

the schedule of dates on which the Demands are expected to come up. Any changes in this schedule necessitated by unforeseen circumstances will

be intimated to the House without delay.

The order and dates are—

(1) Commerce and Industry	March 18 and 19
(2) Education and Scientific Research	March 19 and 20
(3) Health	March 20, 21 and 24
(4) Irrigation and Power	March 24 and 25
(5) Transport and Communications	March 25, 26 and 27
(6) Works, Housing and Supply	March 27 and 28
(7) Steel, Mines and Fuel	March 31 and April 1

Mr. Speaker: Is it necessary to go on reading? It will be issued in the Bulletin.

Shri Satya Narayan Sinha: It must be brought on record.

Mr. Speaker: You place the statement. Let it be copied and sent out. It may be placed on the Table of the House.

Shri Satya Narayan Sinha: I lay it.

Remainder of the Statement laid on the Table

(8) Food and Agriculture	April 1 and 2
(9) Community Development	April 2 and 3
(10) Information and Broadcasting	April 3 and 5
(11) Defence	April 5 and 7
(12) Labour and Employment	April 7 and 8
(13) External Affairs	April 9
(14) Department of Atomic Energy	April 10
(15) Ministry of Rehabilitation	April 10 and 11
(16) Ministry of Home Affairs	April 11 and 14
(17) Ministry of Finance	April 15 and 16

**APPROPRIATION (RAILWAYS)
NO. 2 BILL**

The Minister of Railways (Shri Jagjivan Ram): Sir, I beg to move:

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1958-59 for the purposes of Railways, be taken into consideration."

Mr. Speaker: Motion moved:

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1958-59 for the purposes of Railways, be taken into consideration."

I have received a notice from Shri Naushir Bharucha regarding the subjects to be discussed. Was there no

*Moved with the recommendation of the President.

[Mr. Speaker]

opportunity to raise these matters during the debate on the Railway Budget?

Shri Naushir Bharucha (East Khandesh): Sir, after all, there is a limit to the number of subjects that one can raise in a fifteen minute speech. I could not get an opportunity to speak on Demand No. 1 on which I could have raised them.

Mr. Speaker: I said the hon. Members must work in a team. He may pass on the other subjects to other persons. That is the only way in which we can get on. For an independent Member the sooner he joins a party, it is better at least for this purpose. I also said that such of the hon. Members as had no opportunity to speak during the debate on the Railway Budget can send me memoranda which I would pass on to the hon. Minister of Railways, regarding any particular grievance on any particular subject. I would have got answers and laid them on the Table of the House. However, let him be brief. I will give him five minutes.

Shri Naushir Bharucha: I shall be brief, Sir, and finish in less than ten minutes.

I desire to bring before the House certain grievances of railway employees which are of a universal type. They affect nearly a million employees. One of these is the practice of suspending the employees and withholding of half of their gross pay, and on punishment being awarded, withholding the emoluments, thus inflicting a double punishment for the same offence, in contravention of the provisions of the Constitution.

It is the usual practice whenever a person is charge-sheeted of a sufficiently serious offence—in practice, even if he is charge-sheeted for minor offences—he is suspended. The period of suspension, though the Railway Board's instructions are that it should not exceed four months, usually exceeds quite a long time. During all this period, the employee's salary to the tune of half of the emoluments

is withheld and not paid. If he is awarded a small punishment after having been found guilty, the balance of the emoluments is not paid. Therefore, as a matter of practice, what happens is that the employee gets convicted for a smaller offence, suffers a punishment for that offence and suffers a much bigger punishment in the shape of the withheld emoluments not being paid to the employee. My submission is that this is a matter which is agitating the minds of nearly a million employees. It is not a small matter. This type of infliction of double punishment is definitely against the Constitution. No man can be punished twice for the same offence. This rule is grossly violated by the Railways. If necessary, I am prepared to furnish any number of instances to the hon. Minister.

Second point, Sir, is the creation of domestic tribunals for the trial of charge-sheeted employees. The idea is, when departmental enquiries take place, officers entertain a certain prejudice and there is a type of red-tapism which does not permit a fair trial. The number of cases to be tried are so many that if in the District set-ups or even in the Divisional set-ups, a domestic tribunal is instituted, which is an independent and impartial body, I am sure the tried employees will have the satisfaction of knowing that an impartial tribunal has been instituted.

The third point is in connection with the practice of the Railway Administration of not counting for the purpose of seniority the previous services of a medically unfitted employee who subsequently resumes work on a medical fitness certificate. What actually happens is, a person before joining the Railway service is certified medically as a fit person. Supposing he contracts certain diseases like T.B. or whatever it is, he is medically unfitted but he does contact that disease in the service of the railways. When he is declared fit by the medical officer, his previous service is counted for the purpose of provident

fund and gratuity but not for the purpose of seniority. He is regarded as junior. It is a very strange rule framed by the Railway Board that the break in the period of service should be condoned for the purpose of provident fund and gratuity but should not be condoned for the purpose of seniority, so that he becomes a complete junior and his promotions are barred. I think surely the hon. Minister will agree with me that this merely requires to be rectified, because the sense of justice that promoted the Railway Board to condone the break in service in the case of one instance could also be extended to the other instance.

The last point that I desire to mention is the desirability of introducing by legislation some additional provision for the dead railway employee's parents and dependants by the levy of a small monthly subscription from the employees and similar contribution by the railways. Often it happens that a young man, after putting in a very brief period of service, dies as a result of an accident or whatever it is. The provision which the railway gives is little. He may have died a natural death, but he does die in the service of the railways, and his aged parents are completely stranded. I do not ask the hon. Minister to give a reply straightaway here, but I do desire that he should consider the desirability of instituting a sort of social security measure under which you levy on the employee, let us say eight annas per month. Railways contribute a similar provision and have a sort of scheme under which the aged parents and the dependants could be given some sort of relief. This is a new measure, an entirely new measure, but in these days when we call ourselves a Welfare State, it is desirable that some modest beginning within the railways at least should be made of having a social security measure which may later on develop and may be extended to the other services.

Shri Jagjivan Ram: All of them are not new points. Some of them were raised during the general discussion or on the cut motions.

As regards suspensions, the employees on the railways are also governed more or less by the same rules which apply to the other Central Government employees. During suspension period they get about half their salary, and then the punishment is awarded. It is not that invariably in all cases they are not given the salary for the suspension period, but where the suspension has been for a long period and the man has not performed any duty, there have been cases where the full salary for the suspension period has not been given, but there also we on the railways are observing more or less the same rules as are applicable to other Central Government employees.

As regards disciplinary action, Shri Bharucha has suggested the setting up of a tribunal. We have rules and regulations laid down for taking disciplinary action against railway employees, and opportunities have been provided for first appeal and second appeal also. I cannot proceed on the assumption that all railway officers are unfair. The argument of Shri Bharucha will lead one to believe that the railway employees cannot expect any justice from the railway officers. I am not prepared to accept that presumption. Opportunities are provided, channels are provided. Where a railway employee feels aggrieved at the disciplinary action taken against him by the officer, he has opportunity not only of one appeal but the opportunity of two appeals; and above all, he can approach the Minister even after exhaustion of all the avenues of appeals. I do not think there is any case for setting up any independent tribunal. It will cut at the very root of discipline among the Government employees.

About taking into consideration the previous service of the railway employees who are sick or ill for a long time, according to the rules, in the case of confirmed permanent railway employees, they can go on leave for a long period with salary, then with

[Shri Jagjivan Ram]

half salary and then without salary, and that is quite a substantial period. The difficulty is in the case of temporary employees, but even in their case, if their service is for one year, the period allowed to them with salary, with half salary and without salary is not a small period. I have not got the exact period with me, but I may inform him that these are all governed by rules.

In the case of employees who are suffering from T.B. we have made a special relaxation. So long as they enjoy all these leaves which are available to them and are declared medically fit after the expiry of that period, there is no break in their service. It is only in cases where they are sick for a much longer period and they have exhausted all the leaves available to them, that there is a break in the service. They cease to be employees, and after that when they are medically declared fit, it is a case of re-employment on humanitarian considerations and that is why that is regarded and counted as fresh employment. That is the position regarding that.

Shri Naushir Bharucha: Then why do you count it for gratuity and provident fund purposes?

Shri Jagjivan Ram: For provident fund purposes of course it is counted because their provident fund is already there. So that continues. After a longer period, when they are again employed in the railways, as I have said, on humanitarian considerations, they are treated as freshly employed and their past services are not taken into consideration for purposes of seniority.

Then, the new thing that Shri Bharucha has proposed deserves all consideration. I have suggested this to the Federation of Railwaymen. After the introduction of the pension scheme, the families of employees who have rendered service for a specified number of years are also entitled to portion of the pension for a specified number of years, but there will be

cases where an employee has not qualified himself for the pension and he expires. Naturally his family is put to trouble or difficulty. The only solution in that case will be to encourage the younger employees to insure their lives, because what I am doing is this. Even in the case of employees who are opting for the pension scheme, I am making the contribution to the provident fund compulsory. So, their provident fund continues, though it may not be a contributory provident fund because Government will be contributing in the shape of pensions. I have also asked an examination to be made of the feasibility of group insurance schemes out of their contribution to the provident fund. If they insure their lives for reasonable amounts, that will help their families or the survivors in their families in case of premature death. So, I am anxious for some scheme to meet such contingencies.

Mr. Speaker: The question is:

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1958-59 for the purposes of Railways be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1, 2, 3, the Schedule, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 1, 2, 3, the Schedule, the Enacting Formula and the Title, were added to the Bill.

Shri Jagjivan Ram: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.