प्रतिरक्षा भारती
Pratiraksha Bharti

भारतीय प्रतिरक्षा मजदूर संघ का मुख्य पत्र

फरवरी २०२४ • वर्ष-विंशति (२०) • अंक ०२ • मूल्य : १० • वार्षिक मूल्य : १२०

रक्षामंत्री भारत सरकार श्री राजनाथ सिंह जी ने विशाखापटनम में भा. प्र. म. संघ के प्रतिनिधि मण्डल से मुलाकात की।

महामंत्री श्री मुकेश सिंह द्वारा एस. एन. सी. सी. ई. ओ. कोच्चि यूनियन की ए. जी. एम. बैठक में सम्मिलित होते हुए।

जी. ई. मध्यप्रदेश के सत्यापन चुनाव में जीत के उपलक्ष्य में यूनियन द्वारा श्री नरेन्द्र तिवारी एवं श्री राम प्रवेश जी का स्वागत करते हुए एम. ई. एस. के कार्यकर्ता

Chairman (CWE) alloted 8/8 JCM IV seats to MES employees union CWE (AF) Banglore

सम्पादक की कलम से

– श्री साधू सिंह

मित्रों नमस्कार।

सदस्यता सत्यापन लगभग पूरा होने की ओर है कुछ ही स्थान शेष बचे है वहां पर भी सत्यापन कार्य पूरा हो जाएगा। अब आत्मावलोकन का समय है सभी को संगठन को मजबूत करने की ओर अग्रसर होना है। जो भी स्थिति रही उसके लिये अब और परेशान होने की जरूरत नहीं है। कैसे हम मजबूत हों यह सोचना है आपके पास तीन वर्ष का समय है अपनी स्थिति को मजबूत करने के लिये। हमें प्रतिदिन सोचना है कि हर हालत में एक मजबूत संगठन खड़ा करना है अपनी कमजोरियों को परखना होगा और उनको दूर करते हुए आगे बढ़ना होगा। हमें आत्म मंथन करना है कि 2005 में हम कहाँ थे 2010 में हम कहाँ थे 2024 में कहाँ है। जिन स्थानों पर 2005 में जहाँ थे आज भी वहीं है उनको बहुत सोचना होगा और आगे बढ़ना होगा। जो यूनियन मान्यता प्राप्त थी आज मान्यता खोने की स्थिति में आ गई उनको फिर से अपने वजूद को बचाने के लिये रात दिन एक करना होगा। मुझे याद है कि अपने महासंघ की मान्यता के बाद भी बहुत से स्थान पर हम नहीं थे। उन स्थानों पर आप सब कार्यकर्ताओं ने मेहनत कर संगठन खड़ा किया और आज हम उन स्थानों पर मजबूती से खड़े हैं। कई स्थानों पर हम क्रमांक 1 पर है। यदि मेहनत की जाये तो हम बहुत कुछ हासिल कर सकते है। हमें जुनूनी कार्यकर्ता बनना होगा हमें कर्मचारियों का दिल जीतना होगा। उनकी समस्याओं को लोकल लेवल पर पूरा करना होगा, पॉलिसी मैटर पर महासंघ निश्चित रूप से कार्य कर रहा है और आगे भी करता रहेगा। सभी यूनियन को लोकल लेवल पर समस्याओं को लेकर आंदोलन करना होगा और भारतीय मजदूर संघ और भारतीय प्रतिरक्षा मजदूर संघ के द्वारा दिये गए कार्यक्रमों को सफल करना होगा। हम एक ट्रेड यूनियन के रूप में अपनी जिम्मेदारी निभाएं, सरकार चलाना जिनका काम है उनको करने दें। कई बार हम भारतीय मजदूर संघ से ज्यादा भाजपाई हो जाते हैं यह ठीक नहीं है भारतीय मजदूर संघ के संस्थापक ने स्पष्ट कहा है कि हम विशुद्ध गैर राजनीतिक संगठन है इस बात को हम सभी को ध्यान रखना है। आने वाले समय में बहुत से मुद्दों पर संघर्ष करना है। 50 प्रतिशत महंगाई भत्ता बहुत शीघ्र होने वाला है। आठवें वेतन आयोग के गठन हेतु संघर्ष जारी रखना होगा। NPS को समाप्त कर OPS लागू करने हेतु लगातार संघर्ष करना होगा। सरकार की निजीकरण और निगमीकरण की नीति पर हमें निगाह रखनी होगी जहाँ पर लड़ाई लड़नी है उस पर फोकस करना होगा।

देश में राजनैतिक उथल पुथल का समय है उस पर सूक्ष्म निगाह रखनी होगी। राष्ट्र विरोधी ताकतों को नेस्तनाबूत करने में हमें योगदान करना होगा।

ट्रेड यूनियन के रूप में जो धोखेबाज लोग लगातार कर्मचारियों को लुभावने वाले नारे देकर बरगलाकर उनका ही शोषण कर रहे हैं उस स्थित को कर्मचारियों को सावधानी पूर्वक समझाना होगा।

अगर पूरे सदस्यता सत्यापन चुनाव पर गौर करें तो आज हम नंबर 1 के आस पास ही है थोड़े अंतर से ही हम पीछे हैं जहाँ पर हमारी यूनियन अभी भी नहीं है उसके कारण ही हम पिछड़ जा रहे हैं। हमें उन सभी स्थानों पर यूनियन का गठन करना है जहाँ हमारी यूनियन नहीं है। खासकर महाराष्ट्र, गुजरात, गोवा में MES में यूनियन बनाने के लिये लगातार प्रयास करने होंगे।

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भारत आने वाले समय में विश्व गुरू बनेगा.. ये एक ऐसा विमर्श है, परन्तु विश्व गुरू आखिर बनायेगा कौन? और कैसे बनेगा?

– संकलित

मुंबई में एक कार्यक्रम के दौरान आरएसएस प्रमुख माननीय मोहन भागवत जी ने फिर से दोहराया कि 20 से 30 साल के बाद भारत विश्व गुरु होगा। आरएसएस प्रमुख ने इसके लिए बताया कि आने वाली दो–तीन पीढ़ियों को इस तरह से तैयार करना होगा, जो सजग होकर काम करें। उन्होंने विश्व गुरु बनने के लक्ष्य को हासिल करने के लिए कुछ आयामों का भी जिक्र किया। इनमें संघर्ष, जागरण के लिए सक्रियता, दुनिया के बाकी देशों के साथ संबंध बनाने के तरीके शामिल हैं. इसके साथ ही मोहन भागवत ने ये भी कहा कि छल–कपट फैलाने वाले आसुरी शक्तियों को उत्तर देना भी जरूरी है।

दरअसल विश्व गुरु की बात को जोर–शोर से उठाकर नए नैरेटिव को स्थापित किया जा रहा है। ये एक तरह से नया राजनीतिक और सामाजिक विमर्श बनाने की कोशिश है। जब मोहन भागवत कहते हैं कि छल कपट फैलाने वाले लोगों को उत्तर देना जरूरी है, तो ये सरकार की जिम्मेदारी बनती है कि हर तरह के प्रोपेगैंडा पर रोक लगे, चाहे उस प्रोपगैंडा को फैलाने वाले शख्स का संबंध किसी भी धर्म से हो। लेकिन मौजूदा हालात में इस तरह का माहौल बनाने की कोशिश सरकार की ओर से की जा रही है, ऐसा नहीं कहा जा सकता है।

सिर्फ भाषणों में या बयानों में विश्व गुरु बनने की बात से कोई भी देश वैसा नहीं बन जाता। विश्व गुरु बनने के लिए जरूरी है कि पहले हम अपने देश के हर नागरिक को वो माहौल दें, जिनसे उनका सर्वांगीण विकास सुनिश्चित हो सके।

विश्व गुरु की अवधारणा में देश के हर नागरिक, हर धर्म और हर समुदाय को समान मानने की बात जरूर शामिल होनी चाहिए। ये सिर्फ कागजी नहीं होना चाहिए, बल्कि कार्यों के साथ ही बिना भेदभाव के कार्यवाही में भी दिखनी चाहिए।

जब आजादी के 75 साल बाद भी बड़े–बड़े मंचों से सरकार के प्रतिनिधि इस बात को गर्व के साथ कहते हैं कि सरकार देश की 80 करोड़ जनता को हर महीने 5 किलो फ्री राशन दे रही है, तो विश्व गुरु बनने के लिए इस दिखावे और प्रोपेगेंडा को खत्म करना होगा। ये गर्व या दंभ की बात नहीं है, बल्कि शर्म की बात है कि अभी भी हमें इतनी बड़ी आबादी को जीवन यापन के लिए फ्री राशन देना पड़ रहा है और हम उसका भी जोर–शोर से प्रचार कर रहे हैं। विश्व गुरु सिर्फ कहने से नहीं बन जाएंगे, जब तक देश में सौहार्द और भाईचारे का माहौल नहीं होगा, तब तक विश्व गुरु का विमर्श बेमानी है या सिर्फ राजनीतिक एजेंडा ही रहेगा. सांप्रदायिक ध्रुवीकरण और नफरत भरे माहौल को बनाने में सरकारी स्तर और सत्ता से जुड़े लोगों या संगठनों की भूमिका को पूरी तरह से खत्म कर दिया जाएगा, तभी हम विश्व गुरु की राह पर आगे बढ़ पाएंगे।

चाहे विश्व गुरु की बात हो या फिर विकसित राष्ट्र बनने की .. सबसे ज्यादा जरूरी है देश के हर लोगों तक बेहतर शिक्षा और उम्दा चिकित्सा सुविधा पहुंचे. इसकी शुरुआत तभी हो सकती है, जब इसके लिए हर नागरिक तक गुणवत्तापूर्ण प्राथमिक शिक्षा और प्राथमिक हेल्थ फैसिलिटी मिलने लग जाए।

विश्व गुरु बोलने से नहीं बनते हैं, विश्व गुरु भारत को कौन बनाएगा? सबसे महत्वपूर्ण सवाल ये है और इसका जवाब है यहां के नागरिक बनाएंगे। तो फिर इसके लिए नागरिकों को सक्षम बनाने की जरूरत है, तार्किक बनाने की जरूरत है. यहां पर नागरिक कहने से मतलब हर एक नागरिक है. अगर हम मानते हैं कि फिलहाल देश की आबादी 135 करोड़ या 140 करोड़ के बीच है तो, हर एक नागरिक की अहमियत उस विश्व गुरु की संकल्पना में होनी चाहिए।

ये सच है कि आर्थिक मोर्चे पर या जीडीपी बढ़ने के मोर्चे पर भारत ने पिछले 10 साल में तेजी से छलांग लगाई है. हम दुनिया की पांचवीं सबसे बड़ी अर्थव्यवस्था भी बन गए हैं। ये भी तय है कि भारत 2024 में पांचवीं सबसे बड़ी अर्थव्यवस्था के रूप में अपनी स्थिति बनाए रखेगा। भारत 2024 में 4.1 ट्रिलियन अमेरिकी डॉलर की अर्थव्यवस्था बन जाएगा और यूनाइटेड किंगडम पर अपनी बढ़त बनाए रखेगा।

लेकिन वास्तविक मायने में हम विकसित भारत तो तभी बनेंगे या फिर आर्थिक तौर से विश्व गुरु भी तभी कहलाएंगे, जब Per Capita Income या प्रति व्यक्ति आय के मोर्चे पर भी दुनिया की अगुवाई करें. हम भले ही जीडीपी के मामले में पांचवीं अर्थव्यवस्था हैं, लेकिन पर कैपिटा इनकम के मामले में हम अंतरराष्ट्रीय मुद्रा कोष के मुताबिक दुनिया के 197 देशों की रैंकिंग में 142वें पायदान पर हैं। दरअसल विश्व गुरु हम तभी बन सकते हैं, जब हम इस रैंकिंग को भी टॉप फाइव के भीतर पहुंचा दें। विश्व गुरु की अवधारणा में इस बात को शामिल करने की जरूरत है।

सिर्फ भावनात्मक मुद्दा बनाकर राजनीतिक फायदे के लिए विश्व गुरु को लेकर बार–बार बयान देना सही नहीं है. इसके लिए हर नागरिक तक राजनीतिक और सामाजिक के साथ ही आर्थिक समानता के संकल्प को पूरा करने की जरूरत है, जिसमें नैसर्गिक न्याय के सिद्धांत को वास्तविकता के धरातल पर उतारा जा सके।

राष्ट्र तभी मजबूत बनता है या फिर विकसित होता है, जब उसमें हर नागरिक के विकास को सुनिश्चित किया जा सके। सिर्फ साक्षरता दर बढ़ाने के लिए शिक्षा नहीं हो, बल्कि तार्किक इंसान बनने के लिए शिक्षा हो, ऐसी शिक्षा प्रणाली के जरिए ही हम आने वाले वक्त में विश्व गुरु बन सकते हैं। विश्व गुरु बनने के लिए राजनीतिक व्यवस्था में सहमति और असहमति की जगह हो, इस सोच वाली पीढ़ी को बनाने की जरूरत है। असली राष्ट्रवाद भी वही है जिसमें हर नागरिक के चेहरे पर मुस्कान हो।

अभी विश्व गुरु की बातें सिर्फ सत्ताधारी पार्टी के नेताओं या फिर सत्ताधारी पार्टी से जुड़े संगठनों से सुनने को मिल रही है। लेकिन ये अनुभव देश के लोगों को होना चाहिए कि उनके पास वो सारी सुविधाएं और परिस्थितियाँ उपलब्ध होने लगी हैं। जिससे भविष्य में वे देश को विश्व गुरु बनाने में अपना योगदान दे सकेंगे। सिर्फ विश्व गुरु का माहौल बनाने से हम उस दर्जा को हासिल नहीं कर पाएंगे।

इसलिए ये बहुत जरूरी है कि विश्व गुरु की संकल्पना मात्र एक राजनीतिक विमर्श बनकर नहीं रह जाए, बल्कि इसे देश के नागरिकों से भी जोड़ा जाना चाहिए। तभी हम आने वाले 25 साल में सही मायने में विकसित राष्ट्र बन पाएंगे और खुद की बजाय दुनिया कहेगी कि भारत विश्व गुरु है।

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युवा शक्ति और राष्ट्र निर्माण

– संकलित

पहला ''युवा शक्ति'' दूसरा ''राष्ट्र निर्माण'' । अतः पहले यह समझ लेना समीचीन होगा कि युवा शक्ति व राष्ट्र निर्माण से हमारा क्या तात्पर्य है।

युवा शब्द परिभाषित नहीं है। युवा कोई भी हो सकता है। यह हर प्राणी की अपनी सोच और शारीरिक क्षमता पर निर्भर करता है। एक अधेड़ उम्र का व्यक्ति भी ऊर्जा से ओत–प्रोत अपने आपको मन से युवा मानता है व एक 30–40 वर्ष का व्यक्ति अपनी शारीरिक अक्षमता के कारण अपने को किसी भी श्रेणी में रखने से कतराता है। मेरी समझ से 15 से 35 वर्ष की आयु वाला व्यक्ति साधारणयता युवा की श्रेणी में रखा जा सकता है। जिसमें विद्यार्थी, कर्मचारी, कृषक, मजदूर, शिक्षित, अशिक्षित, व्यवसायी, खिलाड़ी आदि सभी सम्मिलित है। इनसे कम उम्र वाले जीवन की व्यवहारिकता से अनभिज्ञ होने के कारण राष्ट्र निर्माण में अधिक भागीदार नही हो सकते। दूसरी ओर 40 से ऊपर की आयु वाले यह समझ बैठते हैं कि उन्होंने अपना लक्ष्य निर्धारित कर लिया है या फिर जीवन जी लिया हैं और एक ऐसे बवउवितज्ञवदम में आ गये हैं जिससे निकलना उनके लिए अब स्वाभविक नही है। अतः राष्ट्रहित में स्वतः कुछ भी करने में इच्छुक नहीं हैं। अन्ततोगत्वा ले देकर राष्ट्र निर्माण व उसकी उन्नति का भार 15 से 35 या 40 वर्ष की आयु के युवाओं के कन्धों पर आ टिकता है। परन्तु जब मै युवा शक्ति की बात करता हूँ तो मेरे सामने स्वामी विवेकानन्द जी के सपनों का नवयुवक होता है। जिन्होंने इन शब्दों से माँ भवानी के नवयुवकों का आह्वान किया था।

"Arise, awake, for your country needs tremendous sacrifice-

It is the young men that will do it- The young, the energetic, the strong, the well built, the intellectual for them is the task-"

वह नवयुवक जो 15 से 35 वर्ष की आयु का हो जो माँ भारती के लिए बलिदान को तैयार हो, जो हुष्ट पुष्ठ और मजबूत हो, जो विद्वान हो और जिसमें ऊर्जा और स्फूर्ति हो। इस श्रेणी के ही व्यक्ति इस राष्ट्र के भाग्य विद्याता हो सकते हैं।

What our country needs is not only iron men with nerves of steel gigantic wills and sharp intellect but men with golden heart and beautiful mind as well having strong moral character-

राष्ट्र निर्माण की जब हम बात करते हैं तो वस्तुतः हम उसे भारत के परिप्रेक्ष्य में लेते हैं। मैं भी इसी को आधार मानकर अपनी बात रख रहा हूँ।

परम्परागत और अधिकांशतः हर माँ की पहचान उसके वरिष्ठ पुत्र व होनहार बालक से होती है। भारत माता की भी पहचान उसके एक होनहार बालक भरत के नाम से है। इसी से हमारे राष्ट्र का नाम भारत है। संविधान में भी इस राष्ट्र को भारत i.e. India कहकर सन्दर्भित किया गया है। आमतौर पर हम इसे हिन्दुस्तान भी कहते हैं। यह हिमालय से सागर तक फैला हुआ है। हिमालय का ''हि'' व इन्दु अर्थात दक्षिणी सागर को जोड़कर हिन्दु शब्द बना है जो केवल हिमालय से सागर तक फैले क्षेत्र में बसी सभ्यता को इंगित करता है। अतः इस पूरे क्षेत्र में रहने वाले हिन्दु सभ्यता धारक हैं चाहे वह किसी धर्म, सम्प्रदाय या अन्य किसी क्षेत्र से क्यों न आये हों। यह है हमारे राष्ट्र, हमारी माँ भारती का स्वरूप।

कहते हैं यदि पृथ्वी पर कोई ऐसी भूमि है जिसे मंगलदायिनी पुण्यभूमि कहा जा सकता है, जहाँ ईश्वर की ओर अग्रसर होने वाली प्रत्येक आत्मा को अपना अन्तिम आश्रयस्थल प्राप्त करने के लिए आना ही पड़ता है तो वह भारत है।

यह भी मान्यता रही है कि देवताओं से भी वे लोग धन्य हैं जो स्वर्ग और अपवर्ग के लिए साधनभूत भारतभूमि पर उत्पन्न हुए हैं।

सरस सुवाहन भारत माँ।

जब माँ की पहचान उसके पुत्रों से हो तो स्वाभाविक है वह ही माँ के रक्षक व उसकी अस्मिता को बनाये रखने के जिम्मेदार होते हैं और वह ही माँ की शक्ति होते हैं।

हमारे पूर्वजों ने एक सपना देखा था। सुन्दर स्वप्न। उसके आधार पर उन्होंने एक लक्ष्य निर्धारित किया था और फिर हमें स्वतंत्रता मिली।

देश के स्वतंत्र होने के बाद न हमने कोई सपना सजोया था न कोई अपना लक्ष्य तय किया न ही राष्ट्र निर्माण की कोई नीति बनायी।

बिना नीति निर्धारित कर हम बड़े–बडे उद्योग इत्यादि लगाने व वैज्ञानिक स्तर को बढ़ावा देने में व्यस्त हो गये और इसी में राष्ट्र की उन्नति समझने लगे। हम यह भूल गये कि कोई भी राष्ट्र उतना ही सुरक्षित है जितना की उसके नागरिकों का चरित्र । अतः नागरिकों के चरित्र निर्माण के बिना राष्ट्र की उन्नति संभव नही।

चरित्र वह ज्योति है, जो सूर्यास्त हो जाने पर और सभी रोशनियों के बुझ जाने पर आलौकिक रहती है।

पंडित जवाहर लाल नेहरू का मानना थाः

"The children of today will make the India of tomorrow- The way we bring them will determine the future of the country-"

यह जानते व समझते हुए भी कि नई पीढ़ी ही आगे आने वाले

समय में एक अच्छे समाज व राष्ट्र का निर्माण कर सकती है हमने इस पीढ़ी की अनदेखी कर दी। हमने युवाशक्ति को नैतिक व मूल्यों पर आधारित शिक्षा देने के लिए शायद कोई ठोस कदम नही उठाये। उसका परिणाम आज की हमारी कमजोर सामाजिक व्यवस्था है। हमारे राष्ट्र की इमारत बेहद ही कमजोर नींव पर खड़ी है जो किसी भी समय गिर सकती है और गिर भी रही है।

यह एक आम कहावत है कि that one who fails to plan is planning to fail ऐसा ही कुछ हमारे राष्ट्र के साथ हुआ।

फिलीपींस जैसा छोटा सा राष्ट्र भी अपने नवयुवकों के प्रति इतना सजग है कि उसने युवकों के राष्ट्र निर्माण में सहयोग देने के लिए एक विशेष अधिनियम The Youth in Nation Building Act, 1994 पारित कर देश के 15 से 30 वर्ष के व्यक्तियों को युवकों की परिभाषा में रख एक नेशनल यूथ कमीशन की स्थापना कर डाली और युवकों की राष्ट्र निर्माण में भागीदारी को स्वीकारते हुए National Comprehensive and Coordinated Programme on Youth Development बनाया है।

इसी प्रकार एक अन्य देश क्युबैक ने भी पहल कर Youth Protection Act बना रखा है। कहने का तात्पर्य केवल इतना है कि सभी राष्ट्र युवा शक्ति को मान्यता देते हैं और इस ओर अधिक से अधिक ध्यान दे रहे हैं परन्तु उसके विपरीत हम केवल दिखावे मात्र के लिए Youth Foundation अथवा Nehru Yuva Kendra जैसे संगठन बना कर भी उनकी शक्ति का सही व पूर्ण प्रयोग नहीं कर पा रहें हैं।

हमारी शिक्षा प्रणाली भी अधिक से अधिक विद्यार्थियों को शिक्षा देने शिक्षा के पश्चात उनको नौकरियाँ देने व उनको जीविकोपार्जन का साधन उपलब्ध कराने में लग गयी है पर हम यह भूल गये कि हमारी शिक्षा प्रणाली किस प्रकार की होनी चाहिए या किस प्रकार की शिक्षा हमें अपने युवा नागरिकों को देनी चाहिए जिसका परिणाम यह हुआ कि हमारी नयी पीढ़ी अपना भविष्य तो शायद सुधार पायी पर नैतिक शिक्षा के अभाव में राष्ट्र का निर्माण नहीं कर पायी।

राष्ट्र निर्माण का सही वास्तविक अर्थ नागरिकों के चरित्र निर्माण व उनके व्यक्तित्व के निखार में है। नीतिगत व मूल्यों पर आधारित शिक्षा से नागरिकता के निर्माण करने में सर्वप्रथम दायित्व माँ बाप का होता है। तत्पश्चात उनके अध्यापकों का महत्पूर्ण योगदान होता है और जब अभिवावक और अध्यापक दोनों साथ–साथ नयी पीढ़ी का चरित्र निर्माण करते हैं तभी सही मायने में एक मजबूत और बड़ा राष्ट्र उभर कर आता है। किसी ने ठीक ही कहा है शिक्षा जो केवल पुस्तकों आदि पर आधारित हो और जिसमें नैतिकता का कोई अंश न हो वह एक रेगिस्तान की तरह है।

पुस्तकीय ज्ञान जीविकोपार्जन के लिए आवश्यक है परन्तु केवल रोटी खाने को जीवन नही कहते। जीवन वह है जिसमें हम परोपकार कर मानवता का कल्याण कर सकें व स्वय खुश रहकर दूसरे को भी प्रसन्नचित कर सकें।

राष्ट्रपिता महात्मा गाँधी का भी मानना थाः–

"The aim of University education should be to turn out true servants of the people who will live and die for the country-"

मेरे विचार हैं राष्ट्र के नवयुवकों का राष्ट्र निर्माण में सर्वाधिक महत्वपूर्ण योगदान है। मैं तो कहूँगा कि आज का युवा वर्ग ही राष्ट्र का सच्चा उत्तराधिकारी और संचालक है और हमें उन्हें देश के भविष्य की कहानी लिखने के लिए स्वतंत्र छोड़ देना चाहिए।

यू० एन० ओ० के पूर्व जनरल सेक्रेटरी कोफी अन्नान का तो कहना यहाँ तक थाः–

Young people are key agents of development and must be at the forefront of global change and innovation-

स्वामी विवेकानन्द का मिशन नवयुवकों को जगाकर भारत माता की खोई प्रतिष्ठा वापस लाना था और उसके लिए उनको नयी पीढ़ी पर पूरा भरोसा था। इस सम्बन्ध में उनकी सोच कुछ इस प्रकार थी।

(i) "My faith is in the younger generation"
(ii) "It is for the youth to build nation"
(iii) "My hope of the future lies in the youths of character"

भारत की विशाल युवाशक्ति न केवल भारत में परन्तु दुनिया में चमत्कार कर सकती है। उससे भी बड़ा चमत्कार जो टयूनीशिया, इजिप्ट और लीबिया में अभी देखने को मिला और जिसका कुछ अंश मात्र वर्षों पूर्व हमने देश के राज्यों बिहार, गुजरात और आसाम में देखा था। इस सबके लिए आवश्यक है कि हम अपनी विशाल युवाशक्ति की ऊर्जा को बनाये रखें।

उसको राष्ट्र निर्माण व उन्नति की सही दिशा में लगाये रखें अन्यथा उनकी यही शक्ति डेस्ट्रक्टिव कार्यों में लग जाएगी और संभवतः वह काईम का सहारा लेने लग जाए। ऐसा न हो इसके लिए अमेरिका के राष्ट्रपति कैनेडी ने 1961 में एक शांति पीस मिशन पिस की स्थापना की और अमरीकी नवयुवकों को उसके माध्यम से देश विदेश में गाँवों में जनता को लगा दिया और इस कार्य के अनुभव से आने वाले समय में अमरीका को बड़े ही अनुभवी व कार्यकुशल व्यक्ति आसानी से उपलब्ध हो गये। हमने भी एन० सी० सी० आदि जैसे कार्यकम बनाये पर सफलता नहीं मिली और यह सब मृतप्राय होकर रह गये हैं।

नवयुवकों के चरित्र निर्माण की नींव पर राष्ट्र निर्माण में हम उन्हें किस प्रकार प्रयोग में लायें अब यह प्रश्न हमारे सामने है।

अधिकतर युवा बेरोजगारी की समस्या से ग्रस्त हैं उनके पास उनकी शिक्षा के अनुरूप कार्य नही है। इस समस्या का समाधान युवकों को राष्ट्र निर्माण में लगाकर कुछ हद तक शायद पूरा किया जा सकता है। शिक्षित व चरित्रवान युवकों को जिलास्तर पर हर गाँव की प्राइमरी पाठशाला, स्वास्थ केन्द्र, किसान केन्द्र का प्रभारी

बनाकर उनको स्टाइपेन्ड दिया जा सकता है। इससे हमारे नवयुवकों को स्टाप गैप रोजगार मिल जाएगा और साथ ही गाँव के स्तर पर सामाजिक केन्द्रों को कार्यशील किया जा सकेगा।

यह प्रायः देखा गया है कि हर जनगणना में विद्यालयों के अध्यापकों को व अन्य सरकारी कर्मचारियों को लगा दिया जाता है जिसके कारण विद्यार्थियों की शिक्षा, कार्यालयों का काम प्रायः ठप्प हो जाता है। अगर इस जनगणना के कार्य में हम अपने बेरोजगार नवयुवकों को लगा सकें तो वह अत्यन्त ही लाभकारी सिद्ध हो सकता है। उनको कार्य मिल जाएगा व उस कार्य से वह अनुभव प्राप्त कर सकेंगे।

इसी प्रकार चुनावों के समय भी सरकारी कर्मचारी, अध्यापकों व बैंक कर्मचारियों का प्रयोग कर हम अपनी युवाशक्ति को इस कार्य में सुचारू रूप से लगा सकते हैं। हम जिलास्तर पर युवकों की बहुत बड़ी फौज खड़ी कर उदाहरण के रूप में कुम्भ आदि जैसे कार्यकमों में पुलिसबल के साथ–साथ उनकी सेवायें लेकर हर प्रकार के मैनेजमेन्ट में उनको भागीदार बना सकते हैं।

पुलिस भर्ती में कुछ तकनीकी दृष्टिकोण से असफल परीक्षार्थीयों को होम गार्ड जैसी सेवाओं में बिना किसी और परीक्षा के भर्ती किया जा सकता है। इससे न केवल भर्ती की प्रकिया कम हो जाएगी वरन् होम गार्ड में अच्छे कार्यकर्ता मिल जाएंगे।

इस प्रकार के अनगिनत कार्यकम हो सकते हैं जिसमें हम अपनी युवाशक्ति जब तक कि उन्हें उनकी शिक्षा के अनुरूप रोजगार नही मिलता हम लगा सकते हैं। हमें ऐसे कार्यक्रमों व नवयुवकों की सहायता से ही राष्ट्र का निर्माण करना चाहिए और इस सबके पीछे मूलतः हमारे वरिष्ठ नागरिकों का मार्गदर्शन स्वाभाविक है।

यह सर्वविदित है कि

''ष्रवि रहेगा जिसके पीछे वही अरूण भेदेगा तम''

सर्वोदय, सबकी एक साथ उन्नति तभी सम्भव है जब आप अपने स्वय के चरित्र निर्माण स्वयं सफलता प्राप्त करने का प्रयासकर दूसरों को भी सफल होने में सहायक हों।

भारती पुकारती !
जाग! नौजवान जाग!
जग और जग जगा, जागरण के गीत गा!
देश के जवान जाग, शौर्य, स्वाभिमान जाग!
राष्ट्र, संस्कृति, समाज, भाग्य के विधान जाग!
जागी तरूणाई ही, राष्ट्र को सवाँरती है।
जाग! नौजवान जाग!
जय हिन्द।

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भावभीनी श्रद्धांजलि

निधनः 29-2-2024

देश के समस्त रक्षा–संस्थानों मे संघठन बनाने एवम् महासंघ का स्वरुप देने का प्रण श्रद्धेय दत्तोपंत ठेंगडी जी ने किया। दि. 13 अगस्त 1967 को मावलंकर हॉल में स्व. दादासाहेब काम्बले जी की अध्यक्षता में सम्पन्न हुये भारतीय मजदूर संघ के अधिवेशन में ''भारतीय प्रतिरक्षा मजदूर संघ'' नामक महासंघ की घोषणा की गयी और भा.प्र.म. संघ की कार्यकारिणी भी घोषित हुयी, जिसमें श्री मोहनराव गवन्डी (पूना) इन्हें राष्ट्रीय अध्यक्ष, श्री गोविंदराव जी आठवले (नागपुर) इन्हें उपाध्यक्ष तथा पं. रामप्रकाश मिश्र जी को महामंत्री, रमाकान्त शुक्ल मंत्री, बालादीन जी (सभी कानपुर) कोषाध्यक्ष बने।

विदर्भ के सभी रक्षा संस्थानों में भारतीय प्रतिरक्षा मजदूर संघ से सम्बन्धित यूनियनो का गठन करने की जिम्मेदारी मां गोविंदराव जी आठवले ने ली, वह ऐसा दौर था जब AIDEF तथा INDWF के सिवाय तीसरे संघठन को खडा करना एक कठिन एवं मुश्किल काम था किन्तु दिन रात एक कर श्री आठवले जी ने परिश्रमपूर्वक पहले जवाहरनगर भंडारा, फिर ऑ. फॅ. चांदा, फिर ऑ. फॅ. अम्बाझरी और पुलगांव डिपो में अपनी यूनियनें बनायी।

ऑ. फॅ. अम्बाझरी में दि. 10 अक्टूबर 1969 को आयुध निर्माणी मजदूर संघ की स्थापना की, उसके पूर्व श्री आठवले जी ने सर्वश्री एन. के. पाल, जी. पी. त्रिपाठी, डी. पी. कुशवाह, ओ. पी. त्यागी, डी. एस. डहाके, मनोहर आकरे, एम. डी. कानिटकर, पी. एस. पीटर और अन्य कार्यकर्ताओ से विचार विमर्श किया और श्री गोविंदराव आठवले अध्यक्ष श्री जी. पी. त्रिपाठी महामंत्री तथा डी. एस. डहाके कोषाध्यक्ष चुने गये। आदरणीय श्री गोविंदराव जी के निधन से महासंघ को अत्यधिक क्षति हुयी क्योंकि उनके द्वारा दिये गये योगदान को संघ कभी भुला नहीं सकता तथा उनके पदचिन्हों पर चलने का प्रयास करेगा। महासंघ ईश्वर से प्रार्थना करता है कि दिवंगत आत्मा को शांति प्रदान करे, अपने श्री चरणों में स्थान दे व परिवार को दुख सहन करने की शक्ति प्रदान करे।

!! ऊँ शांति !!

– श्रीराम जी बाटवे
राष्ट्रीय संरक्षक – भा. प्र. म. संघ

RULE 14 INQUIRY

1. To enable the Inquiry Officer to hold the enquiry, the Disciplinary Authority is required to send copies of the documents as indicated in sub-rule (6) of Rule 14, to him. The original documents should normally be available with the Presenting Officer and only if there is no Presenting Officer should these be sent to the Inquiry Officer.

2. On receipt of the documents, the Inquiry Officer will send a notice to the charged officer asking him-

(a) to present himself for a preliminary hearing at the appointed place on a date and time, within ten days; and

(b) to intimate the name of his defence assistant.

3. Normally the venue of the enquiry should be where documents and witnesses are readily available; but the Inquiry Authority is free to fix any other venue according to the requirements of the case and convenience of the parties, from time to time.

4. At the preliminary hearing, the charged officer will be required to state categorically whether he pleads guilty to any of the articles of charge and if he has any defence to make. If he pleads unequivocally guilty, the Inquiry Officer will proceed to record his findings. If the charged officer refuses or omits to plead or pleads not guilty, the Inquiry Officer will start the formal enquiry. If the charged officer fails to appear at the preliminary hearing, the Inquiry Officer may fix the dates and the place for regular hearing and send intimation under acknowledgment due, to reach him in good time.

5. The Inquiry Officer will also record an order that the charged officer may for the purpose of preparing his defence (a) inspect within five days documents, a list of which was sent to him with the charges; (b) submit a list of witnesses to be examined on his behalf with their addresses indicating what issues they will help in clarifying; and (c) submit a list of additional documents which he wishes to have access to, indicating the relevance of the documents to the presentation of his case. If the charged officer fails to indicate and convince the Inquiry Officer about the issues to which the deposition of his witnesses and the production of additional documents are relevant, the Inquiry Officer may reject the request for examining the witnesses or requisitioning the documents. If, however, he finds that the witnesses are relevant, they will be examined.

6. There are two types of documents to which a Government servant involved in departmental enquiries may have a right of access in defending himself. In the first category are included the documents on which the disciplinary authority relies and intended to prove the charges, viz., those in Annexure-III to the charge-sheet. In the second category fall the documents which even though not relied upon by the disciplinary authority, are nevertheless required by the Government servant for preparing his defence and defending himself. While the right of access to the first category of documents is complete, it is not unlimited in the case of the latter category. If the documents are relevant the Inquiry Officer will arrange to have them requisitioned to be shown to the charged officer. If not relevant, he may in writing refuse to requisition such documents. The question of relevancy should be looked at from the point of view of the defence and if there is any possible line of defence to which the document may, in some way, be relevant, though the relevance is not clear to the disciplinary authority at the time the request is made, the request for access should not be rejected. Even when the Inquiry Officer has decided to call for documents for making them available to the charged officer, the authority having the custody of possession of the documents may, if it is satisfied for reasons to be recorded that the production of such documents would be against public interest or security of the State inform the Inquiry Officer accordingly. Though it is open to the Government to deny access if in its opinion such records are not relevant to the case or it is not desirable in the public interest to allow such access, the power to refuse access to official records should be very sparingly exercised. In every case, where it is decided to refuse access to any official document, the reasons for refusal should be cogent and substantial and should invariably be recorded in writing. The guiding principle is that the power to access to any document must be exercised in such a way which does not prevent the delinquent from defending himself adequately and does not cause him any prejudice.

7. The of Law have held that under the existing

framework of the rules, no authority other than the Head of the Department can be said to have the custody or the possession of documents of the Department though such or possession may be 'constructive'. In the circumstances, a subordinate authority is not competent to claim privilege in respect of the requisitioned documents. The authority concerned should transmit the requisition to the Head of the Department for his decision and communicate the same to the Inquiring Authority as soon as possible. Privilege for not producing documents can be claimed only by the Head of the Department. Hence, whenever it is felt that a document is confidential and it is considered that it will be prejudicial in the interest of the State to produce the same in a departmental proceedings, the case should be referred to the Ministry concerned.

8. The following documents should not be summoned:-

(a) Report of preliminary inquiry / investigation.

(b) File dealing with the disciplinary case against the Government servant.

(c) Advice of the Central Vigilance Commission

(d) Advice of the Ministry of Law.

9. It is not ordinarily necessary to supply copies of the various documents and it would be sufficient if the Government servant is given such access as is permitted under the rules and instructions. Supply of copies of previous statements of witnesses is, however, necessary in view of the provision in Note below Rule 14 (11). Copies of the previous statements of all witnesses who are to be examined during the enquiry are to be made available to the charged officer well in time, where asked for, i.e., three clear days before the examination of the witnesses, if not supplied along with the charge-sheet.

10. On the date and at the time fixed for the inspection of documents, the charged officer will be given facilities to see them. The inspection will be in the presence of an officer deputed for the purpose and it should be ensured that the documents are not tampered with during the course of inspection. The charged officer may keep notes or extracts, but will not be allowed to take photostat copies. The Inquiry Officer may, however, arrange to supply photostat copy, in case he decides that authenticity of any documents is in doubt.

11. During the enquiry, the Presenting Officer will produce all documentary evidence and also have his witnesses examined. Normally, the Presenting Officer should himself ensure that his witnesses are present. He may in appropriate cases have summons issued by the Inquiry Officer through registered post acknowledgment due. If any person is summoned in his official capacity, the notice should be served through the controlling authority. Notice to private witnesses may be sent direct to them or through the Presenting Officer or the charged officer, as the case may be. A Government servant cannot refuse to be a witness in an enquiry against another Government servant. Non-compliance to summons can be treated as conduct unbecoming of the public servant rendering himself liable for disciplinary action.

12. Examination of witnesses, departmental as well as defence, and recording of evidence, is the important stage in the inquiry proceedings. Personal hearing enables the Inquiry Officer to watch the demeanour of the witnesses. Examination of witness will be in three parts - examination-in-chief, cross-examination and re-examination. The of witnesses produced in support of charges against a Government servant is the most powerful weapon in his hands and is also a very valuable right. It has been held that this right is a safeguard implicit in Article 311 (2) of the Constitution.

13. Although the rules of evidence contained in the Evidence Act are not applicable to departmental proceedings, in the absence of any explanation given to the "cross-examination" in the departmental rules and instructions, ithas been held that it should ordinarily bear the same meaning as it has in the Evidence Act "unless any part of such meaning can be shown to be artificial and not warranted by the rules of natural justice". Though leading questions (i.e., any question suggesting the answer which the person putting it wishes or expects to receive, is called a leading question) are permissible in cross- examination, they cannot be put in examination-in-chief or in re-examination. Further, the scope of cross-examination is unlimited and need not be confined to the testimony of the witness in the chief examination. They may cover the entire field of defence. They must, however, be relevant to the facts of the case or relate to the credibility of the witness or the evidence given by him.

14. On the contrary, the re-examination which comes after cross-examina- tion should be confirmed

only to the matters arising out of the cross-examination. The witness cannot be examined on any new fact, except with the permission of the Inquiry Officer and when such a permission is granted, the delinquent will automatically have a right of further cross-examination on the points newly brought out. At the end of examination of each witness, the Inquiry Officer may also put such questions as he thinks fit.

15. Admitted documents and facts can be taken note of straightway. Earlier written statement, if any, given by a witness may be read out to him and he may be specifically questioned whether he admits the same or not. If he does so, the statement may be marked as an exhibit and the charged officer asked to proceed with cross-examination. If the witness does not admit the statement in full, then his statement has to be recorded from the very beginning. The Presenting Officer should produce documents, which are disputed, through witnesses. The witnesses should be examined in such a way as to bring out the case in a logical and understandable manner. He will examine the witnesses without putting leading questions.

16. After the examination is over, the witnesses may be cross-examined by the charged officer or his defence assistant. This cross-examination is generally utilized to bring out facts which have not come out in the examination, to remove any discrepancies or to prove the reliability or otherwise of the witnesses. It is the duty of the Inquiry Officer to see that witnesses understand the question properly before answering it and to protect them against unfair treatment. He should disallow questions if considered irrelevant, oppressive or verbose.

General reputation or conduct of a witness should not be allowed to be the subject-matter of examination or cross-examination; but certified copies of conviction to the credit of a witness may be entertained which reflect on the veracity of the

17. After the cross-examination, the Presenting Officer can re-examine his witnesses on any points on which he has been cross-examined, but not on any new matter, unless specifically allowed by the Inquiry Officer, in which case, the charged officer will have the right to further cross-examine the witness.18. At the discretion of the Inquiry Officer and before the close of the caseon behalf of the Disciplinary Authority, the Presenting Officer may produce new evidence not included in the original lists supplied to the accused officer, only when there is an inherent lacuna or defect in the evidence which has been produced originally. New evidence shall not be permitted or called for or any witnesses shall not be recalled to fill up any gap in the evidence. Similarly, the Inquiry Officer may himself call for new evidence or recall and re-examine any witnesses.

19. After the witnesses on behalf of the Disciplinary Authority have been examined, the accused officer will be required to state his defence orally or in writing. He is entitled to produce evidence in support of his defence by examining himself, if need be and any witness to be produced by him. The charged officer or his defence assistant will proceed to examine his witnesses who will then be cross-examined by the Presenting Officer and, if necessary, re-examined again. Though the charged officer cannot be forced to give evidence, if he offers himself as his own witness, he can be examined by the defence assistant and cross- examined by the Presenting Officer.

20. On conclusion of the Government servant's case, the Inquiry Officer may generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him. Thereafter the Presenting Officer as well as the accused officer have the opportunity to state their respective cases orally or to file written briefs, if they so desire. Normally the Inquiry Officer has to hear the arguments that may be advanced by the parties after their evidence has been closed. He can, however, on his own or on the desire of the parties, take written briefs. If he does so, he should first take the brief from the Presenting Officer, supply a copy of the same to the Government servant and take the reply brief of the latter.

21. The entire proceedings conducted by the Inquiry Officer should be reduced to writing. The record should include the names of all those present on each hearing. The Inquiry Officer should invariably record a note on the very day stating the gist of the request or representation made by the Presenting Officer or the Government servant and the orders passed thereon. Such notes should form part of the record of the inquiry. The depositions of each witness is to be taken down on a separate sheet of paper at the head of which will be entered the number of the case, the name of the witness and information as to his age, parentage and calling, etc., to identify him. The depositions will generally be

recorded as narration, but on certain points it may be necessary to record the questions and answers verbatim. As evidence of each witness is completed, the Inquiry Officer will read the depositions, as typed or written, to the witness in the presence of the Government servant. Verbal mistakes or mistakes committed in typing in the depositions, if any, will be corrected in their presence. However, if the witness denies the correctness of any part of the record, the Inquiry Officer may, instead of correcting the evidence, record the objection of the witness. The depositions of the witnesses are to be countersigned at every page by thewitnesses concerned, the Government servant and the Inquiry Officer so that the validity of the proceedings are not questioned by any one at a later date.

The Inquiry Officer will record and sign the following certificate at the end of deposition of each witness:- "Read over to the witness in the presence of the Government servant and admitted as correct / objection of witness recorded."

If any witness refuses to sign the deposition, the Inquiry Officer will record this fact and append his signature. If a witness deposes in a language other than English, but the deposition is recorded in English, a translation in the language in which the witness deposed should be read to him by the Inquiry Officer, who will record a certificate that the deposition was translated and explained to the witness in the language in which it was deposed.

22. Copies of statements of witnesses recorded from day-to-day should be furnished to the Government servant and to the Presenting Officer each day at the close of the day's proceedings and acquittance obtained.

23. The Inquiry Officer will maintain a daily order-sheet to record in brief the business transacted on each day of hearing. Requests and representations made by their party should also be recorded and disposed of in the sheet. In particular the following points should find mention in the order-sheet:-

(a) The additional documents and the witnesses asked for by the charged officer in his defence.

(b) The additional documents and defence witnesses permitted.

(c) Reasons for disallowing the remaining documents and witnesses.

(d) Whether the additional documents permitted as relevant were made available for inspection and were inspected by the charged officer.

(e) If the authority having custody of any such document does not consent to its production, the fact of such refusal.

24. Though the provisions of the Indian Evidence Act and the Criminal Procedure Code are not applicable to departmental inquiries, yet as these provisions are based on principles of natural justice, they should be followed in the conduct of the departmental proceedings though not as meticulously as in the Courts of Law. The Inquiry Officer will afford reasonable opportunity to both sides to present their respective cases to their satisfaction.8EX PARTE INQUIRY1. If the charged officer does not submit his written defence within the time specified or does not appear before the Inquiry Officer or otherwise fails or refuses to comply with the of the rules, the Inquiry Officer may hold

EX PARTE INQUIRY

1. If the charged officer does not submit his written defence within the time specified or does not appear before the Inquiry Officer or otherwise fails or refuses to comply with the of the rules, the Inquiry Officer may hold the inquiry ex parte, recording reasons for doing so. For conduct of ex parte proceedings see instructions contained in Instruction (4) under Rule 14.

2. Ex parte proceedings, however, do not mean that findings should be given without investigation. Inquiry is still necessary, although it would be in the absence of the charged officer. It has to be borne in mind that the Inquiry Officer's job is not at all affected by the absence of the charged officer. He is charged with the scrutiny of the evidence, both verbal and recorded, and then come to a finding respecting each article of charge. The only difference is that, the employee has denied himself the opportunity of cross-examining the prosecution witnesses and producing and examining his own witnesses. The absence of the charged officer does make it a little complicated for the Inquiry Officer to come to a conclusion in the absence of the explanation of the charged officer. The Inquiry Officer has to examine the records and witnesses to enable him to come to a valid conclusion as to the culpability of the charged officer based on the evidence led before him. If

the Inquiry Officer has done all this, the charged officer cannot later on plead that he was not given reasonable opportunity. Even in ex parte enquiry, the Inquiry Officer has to fix a date of hearing and intimate the same to the defendant. If he absents himself from the inquiry at one stage, it does not take away his right to attend the inquiry at any other subsequent stage. The charged officer should be allowed to participate in the inquiry at any stage he likes. However, if he does, the ground already covered will not be repeated. All that the Inquiry Officer has to ensure is that he comes to a finding solely on the basis of evidence, both oral and documentary, produced before him.

REPORT OF THE INQUIRY OFFICER

1. An oral inquiry is held to ascertain the truth or otherwise of the allegations and is intended to serve as the basis on which the disciplinary authority has to take a decision as to whether or not the imposition of any penalty on the Government servant is called for. The findings of the Inquiry Officer must be based on evidence adduced during the enquiry. The assessment of documentary evidence may not present much difficulty. As regards evaluation of oral testimony, the evidence has to be taken and weighed together, including not only what was said and who said it, but also when and in what circumstances it was said, and also whether what was said and done by all concerned was consistent with the normal probabilities of human behaviour. The Inquiry Officer who actually records the oral testimony is in the best position to observe the demeanour of a witness and to form a judgment as to his credibility. Where necessary he should record the demeanour of the witness and discuss the same in his report. Taking into consideration all the circumstances and facts, the Inquiry Officer as a rational and prudent man has to draw inferences and to record his reasoned conclusion as to whether the charges are proved or not.

2. After the conclusion of the inquiry, the Inquiry Officer should draw up a report as provided in Rule 14 (23) (i) and forward the same, where it is not the disciplinary authority, to the disciplinary authority, together with the records of inquiry constituting the documents prescribed in Rule 14 (23) (ii).

The report of the Inquiry Officer should contain-

(i) An introductory para. indicating appointment of Inquiry Officer and the dates of hearing.

(ii) Charges that were framed.

(iii) Charges that were admitted or dropped or not pressed.

(iv) Charges actually inquired into.

(v) Brief statement of the case of disciplinary authority in respect of the charges enquired into.

(vi) Brief statement of facts and documents admitted.

(vii) Points for determination or issues to be decided.

(viii) Brief statement of the case of the Government servant.

(ix) Assessment of evidence in respect of each point.

(x) Finding on each charge.

Along with the report, the Inquiry Officer should send a folder containing the following:-

(a) List of exhibits produced by the Presenting Officer.

(b) List of exhibits produced by the Government servant.

(c) List of prosecution witnesses.

(d) List of defence witnesses.

(e) A folder containing deposition of witnesses in the order in which they were examined.

(f) A folder containing daily order-sheets.

(g) A folder containing written statement of defence.

(h) Written briefs of both sides.

(i) Applications, if any, filed during the course of inquiry and orders passed thereon, as also orders passed on oral requests made during the inquiry.

3. The Inquiry Officer should take particular care while giving its findings on the charges to see that no part of the evidence which the accused Government servant was not given an opportunity to refute, examine or rebut has been relied on against him. No material from personal knowledge of the Inquiry Officer bearing on the facts of the case which has not appeared either in the articles of charge or the statement of allegations or in the evidence adduced at the enquiry and against

which the accused Government servant has had an opportunity to defend himself should be imported into the case.

4. The Inquiry Officer should give definite findings on the articles of charge individually. Where a particular charge, as such is not established, but part of the allegation referred to in the statement of imputations is established, the Inquiry Officer should specifically bring this point out. If in the opinion of the Inquiry Officer the proceedings of the inquiry establish an article of charge different from original articles of charge, he may not record his findings on such article of charge unless the Government servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity during the course of the enquiry of defending himself against such article of charge.

5. The standard of proof required in a departmental enquiry differs materially from the standard of proof required in a criminal trial. The Supreme Court has held that standard of proof required in a disciplinary case is that of preponderance of probability and not proof beyond reasonable doubt.

6. An Inquiry Officer should not start assuming the correctness of the immutations/charges or the defence version. His first duty to study and understand the department's case and the defence version thoroughly. He should endeavour to reconstruct the conduct expected of the charged officer. He must ascertain all the details of the event or transaction and relevant circumstances attending on them. He must probe into what has happened, where and when. He must know who has done what and what he ought to have done. He should ascertain what was the role assigned to the charged officer specifically in relation to the charge, what was expected of him and what he actually did or omitted to do. He should conclude whether and which of the imputations / charges are proved.

7. He should then judge whether the charged officer within his knowledge and experience behaved with due care and attention, reasonably and honestly, whether he violated the law, rules and procedures he was expected to follow, whether he knew or ought to have known the propriety and results of his acts. In other words, whether he behaved as a prudent man would have expected to do. He should not be allowed to plead that he violated the procedure in the interest of service. Rules and procedures are laid down in the interest of the public by the persons whose responsibility it is to do so. The charged officer is supposed to follow them. If he has any ideas about better rules and procedures, it is open to him to propose amendments and not to break them until then.8. The word mala fides should be used with great caution. Mala fides is irrelevant in proving a misconduct as it is not a necessary element of it; however, its presence aggravates the seriousness of the misconduct. Every act of a public servant is expected to be honest, bona fide and reasonable and it is for him to dispel any doubt. An act is not honest when it is not just and fair or when it causes wrongful gain or wrongful loss. It is not bona fide when it is committed without due care and attention. It is not reasonable when a fair and prudent person would not do it.

9. Mala fides need not be proved, if the act itself speaks. In other cases mala fides will have to be judged from the circumstances of each transaction, or even, powers and responsibility vested in each officer and finally what a prudent and rational person would do in those circumstances and with those powers and responsibilities.

10. It is sometimes argued that even if a clear misconduct is made out prima facie, no action should be taken against the public servant because he had an unblemished record till the commission of the offence. This is not correct. It is to be borne in mind that past good or bad conduct should not influence the decision about the present misconduct. This may be left out to be taken into consideration, if necessary, while awarding penalty.

10 FINDINGS OF THE DISCIPLINARY AUTHORITY

1. The report of the Inquiring Authority is only an enabling document which helps the Disciplinary Authority in formulating his opinion and is intended to assist the Disciplinary Authority in coming to a conclusion about the guilt of the Government servant. Its findings are not binding on the Disciplinary Authority who can disagree with them and come to its own conclusions on the basis of its own assessment of the evidence forming part of the record of the enquiry.

2. The Disciplinary Authority should examine carefully and dispassionately the Inquiring Authority's report and the record of the enquiry and after satisfying itself that the Government servant has been given a reasonable opportunity to defend himself will record its findings in respect of each article of charge saying whether, in its opinion, it stands proved or not. If the

Disciplinary Authority disagrees with the findings of the Inquiring Authority on any article of charge, while recording its own findings, it should also record reasons for its disagree- but not so when he agrees.

3. In the light of recent judicial pronouncements, it has been decided that in all cases, where an inquiry has been held, the Disciplinary Authority, if it is different from the Inquiry Authority, before taking a suitable decision and making the final order, forward a copy of the inquiry report to the Government servant together with its own tentative reasons for disagreement, if any, with the findingsof Inquiring Authority on any article of charge so as to enable him to make any representation / submission in writing within fifteen days.

4. Having regard to its own findings on the articles of charge, and on consideration of the written submission of the Government servant, if the Disciplinary Authority is of the opinion that the articles of charge have not been proved and that the Government servant should be exonerated, it will make an order to that effect and communicate it to the Government servant together with a copy of the report of the Inquiring Authority, its own findings on it and brief reasons for its disagreement, if any, with the findings of the Inquiring Authority.

11 PASSING OF FINAL ORDER

1. If the Disciplinary Authority is of the opinion that any of the minor penalties should be imposed on the Government servant, orders can be passed straightaway. The higher Disciplinary Authority himself who instituted the disciplinary proceedings should pass the order, without passing on the matter to the lower Disciplinary Authority who may be competent to impose a minor penalty. In the case of a Government servant whose services have been borrowed by one Department from another Department or from a State Government or ar authority subordinate thereto or a local or other authority, the Disciplinary Authority will make an order imposing a minor penalty after consultation with the lending authority. In the event of a difference of opinion between the borrowing and lending authorities, the services of the Government servant should be replaced at the disposal of the lending authority.

2. If the Disciplinary Authority is of the opinion that any of the major penalties should be imposed on the Government servant, it is not necessary to give the Government servant any opportunity of making representation on the penalty proposed to be imposed. An order imposing such penalty can be passed straightaway. However, consultation of the Commission is required to be obtained, wherever such consultation is prescribed.

3. Warning, admonition, reprimand, caution, displeasure and premature retirement under FR 56 (j) are not formal punishments under CCS (CCA) Rules and hence should not be administered/awarded.

4. Where it is considered after the conclusion of disciplinary proceedings the officer ere it is car should be punished, the Disciplinary Authority should award the penalty of "censure" at least. If the intention of the Disciplinary Authority is not to award a penalty of "censure", then no recordable warning should be awarded.

5. Past good or bad conduct of a Government servant can be taken into consideration while awarding penalty. It should, however, be noted that if the bad record, punishment, etc., is determining the proposed to be taken into account in quantum of penalty to be imposed, it should be made a specific f the past bad record in the order chargee in the charge-sheet itself. Any mention of penalty unwittingly or in a routine manner, when this had not been mentioned in the charge-sheet, would vitiate the proceedings and so should be scrupulously avoided.

6. It has been held that disciplinary proceedings under the CCS (CCA) Rules are quasi-judicial in nature and as such, it is necessary that orders in such proceedings are issued only by the Competent Authorities who have been specified as Disciplinary Authorities under the rules and the orders issued by such authorities should have the attributes of a judicial order. As such, recording of reasons in support of the decision is obligatory as it ensures that the decision is reached according to law and is not a result of caprice, whim or fancy or reached on ground of policy or expediency. Reasons are the links between the materials on which conclusion is based and the actual conclusion. They reveal a rational nexus between the fact considered and the conclusion reached. Final orders made without mention of reasons for the conclusions reached will be of little assistance to authorities who have powers to decide appeal or exercise revisionary or review powers. Further, the

order to be issued should be a self- contained and reasoned order conforming to the legal requirements as aforesaid. It is also essential that a decision is taken by the appropriate authority and that the same is also communicated by that authority or by his successor without modification or alteration in any manner and not delegated to any subordinate authority.

7. When a decision is recorded by a Disciplinary Authority at the conclusion of departmental proceedings, the decision is final and cannot be varied by that authority itself or by its successor-in-office, before it is formally communicated to the Government servant concerned. The decision taken by the Disciplinary Authority is a judicial decision and once it is arrived at, it is final.

12SPECIAL PROCEDURE IN CERTAIN CASES1. (i) of Rule 19 of CCS (CCA) Rules before its substitution by Notification, dated the 11th March, 1987, envisaged that in a case where a Government servant has been convicted in a Court of Law, the Disciplinary Authority may, if it comes to the conclusion that an order with a view of imposing a penalty on him on the ground of conduct which had led to his conviction on a criminal charge should be issued, pass such an order without following the said rules.

e prescribed detailed procedure under Rules 14, 15 and 16

bee By Notification, dated the 11th March, 1987, the first proviso to Rule 19 has been substituted providing for of king representation on the peing the Government servant and before any giving opportunity order is made in case under ce penalty proposed to be impone Disciplinane Authority should itself in the first instance hold an enquiry, in which the Government servant concerned should be given a chance to explain and defend the case. No charge-sheet is required to be served as the charges have already been established in the Court. A copy of the skeleton enquiry report held should be furnished along with the show-cause notice referring only to the extenuating circumstances, if any, brought forward by the convicted official and the gravity of the criminal charge, for provisionally deciding the quantum of penalty which may be finalized after taking into consideration the reply submitted by him in response to the show-cause notice served.

3. Rule 19 (ii) of the CCS (CCA) Rules, 1965 [Clause (b) of the second proviso to Article 311 (2)] provides, in the peculiar circumstances of a case, for the Disciplinary Authority to make such orders as it deems fit without holding an inquiry, in case it is satisfied, for reasons to be recorded in writing, that it is not reasonably practicable to hold an inquiry in the manner laid down in the rules. Detailed guidelines in this regard are set out in Instruction (3) below Rule 19. It should be clearly noted that the Disciplinary Authority is not expected to dispense with a disciplinary inquiry lightly or arbitrarily or out of ulterior motives merely in order to avoid the holding of an inquiry or because the Department's case against the civil servant is weak and is, therefore, bound to fail. Further it is a constitutional obligation that the Disciplinary Authority should record in writing the reasons for its satisfaction that it was not reasonably practicable to hold the inquiry and preferably in the order of penalty itself. The reasons given, though may be brief, should not be vague or should not be just a repetition of the language of the relevant rules. AMY SHER13APPEAL1. A Government servant, including a person who has ceased to be in Government service, may prefer an appeal to the Appellate Authority specified in this behalf in the Schedule to the CCS (CCA) Rules, against order of the Disciplinary Authority, in case he is not satisfied with the decision of that authority.2. Where no such authority is specified, the appeal l of a Group 'A' or Group 'B' officer shall lie to the Appointing Authority, where the order appealed against is made by an authority subordinate to it; and to the President where such order is made by any borty authority. An appeal from a Group 'C' or Group 'De Government sey other all the to the authority to which the authority making theorder appealed against is immediately subordinate.3. In the case of all those belonging to Central Civil Services, Group 'A', thePresident is the Appointing Authority and also the Disciplinary Authority. Thismeans that one App Disciplinary Authority, that is the President, has exercisedhis powers,the Preside, no appeal canals and mercy petitions can, no doubt, beslie to any authority, because there isPraying for remission of penalty or pardon.

4. An appeal should be preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the Government servant. It should be complete in all respects and contain all material statements and arguments on which reliance is placed. It should not contain any

disrespectful or improper language. The Appellate Authority is empowered to entertain appeal preferred after the expiry of the said period, if it is satisfied that the Government servant had sufficient cause for not preferring the same in time. There is no provision in the rules for withholding of an appeal on any ground.

5. The Appellate Authority to whom the appeal is addressed direct, on receipt of the relevant documents of the disciplinary proceedings complete in all respects, should consider the same to see-(i) whether the procedure laid down in the rules has been complied with, and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution or in the failure of justice:(ii) whether the findings of the Disciplinary Authority are warranted by the evidence on the record of the case; and(iii) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe.

6. The rules thus cast a duty on the Appellate Authority to consider the relevant factors set forth above. It is not the requirement of Article 311 (2) or of the rules of natural justice that in every case the Appellate Authority should, in its order, state its own reasons except where it disagrees with the findings of the Disciplinary Authority. It is, however, necessary that all the points raised by the appellant are summarized in the order and are also logically discussed to show how they are tenable / acceptable or otherwise. The appellate order should cuss thoroughly the following points:- discuss(i) the procedural aspects as well as the justness of the findings Disciplinary Authority with reference to the admissible evidences;(ii) a proper discussion of the points raised in the appeal; and of the(iii) any objective assessment of the lapse on the part of punished official with a view to coming to a decision that the charge(s) had been established and that the penalty is appropriate / adequate and does not require to be either toned down or enhanced.

7. The principle of right of personal hearing applicable to a judicial trial or proceedings even at the appellate stage is not applicable to departmental enquiries, in which a decision of the Appellate Authority can generally be taken on the basis of the record before it. However, where the appeal is against an order imposing a major penalty and the appellant makes a specific request for Personal hearing, the Appellate Authorityppellant may , after considering all the relevant circumstances of the case, allow the appellant, at its discretion, the personal hearing taking the assistance of Defence Assistant.

8. In the light of its findings, the Appellate Authority has to pass an order-(i) confirming, enhancing, reducing or setting aside the penalty, or(ii) remitting the case to that authority which imposed or enhanced the penalty or to any authority with such direction as it may deem fit in the circumstances of the case.

9. No order imposing an enhanced penalty can be made in a case unless the Government servant has been given a reasonable opportunity of making a representation against such enhanced penalty. When the Appellate Authority proposes to impose one of the major penalties and if no enquiry as laid down in the rules had been held already, it should itself hold such an enquiry or direct such enquiry to be held and pass orders thereafter on a consideration of the proceedings of such enquiry.

14REVISION

1. After the Appellate Authority has passed its judgment and if the Government servant is not satisfied with it, he has an opportunity to seek the indulgence of an authority higher than the Appellate Authority the revising authority. The power of revision is vested with the President, the Comptroller and Auditor-General, the Member (Administration) Postal / Telecommunications Board, the Head of a Department, the relevant Appellate Authority or any other authority specified in this behalf.

2. No time-limit has been prescribed for the revision, except in the case of the Appellate Authority, where the revised order has to be passed within six months of the date of the order proposed to be revised. This power can be invoked irrespective of the fact whether an appeal / revision petition has been submitted to such authority.

3. No proceeding for revision should be commenced until after the expiry of the period of limitation of appeal or, the disposal of the appeal, where any such appeal has been preferred. An application for revision should be dealt with in the same manner as if it were an appeal under the rules.

15REVIEW

The President has power to review any order passed earlier, including an order passed in revision, when any new fact or material which has the effect of changing the nature of the case, comes to his notice.

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Government ORDERS

सत्यमेव जयते

File no. 2/3/2023-EC-IV(SC) /190-E, Directorate General, Central Public Works Department, EC-IV (SC) Room No. 109 A Wing, New Delhi, dated 20 February, 2024

Subject: Grant of notional increment (as due on 1st Jan./ 1st July) to the officers/ employees superannuated on 31st Dec./ 30th June and revision of pensionary benefits.

The undersigned ts directed to tnvite the attention to the above-mentioned subject and to say that some retired CP WD officials through original application (OA) No.173/2021(Arun Kumar Goyal & others) and 2244/2019(Lal Chand Maurya & others) OA no. 2905/2023 (Sh. Surva Kant Rai. EE(Civil) & Others) approached the CAT for seeking the benefits of grant of notional increment. These retired officials had superannuated on 30th June and 31st December and their next date of increment was due on 01st of July and 01st of January following their respective date of superannuation. The applicants were aggrieved that their pension should have been fixed by counting the increment which was due immediately following their respective date of superannuation.

2. The Hon'ble CAT(PB) New Delhi pronounced its judgement in favour of the applicants vide order dated 15.07.2021 & 22.09.2023 respectively (copy enclosed). Department of Legal Affairs, M/o Law & Justice had advised to challenge the decision dated 15.07.2021 of CAT, PB. New Delhi in High Court of Delhi. Accordingly, a Writ Petition 2926/2022 was filed in the Hon'ble High Court of Delhi on 04.02.2022 after obtaining the approval of the competent authority.

3. Hon'ble High Court of Delhi issued an Order on 26.07.2023 after hearing the above Writ Petition and stated that:-

"Since we have disposed of similar writ petitions arising from the same order, we dispose of this petition stating that the parties shall be bound by the Judgement of the Supreme Court in Director (Admn. & HR) KPTCL (supra) Civil Appeal No. 2471 of 2023{[SLP (C) No.6185/2020). Petition Stands disposed of".

4. Hon'ble Supreme Court of India in the matter of Civil Appeal No. 2471 of 2023[SLP (C) No.6185/2020, The Director (Admn. and HR) KPTCL & Ors. Versus C.P. Mundinamani & Ors] had announced in its Judgement dated | 1/04/2023 that*

"The Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However, in the facts and circumstances of the case, there shall be no order as to costs. 1.A. No. 149091/2022 stands disposed of in terms of the above".

5. Since the order dated 26.07.2023 of the Delhi High Court referred to the Judgement of Supreme Court (Civil Appeal No. 2471 of 2023[SLP (C) No.6185/2020) and keeping in view the vast implications of the implementation of the judgement, it was decided to refer the matter to DoPT being the Nodal Department for seeking their comments/ advice through MoHUA tor furthers order in this case.

6. DoPT in its observation stated that "The matter has been examined in this Department. It is advised that in the instant case MoHUA may, in consultation with D/o Legal Affairs, take an administrative decision regarding compliance of the Order dated 26.07.2023 of the Hon'ble High Court of Delhi referred above."

7. As per the advice of DoPT the matter was again referred to DOLA for its advice wherein DOLA advised as under:-

"Since the case at hand raises identical issue as that in the case of the KPTCL v. CP. Mundinamani, 2023 SCC Online SC 401 which has been decided in favour of the applicants by the Hon'ble Supreme court and has attained finality, it would not be a fit case for preferring an SLP against order dated 26.07.2023 passed by the Hon'ble High Court, Dethi and it is further advised that the order be implemented at the earliest so that there is no contempt proceedings initiated against the department."

8. Accordingly, the matter was sent for the approval of Mo HUA (being the competent authority) for implementing the CAT Judgement dated 15.07.2021 &

22.09.2023. The MoHUA has approved the implementation of judgement of CAT in respect of CPWD petitioners for granting of one notional increment to the petitioners vide efile No. 9110820 dated 09/02/2024.

9. Therefore, the concerned offices of CPWD where the CPWD petitioner were posted at the time of their retirement, are advised to implement the Judgement of the CAT in its order (for OA NO. 173/2021; OA No. 2244/2019 and OA No. 2905/2023) dated 15.07.2021 & 22.09.2023 for all those CPWD officials who were party in this matter(list attached), after verification of the records of the petitioners.

10. This issues with the approval of Competent Authority.

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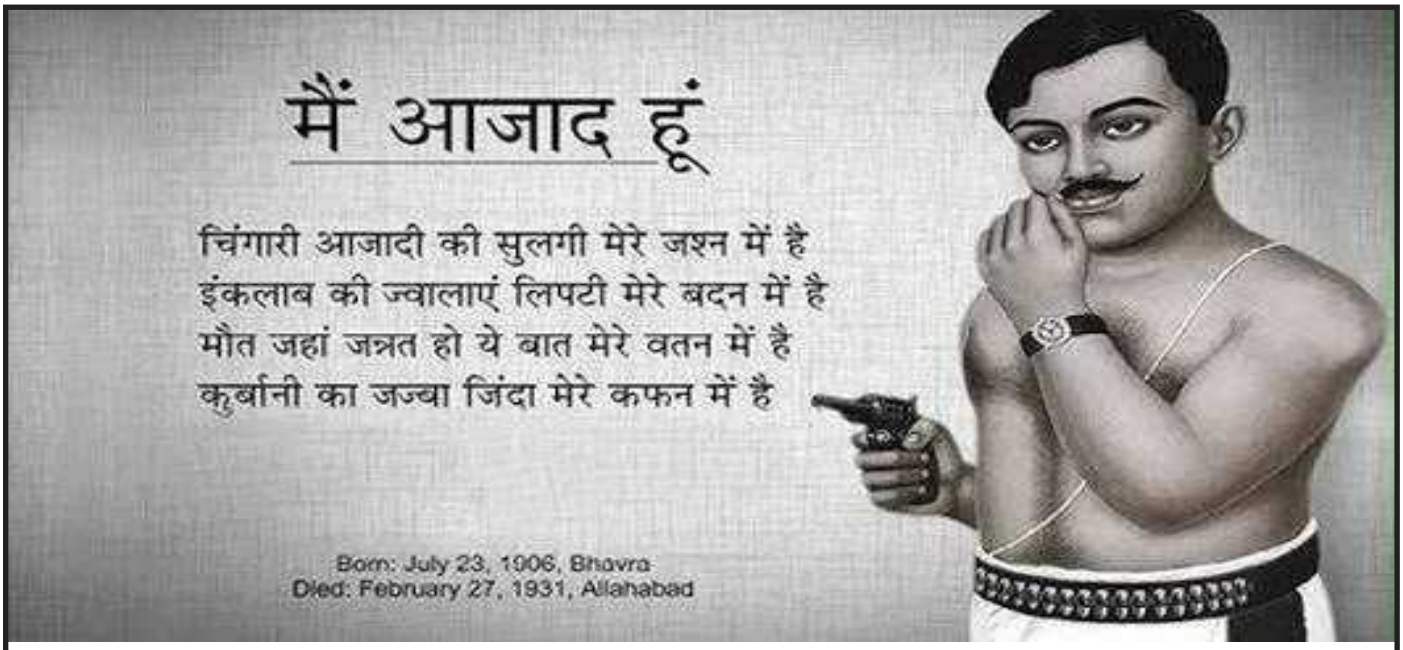

चन्द्र शेखर आजाद का जन्म चन्द्र शेखर तिवारी के यहाँ 23 जुलाई, 1906 को वर्तमान मध्य प्रदेश के अलीराजपुर जिले के भावरा में हुआ था। भावरा तब सेंट्रल इंडिया एजेंसी, ब्रिटिश भारत का हिस्सा था। आजाद को काशी विद्यापीठ में पढ़ने के लिए बनारस भेजा गया। जब वह 15 वर्ष के थे, तब वह महात्मा गांधी द्वारा शुरू किए गए असहयोग आंदोलन में शामिल हो गए। आंदोलन में भाग लेने के कारण युवा लड़के को गिरफ्तार कर लिया गया। जब मजिस्ट्रेट द्वारा पेश किया गया, तो उन्होंने गर्व से अपना नाम 'आजाद', अपने पिता का नाम 'स्वतंत्रता' और अपना निवास स्थान 'जेल' बताया। तभी से 'आजाद' नाम उनके साथ जुड़ गया।

जब चौरी चौरा में हिंसा के कारण गांधीजी ने असहयोग आंदोलन वापस ले लिया तो आजाद निराश हो गये। इसके बाद उनकी मुलाकात हिंदुस्तान सोशलिस्ट रिपब्लिकन एसोसिएशन (एचएसआरए) के संस्थापकों में से एक राम प्रसाद बिस्मिल से हुई । फिर वह एक क्रांतिकारी बन गए और एचआरए की गतिविधियों के लिए धन इकट्ठा करना शुरू कर दिया। युवा देशभक्तों के समूह ने अपनी क्रांतिकारी गतिविधियों के खर्चों को पूरा करने के लिए सरकारी संपत्तियों को लूटना शुरू कर दिया। आजाद 1925 के काकोरी षडयंत्र में शामिल थे। अन्य मामले आजाद 1928 में जेपी सॉन्डर्स की शूटिंग और 1929 में वायसराय की ट्रेन को उड़ाने के प्रयास में शामिल थे। लाला लाजपत राय की मौत का बदला लेने के लिए सॉन्डर्स की हत्या कर दी गई।

27 फरवरी 1931 को, एक मुखबिर ने पुलिस को आजाद की इलाहाबाद के अल्फ्रेड पार्क में मौजूदगी के बारे में सूचना दी। पुलिस वहां पहुंची और पुलिस और क्रांतिकारियों के बीच गोलीबारी शुरू हो गई। अपना और अपने मित्र का बचाव करते समय आजाद घायल हो गये। उन्होंने कभी भी जीवित न पकड़े जाने का संकल्प लिया था। जब उसके पास एक को छोड़कर बाकी सभी गोलियां शेष रह गईं, तो उसने खुद को गोली मार ली। इससे उसका दोस्त भी भागने में सफल हो गया. आजाद केवल 24 वर्ष के थे।

पुलिस ने जनता को सूचित किए बिना उसके शव का अंतिम संस्कार कर दिया। जब लोगों को घटना के बारे में पता चला तो बड़ा विरोध प्रदर्शन हुआ. आजाद सचमुच सर्वोच्च कोटि के नायक हैं, जिन्होंने देश की खातिर अपना बलिदान दे दिया। आज, उनके नाम पर कई सार्वजनिक संस्थान और स्थान हैं।

''दुश्मन की गोलियों का सामना करेंगे, आजाद ही हैं और आजाद ही रहेंगे।''

भा. प्र. मजदूर संघ के जॉ. सेक्रेटरी, IR मेंबर श्री रूपेश पाठकजी द्वारा ए. एफ. के.पुणे के कार्यकर्ताओं से वार्ता

Participating Membership verification of MES civilian employees union CWE Wellington

RNI No. MAHBIL/2002/8760 Publication Date : 28 Feb. 2024
MONTHLY NEWS PAPER
Postal Regd. No. Misc-II/C.P.M//007/K.PH.O./2020 dt 29-12-2020 (for 2021-23)• Posted on Dt. 26,27th Monthly

GE Army Suratgarh में MES असैनिक मजदूर संघ की नई ब्रान्च का गठन

माँ नर्मदा जी के प्रकटोत्सव का कार्यक्रम आयोजित करते जबलपुर के कार्यकर्ता

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बुक पोस्ट

Publisher and Owner : Bhartiya Pratiraksha Mazdoor Sangh, 2 Naveen Market, Kanpur-208001
Printed at Chhaya Press 8/208, Arya Nagar, Kanpur-208002 • Mob. : 9839223650