

hush up anything or to stifle any discussion, provided it is legitimate, within bounds and relevant. This programme is fixed by the Business Advisory Committee which is representative of all the sections of this House, after taking into consideration the probabilities about the importance and the length of the discussions that are likely to take place in respect of each Bill. So these are their proposals and we have to accept them, of course willy-nilly, because after all, we must be businesslike. We must talk no doubt, but talk within limits. Therefore, it is the Business Advisory Committee which considers all that.

**Dr. Ram Subhag Singh** (Shahabad South): But they do not read the Bills, Sir.

**Mr. Speaker:** I am afraid the hon. Member is making some allegation which is, if not highly, at least partly, defamatory about the Members of the Committee. Anyway, this is the programme.

**Shri S. V. Ramaswamy:** May I suggest, Sir, that the Tea Bill and the Coffee Bill may be taken together?

**Mr. Speaker:** Whatever it may be. We may take them together or not.

#### MESSAGE FROM THE COUNCIL OF STATES

**Secretary:** Sir, I have to report the following message received from the Secretary of the Council of States:

"In accordance with the provisions of Sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to return herewith the Appropriation (No. 3) Bill, 1953, which was passed by the House of the People at its sitting held on the 8th April, 1953, and transmitted to the Council of States for its recommendations and to state that the Council has no recommendations to make to the House of the People in regard to the said Bill".

#### RESOLUTION RE SAFEGUARDING OF NATIONAL SECURITY RULES

**Mr. Speaker:** The House will now proceed with the further discussion of the following Resolution moved by Shri K. Ananda Nambiar on the 10th April, 1953:

"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".

**Prof. D. C. Sharma** (Hoshiarpur). May I submit, Sir, that the time should be divided.

**Mr. Speaker:** I could not hear the hon. Member properly. What is the idea? Does he want to fix a time limit for each Resolution?

**Prof. D. C. Sharma:** Sir, there are some Resolutions before the House and I wish that all those Resolutions should be discussed and time should be allotted to all of them. It is no use giving all the time to one Resolution.

**Mr. Speaker:** I do not think I need enter at this stage into the larger question as to what should be the proper time to be allotted in the case of either a private Bill or a private Resolution. But, if it is the desire of hon. Members that there should be a time limit not only on the speeches but on the discussion in respect of each of these Resolutions, I am entirely in the hands of the House.

**Shri H. N. Mukerjee** (Calcutta North-East): May I suggest that following the precedent set up in the case of the other non-official Resolution which came up previously, we might decide—I tentatively suggest it for your consideration—to continue the discussion on this Resolution, which is of considerable importance, till about 12-15, leaving one hour for the next Resolution to be moved and discussed.

**Mr. Speaker:** I have no objection if the House is agreeable to it. The suggestion is that this resolution be carried on up to 12-15....

**Hon. Members:** No Sir.

**Mr. Speaker:**.....And then the other Resolution be taken. What is the alternative suggestion?

**Prof. D. C. Sharma:** I submit, Sir, that this resolution be carried on till 10-15.

**Hon. Members:** No, no.

**Prof. D. C. Sharma:** That is my suggestion. I know why the Opposition wants more time for that Resolution.

**Mr. Speaker:** Let us not go into that.

**Prof. D. C. Sharma:** I do not want to have any discussion on that. I want to submit in all humility that the first Resolution should be given 60 minutes that is up to 10-15, the second Resolution 60 minutes, the 3rd Resolution 60 minutes and the 4th Resolution also 60

[Prof. D. C. Sharma]

minutes. We are living in a socialistic State and equality of time should be given to all of them.

**Mr. Speaker:** Now, what is the view? I merely want the voices, I do not want any discussion.

**Dr. S. P. Mookerjee** (Calcutta South-East): Voices, of course, will be expressed. We want the Resolution to go up to twelve o'clock.

**Sardar A. S. Saigal** (Bilaspur): Let us have a compromise and have it eleven o'clock.

**Mr. Speaker:** We cannot go on in this manner.

Now, I think in a spirit of compromise—I am merely suggesting, I am entirely in the hands of the House—let us have two hours from now for this, which will mean till about 11-30.

**Shri H. N. Mukerjee:** Sir, this is a matter on which the hon. Minister, I am sure, will give an exhaustive reply and the Mover also will have his reply to the discussion and that will take away a good deal of the time. If you can extend the time.....

**Dr. S. P. Mookerjee:** Excluding these two speeches, it can go up to 11-30.

**Mr. Speaker:** Hon. Members will see that the other Resolutions are also important.

**The Minister of Home Affairs and States (Dr. Katju):** I have equal love and attachment for all the Resolutions. But, may I add for your information that this Resolution has already been discussed for about an hour and a half. I think the House will generally agree with me that what was said for about 45 minutes was certainly irrelevant to the Resolution itself. So far as I am concerned, I am going to be strictly relevant and will not take much time of the House unless I am provoked. My friend has got a habit of jumping in.

**Shri H. N. Mukerjee:** Is it in order for the hon. Minister to make the statement which is absolutely irrelevant?

**Mr. Speaker:** If any hon. Member feels that the speech of another hon. Member is irrelevant he has the right to express his view but not to charge the other Members with irrelevance, as the Deputy Leader of the Opposition.

This Resolution will finish at 11-30, to meet the wishes of both sides. I am not fixing it as they say.

**Dr. Katju:** I only wanted to say this much because my hon. friend said

that having regard to the importance of the Resolution, the Minister will probably deliver a most exhaustive speech which will require a lot of time. I do not propose to take more than ten minutes.

**Mr. Speaker:** That clears the position.

सेठ गोविन्द दास (पंढला—जबलपुर—दक्षिण) : मैं एक सुझाव देना चाहता था ।

अध्यक्ष महोदय : अभी इस की कोई जरूरत नहीं है । इस से तो टाइम कम होता है । यह रिजोल्यूशन ११-३० पर खत्म हो जायेगा ।

It will be put to the vote at 11-30. Now, we start the discussion.

**Dr. Katju:** Then, it includes time for me also?

**Mr. Speaker:** Yes.

[MR. DEPUTY-SPEAKER in the Chair]

**Shri H. N. Mukerjee:** I rise to speak in support of the Resolution moved by my hon. friend Mr. Nambiar. I wish to make three main points in regard to this Resolution. The first point I will seek to make is that the Safeguarding of National Security Rules as applied.....

**Mr. Deputy-Speaker:** If hon. Members want to go out, they may go out in silence.

**Shri H. N. Mukerjee:** The first point I would like to make is that the Safeguarding of National Security Rules are, in essence, repugnant to the fundamental rights which include the freedom of association given to every citizen of the Indian Union.

My second point is.....

**Mr. Deputy-Speaker:** Order, order. There is too much of talk in the House.

**Shri H. N. Mukerjee:** My second main point would be that already Government possesses in the shape of the Government Servants' Conduct Rules, sufficient safeguards, sufficiently stringent and peremptory safeguards against any subversive activity on the part of Government servants.

My third point, to which I shall devote most of my time, would be the manner in which these Rules have been applied and the nature of the charges specified in some of the charge-sheets, which include and characterise normal Trade Union activity in most objectionable terms. The manner of the application of these rules arouses very grave doubts as to the real object of these Rules. Therefore, I suggest that Government should do away with these Rules which are unnecessary and which are rather injurious as far as the interests of our freedom are concerned.

**Mr. Deputy-Speaker:** We are not able to hear at all. Order, order. I cannot understand why these *chaprasis* are also making noise here.

**Shri V. P. Nayar** (Chirayinkil): They follow a bad example.

**Shri H. N. Mukerjee:** I see the Minister is not interested. He is going to make a peremptory reply. I know it. I have no illusions about it nor have I great expectations from him. But, anyhow, this is a matter which affects us very directly. It affects the basic interests of the country very deeply. I do not want to take much time over the point that this is against the fundamental right of association. I know it shall be brushed aside as an irrelevant factor. But, I do ask the Government to consider this aspect of the matter.

The second point relates to the Government Servants' Conduct Rules, which are there and which Government can invoke at any point of time. The Government are now making use of these additional powers vested in them by the Safeguarding of National Security Rules. My suggestion is that they are absolutely unnecessary.

Now, last time when this Resolution was discussed, my friend Mr. Venkataraman said that there were two kinds of activity among the working classes. There was genuine Trade Union activity and there was spurious agitationism. Quite possibly he implied that those who are fighting for the cause mentioned in the Resolution were spurious agitators. Now, I will not go in to a discussion of this matter. I would leave it to the workers of my country to decide what kind of Trade Unionism they are going to follow. You cannot fool all the people all the time. If our workers form their own Trade Unions and follow particular lines of policy as Trade Unionists, it is because they have realised that to be Trade Unionists means for some that it will perpetuate the present order, that you bring about a sort of reconciliation between capital and labour, and that you perpetuate a system where one class is the exploiter

and the others are the exploited, while for others Trade Unionism is an instrument for eliminating exploitation. Of course it is for the working people of the country to choose as to who are those people who should be in charge of our Trade Union movement. That will be decided by the people of our country. I do not want to go into details of that. But, I would refer to some details regarding the application of the Safeguarding of National Security Rules.

Earlier we have had assurances from people in authority, from the late Mr. Kurshid Lal, for example, who had said that police reports would not form the basis of the application of these Rules. Then again I find that on one occasion in 1952, the Director General of Posts and Telegraphs, in his communication in reply to a representation by the Union of Posts and Telegraphs Workers had said that there was no objection to the re-employment of those officials who were dismissed in connection with the issue of a strike which arose round-about the 9th March, 1949. That was a period when the largest number of instances of the application of these rules happened, and the D.G.P. and T. made it clear in 1952 that Government had no objection to the re-employment of those who were dismissed in connection with the strike issue of 9th March, 1949. I say that this kind of attitude on the part of Government shown from time to time has not really been respected, and that is seen in a large number of cases of absolutely gratuitous and unjustified interference.

For example, there was the case of M. T. Krishnaswami, who was a clerk in the Telephones Department of Bombay. This gentleman had done about 21 or 22 years of service. He was placed on leave without pay. Action was taken against him in September, 1952 and he was given very vague charges. For example, he was told that he was a member of the Communist Party of India, that he had attended a Provincial Conference of the Communist Party of India and that he had visited the office of the Communist Party of India in Bombay. This gentleman replied that he was not a member of the Communist Party of India, that he had not attended the Provincial Conference of the Communist Party of India and that he did not visit the office of the Communist Party of India regularly and that sort of thing. These are such vague charges that you cannot do anything more about them, but on the basis of them, a gentleman with twenty-two years of service was placed on leave without pay. He was not even given

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subsistence allowance. He was working in Bombay and he was told in a letter which was sent to him by the Superintending Engineer, Telephones, Bombay District, on the 13th December 1952, saying:—

“If you wish to be heard in person by the Committee of Advisers, you will have to go to New Delhi and come back at your own expense and no travelling allowance from the Government will be paid to you.”

This is the position in which this gentleman has been placed and this is the way in which very vague and frivolous charges are made against people with long records of meritorious service. No allowances are paid to them and they are asked to travel at their own expense if they are going to make any personal representation, even though they have to go to a place as far away as Delhi is from Bombay.

I can show you other instances also. For example, there is the case of Mohan Singh Gowda Singh. He was Installation Sub-Inspector of Telephones in Bombay. He had put in 15 years of service, but action was taken against him under these rules on more or less the same charges. He was told that he was a member of the Communist Party of India. He was also told that he had to prove that he was not a member of the Communist Party of India. A letter came to him from the Superintending Engineer, Telephones, Bombay District, on the 22nd March, saying:

“You have to accept or deny the accuracy of this allegation with facts in support of your statements.”

This is the kind of thing that happens. The man is told that he is a member of the Communist Party of India. He says he is not. Government does not place materials to show that he is a member of the Communist Party of India, if that is an offence, which it is not by any computation. Anyhow, this kind of thing goes on all the time. No enquiry was made. No allowances were paid to him from about May, 1952 to January, 1953. No enquiry was held; just an interview was given to this particular employee with 15 years service to his credit.

There was a case, again of K. P. Sankaralingam, who had put in service since 1926. The charges against him related to speeches made in 1939, and a reference was also made to the fact that he had been arrested under the Defence of India Rules in 1940. He was told

that he was also a member of the Communist Party of India and in the charge-sheet all these references to what he had done in 1939 were mentioned. It was said, for example,—

“You addressed several meetings in 1939 under the Presidentship of Shri S. A. Jhabwala and Shri Zulmiram Chaudhury.

You were arrested on 1st July, 1941 and detained under Rule 26 of the Defence of India Rules.”

This is the kind of allegation made against a person who has been in service since 1926. The service is to be terminated in spite of some kind of an assurance given by the hon. Minister of Railways and Transport to a deputation comprising leading Members of the Opposition Parties last year.

I would like to refer to certain other cases which are very revealing. For example, there is the case of an apprentice welder in the Central Railways, Bombay, by name Ratilal Mohanlal. His service was terminated under clause 5. That clause says that the service can be terminated in case of physical unfitness or in case the person is guilty of misconduct or has failed to pass any of the prescribed tests or examinations. No charge was made against him. A letter was issued, in which the only allegation made against him is that they have a report that he was associated with Communist activities. That was the only accusation against him.

There are so many other cases also which show which way the wind is blowing. I would like to refer to what happened in the case of the Vice-President of the Railway Workers Union, Northern Railway. Extremely frivolous charges were made against him. It was more or less the same thing, viz that he was a sympathiser of the Communist Party of India. Hari Krishna Gandhi was his name.

From Calcutta, I find that there is a very large number of cases. Mr. Nambiar has referred to at least some typical Railway cases. I shall refer to some of the cases in the Postal and Telephone service. There is the case of Shri Prushottam Banerjee. He entered the Department in February, 1938. He was a member of the Supreme Council of the Union of Postal and Telegraph Workers. This Supreme Council passed a resolution in Madras in February, 1949, deciding not to launch a strike on the 9th March, 1949. In spite of this decision not to launch a strike certain members of the Supreme Council were arrested, and this gentleman was one of them. Later, a fresh charge-sheet was framed against him, and this time it was said

that he had circulated a pamphlet in which he was alleged to have partaken in subversive activities. The pamphlet was in Bengali and said:

‘तेरौई अगस्त वृहत्तर संग्रामैर जन्म  
डाक ओ तार श्रमिकैर ऐक्य दिवस पालन  
करना’

It means: On 13th August, observe the Unity Day of Postal and Telegraph Union Workers and prepare for a larger struggle. This word “sangram” has been rendered into “war” and it was said that he was setting up a “war committee”. Now, the word “sangram” is used everywhere in connection with Trade Union agitation and for having published this pamphlet as an office-bearer of the organisation concerned, he was charge-sheeted twice and in spite of his service since 1938, he is still out of employment and without any redress.

Then, there is the case of Mani Gopal Basu. He entered the Department in August, 1945, and he was discharged on the 30th June, 1949 with only twenty-four hours notice, which is quite irregular. There are other cases, for instance, the case of Krishna Gopal Bose, who entered the Department in 1941. He is still under suspension for nearly four years now.

There are several instances in the Telephone Department, for instance. Several telephone operators have been discharged from service under this kind of extremely frivolous and irresponsible allegation. There was the very unusual case of Shrimati Anima Muvshi, who was a telephone operator and she got a special award as an extremely capable member of the service. She also was removed from service on the ground that she was participating in subversive activities.

Another case has lately come to my notice, and that is the case of Durgesh Chandra Banerjee. Against him the charge is made, among other equally amazing charges, that he was making preparations for the May Day meeting in 1951. Now, May Day is celebrated by all labour organisations in the world. But it seems if you organise May Day meetings you are liable to come under the mischief of the Rules which Government have promulgated. There are so many other instances which I could quote, but I am sorry I have not got the time. But it seems that Government is pursuing a policy which is very dangerous because it is absolutely in contravention

of those freedoms to which our people have a right to feel entitled.

As far as England is concerned, there are of course certain limitations on civil servants entering politics. But lately, a few years ago, there was a Committee, the Masterman Committee, which removed restrictions on civil servants taking part, in some measure, in political activity. Short of standing for Parliament, civil servants in Great Britain have a great deal of rights. I am quoting from a leading editorial article in “*The Statesman*” of the 22nd March, 1953 under the heading ‘Civil servants and politics’, where it is said that in Britain now “62 per cent. of all civil servants will be free, as well as a further 22 per cent. (subject to certain conditions). The remaining 16 per cent. (those connected with policy and those whose work deals directly with the citizen in relation to his personal circumstances) are still barred from national political activities but can, with permission, take part in local Government”.

We are not expecting that in India we shall get this kind of things straightaway. But we do not want the kind of probings and screenings in the manner of hundred per cent. Americanism: that is the kind of thing which Government seems to be trying to do and that is why we must raise our voice against this kind of invasion of the liberties of our people. These cases show, and if Government is ready we are prepared to sit round the table, we are prepared to show Government hundreds of cases of this description where absolutely frivolous charges are made against these people. These charges relate only to Trade Union activity. We see the hand writing on the wall where the Home Ministry sends out a circular that outsiders should not be brought into the Unions. We see also in the “*Eastern Railway Gazette*”, for example, there was a statement—I will give you the date, it was on the 2nd January, 1953—where it was said that even in cases where a legal remedy is admissible, a Government servant who tries to seek a decision on such issues in a court of law should not do so and that would be looked upon as anti-discipline. Then again, it is said that Government servants should not approach Members of Parliament with their grievances. Now, I do not know what is what in this country. But I do know this that sometimes Government servants for the crime of approaching the Members of Parliament have been punished, as happened last year in the case of the Income-tax employees of West Bengal who had the misfortune of inviting to

[Shri H. N. Mukerjee]

a meeting Congress M.P's elected from West Bengal as well as non-Congress M.P's elected from that State. We see the hand writing on the wall. This is the way in which the Government is functioning. Government is trying to keep these Trade Unions in absolutely subservient conditions. Whoever tries to act in a real Trade Union spirit and tries not only to bring about a temporary amelioration of the condition of the working classes but also to bring about a basic change in the social structure, whoever tries to work as a Trade Unionist because as a complement of democracy, as a real consummation of democracy he wants the elimination of exploitation of these people in present-day society, whoever conducts a Trade Union in a spirit of genuine democracy comes under the Damocles' sword of Government repression. And that is why the application of the Safeguarding of National Security Rules appears in such a lurid light. I say this is against the fundamental rights guaranteed to every citizen under the Constitution. Government, besides, can draw upon the Government Servants Conduct Rules in cases of subversive activity. And I say the application in practice of the Safeguarding of National Security Rules has been such that it is a handle for nothing but abuse—and with a very big A. I challenge Government to say that it has not been abused in a very large number of cases. I challenge Government that in spite of the assurances of sympathetic consideration, that sympathetic consideration has never been given so far. I am prepared to say even now we do not want to push Government into an obstinate corner where opposition would come from that side and we shall also have to shout against Government and a stalemate would arise. Let us meet together, even now at this late stage, let us try to prove to Government, with materials and documentation, that these cases are such that the steps taken should not be proceeded with. And if after that Government still decides that it has got to persist in its present policy of application of these Rules I am sorry for the Government of my country. And that is why I support the Resolution moved by my friend Mr. Nambiar.

**Shri K. C. Sodhia (Sagar):** I deprecate in very strong terms the introduction of politics in the great body of our Services working in this country. It will be a very bad and sorry day for us if we just try to win them either to the Congress or the Communist or any other side. There are already very strong comments in the country

that discipline in the Government services is diminishing every day. Therefore any attempt on the part of any party or any individual or any leader to that effect must be condemned by the whole people. All Government servants must do their work properly. If they have got any personal political beliefs they may have them at their houses and when they are away from their duty, and that too in such a way as not to set a bad example to other people. It would be a very sad day, even for the Communist Party of India, if they try to encourage people and want them to be a set of idlers. We do not want idlers in this country and we must extract work from all people who are working in the Government. Therefore I say that anything which brings Government servants properly to their duties is in the best interests of the country, and I strongly deprecate and oppose this Resolution.

**Shri B. S. Murthy (Eluru):** I entirely agree with the previous speaker that no politics should be introduced in the ranks of the Government servants. But this is not a question where Government servants are treated as Government servants. It is a fundamental right of every worker to take part in Trade Union movement and therefore we are now trying to deal with the question on the basis of the Trade Union movement in India, and not affecting the Conduct Rules of Government servants.

There is a genesis for this Safeguarding of National Security Rules. In 1949—I think it was on the 25th of February—a Bill known as the Essential Services (Prevention of Strikes) Bill was introduced in Parliament. Because there was a lot of opposition to the introduction of this Bill, it was ultimately withdrawn on the 5th of March, 1949 and before the withdrawal, the Prime Minister, Pandit Nehru, in the absence of the Home Minister, read out a statement by the Home Minister and also made a speech cataloguing the reasons necessitating the withdrawal of the said Bill. The statement of the Home Minister was to the effect that "a violent and brutal challenge to the State was in existence". Therefore the Government thought of bringing that piece of legislation but subsequently they thought such a necessity was not in existence at that time and therefore they were prepared to withdraw. In withdrawing the said legislation, the Prime Minister said that "it has been stated by some people that the Government was trying to aim a blow at the Trade Union

organisation and their general desire to strike". Well, it is always the most safeguarded right of the worker that his right to strike should never be interfered with. In many a country, both the employers and Governments have tried their best to see that this fundamental right of the worker to strike is not put into force. I am glad that the Trade Union movement has gained strength in all countries and so also in India; but the Safeguarding of National Security Rules, in a way, have affected the fundamental rights of the workers. Many cases have been cited by other speakers including Mr. Nambiar, who has tabled the Resolution, and also Prof. Hiren Mukerjee. If an outsider—granting that person is not a Communist—is invited to preside in a meeting or inaugurate a meeting of the workers, Government have not been giving permission to hold such meetings. I consider that the non-working people may not have any place in the actual running of the Trade Unions but extending invitation to leaders outside the workers should not be a taboo simply because they do not belong to the governing party. When people belonging to the governing party, Congress, whether they have done any work or not, are being invited and taken in procession to lead mass movement of workers, why not other people also be given the same opportunity unless the person in question is one whose antecedents are questionable?

Again, the Prime Minister said at that time that "certain groups are bent not so much on strike but on creating disorder and chaos and indulging in acts of sabotage". These words were uttered in 1949 and now we are in April, 1953. Times have changed. Much water has flown under the bridge and even today to think that these Rules are quite essential to safeguard the security of India and that nearly 400 Central Government servants, who are affected by these Rules, can below up the Government is rather strange if not curious.

Again, the Prime Minister at that time said "I am quite sure that the vast majority of people and workers are not affected by it" meaning the sabotaging of the activities of certain groups of people "and strongly disapproving of it." When a "vast majority of the people" are not affected by these saboteurs what is the necessity for having these Rules still on the Statute Book and the Government taking recourse to these Rules every now and then?

Once again I would like to be permitted to quote the Prime Minister. Concluding his speech he said, "This

Government as a whole is bent not only in improving the general condition of labour.....,—that is rather putting it wrongly,—but of giving it a rightful place in the governance of the country".

10 A.M

Again, the Planning Commission have stated that "the worker is the principal instrument in the fulfilment of the targets of the Plan and in the achievement of economic progress generally, his co-operation.....,—I want the Home Minister to mark this word 'co-operation',—"will be an essential factor in creating an economic organisation in the country which will best subserve the needs of social justice". I would also like the Home Minister to underline the words "social justice".

**An Hon. Member:** He has underlined.

**Shri B. S. Murthy:** If these are the pious expressions of goodwill given by the Government through their spokesman, the Prime Minister, that the worker is the pivot and around him the country is going to build a new social structure. I think cases against certain workers who have now been made to suffer under the Safeguarding of National Security Rules be withdrawn and the Rules also must be abrogated forthwith.

Another point. The persons affected are Government employees. Government have come forward saying that there must be arbitration. The Government have also been saying that there must be conciliation. In these cases where injustice has been done to these workers, no arbitration, no conciliation has taken place and the Government cannot say that they can be the accuser as well as the Judge at the same time. There must be justice done for these people and the fundamental rights guarantee that no person should be victimised. There is this injustice in denying them to know for what reasons they had been sent out of service. Government has been, I think, suffering under a prestige-phobia. I am sorry that the Government has not realised that the rank and file of the whole Trade Union movement of the labouring classes in this country are looking at these Rules with great apprehension and that they consider that these Rules must be abrogated as early as possible and that the Service Rules governing the conduct of Government servants are enough to take care that no activities of sabotage could be indulged in by any person who is anxious to indulge in anti-social activities.

[Shri B. S. Murthy]

Dr. Katju mentioned on the last occasion that Judges also commit mistakes. Therefore he said there is a small Judge and there is a big Judge. Hence, there is also a right of appeal. Now taking that a Government officer is a Judge—he may be a small Judge—what is the harm in having a bigger Judge to see that all these cases, nearly 400, are entrusted to a Judicial Tribunal and then Government officers trying to give all the information available with them to prove that these persons were rightly punished. Why should they fight shy of facing a Judicial Tribunal? If it is proved that a person was really against the security of the country and was working in a treacherous manner affecting the safety of the country, he must be punished. I am not one who is trying to give support to people who betray the interests of this country but in the name of the Safeguarding of National Security Rules, nobody should be denied the fundamental rights guaranteed under the Constitution. It says that everyone should be given a hearing in his own case. But here, no hearing of the cases, no charges are openly given and no judgment is passed. If an officer is prejudiced against somebody for certain reasons, he secretly reports to his seniors that such and such a man is considered dangerous. Immediately he will be sent out of the service and then he is forgotten as far as the Government service is concerned. Any kind of appeals from him will be of no avail. This is rather unjust in a free India like ours. As I was stating earlier, only 400 people are now involved either in the Railways or in the Communications. It is rather curious to think that these 400 people will block the country's progress that country's security will be at stake and that the Government machinery will not run, and therefore the Safeguarding of National Security Rules are required to lubricate the governmental machinery. I think this is rather a strange state of affairs. I hope Dr. Katju, the learned, sane and sagacious Home Minister that we are having, will be able to appreciate our point of view. It is not as if we, the Opposition Members, are trying to bring pressure upon the Government as far as these Rules are concerned. The whole country, in particular, the working classes are anxious to see that these rules are withdrawn so that every worker can take pride in trying to improve his Trade Union, thus trying to build a stable and healthy Trade Union movement in this country. I hope the hon. Home Minister will see that some sort

of justice, if not full justice, is done by these people who have been victimised for no fault of theirs.

**Shri M. S. Guruswamy** (Mysore): These Rules, to my mind, are very draconian in character. They militate against the very spirit of the Constitution and they are against some of the fundamental rights conferred by the Constitution on our citizens. I want to discuss this matter and few other issues, such as how these Rules affect the Trade Union rights of the labourers, how they are out-moded, and how they confer a lot of power on the Railway officers, and how they have been misused and improperly applied.

These Rules were promulgated in the year 1949. According to the provision in the Rules, any employee of the Railways or Posts and Telegraphs or Defence may be discharged from service on mere suspicion that that employee is engaged in some subversive activity. The Rules do not provide for any scope for the employee to be heard. The employee will have no opportunity to prove his innocence. The case will not go before either a Tribunal or any other judiciary. The entire matter is considered by the officers. The officers will act as Judges, jurors as well as prosecutors. No opportunity is given to the employee to cite witnesses, or justify his stand or to tender evidence, or argue his case or prove his innocence. That is why I say that these Rules are very draconian in character. They are not in any way fitted to the new circumstances in which we are living. We have now got a Constitution. The Constitution bestows certain fundamental rights to the people. It is one of the fundamental rights for any one to have recourse to a judicial enquiry, and to legal defence. There are cases which prove that these Rules have been promulgated to subvert the activities of genuine Trade Unionists. I am not a communist; I am not arguing for communism. But, I want to make it clear that this is not the way of condemning subversive activities. By making the Rules rigorous, by enacting such severe draconian Rules, you are encouraging subversive activities indirectly instead of condemning or thwarting subversive activities. The purpose for which these Rules were framed will not be realised. If these Rules are continued for long, then there may be a greater possibility of subversive activities growing as a result of these Rules. So, these Rules do not provide a solution. They rather offer a cause for furthering

subversive activities among labourers. Some interested persons may take the opportunity to exploit the psychology of the workers. They may incite them; they may tell them; here are Rules against you, why should you not oppose these Rules, why should you not organise yourselves, why should you not stage a strike. They may do all this mischief. These Rules, therefore instead of eradicating or suppressing the subversive elements in society, will rather encourage them.

There is an interesting case regarding the abuse of these Rules: Sambandam versus General Manager, South Indian Railway, Trichinopoly. In that case, the petitioner went to the High Court of Madras for a writ. The High Court decided that the procedure that has been envisaged in these Rules has not been strictly and fairly followed by the authorities. On that ground, the High Court said that the petitioner should be reinstated. Till now that man has not been reinstated. Though there has been a grave irregularity on the part of the Railway authorities, in regard to the procedure, there has not been any confession of their fault; nor has the injustice been redressed. There are so many other cases of this type. I have no time to quote all these cases. But, I point out that even the minimum safeguards provided by these Rules have not been adhered to nor even followed by the Government. In their zeal to suppress all activities of Trade Unions, they are rather hasty in discharging or dismissing or harming the labourers. They have not even looked into the procedure that is laid down in these Rules. As I said even the limited safeguards have been over-looked in many cases. That shows how the Government is acting in an irresponsible manner. The Rules provide a Committee of Advisers to go into questions of dismissals, suspension, etc. But, this Committee consists only of departmental officers and they are the very officers who discharge or dismiss the employees. These officers cannot be expected to reconsider the cases in which they themselves have passed orders. They will certainly not revise the order; they will stick to their original order even while they sit in the Committee. So, no redress or no relief can be expected as a result of this Committee meeting. So, this provision of a Committee is not doing any favour or giving any help to the employees, and to the victims. So, we cannot justify the Rules on the basis of this ground. Let not the

Minister say: "We have made provision for a Committee. There will be an enquiry and the victim will be heard." It does not give relief that is expected. A tribunal would have been more advisable. In the case of the Preventive Detention Act we have got a tribunal. It is better than this. Even that is not provided by these Rules.

Further, there is no judicial enquiry at all. The victim can go to the High Court for a writ. That is the only way open to him. And it is very costly. So, by taking into consideration all these points, I say that these Rules are very outmoded, they do not fit into the new democratic circumstances, and they will not serve the purpose for which they have been promulgated. I call upon the hon. Minister therefore, to withdraw these Rules immediately, and reinstate all the employees who have been discharged or dismissed from service. So far, nearly 30 people have been reinstated according to the statement by Mr. Lal Bahadur Shastri. But still there are nearly 300 people more remaining in the list. They have not been reinstated, and their families are suffering. They are in a very miserable condition, and they are sending us appeals. But we also are in a helpless condition except to appeal to the hon. Minister that these Rules should be withdrawn immediately and these people who have been dismissed or suspended from service should be reinstated. And that is the only way of removing the misery of these employees. So, I urge upon the Government to look into the question with democratic and liberal spirit. They should not be vindictive, and they should be magnanimous in their attitude.

As a result of these Rules, Trade Union activities have been suppressed in many parts, particularly in Mysore. I would draw the attention of the Minister to the fact that many workers are afraid to engage in any activity at all because they say: "These Safeguarding of National Security Rules have been promulgated and we may be suspected of some bad activity or subversive activity, and we may be punished." In this way they are terribly afraid of the existence of these Rules. Unless you remove these Rules, there is no scope for genuine Trade Union activity. There may be Trade Union activity under the shadow of the Government. That is quite possible, but there cannot be independent Trade Union activity so long as these Rules continue in operation. The whole labour class,

[Shri M. S. Gurupadaswamy.]

is terribly obsessed of these Rules, and the result is they have been paralysed, and they have been condemned to lassitude and inactivity. Many Railway labourers are ignorant and they do not know the real nature of these Rules. I honestly believe that if these Rules are repealed, the labourers will respond to the gesture of the Government, and they will never resort to any subversive activity.

By asking Government to repeal these Rules, I am not in any way encouraging subversive activity. If there are subversive activities, you can deal with them. There are other Rules at hand. These Rules however are not necessary. Even during the British days, these Rules were not there. Only when the Congress came to power, they have promulgated these Rules. What is the reason? When Britishers thought that they could manage the Railway labour without such Rules, why the Congress Government cannot do likewise? There is no justification for the continuance of these Rules. So, I ask the Minister to agree to and appreciate the spirit of this Resolution. It might have come from a Communist Member. But, let him not view it in the light that because it has come from a Communist Member, he must not agree. If he wants any reasonable amendment to this Resolution, we will accept it, but we want him to appreciate the spirit underlying this Resolution. Let him not repeat what he said the other day regarding Sardar Hukam Singh's Resolution. I am making a constructive suggestion. If he wants our genuine co-operation, we will extend it and we will help him in condemning all subversive activities, if there are any. He must take our assurance as genuine and react well to our demand.

With these words, I close.

**Shri K. K. Desai (Halar):** I had no intention to take part in this debate but the party that has sponsored this Resolution and the way in which the Resolution has been supported creates certain misapprehensions in the minds of the people. I would like to place before this House the circumstances under which these Rules were promulgated in this country.

In the year 1949 there was the danger of a strike in the Railways, and the whole transport was being jeopardised. Immediately after we got

independence, there were certain elements in our country who were out—in my opinion, induced—to jeopardise our very independence by utilizing the discontent there may have been among labour. And under these circumstances these Rules were promulgated.

The All-India Railwaymen's Federation withdrew the strike notice on making a sort of agreement with the Railway Board. The National Railway Workers' Federation also did not want a strike. At that particular moment, certain sections of the community who were taking their inspiration from outside, wanted the strike still to continue, and even when the strike was withdrawn, they called upon the Railwaymen to go on strike. (An Hon. Members: No.) At the same time, the workers in the defence installations, in the postal services and other were also being assiduously asked to help them. Under those circumstances these Rules were promulgated. Now, it is for the Government, in its own discretion, to judge whether the time has now come to modify these Rules so as not to interfere with genuine Trade Union activity. The friends here who say that it will interfere with genuine Trade Union activity are referring to a type of Trade Union activity which is only being conducted with a view to use it for their beloved political purpose. If they declare here and now and genuinely that they have nothing to do with any inspiration from an outside country for conducting their Trade Union activity which is always changing from time to time, then the Government will be well-advised in the interests of the majority to amend or modify those Rules.

**Shri Nambiar (Mayuram):** It has been repeatedly stated here.

**Shri K. K. Desai:** I have heard you enough and with patience. You have got to hear me.

**Shri Nambiar:** That statement has been given.....

**Mr. Deputy-Speaker:** Order, order. The hon. Member had 41 minutes to speak. He can reply later.

**Shri K. K. Desai:** But that statement about peaceful and genuine Trade Unionism would have to be judged in action. A simple declaration would not convince an established Government under democracy who will not be simply taken in by such slogans, for they are only slogans and nothing else. The Government have

got a huge responsibility to keep law and order in the country. It has also got the responsibility to put this country on a proper democratic basis. If the Government come to the conclusion that these Rules, if they are withdrawn, would not interfere with the genuine desire of the majority of the people to advance democracy, there will be no difficulty in doing so. But as long as there is doubt and suspicion in the minds of all the genuine democrats that a particular group in this country is determined to subvert our democracy by taking its inspirations from outside, as long as a movement is there in the form of the Cominform Movement which is guiding the international activities of a particular group, I think it will be very unwise to abrogate or withdraw these Rules. That it does not interfere with the genuine Trade Union movement can be established from the fact that after the independence movement, and after the attainment of independence, genuine Trade Union movement all over the country has flourished. It has got more membership today than at any time in the history of the Trade Union movement. I, for one, would not object to any democratic Trade Union movement in its proper sense, even if it flourishes against my own organisation. For instance, there is the Hind Mazdoor Sabha, which is a Trade Union movement, and has flourished. I have got not the slightest doubt in my mind that it will flourish, and I would be prepared to co-operate with that organisation. As you will see within the next day or two, the National Railway Workers' Federation, and the All-India Railwaymen's Federation, whose President is Shri Jai Prakash Narain, and we in the public sector are trying to make a sort of common front for the Trade Union workers. That will happen tomorrow or day after or in the near future.

As far as this particular Resolution is concerned, I oppose the Resolution as such. But at the same time I would like to make an appeal to the hon. the Home Minister in this connection. With the sense of responsibility that he has got, he has to maintain the law and order situation in the country. If he is convinced that the security of the country is safe, then he can modify these Rules in such a way that they may not interfere with genuine Trade Union movement, or for the matter of that, the activities of any genuine political party which has as its basis the democratic set-up of life. This is all that I have to say in this behalf.

Now, it has been stated by Mr. Lal Bahadur Shastri in the course of his answer to one of the questions put on the floor of the House, that 30 people who were dealt with under these Rules have been reinstated. Mr. Gurupadaswamy this morning stated that about 300 people are still awaiting.....

**Shri B. S. Murthy:** 400.

**Shri K. K. Desai:** ...a favourable reply from the Railway Ministry. The Committee that has been appointed under these Rules, according to them, serves no useful purpose, because they are themselves, as Mr. Murthy or Mr. Gurupadaswamy would like to say, the judge and the prosecutor.

**Shri B. S. Murthy:** Yes.

**Shri K. K. Desai:** One can understand this. After putting these people out for the last four or five years, if there is a genuine grievance—and after all, they committed the mistake in the year 1949, by trying to support a subversive strike that was being contemplated—I would certainly appeal to the Government to judge those cases independently. The Government cannot afford to be vindictive. Why should Government be vindictive against any loyal citizens of this country? If they are loyal, I do not think it will be improper on my part to suggest to the Government to re-examine those 300 or 400 cases, and if they are satisfied that there will be no danger to the security of the country, they can be reinstated, and there is nothing wrong about it. As far as these Safeguarding of National Security Rules are concerned, I am very definitely of the view, that the time has not yet come to entirely abrogate them or withdraw them. But the time has certainly come—because we have established our democracy on a firm footing, and we are trying to establish it still firmer—when it will be in the interests of the country as such, that these Rules may, be modified, consistent with the security which we have been able to achieve in spite of the subversive tendencies and activities of a section of the people in this country.

With these few words, I would like to place before the Government what I thought and what I think about these Rules.

**Shri Bogawat (Ahmednagar South):** Sir, I thank you, for the opportunity given to me. As regards this Resolution, I feel that the time has not yet come for the withdrawal of these

[Shri Bogawat]

Rules. We cannot forget the subversive activities of some groups in our country and the anarchy created by them from time to time. So long as these activities are going on in our country, they are a red signal that our infant democracy is not safe. We cannot forget, as was stated by my hon. friend Mr. Khandubhai Desai, the attempt to foster a strike at a time when the people of Bihar were without food, and food had to be sent to them. A number of such instances can be given. It is the duty of every Government servant to be loyal and to be disciplined. So long as the discipline is maintained, and they are loyal, there would be no harm. But when the Government found that these activities were going on in several departments which are very essential, like the Defence, Posts and Telegraphs, the Railways departments, and when instigations were going on even amongst the Government servants, and some of them were not keeping discipline, it was found necessary to formulate these Rules. My hon. friend Shri Gurupadaswamy said that this Resolution should not be taken lightly simply because it comes from a Communist Member. But in the whole country, we cannot forget the activities of our red friends. We cannot forget how they carried on their activities and how they wanted to create anarchy in several parts of the country, and how they instigated even Government servants. So my humble submission is that so long as our friends take their inspiration from outside countries, and so long as they are not sticking to the principles of democracy or want to interfere with the Government servants, these Rules are quite essential. If they come to their senses, behave properly and non-violently, and make a proper agitation, then certainly these Rules can be modified or even abrogated.

Many points were stated by Mr. Khandubhai Desai,—and I only wanted to place these few points before the House—and I do not want to take up the time of the House by going over them again. But I would only like to submit that if our red friends come to their senses, and carry on their activities in a peaceful and non-violent manner, consistent with security and peace, then these Rules may be modified and even done away with. But so long as they take it into their heads to instigate Government servants, with a view to furthering their political ends, these Rules are quite necessary. That is all my humble submission.

Dr. S. P. Mookerjee: I would appeal to the House to consider this matter dispassionately and not from any party point of view. I believe all sections of the House can agree to certain fundamental principles—it does not matter which party is in charge of the Government for the time being. We are not discussing the general political situation in the country nor the different view points which may be advanced in the political field. We are discussing how far action—drastic action—is justifiable against Government employees for what is called alleged subversive activity, and also if such action is taken, what should be the procedure which should be fair and just in such circumstances.

It is common ground—at any rate, it should be common ground—that our civil servants, from the highest to the lowest, must owe complete and undivided allegiance to the State. When I say the State, I do not mean the particular political party which may be ruling the country for the time being. Unfortunately, today the State is equal to the Government Party and that is equal to the Congress. The second is that our civil servants should be able to keep information which they possess in their official capacity to themselves and not divulge such information to the public. That also is certainly a salutary principle. Thirdly, they should not be participants in party politics. Now, if we agree to these three fundamental principles which, I believe, are to be found in existence in every democratic country, then the question arises how far should we allow our civil servants to take interest in political matters outside their office. Now, all of them are voters, and surely they can have their bias for or against particular parties. And it should not bother the Congress today, which is the ruling party, if it is a fact that a large section of the Government employees today for some reason or other are not supporters of the Congress. They may support the Government. So long as the policies are enunciated by the Government, it is certainly expected that every civil servant will give effect to such policies. There is no question of their being disloyal in the matter of carrying out the State policies—there is no doubt about it. But what is the nature of the Rules that we are discussing? We are not discussing the ordinary civil servants' Rules. You have ample provision there to deal with any case where there is any

breach of discipline, as the hon. friend who spoke last said—he referred to prevention of breaches of discipline. Undoubtedly, and there are ample rules framed by our Government as also by other Governments where such breaches of discipline can be adequately and sufficiently dealt with. But these Rules were promulgated at a very special time to which reference was made by Shri Khandubhai Desai—the Railway strike and so forth. But as he appealed to the Minister, so I would appeal to him—if my appeal is of any value—that the whole question should be considered *de novo* at this stage. These Rules have not worked satisfactorily. What is the basis of these Rules? How do you proceed? You mention certain organisations and you say that if anyone is a member of any such organisations or is suspected to be associated with such organisations or is suspected to have sympathy with such organisations, then it is deemed that he is supporting subversive activities. The Rule says that it is sufficient under such circumstances for the notice of discharge to be issued. The Ministry will communicate to different Ministries from time to time a list of organisations which, in the opinion of Government, are engaged in subversive activities and the membership of or association with any of them will be considered a good ground for the issue on a Government servant of the notice referred to in the instructions. And further it is stated that when the charge-sheet is handed over to such a Government employee, it will not disclose the source of information. It is very categorically put down here that care should be taken to avoid any particulars being given which might involve a disclosure of the sources of information. Not only 'non-information' of the sources of information, but not even giving particulars if they lead to the disclosure of the sources of information! Of course, as you know, Sir I have no love for the Communist Party. It is a different matter. They have also no love for me. But the manner in which administration is supposed to be carried on behind the 'Iron Curtain' in this country is sufficiently indicated in the very Rules which our democratic Government have framed. You are dealing with whom? Not with outsiders, but your own employees and you are saying that if they are supposed to have sympathy with certain organisations, which you have mentioned in the Rules, then that is good ground for serving a notice of discharge on them. The Communist Party is one of such organisations: then the RCPI, RSPI, RSS, Muslim

National Guards, Khaksars, and an amendment was recently made to include Marxists Forward Bloc. Now, what is the position with regard to these organisations today? Is any of these organisations banned in the country? Many of these organisations openly put up candidates for election to Legislatures and to Parliament and they succeeded. There is no attempt on the part of the Government to prevent such organisations from functioning legitimately in the country. They are functioning today—openly—whatever their views may be. And you pass certain Rules indicating that if any Government servants are suspected to have sympathy with any such organisations, it is a sufficient reason to turn them out of Government service, not giving them information even, particulars as regards the sources of the charges which are levelled against such individuals.

Sometime ago I gave you, Sir, an instance which I personally knew where gross injustice had been done to a Government servant, and when I appealed to Sardar Patel, an enquiry was made and that officer was reinstated. It looked like a complete cut and dried case, but then when it appeared that the police information was obviously wrong, the man was reinstated. He is even today an important officer serving in the Government of India in Delhi. There have been lots of such cases but the whole approach to the problem is wrong. Your Government servants are there. They are adults, they are citizens of free India. They are certainly entitled to have sympathy with certain organisations which are not banned in the country. You cannot object to it. And, if you try to employ such underhand tactics such behind-the-scene tactics, for the purpose of stabbing your own employees in the back, then you destroy the very foundation of good administration in the country. If you want that certain organisations should be tabooed in the country, do so openly and fairly and face the consequences. But, if you allow those organisations to function as legitimate bodies and then if you say that anyone who is suspected to have sympathy with any such organisation will not be allowed to occupy a post under the Government and they would not even have the chance of proving whether they actually had such sympathy or not, then you proceed on purely party lines. Then your case for national security becomes a mere cloak. The whole matter has to be re-examined and we must have a set of Rules which would be fair and just to all concerned.

[Dr. S. P. Mookerjee]

Now, we have seen that during the elections in Delhi—it was my experience in many areas where there were large sections of Government servants, lower classes, middle classes and so on—what pressure was put upon them by the spokesmen of the Congress party. 'Dare you vote against the Congress, dare you vote in favour of such-and-such a party, you will see what the consequences are.' Mrs. Kripalani was just telling me how they had voted. She was a candidate here in Delhi, and she was successful. In her election about 1500 votes were received through postal ballot. She was just now telling me that out of these 1500 votes 1050 were in her favour. These officers are highly placed Government servants in different parts of the country. They decided to vote against the Congress. I do not know where the Government will be if it allows all the Government servants to vote by postal ballot. Why not try it. It is a very simple way of taking the opinion of the Government servants throughout the country and what they think of the present Government.

**Shri K. K. Desai:** Do you mean to say that in the opinion of the Government servants the Government should change? Do you mean to say that Government servants should decide what sort of Government they want?

**Dr. S. P. Mookerjee:** I do not say that. I can appreciate the hon. Member's nervousness. I know fully well that I cannot change the Constitution. The Government servants cannot change the Constitution with their votes. At least that much of intelligence I have got. If this Government is to depend merely upon the votes of the Government employees, to be recorded by ballot, I do not know where this Government will stand, but that is a different matter.

**Shri Bogawat:** Have they the freedom to choose their own Government?

**Dr. S. P. Mookerjee:** They have freedom to form and express their views. They are not babies; they are adults; they are citizens of your country. If you try to under-mine their loyalty in this fashion, then you will not help them. If you go on penalising people for suspecting them to have done something which they did not—as was shown by my friend Mr. Mukerjee, and they do not even get a

chance of showing that the allegations brought against them were untrue, that is a serious aspect of the matter. Only two days ago. I received a representation from a young man who was convicted four years ago for participating in the R. S. S. *satyagraha*. He was very young; only 16 years of age. After two months he was let off and then he was given employment in a Government concern in Gurgaon. For four and a half years he worked there. The police made an enquiry and there was no complaint from his superiors. Some days ago he received a discharge notice stating that from the next day his services would be dispensed with, because four years ago he was convicted in connection with the R. S. S. *satyagraha*. He gave a certificate by the President of the District Congress Committee that he had nothing to do with any organisation at all; his circumstances are such that he cannot possibly participate in any political work. But, still that family is completely stranded. You are hounding out people like this because they hold certain views which are not acceptable or which are not pleasant to the Government of the day. That will not do. That will just defeat the very purpose you have in view. If you want some enquiry to be made, you have some tribunals—you place all the evidence; you give a chance to the man. That is the normal, elementary right which every citizen has. If you want to take away his job, face him with a charge-sheet. Tell him, even if it is going to be a confidential enquiry, who are his accusers and give him a chance of cross-examining them. If he is proved guilty, by all means deal with him in the way you like.

My point is that I am all for Government having clear-cut, definite Rules preventing any subversive activities which are really subversive—not this sort of camouflage subversive activities—subversive activities which are proved to be subversive in which any Government employee may be implicated. If they abuse their position as Government servants, deal with them, undoubtedly. If they are disloyal in the sense that they are not carrying out the policies of the Government, deal with them, but have a procedure, have a tribunal so that the cases may be placed before it and the people may have a chance of saying what they have to say. From that point of view, I would urge upon the Home Minister and the Railway Minister that all these 400 cases should be re-examined, re-investigated. Why not appoint a High Court Judge, ask him to go into all these cases—place

all your evidence before him—and find out whether they are guilty really of subversive activities—not merely because they were associated with some organisation or another. It is like the story in the Aesop's Fables. When the wolf wanted to eat the lamb, it said "if you did not make the water turbid your grandfather did it; it is sufficient for me to kill and eat you". They are the core of the administration of the country and you must be able to depend upon the complete loyalty of these thousands of people throughout the length and breadth of the country. They must not be hounded out of their office simply because they hold certain political views or they may indulge in certain *bona fide* Trade Union activities, which may not be liked by the party in power. Think for a moment that the tables may be turned: you may come and sit here, we may go and sit there. You are setting up conventions and traditions which will be sufficient for us, if we have a chance to do so, to remove the whole lot of you. But, we will not follow in your footsteps; we will behave as true democrats. But you are adopting a course which is not justifiable.

**Mr. Deputy-Speaker:** The hon. Member will address the Chair.

**Dr. S. P. Mookerjee:** Whatever I am saying I am passing on through you, Sir. You are the shock absorber of anything that we address to the Government. I am appealing to the Government through you, Sir.

I am making this appeal to the Government that in all these matters, all the political parties must be able to come to some fundamental agreement on the basis of which sound and efficient and uncorrupt administration of the country can be carried on. Let us try to build up, let us keep the civil service outside party politics completely. Let us sit together and devise means which all of us will pledge to support both in this House and outside the House. Only then can we build up true democracy.

**Dr. Katju:** We just now have heard a good deal about the enormity of these Rules. We have not heard anything about figures. The House has had the benefit of hearing about the origin of these Rules from my hon. friend Mr. Desai. We have also heard about the nature of these Rules from one who was collectively responsible for the making of these Rules.....

**Dr. S. P. Mookerjee:** That is why I want a change.

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**Dr. Katju:**.....in 1949.

I would beg of you, Sir, because I want to be short, that I should not be interrupted.

**Dr. S. P. Mookerjee:** You go on.

**Dr. Katju:** Now, the Rules are there. I shall deal with them. But what are the figures? My hon. friend said that thousands and thousands have been hounded out. (*Interruption.*) Now, listen. In the Central Government, Government employees, minus Railway servants, but including Posts and Telegraphs and civil servants, there are 6,26,070. This is roughly six and a quarter lakhs. The number of people "hounded out" under these Rules in the year 1952 is 1; only one. That man was found to be involved and his services will be terminated. Of course, the results were 100 per cent. In 1951, the following were the figures:

People against whom action was taken—only ten.

Let the House appreciate that it was just TEN.

People recommended for termination of service—six.

People recommended for mere warning that they should behave better in future—three.

People against whom proceedings were dropped completely—one.

In 1950, the figures were as follows:

People against whom proceedings were instituted—seventeen.

People found unfit to be kept in employment—seven.

People given warning only—three.

People against whom proceedings were dropped—seven.

So, during the three years in question, the number of people who were "hounded out" of service according to my hon. friend from Calcutta was seven plus six plus one, making a total of fourteen. So, let us really have a sense of perspective in these matters.

**Shri Nambiar:** Your figures do not cover the Railways.

**Dr. Katju:** I am coming to the Railways. The Railway employees

[Dr. Katju]

number approximately nine and a quarter lakhs. We all know what the country owes to these railwaymen. We have just been celebrating the Centenary of the Indian Railways, and you and I have been seeing the wonderful work that these railwaymen have done. They are really the guardian of our national security—not merely internal and external security, but security in the transport of essential commodities like coal, foodgrains etc. In the year 1952, action was taken or rather started—I do not know the result—in only eight cases and no more. But inasmuch as some people were coming from the previous year's cases, no one was retired from the service in the year 1952, and including the previous year's cases, the cases against fourteen persons were dropped. The total number of new cases started was eight. So, once again I say that there must be a sense of perspective in these matters. In the year 1951, the total number of new cases started was 62. People who were compulsorily retired including the previous year's cases numbered 75. The number of people against whom proceedings were dropped was 38.

Now, let me take the figures in another way. If you take the total number of people against whom proceedings were started during the four years from 1949 to 1952, the total number was 365. The House will remember that these rules were framed in the year 1949 when the circumstances were exceptional and therefore the proceedings were started against a larger number of people than in previous years, and even then the number was only 365. Out of this total number, the proceedings against 113 were dropped. The proceedings against 172 terminated in their retirement. That makes a total of 285, and I imagine that the cases against some are still pending. If you look at the total number of employees, namely, nine and a quarter lakhs, and the number dealt with here, nobody can say with any sense of justice or fairness that here was a case of people being "hounded out" of service or of a Damocles' sword hanging over them and making them timid.

These rules are called the Safeguarding of National Security Rules. Let me tell the House quite firmly and clearly that every Government servant, no matter what he is, is a citizen and as a citizen the Constitution guarantees him certain fundamental rights, which include the right to exercise the vote. Now, the vote is secret. He

may go and vote for anybody he likes. That does not matter. But when a citizen becomes a Government servant, he has to "serve"—I am not saying that he should serve the Government only, but he should serve the country—and the service of the country means that he must obey the laws of the country. He must not, by his action, jeopardize the security of the country or the peace of the country. He must not, by his action, behave in such a manner that it may be suspected that he is assisting persons who are going to break the law of the country. Do you mean to say that if there is a political party—I am not naming any particular party—which is out to start campaigns of *satyagraha* or campaigns for deliberately breaking the law, no matter under what pretext or for what noble or ignoble reasons; and if there are Government servants furthering that movement or being a party to that movement, can any Government of the day—no matter what Government it is, i.e. whether it is a Government consisting of people sitting on this side or, on the other side—allow those Government servants to be retained in service?

11 A.M.

**Dr. S. P. Mookerjee:** That must be independently proved and not done on the basis of a police report. That is the point.

**Dr. Katju:** It is not a question of independent proof, because I am going to tell the House on what basis the Rules were framed. They were framed on the basis that these people should be "reasonably suspected" of being engaged in subversive activities. The whole thing proceeds on "reasonable suspicion", because no Government can afford to take any risks. That is the important point. How can you say anything definitely? Supposing you Sir, have an officer under you, in whom you have ceased to repose confidence and about whom you suspect that he is passing on secrets from official correspondence, will you retain him? Now, what can happen to him? Only three so-called punishments are provided in these Rules, viz. he may be permitted to rejoin duty if the charge is not proved; he may be debarred from employment in specified categories of posts only; or he may be retired from service on such compensation, pension, gratuity or provident fund as may be admissible to him in accordance with the Rules.

Now, my hon. friends were trying to show as if no investigation, nothing,

happened. But I tell you, a Government servant is, under these Rules, given every facility to prove to the satisfaction of an independent tribunal—and I use the words "independent tribunal" deliberately—that no suspicion need attach to him. He is in a position to free himself of suspicion. Let us see the composition of the tribunal. The Government servant may be someone employed, let us say, in the post office, or a railway office, or any other office. The tribunal consists of four persons:

- (1) A representative of the Ministry to whom this particular employee is attached.—Supposing he is a postman. Then, the representative will be from the Ministry of Communications.
- (2) A representative of the Ministry of Law—The Ministry of Law has absolutely nothing to do with the employee. Its representative is a person whose mind is attached to law.
- (3) A representative of the Home Ministry. Generally it is the Home Secretary.
- (4) A representative of the Intelligence Bureau.

These are the four persons. We cannot possibly have an open, fair, judicial enquiry, because we are dealing with matters of national security. Among these four persons, the man who may be said to be interested as the prosecutor is the representative of the Ministry from which the employee hails. The other three are not interested at all. It does not matter at all to the Home Secretary whether the man gets off or clears his character, or he does not. The proceedings are not started by him.

**Shri K. K. Basu** (Diamond Harbour): What about the man from the Intelligence Bureau?

**Dr. Katju:** This is a purely Advisory Committee. The order is passed by the Minister himself, and I take it that the Minister will act with a sense of great fairness; will see the papers for himself, and will decide whether this man can be kept or not, consistently with the public interest. That is the rule.

Secondly, what is the so-called punishment? They only say to him: Well, under the circumstances we cannot repose confidence in you; it is not a question of your belonging to this or that or any other party; but the question is whether national security is

safe in your hands, whether it is not a fact that people would say that you are engaged in, or you are sympathetic towards, subversive activities. That being so, they say: You go—not punishing him in any way—you take your pension, provident fund, all the gratuities that are admissible to you. If a man is dismissed for improper conduct or disobedience of the Rules or anything like that, then he may be dismissed and dismissal means no advantage, no pension, no gratuity, no provident fund. But here this man is told: You are very good, but too good for us, please leave us.

My submission is that the Rules are fair. They have been made consistently with article 311 of the Constitution, fair to all parties concerned, fair to the Government servant, fair to the Government. There is an enquiry made by very high officers who, three of them—I would say all the four of them—have got no interest whatsoever in the dismissal of this Government servant the person against whom the enquiry is proceeding. And then the case is finally disposed of by the Minister personally. Can you conceive of a more scrupulous care in seeing that no injustice should be done?

And the figures I have quoted before you, the 1952 figures, would show that there is no question of any victimisation or stoppage of any Trade Union activities. As I said, eight cases related to railway staff and one was outside railway staff. In the whole of 1952 there have been only nine cases and no more.

My hon. friend Dr. Mookerjee said.....

**Dr. S. P. Mookerjee:** Again you are taking my name!

**Dr. Katju:** I am sorry. The hon. Member from South-East Calcutta referred to certain cases. Another hon. Member from Calcutta gave a long list. I was rather surprised. Of course every Government servant who has got a grievance is entitled to approach any Member present here. They do. But it was rather remarkable that all the Government servants against whom the charge was that they were members of the Communist Party, went to the hon. Member, the Acting Leader of the Communist Party. They were entitled to do so.

**Dr. S. P. Mookerjee:** Some came to me also.

**Dr. Katju:** But he did not refer to them. They were referred to by Prof. Mukerjee.

[Dr. Katju]

The question is if there is any individual case in which injustice has been done I have not the slightest doubt that the Minister concerned would very gladly look into it. Individual cases apart (we are not discussing them), the Resolution says that these Rules should be done away with.

**Dr. S. P. Mookerjee:** Exactly.

**Dr. Katju:** And my hon. friend the Acting Leader of the Communist Party says: Well, look at us, how good we are, we are willing to co-operate with you, we are willing to do this and lend a helping hand, and let us better the situation. How can the situation be bettered? In the case of workers in the country to which my hon. friend owes spiritual allegiance, it is not a question of removal, it is a question of liquidation. You liquidate people if you dislike them. Pending the liquidation you may change your mind. That is a different matter. But otherwise the Rules are much more stringent. Here there is no such question. Here a charge-sheet is given, there is a right of personal appearance, and the man is dealt with gently. They say: you better take leave. And the case is decided within a few weeks, probably days. Then they say: We are not satisfied with you, let us part in good grace, take your pension, gratuity, provident fund.

My hon. friend said; well, these Rules should be revised. I say that these Rules were made, in consultation with the hon. Member from Calcutta, as fairly as possible.

**Dr. S. P. Mookerjee:** Not in consultation.

**An Hon. Member:** Was he there in the Ministry then?

**Dr. S. P. Mookerjee:** That is why I know all the misdeeds of the period.

**Dr. Katju:** You must have been party to them all.

**Dr. S. P. Mookerjee:** Why not change with me?

**Dr. Katju:** Therefore, I say there is nothing wrong with the Rules. The object is one which the House shares, namely that national security should not be endangered. And in discussions about national security you cannot let out secrets. It cannot be an open, public, judicial enquiry in a court of law, anybody coming and cross-examining. It is a question whether there is sufficient material to

say that this man cannot be trusted—cannot be trusted as a Government servant. Nobody is going to lock him up or put him in jail. But suppose his political associates are such or his sympathies lie with a particular party which (what shall I say?) preaches *satyagraha*, preaches defiance of the laws, preaches unlawful demonstrations, unlawful strikes, collection of arms, preaches the doctrine that if a person comes to a tenant shoot him and do not pay rent. We know of these cases. It is a different question that policies may be changing from time to time. One day a particular party may say: do not shoot, it is not worth while. Five days later they may say: start shooting again. One day they may say: we are going to call off *satyagraha* or defer the starting of *satyagraha*, we will have it fifteen days later. But it is neither here nor there. The question is can you have a Government servant whose sympathies lie, whose association lies with people of this variety? If he wants, let him come as an ordinary citizen, become a member, vote for them, stand on their behalf. Nobody prevents him from doing so. But the moment he becomes a Government servant, the interests of the country come first and last and come foremost.

And please remember it is not a question of an Advisory Council consisting of Congressmen or Hindu Mahasabha men or others. In this Advisory Council there are only the Service people: a member from the Home Ministry, maybe the Home Secretary himself, then maybe the Secretary of the Law Ministry himself, and maybe the Secretary of his own Ministry, and you get the C.I.E. man. They are all Servicemen and if they are satisfied.....

**Dr. S. P. Mookerjee:** Satisfied on what? On the basis of C.I.D. reports and without knowing all the particulars or the sources of information?

**Dr. Katju:** We had a discussion about this when the Preventive Detention Bill was under discussion. It was very much discussed. And the question was whether there should be a right of legal representation, whether a lawyer should be present or not. I ventured to put forward the thesis on that occasion that a right of personal appearance is far better than the right of representation through a lawyer. Here, in a Committee of four officers, this man can come and say what is the matter against him. He can expose himself, so to say, to the fullest possible examination.

**Dr. S. P. Mookerjee:** All the particulars will not be disclosed. That is in the Rules.

**Dr. Katju:** They will be disclosed to him so far as he can be trusted. My submission is when there is an independent tribunal consisting of service people and the matter under investigation is of the most secret type, there is no reason to believe that justice could not be done and that the Government is keen in victimising anybody in any way. The cases that I have submitted before you in the year 1952 will go to show that the Government will place its trust upon these Government servants and there ends the matter.

Before I sit down, I should like to refer in two minutes to Trade Union activities. I do not quite follow this. You remember on the last occasion the Trade Union discussion was entirely irrelevant. It has nothing to do with this. We are all dealing with Government servants and the subject matter of enquiry is the possibility or otherwise of the danger to national security. There is no question of Trade Union activities at all. They are all Government servants. I therefore submit that this Resolution really is unnecessary. Ordinarily I would have said that it might be withdrawn but I do not know whether my voice would be heeded. So far as the 1952 figures are concerned, it cannot be said that these Rules are being in any way misused or abused and there is no danger in future to think that the Government would take some very drastic action under these Rules. Any reflection upon the official Enquiry Committee that is always constituted for investigation into any particular case is not deserving.

Lastly I say that if there is any individual case in which any hon. Member thinks that injustice has been done, I would suggest to him to make a representation to the Minister concerned and I have no doubt whatsoever that if there is room really for reconsideration, that will be granted.

**Shri Nambar:** I have heard the speeches from the other side with interest. Repeatedly they have been putting forth the charge that this situation was created by a particular group or political party and that in 1949 a particular political party wanted to create chaos in the country. I want to answer that point first so that this misunderstanding or this distorted understanding should be ended. I, on behalf of the Communist Party, can

say clearly and with all emphasis at my command that the Communist Party did not want to create any chaos in 1949 and not even today. The Communist Party always has, like other political parties, taken up the cause of the people and the workers. In 1949 the situation was such that the railwaymen, the postal employees and all sorts of employees had their own reasonable genuine grievances and the Communist Party assisted them in redressing those grievances. In 1949 the strike was mooted not by the Communist Party at all. There was a stage when a ballot was taken and the whole railwaymen in this country voted for the strike and that strike did not materialise when the Railway Trade Unions ultimately decided not to strike.

There was a reference here by Mr. Venkataraman that on the South Indian Railway the workers actually went on strike in 1949. I want to correct him also. It is not a fact. In 1949 the workers in the South Indian Railway did not go on a strike. We do not precipitate a situation but there is a situation and unless and until the Government improves the situation by hearing the reasonable demands of the people concerned and try to redress their grievances, there is no way out. Even today we are seeing retrenchment. Everyday we hear stories of mass retrenchment in shipyards, in Defence organisations, in Railway organisations, in Postal Departments. Low wages add to the sufferings of the staff. If today they unite together and say they have got a right to strike and if certain political parties find that it is reasonable on their part to support such men to go on strike, do you consider that it is an anti-national action? Is it against the interests of the security of the country? If it is so, you will have to bring forth the suggestion that no strike under any circumstances in India is possible whether it be right or wrong; or you will have to ban strikes, you will have to stop all activities. Therefore let them not repeat this jargonised thing over and over again saying that the Communist Party or some other political party concerned had to create chaos. Please put an end to this at least from today onwards.

According to the figures of the Home Minister, there were only 365 cases. He says "after all, there are about ten lakhs of workers and only 365 men are involved". Tomorrow if someone is shot dead wrongly, he will say, "After all out of 300 million

[Shri Nambiar]

people, only one is shot dead". I say it is an injustice if one out of 100 or 1000 is discharged without recourse to normal procedure. It requires consideration. In moving my Resolution what I wanted was a sympathetic consideration. I made it clear that my intention in moving this Resolution is not to score a debating point over the Government. My intention was to have a reasonable consideration of these cases. If there is a single atom or iota of injustice, please remove that. They say, "no, there was not a single iota of injustice". They say everything was right because the Government officers were there, the CID officers were there. The CID officers who were responsible for removal of 365 people did not have an iota of injustice! We are asked to believe them, by the hon. Minister for Home Affairs. I would tell him again that it is not a question of controversy between the Communist Party and the Congress in power. It is a question of an injustice done on a certain section of Government servants. Let them see that at least a judicial enquiry be conducted in this case if they are not prepared to reinstate them straightaway and justice meted out. I make an appeal that at least this must be done.

From the talk from the opposite side, from Mr. Khandubhai Desai's own mouth came that if there is injustice done, it must be reconsidered. I welcome this. The point that it was at the inspiration of the Communist Party, all these things happened can be discussed later. I request him to put all his weight on my appeal to the hon. Minister. I appeal to the Railway Minister in particular because the majority comes from the Railways.

There must be a reconsideration of the question whether these Rules are to be retained in the Statute Book. He says in 1952 there was only one case, in 1953, practically no case. If that is so, why do you want a law of this kind? Is it a question of threatening or you want the co-operation, the willing co-operation of the Government servants and other political parties? Do you want it at the point of pistol or at the point of voluntary co-operation? If you think that you will get better co-operation at the point of pistol, then try it or if you want voluntary co-operation for success of your Five Year Plan, then come forth with a gesture which will pave the way for that co-operation. There is no meaning in saying that we will put every such draconian measure on the Statute Book, whether it

be the Preventive Detention Act or Conduct Rules or the Safeguarding of National Security Rules, as a deterrent, to terrorise you, to make you come down. That attitude will not get what you want. That is why I submit to you that you must reconsider whether these Rules should be there.

I have no time to refer to the arguments put forth from the other side. But, I will submit that the Opposition is one here, in making this request to you. The hon. Member Mr. B. S. Murthy from the Praja Socialist party requested you to reconsider. Dr. Syama Prasad Mookerjee requested the same thing. From the Communist side, we request the same thing. Mr. P. N. Rajabhoj wanted to speak. I had talked to him and he wanted to express the same feeling. Every Member from this side, without a single exception, has the same feeling. I have also talked with many of the Independents. They also feel that there is some sort of injustice done in the case of these victimised people and that there must be reconsideration. From the other side also, there is this feeling. There is unanimous consensus of opinion on this issue that there must be reconsideration, judicial consideration at least. See that at least a Judge, retired Judge or a Judge in service goes through these cases. We will place our case; the Trade Unions concerned will place their case; the staff will place their case. There should be reconsideration.

We from our side tried our best to convince the Minister Mr. Lal Bahadur Shastri. I have already stated this in my opening speech. The hon. Deputy Minister for Railway Mr. Alagesan is here. I wrote to him in person. He said, "Mr. Nambiar, you will get a satisfactory reply in this case". I have exhausted all possible methods in this matter. I was trying my best to see that these men were taken back because they are suffering.

**The Deputy Minister of Railways and Transport (Shri Alagesan):** If I may interrupt, there was only a recent reconsideration of these cases and it was further decided to drop proceedings against 30 more.

**Shri Nambiar:** That comes to 60 now. What I say is, the remaining...

**Shri Alagesan:** I am referring to the old cases; let him not add on.

**Shri Nambiar:** He was saying, again 30 cases.

**Mr. Deputy-Speaker:** Out of the old cases, 30 have been remitted.

**Shri Nambiar:** Whatever be the number, I have tried my best. Even after moving this Resolution, I went to Mr. Lal Bahadur Shastri. I said, I must be given some time for a patient representation of my case. He said, "you come to me, we will again discuss". Here it is not a question of Communists at all. They say these men are Communists. If you can bear with me, separately in the Chamber, I can show you every individual case and convince you that out of these 365, there will not be hardly more than half a dozen who are Members of the Communist party.

**Mr. Deputy-Speaker:** They say, 172

**Shri Nambiar:** No; there are 365.

**Mr. Deputy-Speaker:** The case started with 172 discharged.

**Shri Nambiar:** There are many other cases which do not come under their category. I have got a full list. I can give the list. It is not a question of bringing the Communist bogey everywhere. We will have to speak of the Communist bogey on every issue under the sun in India because on various issues we have difficulties. Whenever you have difficulties, there is no use saying there are the Communists. That will not be a solution of the problem. You will have to reconsider the question. I appeal to you once again. They are not going to accept my Resolution. They are going to vote it down. Let them vote it down. Any how let them carry this appeal from me to reconsider. The whole Opposition will be united in putting our case to them once again. With these words, I press my Resolution.

**Mr. Deputy-Speaker:** The question is:

"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."

The motion was negatived.

#### RESOLUTION RE LEGISLATION ON UNTOUCHABILITY

**श्रीमती विनीमता** (बिलासपुर-दुर्ग-रायपुर—रक्षित-अनुसूचित जातियाँ) : मैं प्रस्ताव करती हूँ :

"इस सदन की राय है कि इस उद्देश्य से कि अनुसूचित जातियों सामाजिक, नागरिक तथा धार्मिक विषयों में उन्हीं अधिकारों का प्रभावी ढंग से उपभोग कर सकें जो अन्य लोगों को प्राप्त हैं। संसद् द्वारा तुरन्त ही एक ऐसा व्यापक विधान बनाया जाय जिसमें छूतछात बरतने पर दंड देने की व्यवस्था हो और जिसमें ऐसे अपराधों के मामले सुनने का अधिकार रखने वाले न्यायालयों द्वारा अनुसरण की जाने वाली प्रक्रिया का तथा अपराधियों को दिये जाने वाले दंड का विशेष रूप से उल्लेख हो।"

["This House is of opinion that with a view to enable Scheduled Castes to enjoy effectively the same rights in social, civil and religious matters as are enjoyed by others, a comprehensive law may be enacted forthwith by Parliament for the punishment of the practice of untouchability laying down in particular the procedure to be followed by the Courts having jurisdiction to try such offences and the penalty to be meted out to offenders."] ]

उपाध्यक्ष महोदय, इस सदन को यह मालूम है कि समाज मनुष्यों का समुदाय है। उत्तर मध्यम काल में समाज के मुखियों ने पेशे के आधार पर कुछ वर्ण बनाये थे परन्तु कालान्तर में यह पौषा एक बड़ा झाड़ बन गया। इस तरह आप मुझ से सहमत जरूर होंगे कि जाति विभाजन मनुष्यों के द्वारा बनायी हुई चीज है। इसके विस्तृत रूप धारण करने से भारत को भूत में किन किन कठिनाइयों का सामना करना पड़ा, वर्तमान में क्या क्या करनी पड़ रही हैं और उससे भारत को क्या क्या क्षति होती जा रही है यह आप सब को मालूम है। स्वर्गीय राष्ट्र पिता महात्मा गांधी जी ने हम सब को एक साथ खाने, एक साथ रहने तथा मनुष्य से मनुष्य को छूआ-छूत नहीं मानना चाहिए इस ओर बहुत