undergoing, not necessarily to improve their standard of life, but with a view to create political confusion. It was in this background that the South Indian Railway Labour Union declared a strike in the South Indian Railway contrary to the directions issued by the All-India Railwaymen's Federation to which they were affiliated.

The All-India Railwaymen's Federation considered their grievances first, and it even directed the taking of the strike ballot. But the Railwaymen's Federation met subsequently and examined the entire situation in the country and then decided that in that context, a strike should not be launched, and therefore they issued a directive to all their affiliated unions not to go on strike. In contravention of those directives, the South Indian Railway Labour Union, which my hon. friend Mr. Nambiar has the privilege of representing, went on strike, and it was an illegal strike.

Shri Nambiar: There was no strike in March 1949. The South Indian Railway Union also withdrew the strike. The hon. Member is wrong. Let him correct himself.

Shri Venkataraman: Now I am not going to bandy words as to the correctness of the date, but I can very easily prove that in contravention of the directives of the All-India Railwaymen's Federation, the South Indian Railway Labour Union went on strike, and it was because of that that the All India Railwaymen's Federation expelled the South Indian Railway Labour Union, and it is because of that that the South Indian Railway Labour Union is today not recognised by the Railway administration. I can also go further and say that All India Railwaymen's Federation refused to take them back into the Federation, because of their failure to obey the mandates of the Federation.

Shri Nambiar: There must be facts.

Shri Venkataraman: I cannot convince persons who refuse to be convinced. My submission is that the object with which the strike was launched was not to improve the service conditions of the workmen. If it were so, they would have followed the line which was set by their own Federation namely the All India Railwaymen's Federation. Then, what happened? The strike was carried on in a violent manner, and some of the workmen belonging to my Railway Union in the Southern Railway were treated violently, and some of them had to suffer indignities. In spite of these things, the other railway unions stuck on to their duty posts and carried on the work. That is the circumstance under which the Safeguarding of National Security Rules were formulated, so far as the Railways were concerned. My submission is that on the date on which these rules were formulated, there was ample justification for it, and that was done to meet an emergent situation caused by certain political parties in this country, who thought that they could change the order of society, and the Government of the day, by an organised uprising of the peasants and workers of this country.

My next point is this. Are these rules now really against the normal trade union workers, or are they in violation of the fundamental right of workers to organise themselves? Today there are more than two or three lakhs of railway workers who are unionized. If the contention of my hon. friend Mr. Nambiar were correct, then every trade unionist is brought under these

Safeguarding of National Security Rules, and all those people should have lost their jobs. These Rules were meant against such persons who, according to the authorities—they may be right or wrong, and I do not hold any brief for them—were trying to either subvert the working of the railways or to cause dislocation in the services, or utilise these things for their own party advantage. How that is going to be judged is a matter in which there might be difference of opinion. The Government have provided a Board consisting of a member of the Home Ministry, a member of the Law Ministry, and then, as my hon. friend Mr. Nambiar himself expatiated upon, a member of the Ministry concerned. These are men who occupy the status of Joint Secretary in Government. After all, how is the person who occupies the position of Joint Secretary in a Government less competent to handle these cases. I do not see. The persons have no direct personal knowledge and they always examine and scrutinise cases of the particular individuals.

Shri Velayudhaa (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): When the party is not before the Tribunal?

Shri Venkataraman: On the question of representation of parties, the parties are allowed to make written representations... (*Interruption*). Written representations are always before the particular Board which is constituted.

Shri K. K. Basu: Why not leave it to the judiciary?

Shri Venkataraman: If the cases have to be brought before the judiciary, certainly they will not be brought under the Safeguarding of National Security Rules, but they will be prosecuted for criminal offences and sent to jail. The difference is where certain acts cannot be proved in a court of law but which, nevertheless, are such as to endanger the security of the services, they have got to be dealt with in a different way. The same argument which was advanced in this House with regard to the Public Safety Act applies to this also.

An Hon. Member: No.

Shri Venkataraman: If it can be brought before the court, certainly it will be brought before the court. My friend, Mr. Nambiar, knows that a number of people were prosecuted and many of them were also sentenced. But in such cases where it is not possible to bring them before a court, it is necessary that the Government

has got to resort to a Tribunal which will look into their cases and see whether their continuance in service is in the interest of the service or not. At the same time I am very anxious that the normal, legitimate trade union activity of the workers should be protected. Today we have the Industrial Disputes Act which provides that certain services can be declared as essential services or public utility services. The only handicap of the workers in the public utility services is not that they cannot go on strike, as my friend, Mr. Lanka Sundaram, said; all that they have got to do is merely to give a notice of strike of 14 days. And if after a notice of strike is given the conciliation which is obligatory in the public utility services does not bring about a settlement of the dispute, then the Government is obliged under section 10(1)(b) of the Industrial Disputes Act to refer the case to arbitration or adjudication by a tribunal.

Dr. Lanka Sundaram: May I interrupt the hon. Member? But what about the other side of the case? I gave the example of the workers of the Visakhapatnam shipyard—summary discharge without even 17 hours' notice. What is the remedy?

Shri Venkataraman: I will conclude this point and reply.

Now, under the Industrial Disputes Act, those services which are declared to be public utility services have got the right to go on strike only after giving the prescribed notice. And if after the notice is given and the conciliation proceedings take place and the dispute is not settled, it is obligatory on the part of the Government—in fact the language is:

“that the Government shall refer the dispute to adjudication unless they are satisfied that the case is frivolous or vexatious.”

Therefore, the worker is amply protected in all those cases in which the services are declared to be public utility services, whereas in a private service the worker has no right to have recourse to adjudication. In the case of the public utility services, the worker has got the right to have his case referred to the tribunal, unless of course the case, as I said, is found to be frivolous or vexatious. Therefore, I do not think that the people in the essential services or public utility services are in a more disadvantageous position than the rest.

My friend, Mr. Lanka Sundaram, asked me: what about certain persons who are discharged, as in the shipyard,

without notice? The law only prescribes that either notice should be given or wages in lieu of notice should be given, and in the case of the Visakhapatnam Shipyard, wages in lieu of notice have been given. I do not at all justify the discharge. I am against the discharge of workers under any circumstances, for this reason that they are thrown out in the wide world without a chance of eking out their livelihood after serving in an industry for a number of years. But that is not to say that in every case where there is a discharge, it is an illegal discharge. The remedies normally open under the Industrial Disputes Act are still open to the workmen at the Visakhapatnam Shipyard and I am quite sure that they will get them.

Dr. Lanka Sundaram: That is not true.

Shri Venkataraman: I do not know what is not true; whether the fact is not true, or the law which I am stating is not true.

Dr. Lanka Sundaram: If fourteen days' notice is given, the workers would have referred this matter to the Conciliation Board and they would have been inside the Yard and appeared before the Board and the management would have had to justify the discharge. Now, they are thrown out on the streets and this Board, if at all it is created, will take long months to adjudicate the matter. That is the vital difference.

Dr. Katju: On a point of order. Are we not traversing ground which is not covered by the resolution? The resolution merely suggests the withdrawal of these rules, whereas we are discussing the whole of the trade union law.

Mr. Chairman: Yes, this is an argument going on on a point of law and has nothing to do with the resolution. Since Dr. Lanka Sundaram raised this point, Mr. Venkataraman replied to it and now if I say that Mr. Venkataraman should not answer the point just now raised by Dr. Lanka Sundaram, it ought not to be thought that Mr. Venkataraman is not able to answer it.

Shri Venkataraman: I shall not advert to that case. The other matter referred to by Dr. Lanka Sundaram was the case of the M.E.S. Worker. His own instance proved that Government had corrected the mistake.

Dr. Lanka Sundaram: And who re-committed the mistake?

Mr. Chairman: I am afraid this case also does not come within the scope of the discussion.

Shri Venkataraman: If you had not allowed Dr. Lanka Sundaram to raise this point, I would not have referred to it.

Mr. Chairman: My difficulty is this. If I allow the hon. Member to discuss this now and another hon. Member wants to reply to him (Mr. Venkataraman) I would be unable to stop him. So, I am nipping the evil in the bud. He may confine his remarks to the other parts of the case.

Shri Venkataraman: I bow to your ruling. I only wanted to correct a misapprehension. Anyhow, the cases are being taken up with the Ministry concerned and I do hope that justice would be done.

I have only one other point to make, and that is that whatever may have been the reasons and the circumstances under which these rules came into existence, the time has now come for re-examining whether they should be continued. The situation in the country has improved. The number of strikes and lock-outs have gone down. Even the report of the Labour Ministry would show that the situation with regard to industrial production and industrial peace has shown considerable improvement. If that is so, Government may re-examine the position and find out whether these rules are necessary at all, and if they think that they are necessary, whether the rigours of the rules may be modified. I think that some of the provisions of the rules may be easily modified in the light of changed circumstances. I therefore appeal to Government to reconsider the matter.

Mr. Chairman: There are only three minutes to 7 o'clock and at 7 o'clock we shall have the half-an-hour discussion. I suggest that this resolution may stop here and may be taken up on the next non-official day.

Dr. Lanka Sundaram: Can you not call upon someone to speak for these few minutes?

Mr. Chairman: That would be giving him a right to speak on the next occasion. I do not want to do that. I suggest that we start the half-an-hour discussion.

EAST PAKISTAN REFUGEE
WOMEN'S HOME AT CHUNAR

Mr. Chairman: We shall now take up the half-an-hour discussion. I want to suggest that since the time allotted is only half-an-hour and six or seven

hon. Members are desirous of taking part, the opener may take five minutes and the others two or three minutes. I think the hon. Minister will require ten minutes.

The Minister of Rehabilitation (Shri A. P. Jain): Ten minutes will do.

Mr. Chairman: Mr. T. K. Chaudhuri is going to open the discussion. Will he be satisfied with five minutes or would he require more time?

Shri T. K. Chaudhuri (Berhampore): I will take ten minutes.

Mr. Chairman: There are three other hon. Members who want to take part. They will have to be satisfied with a minute or so. I think those who want to take part should only put questions and nothing more.

Shri T. K. Chaudhuri: The main purpose in my seeking to raise this discussion in the House is to draw the attention of the hon. House to the condition of the inmates of the East Pakistan refugee women's home at Chunar, in the wider background of the misgivings in the minds of the public in Bengal about the treatment meted out to East Bengal refugees when they are taken out of West Bengal. I do not say that all these misgivings are always warranted by facts, but the existence of these misgivings is a fact and I feel in the background of what has happened in Chunar the authorities should have been more careful and should have given more attention to the administration of this Camp.

You know, Sir, that conditions of living of the women inmates of the Chunar Camp was referred to by the hon. Shrimati Sucheta Kripalani in the course of the Budget debate on Rehabilitation on the 21st of March last, on the basis of certain information given to her by another hon. Member, Shrimati Uma Nehru. She informed us that these girls who were taken to Chunar were given only one set of clothes in six months. Mrs. Uma Nehru also confirmed this and said that they did not have even proper winter clothes in the biting cold of Chunar. She informed us further that she had given this report to the hon. the Rehabilitation Minister and she expressed the hope that the hon. the Rehabilitation Minister must have, by the time she was speaking, taken steps to redress this state of affairs. We do not know what the hon. Minister did, but evidently the passing of the winter and the advent of spring and summer