

उत्पादन करते हैं, अच्छी दवाये बनाने हैं क्या ये दवाये उन लोगों के लिये हैं जिनके पास अधिक पैसे हैं या उन लोगों के लिये, जो गरीब हैं, देहाना धेवा में रहते हैं, मिलावट की दवाये ख. कर अपनी ख.वा ल ला ममागत करते हैं, ऐसे लोगों के लिये क्या ग्राम सर्ती दवाओं का इतना भी कर रहे हैं ? ऐसे लोगों के लिये आप क्या कर रहे हैं ?

श्री के० डी० मालवीय यह मामला दवा बनाने वालों के हाथ में नहीं है। हमारे महा पब्लिक मैटर में अब दवाएं बहुत सस्ती बनने लगी हैं, जो दवा फोर्न फर्मूलैटर की 40 पैसे का मिलता है, उउ मटे डर्ड को दवा हमारे बा ख न में 10-15 पैसे में बनने लगी है। लेकिन दवा डाक्टरों से-क दुब करना है और डाक्टर आम तौर पर गरीबों में कम जाते हैं। हम प्र तर कर रहे हैं कि कुछ पैसे दवाये सनी जाये-पैमी 117 दवाये हमारे नामने अधयन के लिये है— (जनकी मुविधा हम जरादा से ज्यादा गवा का देना चाहते हैं। लेकिन निश्चय यह है कि दवा डाक्टर लोग देने है, अगर पसारा लोग देने लगे ता मरगा बढ जायगा। इनलिये दवा दे कोन प्र. नाये कोन—इम पर कमेटी विचार कर रहा है और यह विचार करना जरूरी है।

SHRI V. MAYAVAN: Is it a fact that mass consumption drugs are sold at higher prices? What is the Minister going to do to reduce the prices of mass consumption drugs?

MR. SPEAKER: The question was about the Hathi Committee's recommendations and the benefit to foreign companies when it goes to the stage of prescription and all this. I thought the Minister is an all rounder. He did not look at me whether it is relevant or not. He started replying to him. Now he is asking another question out of that.

SHRI K. D. MALAVIYA: Sometimes I see to you to seek protection. But when I feel I should answer the question. I do not look at you.

MR. SPEAKER: When you differ with me?

SHRI K. D. MALAVIYA: I seek your protection.

Appeals filed by Government and Expenses incurred on Writ Petitions

*901. SHRI DINEN BHATTACHARYYA.

SHRI KRISHNA CHANDRA HALDER

Will the Minister of RAILWAYS be pleased to state

(a) whether appeals have been filed by the Government of India against the decision of the Calcutta High Court in favour of the Railway employees who were dismissed or removed from the service during the last Railway strike;

(b) expenses incurred by the Railway Board or different Railway administrations in connection with the Writ Petitions filed by the employees in the Calcutta High Court and in appeals filed by Government against the employees, and

(c) names of the Counsel engaged and what fees have been sanctioned for them and have already been paid?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH). (a) Yes Sir, except in respect of cases of employees of Chittaranjan Locomotive Works.

(b) Rs. 88,000 approximately.

(c) The names of Counsels engaged are given in the statement attached. Fees to the extent of Rs. 62,000 approximately have been sanctioned/paid so far.

Statement

Name of counsel	Railway Administration who engaged the Counsel.
1. Sh. F. S. Nariman, Addl. Soliciter General of India	Eastern Railway
2. Sh. S. D. Banerjee	Eastern Railway, S.E. Railway, N.F. Railway C.L.W.
3. Sh. D. N. Das	Eastern Railway C.L.W.
4. Sh. P. K. Ghosh	Eastern Railway
5. Sh. A. K. Basu	S. E. Railway, N. F. Railway
6. Sh. Samar Banerjee	C.L.W.
7. Sh. B. P. Banerjee	C.L.W.
8. Sh. Somn Bose.	C.L.W.

SHRI DINEN BHATTACHARYYA: This question was shifted from 15th of last month and in the mean time we expected that full reply will be given by the Minister which has not been done. I do not understand this. What is the meaning of shifting the question to an other date so that to Minister may be equiped to answer the question? So, my first point is this: How many employees are involved in these appeal cases?

SHRI BUTA SINGH: The question relates to only appeals against the decision given by the high courts and not about number of employees.

SHRI DINEN BHATTACHARYYA: Gujarat high court employees won the case. Calcutta employees won the case. After 1 1/2 months he is coming and saying this. Naturally the question of employees will arise.

MR. SPEAKER: What he understands from the question is, you did not ask the number of employees.

SHRI DINEN BHATTACHARYYA: It is obvious. They know how much they have paid; but they don't know how many cases are there! That is strange.

MR. SPEAKER: Have you any idea about it?

SHRI BUTA SINGH: I would be prepared to give the information later on. But, at the moment, if you permit me, to go through the question, it is only about the cost involved in going on appeals, not about the number of employees. That is my submission.

SHRI DINEN BHATTACHARYYA: I know it is inconvenient for you to reply to these questions because in all the high courts you have been defeated. So, my question is this. When you are spending so much money (more than Rs. 80,000 or so) why don't you settle these cases on the basis of the judgment given by the high courts? what is the harm in it? Why do you spend so much of public money for going to the Supreme Court and for giving it to the layers like this?

SHRI BUTA SINGH: The question at issue is not our intention to implement judgments given by various high courts. But as you will kindly see, the question at issue is that the judgments of the various High Courts have not been uniform and of a uniform pattern. That is the point here. What we want is that we should

obtain judgment on the question of the validity of the procedure to be followed in the application of rule 14(2). That is why we are trying to have a uniform pronouncement on the question of the validity of the rules.

SHRI DINEN BHATTACHARYYA: Validity of 14(2) is not involved. You kindly go through your records.

MR. SPEAKER: He is giving you the facts.

SHRI KRISHNA CHANDRA HALDER: Mr. Speaker, Sir, is it not a fact that judgments have been given by the Kerala, Gujarat and Andhra High Courts on the same lines and these employees got the judgments in favour of the railway employees even in the appellate court in Gujarat? I want to know why the Government is not giving at least some respect to the judiciary? Government is appealing against those judgments and thus paying only scant respect to the judiciary whenever they declare Government action as *ultra vires* or unconstitutional. How can the Government force the private sector when it is itself not accepting the award of the High Court? I want to know whether all the employees will be taken back to their services and no further expenditure will be incurred. Sir, I want to know categorically from the hon. Minister whether Government is going to withdraw the appeals from the Supreme Court and respect all the judgments of the honourable High Courts of Gujarat, Calcutta, Kerala and Andhra Pradesh.

SHRI BUTA SINGH: Sir, it is a fact that the Gujarat High Court has given a verdict which is not favourable to the Railways. But, Sir, it may not be possible for the Administration not to go to the Supreme Court. As I have mentioned, different High Courts have so far pronounced their verdict differently. What we want is a definite verdict on the uniformity of the application of Rule 14(2). So far as the question of taking back of the railway employees is concerned, the Board, in

so many cases, reinstated the employees by stating definitely that we have no option but to take them back.

But, as I have mentioned, the only point at issue is that we want to have a final pronouncement of the Court on the application of Rule 14(2).

SHRI S. M. BANERJEE: It appears from the reply given by the hon. Deputy Minister for Railways that they are likely to go to the Supreme Court. About this particular case, my supplementary is relating to the assurance given by the hon. Minister for Railways, Shri Kamalapati Tripathi in his budget speech when he said that all cases would be decided expeditiously. I want to know whether this sort of approach of the Board is something like Shylock asking for a pound of flesh from the railway employees. Sir, they are spending Rs. 82,000 or so for the cases by paying one Shri S. D. Banger a sum of Rs. 5,000 as his fee per day.

I would like to know from the hon. Minister whether he would reconsider all those cases and see that either the judgments of the High Courts are implemented or the Government withdraw the cases and settle the cases. I am sure that in none of these cases sabotage is involved. I would appeal to the hon. Minister to kindly give his reply on the assurance given by Shri Tripathi.

SHRI BUTA SINGH: Whatever has been said by the hon. Minister we are definitely implementing it. As just now said, our attitude is not against the railway employees. The point at issue is this. We want a clear judgment from the highest Court of the country on the application of Rule 14(2) under which the disciplinary action was taken. As for the assurance given by the hon. Minister, namely, where there are no cases of violence and intimidation involved, we are taking a more sympathetic attitude towards them.

SHRI S. M. BANERJEE: Mr. Speaker, I seek your protection. My question is about the judgments given by various High Courts against the Railway Board. I want to know whether they would implement the judgments.

MR. SPEAKER: The reply does not suit you. I think the Minister is only asking for a uniform opinion from the Supreme Court.

PROF. MADHU DANDAVATE: The hon. Railway Minister, while replying to a question on the floor of the House said that the cases of violence including intimidation were 440. It is obvious that the rest of the cases did not involve violence, sabotage and, even, of intimidation.

With this background in view, will a very sympathetic attitude be taken, particularly, by Shri Tripathi in recommending reinstatement of almost all the victimised workers which will be in tune with the general approach and, will he respect the judgments of Andhra Pradesh, Kerala, Gujarat and Calcutta High Courts and honourably withdraw all the cases and end the matter once and for all?

THE MINISTER OF RAILWAYS (SHRI KAMLAPATI TRIPATHI): Well, Sir, the cases went to the High Courts—the workers went to the High Courts and they have filed writ applications. On that there are differences in the judgments of High Courts—Gujarat High Court has said something, Calcutta High Court has said something. Now, what have we got to do with regard to Rule 14(2). The question of its procedure and the validity of our taking disciplinary action is all questioned in the High Court. Somebody said 'You can do it'. Some Courts say 'You cannot do it'. Some say, 'Why don't you communicate the reasons?' Then, we have to go to the Supreme Court to get a verdict from the Supreme Court on the uniformity of these orders.

PROF. MADHU DANDAVATE: Without prejudice to your right, you can drop the cases.

SHRI KAMLAPATI TRIPATHI: We did not go to the High Court. They went to the High Court and filed their writ petitions.

MR. SPEAKER: I would request you not to enter into...

SHRI SOMNATH CHATTERJEE: I will only draw the attention of the hon. Minister...

SHRI N. K. P. SALVE: Let us go to the next question.

SHRI SOMNATH CHATTERJEE: This is a matter which involves thousands of people. Why is Mr. Salve so impatient? You do not want these people to get back their jobs?

MR. SPEAKER: Both of you are concerned more with the legal implications than with the subject. Mr. Salve is a legal expert also. This matter is caught between two lawyers. What can we do?

SHRI SOMNATH CHATTERJEE: Sir, in Chittaranjan, the employees of Chittaranjan Locomotive Works won their writ petition in the High Court. The Railways did not go on appeal against those employees—about 36 or 38, if I am not mistaken. There is now an excellent atmosphere prevailing in Chittaranjan Locomotive Works. Everybody admits it. The work is going on very well. The workers won their writ petition and no appeal has been filed. Similarly, in regard to other matters, to bring about a proper atmosphere in the railways' working, why don't you take back these employees? If you want a decision from the Supreme Court with regard to the scope and interpretation of 14(2), for future application, you can take a token case there. It is not necessary that all the employees should be involved in legal proceedings. If you want to get a decision of the Supreme Court for future guidance, if your intention is not to apply this against so many employees and involved them in litigation, take one case there, make one of them

the scapegoat if you want to do so. But, so far as others are concerned, withdraw the proceedings.

SHRI BUTA SINGH: Sir, it is not true that we want to make anybody a scapegoat. The question is that even the judgement delivered by the Gujarat High Court, the latest judgement has not come to us so far. I am stating a fact. A copy of the judgement has not come to us. Unless we are posted with all the facts, it will be difficult for us at this stage to say that we can drop all these cases and take only one test case. Even then, Sir, I take this as a suggestion.

Report of the Hathi Committee

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*902. **SHRI BHALJIBHAI PARMAR:**

SHRI D. P. JADEJA:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) what are the salient features of the recommendations of the Hathi Committee; and

(b) whether Government propose to lay the report of this Committee on the Table of the House during this session?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI K. D. MALAVIYA): (a) and (b). Government propose to lay a copy of the Report of the Committee on Drugs and Pharmaceutical Industry during this session.

SHRI BHALJIBHAI PARMAR: Sir, one of the main and salient features is illegal issue of permission letters and COB licences by officials namely, Dr P. R. Gupta., Dr. B. Shah and Shri V. Rajagopalan who has been issuing and processing these permission letters during the last more than 15 years dealing in drugs only. Will the Government order an enquiry and remove these officials immediately otherwise, they will not allow this Hathi Committee report to be implemented.

MR. SPEAKER: Mr. Parmar, the simple question was about the salient features and when is the report going to be laid on the Table of the House. It has come in this House a number of times. But, if your supplementaries are already ready, I cannot help it. You brought them ready-made. Anyway, I do not come in between you and the Minister.

SHRI K. D. MALAVIYA: Sir, I have answered.

MR. SPEAKER: I only want you to do whatever you like. Either you repeat...

SHRI K. D. MALAVIYA: I always try to do whatever you want me to do

MR. SPEAKER: I want you to do whatever you like.

SHRI K. D. MALAVIYA: But, there are some constraints which bind both of us, both the Speaker and myself. What can I do? The Report is to be laid on the Table of the House.

MR. SPEAKER: I advise the member to wait till it is laid on the Table of the House.

SHRI K. D. MALAVIYA: You are quite right.

MR. SPEAKER: He has accepted it.

Survey to Assess Ticketless Travelling in Railways

*903. **SHRI R. N. BARMAN:** Will the Minister of RAILWAYS be pleased to state:

(a) when an official survey to assess the extent of ticketless travelling in Indian Railways was undertaken by Government;

(b) what was the leakage of revenue found at that time;

(c) why no further survey was undertaken since then; and

(d) when Government propose to undertake the next survey?