

INDIAN RAILWAYS (AMEND-
MENT) BILL

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to move:

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

The position now is that by virtue of sub-section (4) of section 137 of the Indian Railways Act, railway servants are not deemed to be public servants under the Indian Penal Code except for the purpose of chapter IX of the Indian Penal Code. One of the results of this provision is that while a railway servant can be prosecuted for accepting illegal gratification as a public servant, an offence defined in chapter IX of the Indian Penal Code, he cannot be prosecuted under section 409 of the Indian Penal Code (criminal breach of trust by a public servant) which occurs in chapter XVII of that Code.

In 1949 the Ministry of Home Affairs appointed a committee with Bakshi Tek Chand as chairman to enquire into the working of the Prevention of Corruption Act, 1947, and to suggest improvement in the law as well as the machinery for enforcing it. This committee recommended that section 137 of the Indian Railways Act, 1890, should be amended, so that employees of Government railways are treated as public servants for all purposes. As the great majority of railway servants are at present officers in the service or pay of Government, and hence public servants within the meaning of section 21 of the Indian Penal Code, there is no justification for excluding railway servants from the purview of the other provisions of the Indian Penal Code as well.

Moreover, it is an anomaly that a railway servant cannot be prosecuted under section 409 of the Indian Penal Code or have the protection which a public servant enjoys under the law in the present context, when all the major railways, and a large number of mi-

nor ones, have been taken over by Government.

The amendments now proposed are intended to remove the anomaly I have just referred to, and to secure that the limitation in the application of the Indian Penal Code to railway servants who are Government servants is removed, and that the existing position is maintained with respect to railway servants who are servants of the small number of railway companies that are still functioning, with the modification that they shall be regarded as public servants also for the purpose of section 409 of the Indian Penal Code.

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.

Clauses 1 and 2

Mr. Deputy-Speaker: There are no amendments to any of the clauses.

The railways have become Government property now, and therefore everyone employed in the railways must automatically be a Government servant; and he also gets privilege.

Shri K. K. Basu (Diamond Harbour): Are there no private railways? Will they also be covered by this?

Mr. Deputy-Speaker: The majority of them are State railways.

Shri U. M. Trivedi (Chittor): There are still some private railways.

Shri K. K. Basu: Will they also be covered by this?

Shri Alagesan: They are covered for the purpose of section 409 of the Indian Penal Code.

Mr. Deputy-Speaker: That is with regard to criminal breach of trust.

The question is:

"That clauses 1 and 2, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 1 and 2, the Title and the Enacting Formula were added to the Bill.

Shri Alagesan: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

HINDU MARRIAGE BILL

Mr. Deputy-Speaker: The House will now take up the Bill to amend and codify the law relating to marriage among Hindus, as passed by the Rajya Sabha.

The Minister in the Ministry of Law (Shri Pataskar): 30 hours have been allotted for this. How many hours shall we have for the general discussion, the clause by clause consideration and the third reading?

In all, there are 30 hours.

Mr. Deputy-Speaker: Let us proceed from the third reading. It is just an exchange of bouquets or brick-bats. Let us have 1 hour for that.

Shri Pataskar: There is no occasion for any brick-bats.

Mr. Deputy-Speaker: 1 hour is the usual time for third reading.

Some Hon. Members: Two hours.

Mr. Deputy-Speaker: Let us have 1½ hours for the third reading.

Shri S. S. More (Sholapur): He should give us all *shastras* so that the reactionary elements may be satisfied about the propriety of this measure.

Mr. Deputy-Speaker: Let us have 1 hour for the third reading. 29 hours are then left. For the clause by clause consideration we shall have 4 hours.

Shri U. M. Trivedi (Chittor): On a point of information. I do not know whether my hon. friend Shri S. S.

More is justified in saying that the reactionary elements must be given some time. That is not a happy word. He should refrain from using such language. According to me, those who call themselves progressive are equally reactionaries and renegades. I do not like the idea of people being called reactionaries because they speak about it.

Shri S. S. More: Henceforward I shall call all reactionary people by the name Trivedi.

Mr. Deputy-Speaker: Very good. These compliments can be exchanged easily. Persons who call others reactionaries may themselves be reactionaries.

Shri V.P. Nayar (Chirayinkil): What will be the reaction for this?

Shri Gidwani (Thanna): Marriage and divorce.

Shri V. G. Deshpande (Guna): 20 hours should be given for the clauses, because they should be carefully considered. Last time our experience was that all the amendments were put together, and every amendment was not considered on its merits. This is a social legislation of very great importance, and we appeal that all the amendments and all the suggestions should be given proper consideration, in the House.

Shri K. K. Basu (Diamond Harbour): 1½ hours for the third reading and the rest for the clauses.

Mr. Deputy-Speaker: General discussion we have had many times. There was a very similar Bill also.

Shri Pataskar: The Special Marriage Bill.

Mr. Deputy-Speaker: We have had general discussion both when that Bill was introduced, and also when this was referred to a Joint Committee. At that time there was general discussion only and we were not attending to any clauses.

Shri S. S. More: May I support Shri V. G. Deshpande's proposal though I do