

Shri Sonavane: Is there any information with the Government as to the availability of radios costing below Rs. 120 and, if so, may I know how many sets there are and how many such radio licence fees have been paid so far.

Dr. P. Subbarayan: I am afraid I will have to ask for notice for that question.

Acceptance of Defective Sleepers

Shri Ram Krishan Gupta:

Shri S. C. Samanta:

*122. Shri Subodh Hansda:

Shri R. C. Majhi:

Shri S. M. Banerjee:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 817 on the 11th December, 1959 and state the nature of progress made so far in the completion of departmental enquiry into the allegations regarding the acceptance of defective sleepers?

The Deputy Minister of Railways (Shri Shahnawaz Khan): A statement is laid on the Table of the Sabha. [See Appendix 1, annexure No. 39].

Shri Ram Krishan Gupta: At the end of the statement it is said:

"It is regrettable that certain Railway Officers did not appreciate the special features of the old and new rails at the initial stages of the case."

In view of this fact, may I know whether any action will be taken against the experts who misled the enquiry held by the SPE?

Shri Shahnawaz Khan: Sir, certain facts have come to light as a result of the enquiry held by the Departmental Committee which was appointed to enquire into the matter. Its report has been received. That will be considered by the Railway Board and we will take whatever appropriate action is needed.

Shri S. C. Samanta: Sir, this question was taken up a long time back and now, at last, in spite of the defects pointed out by the SPE, they are recommending that some officers should be punished. May I know why a departmental committee was set up and not any other committee?

The Minister of Railways (Shri Jagjivan Ram): The recommendation of the SPE itself was that the matter should be proceeded with departmentally and, therefore, a departmental committee was set up to suggest suitable action against the officers. When the departmental committee went into the matter, they found that the sleepers supplied by the firm were according to the specifications and there was no defect in the sleepers.

Shri Feroze Gandhi: May I know whether it is a fact that the very officers who had reported that the sleepers were defective later on, in the course of this enquiry, said or were persuaded to say that the sleepers were perfectly all right?

Shri Jagjivan Ram: Well, Sir, there is no question of "persuaded to say", it is a question of facts. The sleepers exist there and the specifications are also there. So, it is for the people to see whether the sleepers are according to the specifications or not.

Mr. Speaker: The hon. Member wants to know why, if the same set of officers reported that the sleepers were bad, not in accordance with the specifications, subsequently they said that the sleepers were in accordance with the specifications.

Shri Jagjivan Ram: As a matter of fact, it has been stated in the statement laid on the Table of the House:

"It is regrettable that certain railway officers did not appreciate the special features of the old and new rails at the initial stages of the case."

That is a fact, and that is why this matter assumed such proportions. Had

this fact been brought to the notice at the initial stages, that the sleepers were according to the specifications and not defective, the matter could not have proceeded further.

Shri Feroze Gandhi: May I know whether the officers who were authorised by the Railway Board in the first instance to report on the defectiveness or otherwise of the sleepers were qualified engineers and they knew their job and they understood what exactly they were reporting?

Shri Shah Nawaz Khan: Sir, I would like to clarify this point and I hope the House would bear with me. The fact was that at the instance of the SPE a technical Committee consisting of a senior railway officer, who was considered to be an expert in the line, and a very senior officer of the D.G.S. & D., who are responsible for inspection of sleepers, was appointed to enquire into the whole matter. They went into the case and reported that the sleepers were defective. Later on, the SPE asked the Railway Ministry to deal with the case departmentally. Since the case had proceeded and many questions had been asked in this House, a departmental enquiry committee was appointed consisting of a senior railway officer, an officer from the Ministry of Home Affairs and an officer from the office of the Director-General, Supplies and Disposals (*Interruption*). This Committee examined the whole thing and called many witnesses before them. They came to the conclusion that, in fact, the sleepers were not defective, they were up to the specifications and the technical committee which was appointed in the first instance had erred.

The position is this. On the Indian Railways there are two types of rails that are used. One is the 90 lbs rail (*Interruption*). I am explaining the position. The point that was overlooked was that there are two types of rails. One is the British standard specification rail and the other is the revised British standard specification

rail. In the British standard specification rail the bottom flange is a little thicker with the result. . . . (*Interruption*).

Shri Tyagi: Therefore, the sleepers are all right?

Mr. Speaker: Order, order. Hon. Members are anxious to know what has happened to those officers who made an incorrect statement and brought about all this trouble.

Shri Shah Nawaz Khan: We are sorry that as a result of their omission to go into the case thoroughly all this question was raked up (*Interruption*). We are going to take appropriate action. . . .

Shri Tyagi: Against whom?

Shri Shah Nawaz Khan: Against the people who are responsible.

Shri Tyagi: Against the officers who made a wrong report?

Shri Shah Nawaz Khan: Yes.

Shri Tyagi: Are we to understand that those officers who reported that the sleepers were defective will now be punished (*Interruption*)?

Shri Shah Nawaz Khan: We will take appropriate action.

Shri Feroze Gandhi: May I know whether the officers who were members of the technical committee were highly qualified engineers of the Railways, and whether the hon. Minister expects this House to believe that these highly qualified engineers do not know the difference between a 90 lbs. rail and a 100 lbs. rail, which we know?

Shri Jagjivan Ram: I do not want the House to believe it *prima facie*, but the fact remains that that aspect of the question was missed by the officers at that stage. I have asked the Railway Board to fix responsibility as to why this aspect, which was a very important aspect in the whole question, was missed in the initial stages.

Shri Feroze Gandhi: Will the hon. Minister be pleased to lay the report of that technical committee on the Table of the House?

Mr. Speaker: Is he referring to the first one?

Shri Feroze Gandhi: Yes.

Shri Jagjivan Ram: Sir, I am entirely in your hands. That report is not a separate report of the technical committee. When the Special Police Establishment were investigating the matter they wanted some technical officers to be associated with their enquiry to assist them, and one railway officer was associated or given to the Special Police Establishment for making a technical appreciation of the matter to the SPE. The report of the SPE that the sleepers were defective was based on the advice of that officer.

Shri Feroze Gandhi: Will he place it on the Table?

Shri Jagjivan Ram: I am saying, Sir, that I am entirely in your hands, whether that report should be placed on the Table of the House or not.

Shri Feroze Gandhi: Why should Ministers, Sir, always try to place the Speaker in an awkward position?

Shri Narasimhan: Sir, I would suggest that both the reports may be placed on the Table.

Shri Feroze Gandhi: We can then have a discussion.

Mr. Speaker: All that the hon. Minister evidently means is that it is a report that has been submitted to him, a departmental report. What is the secrecy about this?

Shri Jagjivan Ram: There is no question of secrecy or anything of that sort. Uptill now the procedure has been that the reports of the departmental committees as such (*Interruptions*) have been treated as departmental matters and have not been placed on the Table of the House. Therefore, I want to point this out. I am not taking the plea that there is anything secret or which should be

kept secret from the House or that there is anything of a nature that may be kept secret in public interest. That is not my plea. But what I am urging for your consideration is this: that uptill now, the convention has been that the reports of departmental committees have not been placed on the Table of the House. (*Interruption*)

Mr. Speaker: Order, order. May I suggest one course? A number of hon. Members are anxious to know the position. Their apprehension is that the first set of persons who said that they were not on the specification are now, because of another set of people in the same department, going to be punished for their honest expression of opinion. That is the point. But if the hon. Minister agrees, I may appoint the Estimates Committee or a section thereof to go into this matter—both these reports—and then come to an independent conclusion. Why should they not do so? No impression ought to be created that if one officer has honestly found out a mistake in a departmental work another officer, subsequently, instead of agreeing with him, fines him or suspends him or takes punitive action against him for having done the duty. That is the impression gaining ground in the House. Therefore, if the hon. Minister has no objection the matter can be referred to the Estimates Committee. Let both the reports be placed before them.

Shri Jagjivan Ram: I am afraid that what you have suggested—

Mr. Speaker: What is wrong with that?

Shri Jagjivan Ram: I am not suggesting that there is anything wrong. It is for your consideration whether you are not going to set up a precedent and what effect it will have on—(*Interruptions*).

Shri Tyagi: It will stop corruption and it will stop inefficiency and all that.

Several Hon. Members rose—

Mr. Speaker: I will allow a half-an-hour discussion on this.

Shri Vajpayee: Without the reports, the discussion will not be of use.

Shri Braj Raj Singh: What about the suggestion of the Estimates Committee?

Shri Tyagi: We demand a report.

Shri Jagjivan Ram: The position is like this. When the SPE investigates into a case which is given to them by the Ministry, there are three courses open for the SPE. After the investigation, either they submit the final report and they say there is nothing in the case and the case may be closed. The other course for them is to recommend that the case justifies a prosecution of the officers concerned or the party concerned in a court of law. The third course for the SPE is to say that "we have investigated the matter and find that there is no case for prosecution, but departmental action may be taken". Now, these are the three possible recommendations which the SPE can make after the investigation of a case.

Take the contingency where the SPE recommends prosecution in a court of law and the court of law holds that the conclusion of the SPE on the advice of technical officers as well was not correct and the case ends in acquittal. What will be the procedure in this House then?

Shri Nagi Reddy: That is not the position now.

Shri Jagjivan Ram: I am submitting the point to the Chair. It is for your consideration. I am giving an analogy. The analogy is more or less similar to the analogy of the enquiry committee.

Shri Feroze Gandhi: Sir, I raise a point of order.

Shri Jagjivan Ram: I have not finished. *(Interruption)*.

Mr. Speaker: I will give retrospective effect to the point of order.

Shri Jagjivan Ram: My submission is this. Fortunately in this case the departmental enquiry was not by officers of the Railway Ministry only. It was a departmental committee consisting of three officers of three different Ministries. Two Ministries were concerned with it. The Home Ministry was not directly concerned but it was associated with it in view of the fact that officers of two Ministries were involved in it. That departmental committee, after thorough examination of the report of the Special Police Establishment and technical appreciation, came to the conclusion that the charges do not stand.

Now, what is to be done? As I have said, where departmental actions are taken on consideration by a committee of three officers, whether the matter has to be submitted to the Estimates Committee or whether it is to be seen by you is a matter which will raise precedents and that is a point for your consideration and the consideration by the House.

Mr. Speaker: What is the point of order?

Shri Feroze Gandhi: The point of order is this. The Cabinet Minister in charge of the Railways said that the House must consider what effect it will have on the prosecution when the case comes up before a court of law. But, at the same time, the Deputy Minister of Railways has stated just now that he is going to punish that officer. Now, what effect will that have on the prosecution in a court of law?

Shri Jagjivan Ram: I am sorry. I am just correcting that. I have not said what effect it will have on the prosecution.

Shri Feroze Gandhi: My third point is that the hon. Minister said that he is in the hands of the Speaker, to which I said that we should not put the Speaker in an awkward position. After that, the Speaker made a suggestion. Why not the hon. Minister

accept what the Speaker has suggested? What harm can there be to the Estimates Committee examining it? The Speaker has made the suggestion.

Shri Tyagi: May I remind you, Sir, of the procedure which you yourself have laid down?

Several Hon. Members: rose—

Mr. Speaker: Hon. Members will observe order before raising any point of order!

Shri Tyagi: What is the procedure of the Estimates Committee and the Public Accounts Committee? They are the biggest bodies elected by Parliament. They are by themselves entitled to call for any papers from any Ministry for examination. That is their right. We are not giving any additional right. If we ask the Chairman of the Estimates Committee to summon them, they cannot refuse to come. So, that right is inherent.

The Minister of Finance (Shri Morarji Desai): May I know whether the right of the Committee extends to getting secret papers and confidential papers?

Some Hon. Members: They are not secret.

Shri Sonavane: May I know whether it would be in order to convert this Question Hour into a discussion or a debate?

Mr. Speaker: The hon. Minister has raised some points, he has referred to the various cases or the various recommendations that may be made by the Special Police Establishment. One of them, as he said, is this. If there should be a prosecution launched, the court may disagree, with the findings made earlier. So far as the court is concerned, that is an independent organ and we are bound by the decision of the court. The other one relates to the executive authority. There seems to be a conflict between one set of people who say that the sleepers are bad and so on and another set of people who came in later and said, "No, no. They committed a

mistake". The hon. Deputy Minister said that they are considering the question of punishing those people concerned. Naturally, the House is agitated over the point that one set of people who did the right thing are being punished by another set of people who want to cover up the departmental work. That is what I understand seems to be agitating the minds of the hon. Members here.

In the circumstances, I suggest this. This is a matter referring to sleepers. It is suggested that it is merely a question whether in the discharge of one's duty an officer does a right thing or not and it is a departmental matter over which the Estimates Committee may have no jurisdiction.

Shri Jagjivan Ram: Sir, I would just like to clarify one thing here. In the last paragraph of the statement, it is stated that in the initial stages this aspect of the technical appreciation was missed, and I have suggested to the Board to fix the responsibility. It does not necessarily mean only the officer who was associated with the investigation of the S.P.E., because even before that, when the matter came to my notice, an atmosphere was created that the sleepers were defective. At that stage also it was incumbent on some officers associated with that work to make it clear whether the sleepers were defective or not, but they missed the technical aspect at that stage. So far as this particular officer who was associated with the S.P.E.'s investigation is concerned, there is nothing to enquire into, to fix the responsibility. When I asked the Board to fix the responsibility on the officers, it relates to a period much before the investigation by the S.P.E. started. Therefore, *prima facie* at present, there is no intention of punishing this particular officer, but to fix the responsibility at the initial stage when this thing was in the air that the sleepers supplied by a particular firm were defective and some officer knowingly accepted them.

Shri Sonavane: What about my point of order?

Mr. Speaker: There is no point of order in that. I am prepared to spend the whole Question Hour if it is an important question and I will allow a number of supplementaries. I am trying to find out what exactly is the best method to remove all these difficulties that have arisen and have crept into the minds of the people. One hour is as good or as bad as another hour.

Shri Feroze Gandhi: I would like to draw your attention to the two conflicting statements that have been made by the Deputy Minister of Railways and the Minister of Railways. The Minister has said that he has asked the Railway Board to find out whether a *prima facie* case exists against the officer, whereas the Deputy Minister has definitely stated that they are going to punish the officer.

Shri Shahnawaz Khan: That is wrong. I only said, "We are examining the question and appropriate action would be taken".

Some Hon Members rose—

Mr. Speaker: I am not going to allow any more questions; there will be a half-hour discussion.

Shri Nagi Reddy: There is another important aspects of this question which has not come out.

Mr. Speaker: I have allowed too much time to be taken away by a single question; this matter can be discussed for any number of hours.

Shri Jaipal Singh: You are aware, Sir, that several questions have been tabled in the last 18 months or so over this matter in both the Houses and very serious considerations are involved. After listening to what the Minister and the Deputy Minister have said, all the more do we think that we must have the report placed on the Table of the House, not only extracts, but the whole report from the beginning to the end. This has

been exercising our minds for 18 months and we have been misled. The headline has always been 'defective sleepers', but now we find that it is not the sleepers, but the keys that are defective.

Mr. Speaker: I do not want to create a precedent without looking into these matters. The hon. Minister says it is a departmental enquiry. I shall look into the matter whether it ought to be placed on the Table of the House or not and come to a conclusion. If I am satisfied that it must be placed, I shall direct it to be done.

Some Hon. Members rose—

Mr. Speaker: I am not going to allow any more questions; merely because an hon. Member has tabled a question, he has no right to put a supplementary when the matter has been thoroughly thrashed.

Shri Hem Barua: What about your suggestion that the Estimates Committee should look into the matter?

Mr. Speaker: I have not yet decided. Of course, if I come to that conclusion, I can myself order the Estimates Committee to take up this matter. I shall look into it and come to a conclusion. In the meanwhile, if any hon. Member wants any clarification, I have no objection to allow a half-hour discussion.

Shri Jaipal Singh: I am grateful to you for that, but what can we discuss without facts being placed before the House?

Mr. Speaker: I shall look into the matter whether those reports ought to be placed on the Table of the House or not. Next question.

Gandak Project

*123. { **Pandit D. N. Tiwari:**
Shri Bishwanath Roy:
Shri Bibhuti Mishra:
Shri Jhulan Sinha:

Will the Minister of Irrigation and Power be pleased to refer to the reply