

14.57 hrs.

INDIAN RAILWAYS (AMEND-
MENT) BILL

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): I beg to move:

"That the Bill further to amend the Indian Railways Act, 1890, as passed by Rajya Sabha, be taken into consideration."

In moving this Bill, I would like to make certain preliminary observations.

The main object of bringing forward this legislation is to check the blackmarketing in tickets, particularly, in those on which reservations have been made. There have been several complaints in big cities that rail tickets are purchased and seats or berths are reserved by persons other than *bona fide* passengers, and such tickets and reservations are subsequently transferred to others for illegal consideration. Such malpractices, apart from causing great hardship and inconvenience to genuine passengers have subjected the railways to severe criticism. The tendency to purchase tickets by other than *bona fide* passengers is particularly noticeable during the period of the summer exodus and other rush periods when intending passengers desiring to reserve berths, seats, etc., experience difficulty in view of the fact that the demand for reservation is far greater than the available accommodation.

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During such rush periods particularly, unsocial elements taking advantage of the situation, take up positions in the queues, secure tickets and reservations and then trade on these tickets and reservations inside and then outside the railway premises in a clandestine manner.

A number of steps have been taken by the railway administration to check such corrupt practices and to prevent the activities of unsocial elements. In some cases of blackmarketing in

tickets which have come to the notice of the administration, persons have been prosecuted under Sec. 120A of the Indian Railways Act, dealing with unauthorised canvassing or hawking on railways, and have been sentenced to fines. But the penalty has not been as deterrent as one would like it to be. At present, there is no provision in the Indian Railways Act under which the sale or transfer of a single journey ticket or reservation is prohibited. This is a lacuna. Sec. 70 of the Indian Railways Act makes only a return ticket or a season ticket non-transferable. Sec. 114 of the Act prescribes a penalty for the sale or attempted sale or purchase of a season ticket or half of a return ticket. There is no such penal provision in respect of a single journey ticket. The question of including the single journey ticket within the provisions of Sec. 70 and Sec. 114 of the Indian Railways Act was considered in 1949, but was dropped on the recommendations of the Select Committee. While making the single journey ticket non-transferable might cause hardship, it is felt that a single journey ticket on which a reservation has been made has to be made non-transferable so that blackmarketing in tickets and unauthorised transfer of reservations may be stopped.

The present Bill has, therefore, been introduced to amend the Indian Railways Act to a limited extent to prohibit the transfer of tickets on which reservations have been made. Under the existing law, the railway administration virtually is unable to take any legal action against a person selling or purchasing a single journey ticket to or from another person at a place other than the railway station or authorised booking window. To deal effectively with such cases, it has been provided in the Bill that no person other than a railway servant or an authorised agent shall sell or attempt to sell any ticket or any half of a return ticket. Similarly, a ticket shall not be purchased from any person other than a railway servant or an authorised agent.

[Shri S. V. Ramaswamy]

These are broadly the provisions of the Bill. They are substantially non-controversial. I trust the House will have very little difficulty in accepting the Bill. I move.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration".

Shri Nambiar (Tiruchirapalli): The purpose of the Bill as enunciated by the hon. Deputy Minister now is agreeable and acceptable. But the question is: by penalising certain transactions of transfer of tickets, are we going to solve the problem or even a fringe of it? It is true that black-marketing is in vogue in railway tickets. What is the reason for it? The Minister stated that particularly in summer vacation and other seasons when there is an exodus of persons from one part of the country to another, these things happen. It is not so. Of course, during those seasons, more passengers travel. But the normal situation in the country today is that travelling by long-distance trains in third class and even in first class is becoming a near impossibility.

This question was seriously canvassed during the railway budget debate. The hon. Minister had agreed that over-crowding is a problem which can be solved only after several years by expanding railway capacity. Unless and until the main problem is solved, this is not going to be tackled at all. You can pick one or two here and there in certain stations and prosecute them for blackmarketing in tickets. But that will only give a very very small relief.

For instance, I know there are persons who do blackmarketing in tickets. But by dealing with those persons, the problem cannot be solved. Normally, leave alone the summer vacation, travel between Delhi-Mad-

ras, Delhi-Bombay, Bombay-Howrah, Bombay-Madras and so on—all these distant places—after purchasing third class sleeper tickets with reservation is an impossibility. If the Deputy Minister or Minister would kindly go to the Delhi Main Station or Howrah or Victoria Terminus or any other terminus or Central Station and see things *incognito*, he will see what is happening. There will be long queues standing for days and nights, for hours together. Then he will understand the problem.

Is the Railway Ministry in a position to tackle this issue? We have suggested during the railway budget debate that more sleeper coaches should be added to the existing ones. The Minister promised that during the next one year he is going to have constructed about 140 coaches or so. That means they will be available only after one year. What are you going to do in the meanwhile?

With regard to first class travel also, the present first class was the previous second class. The charges also have been reduced to the previous second. It is cheaper in that way.

Shri U. M. Trivedi (Mandsaur): More than the second.

Shri Nambiar: It is cheaper. People are standing for tickets ten and twenty days ahead of the date of travel. Persons who want to travel at short notice for some business or change of business find it impossible to secure tickets. When tickets used to be available through travel agencies, there used to be some benefit, that at the last moment tickets could be available. Now that is practically impossible. One will have to wait in the queue. If one's turn does not come, one has to change one's programme. That is to suit the railway's convenience. You cannot travel as and when you require, but when the railway can carry you. That has been the order of the day.

Therefore, this is a very serious problem. It has to be tackled basically. The Ministry trying to get out of it by blaming some persons for blackmarketing in tickets and penalising them will not be giving any relief. Of course, to that extent, those persons who traffic in these tickets and who have to be curbed, will find it difficult to operate.

What is stated in the amendment is that tickets shall be issued by a railway servant. It is always so. But after it is issued, it passes from one hand to another. There is no authority to say that it has been passed on. Suppose the reservation is in the name of Ramaswamy. There are a hundred Ramaswamys.

Shri S. V. Ramaswamy: Full address has got to be given.

Shri Nambiar: That can be done. The tickets can be in the name of Nambiar.

Shri S. V. Ramaswamy: Which Nambiar?

Shri Nambiar: In North Malabar, there are millions of Nambiaris.

Shri S. V. Ramaswamy: There is only one Anandan Nambiar.

Shri Nambiar: Or they may be in the name of Iyer—Iyer and party or Nayar and company or Ramaswamy and brothers.

Shri U. M. Trivedi: Ramaswamy & Nambiar.

Shri Nambiar: These things can be done. I am not attempting to ridicule the attempt to penalise those who blackmarket in tickets. But the problem of over-crowding cannot be solved by this. If people are punished for this, they will find out another method of cheating.

Shri S. V. Ramaswamy: Will he suggest a method?

Shri Nambiar: The method, which I have suggested and which I repeat, is that you should increase the number of through coaches in all long-distance trains. I know the Deputy Minister will immediately be ready with the answer. I know the answer. And that is, we have not got the capacity: because more goods trains are running, the available capacity is used up, so we have no capacity. This answer he can give even after 25 years. Then, how are you going to solve the problem? We have planned development, industrial growth, commercial growth, agricultural improvement etc. in this country, which we cherish and want. When these things happen, you must also provide for quick and better transport. They must go simultaneously with each other. Otherwise, this cannot be solved. That is exactly what the Railway Ministry has failed to do, that is my point. Unless the problem is squarely met, solution is not possible. These are all palliatives by which you can divert the attention of the public, saying that black market is responsible for the trouble. It is because of the trouble that black market comes in, black market is not responsible for the trouble. Therefore, to the extent he attempts to do something like this, I must congratulate him on taking care of the poor passengers left in the lurch in the present day conditions, but I am most dissatisfied with the improvement and travel facilities that are being given to the passengers.

One more word. I do not know what the other hon. Members are going to say about it, but I think in this unnecessarily the railway employees are dragged in. The poor booking clerk or the ticket collector who issues the ticket is being dragged in, saying that he is a party to this blackmarketing. I may agree that one or two here and there may be like that, but by and large the employees at the booking counter or the ticket examiners on trains are

[Shri Nambiar]

doing their duty efficiently, carefully and well. And they should not be punished for no fault of theirs.

For instance, today in the Question Hour, the reply came that railway employees removed under rule 148 or 149 will have no relief; it will be restricted by the provisions of the Limitation Act, and only persons who have been removed during the last six years can claim reinstatement, and they also can claim only three years arrears of salary. That is what the hon. Deputy Minister said this morning. If this is the treatment you give to the employees, what is the confidence that the employees have in serving in very difficult conditions like these. The railway employee who has been wrongly removed under rule 148 or 149, must have the guarantee, when the Supreme Court has said so, that he will come back to duty and get his arrears of pay, so that he will have confidence in discharging his duties, without the fear that something may happen to him from the public or persons who are aggrieved.

Suppose a booking clerk, getting Rs. 150, refuses to give a ticket or a reservation to a high official, who may be of the ICS cadre, or a big person, for the simple reason that he does not have accommodation, that gentleman gets angry with the clerk and makes a hell of a complaint, and I know cases where this poor fellow had to unnecessarily suffer for no fault of his. The railway administration does not go to his rescue, to help him, even if it is proved that he is wrongly dismissed, as was seen from today's answer. I would request the hon. Minister to be sympathetic to the staff, and see that the maximum that can be done is done, and that all persons removed under these rules are taken back to duty. It is also a part of creating confidence and mutual co-ordination between the staff and the railway administration.

Shri K. L. More (Hatakanangle):
This measure is quite welcome and acceptable as mentioned by the previous speaker.

I have tabled certain amendments, and I will come to them when clause by clause consideration is taken up.

This measure seeks to fill up a lacuna by placing the single journey tickets on a par with season and return tickets. That is a good thing, but I do not agree with certain purposes mentioned in the Statement of Objects and Reasons.

Firstly, it is very difficult to make out who is a *bona fide* passenger and who is not, because there is no agency for that, or if there is an agency it is not so effective as to find out who indulge in malpractices.

Moreover, the Railway Minister has not convinced us that the railway administration have exhausted all the remedies in order to remove these malpractices. As we know, this suggestion was made long before, but it was rejected by the Select Committee. So, I think there is no justification for bringing forward this measure without exhausting other remedies.

The measure seeks to give authority for selling tickets to the railway servant and also persons authorised by the railway administration. I do not agree with the latter part, because persons authorised by the railway administration has got no meaning, and this will again bring in so many malpractices. There are so many agencies, and if this work is assigned to agencies other than the railway department, it will again bring in certain undesirable things.

Further, this will entail trouble on so many innocent persons. There are so many ignorant persons, agricultural classes, who do not generally know the rules and regulations, and who are not so careful. So, this may entail hardship on them. The real culprits will escape.

and these innocent persons will be caught. So, there should be a proviso to clause 3, as under:

"Provided further that nothing herein shall prevent mutual transfer of seats or berths reserved against proper tickets by passengers belonging to a marriage party, or a party of students belonging to an educational institution or a party consisting of the members of the same party."

I have brought another amendment that the transfer of such tickets should be allowed among such categories of persons. That is why I have moved the second amendment. If these amendments are accepted, the Bill may seek to achieve certain objectives that are envisaged by this Bill. With these observations, I end.

Shri C. K. Bhattacharyya (Raiganj):

Sir, the hon. Minister has in a way indicated that the moral standards in the country had suffered. The original Bill contemplated deviation from the proper conduct only on the part of season ticket holders and return ticket holders; it did not contemplate that the single journey ticket holders will also resort to the practices against which the law was framed. The Railway Act was passed in 1890 and we are today in 1964. I do not know whether our condition after these years should be that we have suffered in moral conduct to such an extent that the Minister has got to come today to the House to say that the ordinary ticket holders are to be included here. What he suggests as a lacuna in the Act is in a way a confession that the society has begun to lack in the moral standards. Otherwise, this lacuna should not have come to the notice of the Government as it was not necessary when the Act was framed; it was not noticed so long after the Act was framed. In any case having come up to this stage, the lacuna has got to be rectified and it is

good that the hon. Minister is moving for its rectification.

In dealing with the purchase of tickets, I believe that the way the tickets are issued should also be taken into consideration. Our friend Mr. Nambiar paid high compliments to railway employees; I join with him in paying the same high compliments but at times they conduct themselves in a way which confounds me and I believe it is because of that that loopholes are found which the hon. Minister wants to rectify. I will give you an example. On the 29th of last month, that evening, I telephoned the Delhi Railway station for a third class ticket in the two-tier sleeping coach. I was told that all the seats upto 9th of May were reserved. I told them that I was a Member of Parliament but in spite of that the reply I got was: all seats upto 9th May are booked. The next day I came to Parliament railway booking office and got a ticket.

Shri Nambiar: There is the quota system; that is from our quota.

Shri C. K. Bhattacharyya: I quite follow what Mr. Nambiar says. I had disclosed my identity to the man; he knew I was a Member of Parliament; in spite of that he says that upto 9th all the tickets are booked.

I will give another example which will be more convincing. This was in pre-Independence period when I had to go along with a Reporter of mine to attend a provincial conference at Jalpaiguri. This lacuna has been discovered after Independence but it happened when this lacuna had not been discovered. We had asked but were told that there was no accommodation available for reservation. But on the date of our journey, somebody advised us to go to Sealdah station; we stood by the particular compartment in which we wanted to go to see whether there would be any last minute cancellations. In that com-

[Shri C. K. Bhattacharyya]

partment, there was only one passenger; all the other berths were vacant though we were told earlier that there was no berth available. Even till the last moment, I was being told that there was no vacancy. The gentleman who was going by that compartment was a businessman who knew how to deal with such situations. He advised me to buy third class tickets; and I did so and got into the first class compartment with third class tickets. When the train halted at Naihati, the next stoppage, I called the ticket-collector or the conductor-guard and had the tickets changed into first class. It is thus that I got reservation both for me and the reporter. But till the last moment, the persons in charge of things would not tell us that there were vacant berths.

I am not drawing any conclusions. All that I say is that it was confounding to me that such things continue to happen. That is why I suggest that the hon. Minister might take up with the departments also and ask why such things happen. It happened once more. Some months back, I telephoned New Delhi station for a ticket in the vestibule and I sent a man also. That was the evening time when the issue of tickets for the vestibule was commencing. But at the same moment, they said that all tickets were sold. I do not know whether there are such active and enthusiastic persons who go and wait at the railway station and buy all the tickets for the vestibule train the moment booking is opened. That is something strange. The matter has to be tackled at the issue office itself. My suggestion to the hon. Minister is that he should not rest content with the amendment of the Act but he should check up matters with the department and with the sections from which tickets are issued so that if there is any loophole anywhere it may be checked.

Shri U. M. Trivedi: Mr. Deputy-Speaker, I feel that the Congress and the Communist Members have vied

with each other in trying to praise the railway employees and win cheap publicity for themselves. They have now narrated facts which would belie their own statements but would support what the hon. Minister was pleased to say. We cannot shut our eyes to the fact that dishonesty does exist, that corruption exists. At what level it exists is a different thing. It exists at the lowest level, at higher levels, at the highest levels also. It is true that we have not been able to solve this difficulty about reservations of tickets. The amendment that is now moved is not going to solve it. Because the lacuna has been kept there. The very lacuna that has been felt by the Minister is not being removed. Go to the Bombay station. **Mr. Batata** is available for you, to purchase any ticket and give you any reservation. He is a very small man; he is known as **Batata**—a Marathi or a Gujarathi word. **Mr. Batata** will make arrangements for you: one ticket, two tickets, three tickets or even 10 tickets. Can you check that **Batata**? You cannot check that **Batata**. **Mr. Batata** is always there to supply you any number of tickets.

15.31 hrs.

[SHRI THIRUMALA RAO in the Chair]

Shri S. V. Ramaswamy: Is that his name?

Shri U. M. Trivedi: Everybody knows him as potato. He is known as **Batata**. I do not know what his name is.

Mr. Chairman: Is he still there?

Shri U. M. Trivedi: Yes; in Bombay Central.

Shri S. V. Ramaswamy: Is he fairly round like a potato?

Shri U. M. Trivedi: Yes; round. He is always available. You go there and

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he is available. Then there are other outsiders who are known as khalis. They are not regular coolies, but they are khalis. What they do is, they spread their own mattress or dharrie or carpets; for only Rs. 5—no regular reservation is necessary—one whole berth is available for you.

Shri Nambiar: That is in an unreserved carriage.

Shri U. M. Trivedi: In an unreserved carriage.

Shri S. V. Ramaswamy: Shri Nambiar knows.

Shri U. M. Trivedi: He knows, but he will not disclose it. The whole difficulty is he is soft for these people. Why? I know Shri Nambiar knows more about the railways than any one of us here, but he must come out and help the country also. Can you remedy it? You cannot, and not by this law. There is another difficulty with the railway administration, and it is this. The bureaucrats sitting there are more or less ignorant of what powers they possess under the law. I remember instances and I have simply laughed. Even when you have got those vendors to whom you have let off some particular cubicle for selling anything, the vendor thinks that he has a right; a right is created and he goes into litigation, and litigation goes right up to the Supreme Court and the man is sitting on your nose and does not allow you to do anything and he cheats you. Why are you not able to check it? Because your lawyers do not know the law and the net result is that the Government suffers in revenue and suffers ignominy. This is what happens by keeping the ignorant man at the helm of affairs.

The same is the condition here. You say that "he shall not sell or attempt to sell any ticket",—"if a person, not being a railway servant or an agent authorised by the railway administration in this behalf" and so on. Why should I sell? I can give my ticket to Shri Nambiar. What proof is there that I have sold it? Nothing. I ex-

change another ticket from him; it is not selling. The word "exchange" as defined in the Contracts Act is different. He gives me a ticket for some other place. I give him some ticket for another place; and I still escape. Will they not do it? So, the lacuna has been kept there. It has not been studied, and it will perpetuate this illegal thing that is going on.

What happens with the reservations? I know how reservations are made. I know; I have met some Reservation Officers, extremely honest, honest to the core. But then, that honesty is only at the static level. But at the dynamic level, dishonesty begins. Anybody can come in. You have let loose the whole process of dishonesty and corruption by having these two-tier compartments. What happens in the two-tier compartments? A lower berth is available four annas a seat, for anybody who wants to come. For the upper berth, you are charging Rs. 3 or so for whosoever comes. The poor fellow is hanging there, looking for his luggage down; he must be careful to watch his own luggage and he must be careful enough to see who enters that place or not. And then what happens? In every case, if a ticket is issued, there would be some control. But nobody cares for four annas. The railway guard, if he is travelling, or if his children are travelling or anybody known to him is travelling, says: "Oh, I will sit. All right." "Oh, you are a railway man, all right. Come on." Another man comes in. "Oh, a railway man, come on." A third man comes, and the guard says, "All right, come on." One day, it so happened that I found four persons just brought in by a Deputy Superintendent of Police,—Railway Police—and they had no tickets. It was very unlucky for them, for, they came in the same cubicle which I occupied. I found a railway constable carrying his luggage. I was wondering. A constable will never carry anybody's luggage. He must be a police officer. I sent for the head TTE and asked him to

[Shri U. M. Trivedi]

check that man. To my surprise, it was found that he was lacking four tickets: not one, not two not three, but four. Can I call that TTE corrupt? No. The poor fellow was funky. He had not the courage to ask for four tickets. Only when I stood by him, he said:

ये सहब नाराज होते हैं, टिकट बत ओ ।

All that he would say is, "I want to see your ticket." Because I am angry, he wants that ticket to be seen! The Deputy Superintendent got down, and after travelling another 50 miles asked the guard, "issue a certificate to me that I am travelling without tickets with four persons from Bharatpur." The guard came running to me and said:

हुजूर अगर आप कहेंगे ना मे दे दता हू ।

I said, "What bothers you, and why should you bother about me? Can you think it to be legal?" He said, "you travel once in a way. But I have to do this job every day. If I do not satisfy that fellow and be firm, I will be handcuffed and put in jail."

I ask very pertinently of the hon. Minister of Railways, has it not come to his notice that every railway employee, any TTE, poor fellow, is afraid of the Government Railway Police, and every time that the Government Railway Police interferes, has the hon. Minister stood up to shut down those scoundrels who are doing us in the eye? Even in respect of the railway police officers who are trying to swindle us, we have not been able to do anything. The whole lot of the railway employees, all of them—Class III employees—are kept on litters every time they are afraid of the Government Railway Police.

Very recently there was an occasion when eight fellows were travelling without tickets and were caught at Phulera. What happened? Immediately, four constables came and said:

"हमारा मुर्गा है"

"These are my cocks. You cannot charge them." It was merely the Divisional TTEs who were checking. They said: "We are going to charge you".

अच्छा चार्ज करेगा, अभी बतलाता हूँ थाने-दार को

The sub-inspector came and said, "Chalo, handcuff; come on."

Shri S. V. Ramaswamy: Handcuff whom?

Shri U. M. Trivedi: Handcuff the poor TTEs—all six of them. I fortunately reached the place by three up on that day. As soon as I reached, those people shouted for me there, because they knew me and they had their headquarters at my place.

"प्ररे, बैस्टर्ड साहब आ गये है ।"

They recognised me. Then I found that the sub-inspectors had run away.

This is going on. Can you check it with this provision? It is these people who are affording them protection. Everytime it has been brought to the notice that this protection is being granted by them. And if any railway officer of Class III takes it into his head to do something against these, the poor fellow is doomed; he loses his job; he is caught; he is handcuffed; he is carried from one station to another and he is insulted. How many of them can withstand this? They cannot. I can narrate instances after instances: the station master of Marwar Junction, the station master at Gudia, the station master at Beawar—each one of them has suffered because they had the guts of standing up against the police officer. Have you put in any provision to see that these things will be stopped? Why have a host of TTEs, such a huge lot, and recovering less and spending more? Why not have more ticket collectors at the stations? Why do you keep checking stations at long distances? Formerly, a checking station was provided at every junction. Now trains halt for three hours resulting

in waste of money, waste of energy, waste of steam and waste of time. Everywhere this is going on. The railway administration come down upon us and say, "we are not earning much and we are losing". How will you not lose? If you allow the engine to be kept on steam waiting for three hours, you will definitely lose. Time-tables are deliberately arranged in this manner, so that these things go on.

If you want the railway administration to improve to the advantage of the nation, these lethargies and inefficiencies must be shunted off. One suggestion was made by Shri Nambiar, which I would recommend very strongly. Do not believe your administration when it tells you that we have reached the saturation point about the traffic on a particular line. There is no saturation point. The hon. Deputy Minister has lived in England and I have lived there. Many of us have been living in Bombay and we know that 342 trains run to time in Bombay. Thousand trains at Piccadilly Circus go on running, smoothly and without trouble. The saturation point is there only in the mind of the railway officer.

It is necessary to increase the number of trains. Just travel on this metre-gauge train leaving in the morning at 9.30 from Delhi Junction. You will find it overcrowded immediately after Delhi Cantonment is passed. It becomes so overcrowded that every man who tries to get into it has got to travel on the footboard. Can you not add an additional train on this line? But you will not do it. Everytime you will be told that the saturation point has been reached. In 1954, we had sanctioned the doubling of the Rewari-Delhi line. But have you doubled it? The track up to one single station from Rewari was doubled and after that there is no trace of doubling at all. 30 miles of track is still undoubled.

Mr. Chairman: He should conclude now.

Shri U. M. Trivedi: All these things are going on. I know the Railway Minister cannot have time to look into these small things. But in the overall picture of the railway administration these are big. In 1890 the Indian Railways Act was passed. 74 years later we are now waking up to this problem. Why? Because corruption has gone so high up and passengers find it difficult. That is not the fault of the ordinary reservation clerk. It is due to a big conspiracy. There are some people who have risen to the post of supervisors who will act like this; just for the sake of Rs. 50 or Rs. 100, they will take up the phone and send messages saying, sell this ticket, sell so much, this and that, with the result that as Mr. Bhattacharyya said, they will say, "everything is full". Once I caught hold of an order in writing sent by a supervisor and sent a copy of it to the Minister. But they wanted to twist something, because each officer has got something to get out of it.

Mr. Chairman: He should deal with the relevant provisions in the Bill. There is no use in making rambling remarks.

Shri U. M. Trivedi: I think they are relevant, Sir. I am offering criticism about the corruption that is rampant. It is not rambling remark.

Mr. Chairman: I do not mean any disrespect, but I would like him to confine himself to the contents of the Bill.

Shri U. M. Trivedi: It becomes very difficult for a Member of Parliament to confine himself strictly like that. This is not a law court where I have to argue a point and point out the relevancy or irrelevancy of it. Sometimes it so happens...

Mr. Chairman: There is no use arguing about it. Will he conclude in two minutes?

Shri U. M. Trivedi: Yes, Sir. I would submit to the Minister that it is for him an extremely difficult prob-

[Shri U. M. Trivedi]

lem, there is no doubt about it. But the root cause is not merely the poor TTE or the man who arranges it. It goes right up to the top. That is why I submit that if you have to trace it, you will have to go up and up till you catch hold of the real culprit in this matter.

Shri M. P. Swamy (Tenkasi): Sir, this Bill has become necessary to prevent the illegal act of selling tickets to the public by persons who have purchased the tickets previously and who are making money out of it. Indeed it is a necessary legislation for preventing such evils which we cannot tolerate in our society. Rather, such blackmarketing in tickets is a reflection on our character also. But the underlying factor which leads to such practices must be carefully looked into by the railway administration.

What are the reasons for people earning such profits? First of all, we have a system of travel agents. Whether they get bonafide passengers or not, these agents purchase the tickets previously and keep it with them. Whenever a person approaches the railway administration, they are told that the tickets have already been booked. But if we go to the agents, they sell the tickets and charge extra amount. Even some people from the public have contact with the booking office. Such people also purchase tickets and sell them to the public at exorbitant rates.

The question is whether this legislation would go to such an extent as to prevent such things. I do not know how it is possible to identify the bonafide passengers. This matter has to be looked into. There is provision for a fine of Rs. 250 and imprisonment for 3 months. To prevent such evils, this fine is necessary.

This practice of getting tickets previously and selling them to the public at exorbitant rate is not confined only to the railway administration.

Even in cinema houses, people who cannot get tickets in the cinema houses are able to get them outside by paying higher rates. In such cases, they have put up a board saying that tickets purchased outside the cinema house are invalid. Have the Railway Administration put a board like that?

I think the time has come, for putting up such boards in railway stations that such tickets purchased by the public from these people will be invalid. Of course, the law is there, but everybody is not well-versed with all the laws of the land. Not knowing the law is not an excuse. Therefore, this system of putting a sign-board saying "all tickets purchased from outside and from these people trafficking in tickets are invalid" should be adopted.

As I said earlier, the main cause is, we are not able to get tickets because of non-availability of accommodation. People from Delhi who want to go to Madars have to go to the station early in the morning or even sleep there the previous night so that they can stand in the queue at the time the window window opens and purchase tickets. They have to go and buy the tickets 10 to 15 days earlier. There is so much traffic. In summer seasons when there is an exodus we have to provide more passenger trains and more coaches should be attached to the trains. I was happy to find from the papers that Shri Dasappa said at some meeting that they have provided as much as Rs. 4 crore, the highest ever provided, for passenger amenities. I suggest that more coaches should be attached to trains connecting big cities like Bombay-Delhi, Bombay-Madras, Madras-Calcutta etc. I am told that in these cities some people earn huge profits by dealing in such illegal things of blackmarketing in tickets.

It is proper that the public should appreciate the intention of the Railways to prevent these malpractices. At the same time, the railway staff

also should co-operate with the public. It is not at all correct to put the entire blame on the staff. What I mean to say is, they must also co-operate with the public. Only with their co-operation we can maintain any peaceful and efficient administration and keep up the well-earned name of the Railway Administration.

With these words, Sir, I support the Bill that is before the House.

Mr. Chairman: This Bill must be concluded by five o'clock. What time will the hon. Minister take?

Shri S. V. Ramaswamy: About 20 minutes.

Shri Mohsin: Time may be increased, Sir. There are quite a number of Members who want to participate.

Shri Nambiar: The session ends tomorrow.

Shri Mohsin: Tomorrow we are sitting.

Mr. Chairman: We will see—Shri Mohsin.

Shri Mohsin: Sir, this is no doubt a well-intentioned measure, but I am doubtful whether we will achieve the desired object. As has already been said, this measure has been brought just to stop the transfer of tickets for illegal considerations. This measure was once thought of by the Constituent Assembly in 1949. Then they wanted to bring the single-journey ticket holders also under the purview of sections 70 and 114 of the Railway Act. Later, that idea was dropped. I do not know why the Railway Minister has again thought it necessary to bring this measure in 1964.

Even here, in this Bill, he does not altogether prohibit the transfer of ticket of a single-journey ticket holder. He only prohibits transfer of tickets against which reservations of seats have been made. Therefore, this provision does not bar the transfer of

a single-journey ticket. It is qualified here with the words: "A ticket against which reservation of a seat or berth has been made, or a return ticket or season ticket...." In the case of a return ticket or season ticket it is not necessary that reservation should have been made. Reservation is compulsory in the case of a single-journey ticket holder and not in the case of a return ticket holder or a season ticket holder to bring it within the purview of this clause. I do not know why this distinction has been made. Even in the case of a passenger holding a ticket for a single journey, though he has not made any reservation, the transfer of ticket for illegal considerations ought to have been banned.

Then there is a proviso to this which says:

"Provided that nothing herein shall prevent mutual transfer of seats or berths reserved against proper tickets by passengers travelling by the same train."

This is conceivable, because some friends might mutually agree to interchange their berths or members of the same family might interchange their seats or berths. It is only to facilitate such persons that this proviso has been added.

In clause 4 there is no such distinction of a single-journey ticket holder, whether there is reservation or not. This proviso which is there in clause 3 ought to have been inserted in clause 4 also. Otherwise, it might create some complications. Whereas there is a proviso to section 70, there is no similar provision in section 114. It ought to have been provided in section 114 also.

Sir, blackmarketing is going on mainly in big cities like Bombay, Delhi, Calcutta and Madras on a large scale. Some strict vigilance on the part of the railway department would have stopped this. Instead of bringing this Bill, some

[Shri Mohsin]

strict vigilance on their part would have checked this. Many a time we see that seats are reserved on fictitious names—in the name of Members of Parliament, railway officials and so on—and the chart shows that all the seats are reserved. But while we actually travel we see so many seats vacant. This is not the work only of unsocial elements who are moving near about the railway stations. It is done with the active co-operation of the people in the railway department, especially the people who are in charge of booking. I have heard of the experience of many of my friends who could buy tickets and get reservation also even though the chart showed that all the seats were reserved. For this the blame is not only to be put on the unsocial elements moving about the railway stations and selling tickets. The people reserving the seats are also to be blamed. They reserve seats in fictitious names. Therefore it is actually done with the co-operation of the railway staff. This will have to be stopped.

Whether we can stop that with this measure is the question. As one of my friends pointed out, there are general names like "Mr. Iyer", "Mr. Ramaswamy" and so on. There may be so many "Iyers" and so many "Ramaswamys". If I travel in the name of "Mr. Iyer" who is going to identify me? The ticket does not bear anybody's photograph or signature. If a seat has been reserved in the name of "Mr. Iyer" anybody can travel calling himself "Mr. Iyer" till the end of the journey. Nobody can catch him. No inspector or official can go and challenge his identity, his name. He will travel till the end of his journey as "Mr. Iyer". I do not know how the Railway Administration can stop this unless there is some identifying sign on the ticket, either a signature—or some such things, of course a photo cannot be attached to every ticket. Some such device will have to be found out.

16.00 hrs.

Then, as many previous speakers have pointed out, we are only thinking of stopping the illegal transfer of tickets. We have to find out the reason why this business is going on, why people are buying tickets in the blackmarket at a higher prices, why people are engaged in buying and selling tickets in the blackmarket. As Shri Nambiar and Shri Trivedi have pointed out, it is mainly due to overcrowding of trains. Every year during the budget debate the Railway Minister comes forward and says that the railways have carried so many millions of passengers that year, as compared to a lesser number the previous year, the goods traffic has nearly doubled and so on. Naturally, one is very happy to hear all these things. Every time I hear it I begin to think how much more difficult it would be for the passengers to travel because neither the number of trains nor the number of bogies increases; only, the number of passengers increases every year which brings in profits to the railways. Since the railways are making good profits I do not see why they should not increase the number of trains. Whether you go to the Southern Railway, Central Railway or the Northern Railway everywhere there are complaints of overcrowding in trains.

We cannot blame the passenger who purchases a ticket at a higher rate for doing that. He has some urgent work to do in a particular place and he has no other mode of transport. So, he has to find out some way to get accommodation in the train. We cannot blame him if he purchases ticket in the blackmarket.

But, in this measure, we are punishing the passenger, because the purchase of a ticket at a higher rate is also a penal offence. Under this provision, he can be imprisoned for a period of three months or fined Rs. 250 or so, apart from the forfeiture of the

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ticket. The seller gets only a lesser punishment than the purchaser. The seller gets the money for selling the ticket. Further, it is very difficult to catch him. There is nothing in writing, no document no identity to bring him to book for selling the ticket. But the poor soul, the purchaser, the real passenger, who has got an urgent piece of work at a particular place, who has no other go except to travel by that train, if he has helplessly purchased a ticket at a higher rate, he is caught and the ticket is forfeited, because he is in possession of the ticket. He is also imprisoned or fined.

I would say it is an injustice on the passengers. The railways are neglecting their duty of providing increased transport facilities by increasing the number of trains to meet the increased traffic so that people will not bother to purchase tickets in the blackmarket. If only they do that, they can eliminate this evil of blackmarketing in tickets. Unless they do that, no measure of this type will solve the problem. So, the only choice for the Railway Ministry is to increase the number of trains.

Mr. Chairman: The discussion will have to conclude today. The Minister wants to reply. Further, there are amendments and they will take some time. So, I would request hon. Members not to take more time.

Shri S. M. Banerjee (Kanpur): Are we going to conclude discussion on this by 5 O'Clock? Is the other Bill going to be taken up today after this Bill?

Mr. Chairman: The discussion on this Bill will be concluded by 5 O'Clock.

Shri Muthu Gounder (Tiruppattur): Mr. Chairman, I will finish soon because I have not much to say. So far as the first provision is concerned, I have nothing to comment and I have no grievance about it, because it is about the misuse of ticket. Whether

it is done by X or by Y, he will have to face the consequences.

But my grievance is that the railways are not able to provide enough coaches or trains. While the passengers are increasing by about 25 per cent per year, government is able to provide only 5 per cent more of seats either by providing more coaches or by running new trains. As long as there is need for travel and as long as the railways are not in a position to meet the demand by providing more facilities for travel, blackmarketing in tickets will continue to be there; not only in railways, but in other aspects of life. So long as the railways are not seriously considering ways and means to provide facilities at least for the third class passengers by increasing the number of coaches or by running additional trains, no amount of rules and regulations and Bills of this nature will stop blackmarketing in tickets.

Today we find third class passengers dumped like cattle in trains. Here we are not concerned about first class or second class passengers. It is really regrettable that fifteen years after independence the condition of the facilities provided to the third class passengers today is worse than what it was before.

Here I can say with authority that in some railway offices, some petty officers are selling tickets at blackmarket rates. Many people have narrated to me their experience. Many of us who had to come here from Madras had on many occasions to pay Rs. 10 per ticket extra to get a seat. If we ask for a ticket at the counter the usual reply is "No ticket, Sir" irrespective of the class for which you ask. At the same time, some people there direct us to a railway ticket issuing officer who is sitting a little away. If we go there tickets are available and we can purchase them provided we pay Rs. 10 extra per ticket. It happened in Varanasi junction last year.

[Shri Muthu Gounder]

Now I will narrate what happened to me personally. That will give an idea as to how tickets are being misused. We generally go from Delhi to Madras direct. Some months ago, when I was taking my family to Madras I wanted to get into the train from Agra though the tickets were purchased from Delhi to Madras. The railway authorities said that though it is a direct ticket it is not possible for them to keep the coach vacant till Agra. I was convinced of it after seeing the biggest railway officer in Baroda House. I came back empty-handed after getting this reply. I thought that perhaps under the rules even if I purchase a ticket from Delhi to Madras it is not possible for me to enter the train at Agra. But when I came out of that office, a small petty official came to me and told me that everything could be arranged for a small sum of Rs. 5. He said that he can make arrangements for me to get into the train at Agra and the seat will be vacant till then. I was rather stunned. The thing was done and I was able to get into the train.

An hon. Member: Did you pay Rs. 5? [13]

Shri Muthu Gounder: It was done. I can give you the date as also the ticket number. This was done at that time. I was able to get into the train at Agra. Perhaps it may be irregular. But what I want to point out is, a thing which it was not possible to be done by the biggest officer of the railways because it was not allowed under the railway rules, was done by a petty railway official for a consideration of Rs. 5. It has not happened anywhere in the mofussil but in Delhi, the capital of India, in New Delhi Railway station. Not only that. In every city there is a railway ticket inspectors' group. People from Madras who have come here and settled in thousands, whenever they want to go to the South, they directly approach that inspec-

tors' group and they are able to get their tickets by paying only Rs. 5 extra. It is more or less open market business. Therefore, in my opinion, railway department is the headquarters of corruption. Because the demand is more for various reasons, more people want to travel in trains. People want to see the country or they have got some money. But the use of past tickets, or the misuse of tickets and everything is coming only on account of this. Therefore I want to say that the remedy lies not in passing such little Bills or in punishing anyone, but the remedy lies only in increasing the number of coaches and trains by running new and more trains wherever it is necessary.

Shri S. M. Banerjee: Mr. Chairman, Sir, I rise to support the Bill. It is actually aimed at bringing some improvement in the matter of reservations. Reservation by the railway staff to me is not as scandalous as has been painted by some of the Members of this hon. House. Sometimes we, the Members of Parliament, do not cancel our reservations. We are the privileged people and we can safely reserve from the reservation office in Parliament House, but at times when we are not going, we do not cancel our reservations. So, when some passengers reach there just when the train is about to start, naturally, in haste the railway employees, the conductor guards, have to appoint somebody. Sometimes they have not got even the waiting list, with the result that there are charges against the poor conductor guards that they are allotting seats after taking money. Two or three years ago, I know, there were black-market reservation rates, that is, Rs. 10/- for the upper berth; but now I do not think it is as bad as has been painted here.

But the whole question is not only of bringing forward legislation but of giving them proper training.

Dr. M. S. Aney (Nagpur): Training of what?

Shri S. M. Banerjee: Traffic training, that is, how to control traffic and so on.

This is just a fraction of the problem; the magnitude of the problem is much more than what has been painted here in this House. In this connection I may submit that a good training centre was existing in Sealdah, known as the Traffic Training school, where hundreds of young boys, science graduates and even matriculates in some cases, were being trained. Suddenly the ex-Railway Minister took a decision that this training institution should be shifted to Dhanbad. I do not know what was the reason behind it. Not only I but so many hon. Members of Parliament were surprised to know that at this hour when we want to conserve our resources for other priority works in the Railways another building was being constructed in Dhanbad at a cost of nearly Rs. 40 lakhs just to shift this particular training institution from Sealdah. I represented and I have got a letter from the hon. Minister, Shri Dasappa, for whom I have the greatest regard—it is not that I have no regard for the Deputy Minister; I have equal regard for him also—justifying this transfer. When I read the contents of that letter, I was surprised to find that there was no justification but it was sought to be justified because some decision had been taken to shift it from West Bengal to Bihar. If that was done purely from a parochial point of view, it is a different matter. I am a Bengali born in Punjab and brought up in UP. I am a citizen of this country first.

Shrimati Vimla Devi (Eluru):
Adopted by Andhra.

Shri S. M. Banerjee: I do not mind going to Andhra if I am invited.

Mr. Chairman: Living mostly in Delhi.

Shri S. M. Banerjee: But I am saying this that this is being shifted to Dhanbad.

For the information of this House and for your information, Mr. Chairman, I would read out the recommendation of the Report of the Railway Technical Training Schools Committee of 1961 when it said:—

“The Traffic School of the Eastern Railway at Sealdah should be transferred elsewhere and for this, Kalyani may be a likely site.”

Kalyani is only 35 miles from Calcutta. It was a new township growing under the wise guidance of the late, lamented Dr. B. C. Roy. Because they wanted to remove the congestion from Calcutta, they recommended this place, Kalyani and said:—

“Kalyani may be a likely site, in view of the proximity to the Technical School in the Kanchrapara Workshop and the new University at Kalyani. The Eastern Railway Accounts School at Bandel may also be transferred there.”

It is not that this Committee recommended the transfer of this particular institute only from Sealdah to Kalyani but they also suggested that the Accounts School at Bandel should also be transferred to Kalyani. I would request the hon. Minister not to play with the lives of those apprentices who are getting proper training in Sealdah. If Sealdah is more congested, another site can be had. The cooperative society of that particular place can be utilised for the purpose. I have a suggestion in this regard. This is not the only problem. We have to control the terrific traffic in this country that is increasing day by day. People are interested in sight-seeing. Some people are unemployed and they move in the trains also. They have no place to stay. There are certain difficulties that are confronting this country and more travelling will be necessary for

[Shri S. M. Banerjee]

completion of our Plans, etc. Naturally, all this cannot be avoided. So, we want proper trained personnel to guide the traffic. It is not only the reservation clerk or the booking clerk. It cannot be done unless we have got trained personnel to guide the traffic. I have a suggestion to make in this regard. Regarding the shortage of accommodation and inadequate facilities, the recommendation of the Railway Technical School Committee vide para 191 and 131 was made in 1961 when things were quite different as compared to the present circumstances obtaining. Additional space has been acquired in the shape of released assets of rooms housing the Senior Cooperative Credit Society as well as the old Control Office building. Thus, at present, the space under jurisdiction of the school is quite adequate for building a big school. I am sure the Railway Ministry will consider this. I have an earnest request to make to the hon. Deputy Railway Minister and through him to the Members of the Railway Board to revise their decision. I am not saying that this Institute should not be transferred because it is in West Bengal and because it is in Sealdah. This additional expenditure of Rs 40 lakhs or Rs. 42 lakhs can be utilised in the best interest of the Railway administration elsewhere. This particular institute should not be shifted. That is my request. I support this Bill and I request the hon. Deputy Railway Minister to kindly give a second thought to this matter. I do not want a definite reply, 'Yes' or 'No', immediately at the spur of the moment. He may say that "once it has been communicated to the Member of Parliament that this is going to be done, so my reply is the negative." That is not the correct way to reply to the debate. I would only request him to give a second thought to it and to appoint a technical committee or a reviewing committee and see that the decision is changed and that this Institute remains in Sealdah

and then expansion programme can take place. The additional expenditure to expand the present Institute at Sealdah will be hardly Rs. 10 to 12 lakhs whereas if you want to shift it to Dhanbad, it will be Rs. 42 lakhs.

With these words, I support the Bill.

16.19 hrs.

(MR. DEPUTY-SPEAKER in the Chair)

Shri S. V. Ramaswamy: Mr. Deputy-Speaker, Sir, quite a large number of hon. Members have participated in this debate. It is gratifying to know that all of them welcomed the Bill and said that this Bill is acceptable. But they said, "Please do not be content with this. This is not all. The evil of dealing with these reserved tickets, the evil of overcrowding and all that will not be solved by merely legislating this." Sir, we do not claim that all the difficulties of the 3rd Class passengers or the 1st class passengers will be solved by this amendment alone. This has got a limited purpose. Mr. Nambiar said, "You are escaping from reality. The real thing to do is to increase the number of trains, put more coaches, run them faster and all that." There is no difference of opinion on that. That is agreed. But the question is of want of resources and the line capacity and so on. It is not that we are not willing to put more trains on the rails it is not that we are not willing to strengthen the trains; it is not that we are not willing to run them faster, but there are certain inherent difficulties in the situation. Every hon. Member has suggested the same thing, namely that we should run more trains, we should run them at greater speed and we should strengthen them. In recent years, we have added a number of trains. We have strengthened almost every train, and we have speeded up the trains subject to the line capacity, line works, track

repairs and renewals, engineering works and so on. During the exodus season as we are having today, we run a number of special trains. Last year, I think we ran 15 of them from Delhi to Madras, 26 trains from Bombay to Cochin, 66 trains from Bombay to Ahmedabad and Viramgaon, 6 trains from Bombay to Varanasi and another 2 or so Lucknow and so on.

Shri Nambiar: That shows that there is capacity, without capacity how would it have been possible to run them?

Shri S. V. Ramaswamy: My hon. friend is so clever that he immediately jumps at this point and says that there is line capacity. But I may tell him that we are doing it at a great pitch; we are sacrificing the goods traffic in order to accommodate the passenger traffic and see that they are carried to their places of destination; this cannot be the normal feature.

Shri S. M. Banerjee: Why should you not run mixed trains, half goods and half passenger trains?

Shri S. V. Ramaswamy: Mixed trains will be slower than passenger trains because they must pick up the goods also all along the route. My hon. friend wants fast trains, and at the same time, he asks for mixed trains. I do not know how that is possible.

Shri S. M. Banerjee: We are having mixed economy. We can have mixed trains also.

Shrimati Vimla Devi: Why not have double-decker trains?

Shri S. V. Ramaswamy: Probably, my hon. friend has recently returned from Bombay where she must have seen double-decker buses, I suppose. Then, what will happen to the bridges, tunnels etc.?

Shrimati Renuka Barkataki (Barpeta). When they come to power, they will introduce it.

Shri S. V. Ramaswamy: We have done all that is possible, and we are still doing it.

Now, I want to be clear about three points. Shri Mohsin raised this point as to why we were not penalising the transfer of unreserved single journey tickets. There are very valid reasons for it. I have looked into the earlier debate. In the Report of the Select Committee which went into this matter in the Constituent Assembly (Legislative), there is only a very brief reference. They have not given the reasons. But they have stated:

“Some of us feel that the existing law has deliberately refrained from including an ordinary ticket under section 70 which prohibits the transfer of return and season tickets and that no change in the law is called for. On a vote being taken, they were equally divided in their opinion with the result that this clause had to be deleted and the *status quo* maintained.”

This is all that I find in the Select Committee's report of 1949. But the valid reasons are these. Supposing Shri Mohsin wants to go and he buys a ticket, but for some reasons or the other, he is not able to go but he wants to send his son. Should that ticket be or not be transferable? I think that there should be no objection to transferring that ticket provided there is no reservation. The obligation to provide accommodation arises only when the reservation is obtained. Till then, there is no obligation cast on the railways to provide accommodation.

Shri Nambiar: They have only to sell the ticket and get the money and not be obliged to provide a seat?

Shri S. V. Ramaswamy: My hon. friend may ask me what the remedy

[Shri S. V. Ramaswamy]

is, when a person purchases only a single journey ticket. There are three ways open to him. Firstly, within three hours of the departure of the train, he can claim a refund. Secondly, if he must, he can go in a lower class and then claim the difference between the fares for the higher class and the lower class in which he is actually travelling, and thirdly he can go as he likes, squeeze himself in and get along as best as he can. These are the three alternatives. We have thought over this matter, and this has been deliberately omitted, or, if we include unreserved single journey tickets, also then there may be a lot of difficulties. Sir, we have confined ourselves to the limited purpose of punishing trading in single journey tickets for which reservation has been obtained.

The second point that I would like to clarify in this connection is this, and that is in regard to section 67. Section 67 provides for the case in which tickets have been issued for trains not having room available for additional passengers.

Sub-section (1) of section 67 says:

"Fares shall be deemed to be accepted and tickets to be issued subject to the condition of there being room available in the train for which the tickets are issued".

It is very clearly stated that there is no obligation cast on the railways to provide accommodation, even though the ticket has been sold. Sub-section (2) says:

"A person to whom a ticket has been issued and for whom there is no room available in the train for which the ticket was issued shall on returning the ticket within three hours after the departure of the train be entitled to have his fare at once refunded"

Sub-section (3);

"A person for whom there is no room available in the class of carriage for which he has purchased a ticket and who is obliged to travel in a carriage of a lower class shall be entitled on delivering up his ticket to a refund of the difference between the fare paid by him and the fare payable for the class of carriage in which he travelled".

These are the remedies.

There is also a misapprehension about the position of the travel agents. I find a number of amendments here to the effect that that clause should be deleted. It should not be deleted because we are having travel agents for certain specific purposes. There are three different types of agents—travel agents, out agents and city agents. Each one of them has got a different function. The agents who are authorised to issue tickets other than railway servants are city booking agents, recognised travel agents and out-agents. At present, no quotas have been allotted to travel agents. Separate quotas which they were having before have since been cancelled.

The procedure for the booking of reserved accommodation by travel agents based on the recommendations of the Commercial Committee in June 1959 is reproduced below:

"The system of allotment of quotas to travel agents for reservation that exists be discontinued and that reservation on tickets issued by travel agents be allowed in the normal way at the railway reservation counter subject to the following conditions:

(1) reservation by telephone will be allowed only after the first three hours of opening of the reservation offices. It will be open to the administration to vary this

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period according to local conditions. Such a telephonic reservation should be confirmed by a proper requisition to be sent according to the stipulated procedure.

(2) There is no objection to travel agents sending their representatives to stand in the queues from the opening time, but one representative will be allowed to reserve at a time accommodation in one train for one destination only for either (a) one family or (b) one party not exceeding four in number, 'party' being defined as persons intending to travel together such as delegates to a conference.

(3) The number of berths to be reserved by travel agents by a particular train or trains may be restricted to a fixed number at the discretion of the Chief Commercial Superintendent of the Railway concerned".

Based on these, no quotas are allotted to travel agents. On the other hand, a ceiling has been fixed on the berths that can be booked by the travel agents along with the general public by certain trains by which the demand for reserved accommodation is generally heavy—the Frontier Mail, Gujarat Mail, Saurashtra Mail etc. ex-Bombay.

Next come out agents who function practically as a regular railway station at a place far away from rail hands. They are allotted quotas in a few cases—Shillong, Kalimpong, Ranchi Town, Nainital, Kodaikanal etc. The quotas have been fixed by the individual railway administration depending on the demand and availability of reserved accommodation.

Then I come to the third category. At present, city booking agents in big cities are given certain quotas of third class sleepers and sitting accommodation. These quotas are also fixed by the railway administrations keep-

ing in view the demand and availability of such accommodation. If the quota allotted to the city booking agent is not utilised upto five days before the day departure of the train, such unused quota reverts to the railway for the use of the general public.

Therefore, it is wrong to think that these travel agents are misusing any quota that has been allotted. As I mentioned, no quota has been allotted to them, and they have got to stand there through their representative in the queue just as anybody else.

The other points Shri Trivedi was raising were not quite relevant. It is interesting to note that there are some conflicts in certain places between the travelling ticket examiners and the GRP. It is very unfortunate, it should not be so, because we of the railways, the T. TEs. and others, have no powers of investigation or prosecution. If there is an offence committed, we have got to depend on the GRP. They are to register the case, they are to investigate, and they are to prosecute. Accordingly to the law, they are the persons authorised to do all these things. If the GRP, who are under the State Government, fail to co-operate with the railway authorities, it is a very unfortunate situation. We should certainly, on further information, take it up with the State Governments concerned to see that there is better co-operation between the GRP and the railway staff.

Our friend Shri Bhattacharya and many others said that oftentimes it is said that there are no vacancies, that the reservations are full, but when we actually go to the station we find berths going vacant. This is an unfortunate experience. Recently we made a survey of the reservations which were not cancelled. One hon. Member mentioned about M.Ps. not cancelling their reservations. I will not mention about it now, but there are other pass holders who have not cared to cancel the reservations.

Shrimati Vimla Devi: Punish them.

Shri S. V. Ramaswamy: In New Delhi Station we took the statistics. In March, I believe about 6,000 pass holders other than M.Ps.—their count is different—asked for reservation. Of these 58 cancelled their reservations; 527 did not turn up at the station at all. This is a very serious situation. It is very revealing. It is because of this that we are going to take stringent measures, because Members of Parliament have complained that it is the railway employee pass holders and other pass holders who get reservation for nothing, and abuse their privilege; they do not care to cancel the reservation and make that reservation available for others who are in need.

Shri S. M. Banerje.: Ghost passengers.

Shri S. V. Ramaswamy: They are not ghosts. They sometimes reserve and do not go. I will come to the ghosts later.

We are now taking a serious attitude towards these pass holders. We are now thinking why we should not place them on a par with the ordinary citizen of the land. If the ordinary citizen reserves and does not cancel it, he has got to pay a penalty. Why should not such a penalty be imposed upon a pass holder also? He has got the privilege of a pass. Should he, in addition, have the privilege also to abuse that privilege? Should he not care to inform the railway administration that he is not going. We are thinking on these lines, and we will take very serious steps to see that if passholders make these reservations, they are equally careful to see that they are cancelled if they are not going. The one way to see that they conform to this attitude of correctness and sense of duty is to impose a monetary penalty for not cancelling it. This, I think, will be a corrective.

Shri Fatehsinhrao (Baroda): Will it include M.P.s?

Shri S. V. Ramaswamy: I will not touch upon it now, because it is a delicate matter. We will think about it. If hon. Members come to know that a number of reservations made on their behalf has also not been cancelled, though they are not so much as other pass holders, I am sure the hon. Members will rise to the occasion; when they are told that so many reservations have not been cancelled, those people did not turn up. I am sure hon. Members will hereafter see to it that they are as eager to cancel the reservations made by them as they are eager to get them.

Shri Nambiar: Very good.

Shri S. V. Ramaswamy: My friend Shri Nambiar raised a point that reservations were made in the name of Krishnaswami and Party or family and all that. It is not possible hereafter. They have got to give names and the correct address. Unless the names are there, we will not issue a sort of a blank cheque saying so and so and party; names will have to be given; these names will be checked. My friends ask: what is your means or method or machinery for identification? That is the real question. I do not fancy that everybody will jump into the train and go in the name of somebody else in the berth reserved for somebody else. There may be some cases but they could be found out if persons who travel in the compartment and who may be knowing these things cooperate with the railway authorities; we should be able to know whether that person is the real person or whether it is a case of impersonation. If we are able to find it out, we shall be able to check that evil also.

My hon. friend Shri Nambiar mentioned about the Supreme Court Judgment which is not really relevant but since it came up, I would like to clarify this point. We are as solicitous to the railway employees as my hon. friends on the other side. He is a labour leader no doubt. We

in the Railway Administration are also as much interested in the welfare of the Railway employees as anybody else and we would like to keep them as contented as possible. We would like to see that justice is done. In this particular matter there has been no victimisation. These cases have been examined, re-examined and re-re-examined; there have been so many examinations and there is nothing wrong. If all of them who have been removed under section 149 are not restored, it is because there is such a thing as the law of limitation. Things cannot be done unless it is within the particular period. If the directives that we have given is not according to the law, the remedy is still open to them but according to the advice given to us by the Law Ministry, the law of limitation, section 120 will apply in this case and no person after six years can apply for reinstatement.

Shri Nambiar: That will lead to more litigations.

Shri S. V. Ramaswamy: We are a Government: we cannot hold ourselves liable to further action by other parties. There is the financial liability also. There is the Auditor General and there are so many checks and balances and unless we respect the law of the land with regard to the law of limitation, the administration itself will be questioned as to the propriety.

Shri S. M. Banerjee: If they do not claim the arrears of pay and allowances but only want their seniority with retrospective effect . . .

Mr. Deputy-Speaker: But that has nothing to do with the present Bill.

Shri S. V. Ramaswamy: Yes, Sir; that has nothing to do with the present Bill. . . . (*Interruptions.*)

Shri S. M. Banerjee: Refer the matter to the Attorney General.

Shri S. V. Ramaswamy: There are one or two amendments.

Mr. Deputy-Speaker: He is not here; they may not be moved. We may take it up when we take up clauses.

Shri S. V. Ramaswamy: I think I have fairly covered all the points.

Shri Nambiar: The fact remains that there is no capacity for travelling. That is all.

Shri S. V. Ramaswamy: That fact remains. Now, Shri Mohsin raised another point of view and said that the seller of the ticket is not at such a great advantage as the buyer. True enough. The law can only place them on a par with each other. As in the case of corruption, where the giver is as much liable as a taker, here also, we want to punish the seller as well as the buyer.

Shri Mohsin: The punishment is more.

Shri S. V. Ramaswamy: I am answering that. The seller sells a ticket and he goes away. He will disown having sold it. But the question is, "why did you buy". I am going to punish the buyer so that if the buyer does not buy, where is the seller? My hon. friend is a lawyer. He knows that we have incorporated the well known maxim of the Roman law into our law of contracts: *caveat emptor*—purchaser beware. Let every purchaser beware, whether he is purchasing the right thing, and if he knows that he is going to be punished—not merely by surrendering the ticket but also by paying a fine and undergoing imprisonment—nobody will dare to buy a ticket that way. Therefore, the trade of the seller will also go down. The sellers will disappear. My hon. friend suggested that a notice boards should be put up to the effect that the buyer will have to surrender the ticket,

[Shri S. V. Ramaswamy]

losing so much, and he will be liable to punishment. I think it is not really necessary because the paper will be publicising what the contents of this Bill are. There is no need to put up a board at all. It may be perhaps broadcast also. Therefore, the people will come to know that any purchase of tickets outside the booking office, from others, from unauthorised agents is invalid, and not merely invalid but he will be liable to prosecution and punishment. If people come to know this, this evil will go down. But it is not that by this amendment all the problems of the railways are solved; not all the problems and deficiencies of the railways are solved; not all the sufferings of the third-class passengers or the passengers generally are solved. The difficulties are still there. So far as this matter, this one item is concerned, we are trying to plug this loophole and see that it does not lead to misuse. That is the reason why we have brought this Bill.

Shri Mohsin: One point has to be clarified about this matter. Though it came up for discussion in the Constituent Assembly in 1949, I want to know why it was dropped, and what are the special reasons for bringing it now?

Shri S. V. Ramaswamy: I read to the House the relevant paragraphs from the Select Committee report in respect of the Constituent Assembly. Possibly, they must have thought that a single return ticket should not also be included in this. It would not be possible to transfer it to the son, or the nephew or the uncle, in case of urgency, in the case where the person who purchased the ticket could not go. They must have thought that the obligation of the railways arises only if there is reservation, and if there is no reservation the passenger has got to shift for himself as best as he can.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Indian Railways Act, 1890, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Clause 2.— (Amendment of section 66)

Mr. Deputy-Speaker: Does Shri K. L. More want to move his amendment?

Shri K. L. More: No, Sir.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (Substitution of new section for section 70 Prohibition against transfer of certain tickets).

Shri K. L. More: I move.

Page 1, after line 18, insert—

"Provide further that nothing herein shall prevent mutual transfer of seats of berths reserved against proper tickets by passengers belonging to a marriage party, or a party of students belonging to an educational institution or a party consisting of the members of the same party."

Mr. Deputy-Speaker: He has already spoken about it.

Shri S. V. Ramaswamy: The reply to it is this. In this amendment, my hon. friend wants the exchange of tickets and the reservation for marriage parties, students, and so on. This is very restrictive. In this amendment he does not say whether it is by the same train and also whether it should be on the same day. Suppose he travels by train No. 1 for today and some party has reservation in train No. 2 the next day. Can these be exchanged? The proviso covers what he has got in his mind. The proviso says:

"Provided that nothing herein shall prevent mutual transfer of seats or berths reserved against proper tickets by passengers travelling by the same train."

This is wide in scope and covers what he has got in his mind. Suppose there is a party of 10 third class passengers. Suppose there is another party of 10 who have bought tickets for second class. We have no objection to the 10 third class passengers exchanging their seats with the 10 second class passengers. We have no objection to that provided they adjust among themselves, and it is in the same train on the same day. So, the proviso covers it and there is no need for the amendment.

Mr. Deputy-Speaker: I shall now put Shri K. L. More's amendment to the vote of the House.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Deputy-Speaker: Is he moving his amendments to clause 4?

Shri K. L. More: No, Sir.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill"

The motion was adopted.

Clause 4 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri S. V. Ramaswamy: I beg to move:

"That the Bill be passed".

Mr. Deputy-Speaker: The question is:

"That the Bill be passed

The motion was adopted.

16.48 hrs.

**DURGAH KHAWAJA SAHEB
(AMENDMENT) BILL**

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): Sir, I beg to move:

"That the Bill to amend the Durgah Khawaja Saheb Act, 1955, as passed by Rajya Sabha, be taken into consideration."

This is a very simple Bill and I do not therefore propose to make any long speech on this Bill. This Bill is only necessary in order to fill a lacuna. Under the Act which was passed, there is a clause which provides that:

"It shall be lawful for the Nazim or any person authorised by him in this behalf to solicit and receive on behalf of the Durgah any nazars or offerings from any person; notwithstanding anything contained in any rule of law or decision to the contrary, no person other than the Nazim or any person authorised by him in this behalf shall receive or be entitled to receive the nazars or offerings on behalf of the Durgah."

When this Bill was passed on the recommendation of the Ghulam Hasan Committee, the committee had also made another recommendation that, while the Nazim is authorised in this way to make the collections for the maintenance of the Durgah, which is one of the most respected shrines in India and where literally tens of thousands of people from all over the country and belonging to all faiths come and pay their tributes of respect and regard, excepting the authorised persons, others should not make