

Calcutta are disengaged due to want of placement of orders from the Railway Ministry to the producing units?

PROF. MADHU DANDAVATE: This problem is not strictly connected with the question that has been asked. But if you permit me to have a little digression...

MR. CHAIRMAN: If you have got the information, you may.

PROF. MADHU DANDAVATE: I have the information but it is a digression. It is true that whenever production is more and the requirements are less, to that extent especially in the private sector and in the public sector there is a tendency to remove the workers, there is a tendency to retrench the workers. But we have been using the good offices of the railways to persuade them that we will be able to adjust the necessary requirement. For that reason they need not throw away the labourers. And we have succeeded to some extent.

SHRIMATI SUSHILA SHANKAR ADIVAREKAR: Can the Minister give us any idea of the indigenous requirement of the various types of wagons, and are all the requirements produced in the production units under the Railway Ministry? If not, which are the private parties which are giving these indigenous parts to the Railway Ministry?

PROF. MADHU DANDAVATE: I have with me a table giving the entire information. If the honourable Member sees the size of the tables, she will be frightened and therefore I would seek your permission, Sir, to lay on the Table of the House a full statement of the statistics contained in the table which is with me. [See Appendix No. CIII, Annexure No. 27A].

SHRIMATI SUSHILA SHANKAR ADIVAREKAR: What are the types of wagons manufactured in the production units of the Railway Ministry?

PROF. MADHU DANDAVATE: As far as that aspect is concerned, in the three units I can give you the sum total of it. As far as the public sector is concerned, the Plan production as per the Budget Estimates for 1977-78 is 4,900 and the anticipated production during 1977-78 is 5,350. As far as the private wagon builders are concerned, it is 3,600, that is the Plan production, and the anticipated production is 6,150; and the last one to which she made a reference as far as the Railway Ministry is concerned, is, Plan production as per Budget Estimates for 1977-78 is 1,000 and actually the anticipated production during 1977-78 is 1,400.

Pay Scales of Officers of the Delhi Judicial Service

*242. SHRIMATI AMBIKA SONI:†
SHRIMATI MARGARET

ALVA:

DR. RAJAT KUMAR CHAK.
RABARTI:

SHRI NABIN CHANDRA
BURAGOHAIN:

SHRI NRIPATI RANJAN
CHOUDHURY:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to refer to the answer to Starred Question 304 given in the Rajya Sabha on the 1st August, 1977 and state:

(a) the pay-scales of the Judicial Service in various States and the amount of D.A. admissible as on the 1st January, 1973, and as at present;

(b) whether it is a fact that the pay-scales of the Subordinate Judicial Services in Karnataka and Orissa have been revised recently to Rs. 900—1750;

(c) whether Government propose to make a similar revision in the pay-scales of the officers of the Judicial Service in Delhi;

†The question was actually asked on the floor of the House by Shrimati Ambika Soni.

(d) if not, what are the reasons therefor;

(e) whether it is a fact that Law Commission in its 14th and 54th Reports recommended that Judicial Service Officers in States be given the scale of Senior Class I Officers with a higher Selection Grade to remove stagnation in the Judicial Service; and

(f) if so, what steps have been taken to implement this recommendation in Delhi?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) (a) to (f) A statement is placed on the Table of the House.

Statement

(a) The information received from the State Governments/ High Courts is attached. [See Appendix CIII, Annexure No. 28].

(b) In Karnataka, the pay-scale of Munsiffs including Metropolitan Magistrates has been revised to Rs. 900-50—1000-60—1300-75—1750 with effect from 1st January, 1977. No Dearness Allowance is now admissible. The pay-scale of the Subordinate Judicial Service in Orissa has not been revised to Rs. 900—1750.

(c) and (d) The pay-scales of Judicial Services in various States are laid down by the respective State Governments keeping in view, *inter alia*, the salary structure in other spheres of administrations. The pay-scales of the Officers belonging to Delhi Judicial Service were revised on the recommendations of the Third Central Pay Commission. The revised scales were given effect to from 1-1-1973. The salaries and allowances of the Delhi Judicial Service are comparable to or better than the salaries and allowances of similar services in most of the States. There is at present no proposal under Government's consideration for revising

the pay-scales of officers belonging to the Delhi Judicial Service.

(e) and (f) No, Sir. However, the Law Commission of India in its 14th Report drew a distinction between Munsiffs (Civil Judges Junior Division) and Subordinate Judges and while recommending a pay-scale of Rs. 350-25-400-confirmation-30-520 EB-30-700 for the former recommended that the pay-scale of a Subordinate Judge should not be below what was usually given to a Class I Officer.

The selection grade in the Delhi Judicial Service has been fixed at Rs. 1200-50-1600 and corresponds to the scale of Class I Services under the Central Government.

SHRIMATI AMBIKA SONI: We have a statement of 26 pages before us this morning. If this statement has to be studied...

MR. CHAIRMAN: There was some delay in collecting all the information. You want all the information and they will have to collect it from various sources and some-times it will take more time.

SHRIMATI AMBIKA SONI: The Law Minister has replied that in Delhi the revised pay-scales, according to the recommendations of the Third Central Pay Commission, given to the Subordinate Judicial Service are comparable to or better than the pay-scales in most other States. I would like to tell the Minister that when he says they are comparable to or better than in other States, the position is not satisfactory. Delhi has been declared a metropolitan city. Is the pay-scale favourable to or better than the pay-scale given in other metropolitan cities like Bombay because, we know very well that Delhi besides being a metropolitan city is the capital and these people have higher qualifications, they are recruited at a later stage than in the case of the Executive, they have to

pay their house rent, they have to pay for their transport and uniform? On the whole their service conditions are not comparable to those in the Central service. I would like to ask the Minister, when there is a circular letter from the Government of India to the State Governments that they must implement at the earliest possible date the recommendations of the 54th Law Commission Report which speaks of increasing the pay-scales of the junior judicial service, why is it that in Delhi they are hesitating—not only hesitating—and the Minister has categorically stated that they are not considering any revision in the pay-scales? I would like to know why this injustice is being meted out to 112 people who comprise the Delhi Judicial Subordinate Service.

SHRI SHANTI BHUSHAN: First of all, I would like to say that the question was so comprehensive that information was asked in respect of various States of India and in respect of various matters, namely, what are the pay-scales; what is the dearness allowance payable at present; what was the pay-scale as on 1st January, 1973; and what was the dearness allowance payable in various States as on 1st January, 1973? Obviously, it took time to collect all this information. I would like to make it clear that so far as the information collected is concerned information on the present pay-scales has been collected from all the States. So far as the present dearness allowance paid is concerned, from Maharashtra and Sikkim the information has not yet been received. So far as Haryana and Punjab are concerned, the information has been received on telephone. So far as pay-scale of...

(Interruption).

SHRIMATI AMBIKA SONI: I am not asking for further information.

SHRI SHANTI BHUSHAN: I was only trying to make it clear that if some information is received on tele-

phone, I should take the House into confidence...

(Interruptions)

MR. CHAIRMAN: I have said it already.

SHRI SHANTI BHUSHAN: The question is whether the pay-scale of Delhi Judicial Service is favourable with the pay-scale of their counterparts in other States. The question, if it was pointedly asked in this regard or that regard, I could have investigated and found out in respect of a particular matter. It has been said that they have to pay for their court dress. My impression is that everywhere they have to pay for their court dress. If, for example, in a particular State members of the judicial service are paid extra allowance for their court dress, then I would like to make enquiry...

(Interruption).

SHRIMATI AMBIKA SONI: That was one of the points.

SHRI SHANTI BHUSHAN: I am not saying that it was the only point. The point is, it was mentioned as if there was some discrimination between the members of the judicial service in Delhi and those in other States in certain matters. That is why I have used the word "generally", because, naturally in respect of a statement which is comprehensive in regard to something and if there is some extra facility which we are not aware of and which is being given to some States, I do not like to commit myself in the House since I must be as accurate as possible. Now, so far as the pay scales are concerned, we have furnished the pay scales and the information relating to DA in regard to all the States and the honourable Members can very well and easily compare them and if she still has a feeling that the Delhi State Judicial Service Members are not being treated fairly, she may point out that and state in comparison to which State or which metropolitan town the conditions of ser-

vice of the Delhi State Judicial Service officers are inferior. But, as far as I have been able to see, I do not find any such thing if we take into consideration the dearness allowance. In this connection, I may just make one statement that in the last session also, when this very subject had come up before this House, it was stated that so far as the Delhi Judicial Service was concerned, dearness allowance had been merged—Shrimati Alva had said that—with the pay scales. Now, Sir, I had said: 'Yes, that is correct.' But, at that stage, I did not have the further information that even though DA had been merged with the pay scales as on 1-1-73, thereafter, further instalments of DA had been granted in Delhi also with the result that 39 1/2 per cent of DA over and above the pay scales which were fixed on the basis of the merger of DA is payable today and if this is taken into consideration, then it will be found that the statement is correct that the pay scales in Delhi are not inferior to those in the other States.

SHRIMATI AMBIKA SONI: Sir, I am very sorry that the honourable Minister took my question out of context. When I said that they had to pay for their uniform, for their transport, for their housing, etc., I was not saying that I was asking for some special allowances for them for these items of expenditure. What I am trying to draw the attention of the Minister to is that they have also to pay for all these items whether it is Karnataka, where the scales have been recently revised and increased, or whether it is Bombay, in respect of which the Minister does not have the information, but in respect of which I am told—I am subject to correction—that they are given the scale of Rs. 1,100—1,600 and in this connection I had said that they had to pay for these items also. Now, my second question is this: The Minister has in his reply, stated that the selection Grade in Delhi has been fixed at Rs. 1,200—1,600 and this corresponds to

the scale of the Class I Service in the Central Government. The Minister has not further stated that only 20 per cent of the members in the service are considered for promotion and that also after eight years of service. Now, if only 20 per cent of the people out of a total of 112 persons are to be promoted, you can see what an amount of stagnation is there. Their avenues of promotion are totally blocked. In this connection, I would like to state what is mentioned in the letter from the Joint Secretary and Legal Adviser to the Government of India to the States. It has said that the Government of India feels that in respect of any system, particularly the judicial system, it all depends on the men who work in that system and that the judges play a very important role and, therefore, the Government has to consider the question of adequate remuneration to the members of the judiciary. It is obvious that low-paid judicial officers cannot give their best. Sir, the Janata Government is laying so much emphasis on justice and fair play and it deserves congratulations for that. But I would like to tell that the people who are working at the grass-root level, who are meting out justice, are dissatisfied and are frustrated and their integrity and their honesty are being taxed to the maximum. So, how do you expect them to concentrate on their work and give of their best if you do not consider them as Class I Officers under the Central Government?

MR. CHAIRMAN: That is enough, I think.

SHRI SHANTI BHUSHAN: Sir, I would like to say that the starting salary in the Delhi Judicial Service is Rs. 650 and with the dearness allowance that is given, a person starts with Rs. 907.

SHRI B. N. BANERJEE: Why is he bringing in DA and confusing the issue?

SHRI SHANTI BHUSHAN: Because, after all, cost of living is there for everybody and whatever is given to meet that cost of living, what is given in monetary terms, how much is given, if all these are taken into account that would be a realistic matter to be considered.

Now, so far as the prospects of promotion are concerned, I would like to say that in respect of promotion to the Selection Grade, there is no stagnation, because, in about eight or nine years' service, a member of the service, Sir, gets promoted to the Selection Grade which is Rs. 1,200-1,600 besides DA which is Rs. 343.

SHRIMATI AMBIKA SONI: Not everywhere.

SHRI SHANTI BHUSHAN: The junior most person who has been promoted gets promoted in the ninth year of service and those who have not been promoted are in the 8th year of service. So, I am justified in saying that in about 8 or 9 years of service, Sir, they get promoted, I mean, those who are fit for promotion, to the Selection Grade which is Rs. 1,200-1,600. Apart from that, Sir, there is the prospect of promotion to the higher Judicial Service the scale of which is Rs. 1,200-2,000 and DA in addition and there is a Selection Grade of Rs. 2,000-2,250 in the higher Judicial Service with 20 posts or so. Of course there is finally the post of District and Session Judge which is in the super time-scale meant for Commissioners, IAS, etc. namely, Rs. 2500-2750.

SHRIMATI MARGARET ALVA: I would like to mention on the basis of what the Minister has said just now. Is it not a fact that the selection grade means, at least as far as we have understood it that only 20 per cent of the total cadre strength at any time can belong to the selection grade? Somebody may be there for 16 years and he may not get any promotion unless somebody else retires. This is one clarification I would like to seek.

Then, Sir, what I would like to ask the Minister is this. When in

1974 under the new Cr. P.C., Delhi was declared a metropolitan city, did it not mean that the pay scales will also be brought at par with those in other metropolitan cities in the country, which is not the case in Delhi? In Delhi they begin with the scale of Rs. 650-1200, while in Bombay it is Rs. 1100-1600. There are also even lesser scales. I would, therefore, like to know why you are interested in maintaining this discrimination between different metropolitan cities in the country, while Delhi should have been better treated than other, being the national capital, but we find it is worse than the others. We want an explanation for this.

SHRI SHANTI BHUSHAN: Sir, so far as this comparison with Bombay, a metropolitan city, is concerned, the position is that in Bombay there are a number of intermediate grades, which of course do not exist in Delhi. But so far as the minimum grade in Bombay is concerned, the minimum grade compares favourably with the minimum grade in Bombay. Similarly, the maximum grade in Bombay, compares favourably with the maximum grade in Delhi with the result that the minimum and the maximum grades both compare favourably. Of course, there cannot be absolutely identical scales...

(Interruptions)

SHRIMATI MARGARET ALVA: Why not? What is the difference?

THE MINISTER OF PETROLEUM, CHEMICALS AND FERTILISERS (SHRI H. N. BAHUGUNA): Maintaining the tradition.

SHRI SHANTI BHUSHAN: About the other point that the selection grade consists of 20 per cent posts of the entire cadre strength, Sir, this is correct. Yet, in spite of that, the statement that I made just now is also correct, namely, the factual position that the junior most person who has been promoted to the selection grade was promoted in the ninth year, and those who have not been promoted are in the eighth year of service.

SHRIMATI MARGARET ALVA: He has not replied to my question. Why is there discrimination among different metropolitan cities?

SHRI SHANTI BHUSHAN: I would like to answer the question, but let me understand her question...

(Interruptions)

SHRIMATI MARGARET ALVA: Either you are confused or you are confusing us...

(Interruptions)

SHRI H. N. BAHUGUNA: He has inherited this tradition....

(Interruptions)

SHRI NABIN CHANDRA BURAGOHAIN: Sir, I find that the scale of pay of Judicial Magistrates in a poor State like Assam is Rs. 525 plus Rs. 200, that is, 725, and in the State like Maharashtra he draws Rs. 1000. Even in Nagaland he gets Rs. 525 plus Rs. 200 that is Rs. 725. I would like to submit, through you Sir, to the Minister that this cadre consisting of 112 Judicial employees have been facing special problems in Delhi. They have to stay away from the courts at Tis Hazari or Parliament Street.

With their present scales of pay, they cannot have houses near the courts. In other States, the Magistrates generally get the houses nearby. (Time bell rings). As a result of this, the Magistrates have to travel a long distance. On many occasion, they have to travel in D.T.C. buses along with the litigants and accused persons. On many occasions, the Magistrates are seen with files and books connected with their cases.

MR. CHAIRMAN: You are delivering a long lecture.

SHRI NABIN CHANDRA BURAGOHAIN: In October, a memorandum has been given to the hon. Minister explaining all these special circumstances.

MR. CHAIRMAN: You may meet him separately in his chamber and give him all the details.

SHRI NABIN CHANDRA BURAGOHAIN: Has he given any serious thought to the problems being faced by the Judicial Magistrates, and if so, what are his reactions to those problems?

SHRI SHANTI BHUSHAN: I may say that the Government is not oblivious to the difficulties, inconveniences and hardships faced not only by any member of the judiciary anywhere but by members of any other part of the administration also. At the same time, Sir, it must be understood that India is a poor country. There are so many other poor people also suffering hardships. Therefore, all of us have to be participants in this. When India becomes more prosperous, of course, the service conditions of everybody would be made very good. But, Sir, till then we can only request them to bear with us. Sir, I would like to give one more information to the House. For the higher cost of living, a city compensatory allowance of a maximum of Rs. 75/- is sanctioned for all officers in Delhi.

SHRI B. N. BANERJEE: Sir, being a member of the Judicial Service some time back, I may be given a little more indulgence, I am not going to compare the salary scales of the Delhi Judicial officers with the others. As the Minister has very rightly pointed out, the salary scale being paid to a particular service officer in a particular State depends upon the salary scales of other services. But I may point out one thing in relation to Delhi. The hon. Minister has said in his reply that the salary scales recommended by the 14th and the 54th Reports of the Law Commission are that the Subordinate Judges should be given a scale of not less than that of a Class I officer. Let us look at the pay scales given by the hon. Minister to the Delhi Judicial Service. The scale of pay of the Subordinate Judge

is Rs. 650—1200. Let us forget the dearness allowance which is making things a little confused. Is the hon. Minister aware that the salary scale of a Section Officer in any Ministry or Department is Rs. 650—1200 and the salary scale of an Under Secretary is Rs. 1200—1600? These are the two scales that the hon. Minister has generously given to the Judicial officers. A Special Subordinate Judge decides suits of unlimited jurisdiction. Will the hon. Minister say that he is satisfied that the salary scale of the Subordinate Judges should be 650—1200, which is the same as that of a Section Officer and much less than that of a Class I officer as recommended by the Pay Commission and that the salary scale of 1200—1600 which is given to an Under Secretary who is usually a promoted man, is good enough for Selection Grade Judicial officer?

SHRI SHANTI BHUSHAN: I will just now tell what the position is. The word Subordinate Judge, as explained in the Law Commission's own Report, means that particular judicial officer who is in the highest rung, namely, one who exercises unlimited pecuniary jurisdiction. This is what the Law Commission has said. A Subordinate Judge occupies a very important position in the hierarchy. His pecuniary jurisdiction is unlimited. So far as that class of members of the Delhi Judicial Service are concerned, namely the selection grade that is those who exercise that jurisdiction, their pay scale is Rs. 1200-1600. This is the pay scale of Class I service.

Therefore, the Law Commission's observation has been in complete compliance with that. The Munsiffs, etc. were not the Subordinate Judges in respect of whom the Law Commission had made that recommendation.

SHRI B. N. BANERJEE: That does not answer my question. I asked a specific question. Is the hon. Minister satisfied with the pay scale of a

Subordinate Judge which is the same as of a Section Officer in the Ministry, and with the pay scale of a selection grade Judge who can try a suit of unlimited jurisdiction just as a suit tried by any High Court, which is Rs. 1200—1600?

SHRI SHANTI BHUSHAN: Sir, comparisons are obvious. I have already said that, of course, we are not satisfied with anybody's pay scale. We would like India to be a prosperous country and everyone to enjoy and share that prosperity.

SHRI L. R. NAIK: Sir, the crux of the whole matter in raising the question by the hon. Member, Mrs. Ambika Soni, is that any judiciary which is called upon to play such an important role of imparting justice should have sufficient incentives to do that job impartially and with due integrity. Now, I would like to ask the hon. Minister whether mere separation of the dearness allowance from the pay will be considered as an incentive. Is the hon. Minister aware that there are only 16 to 20 higher posts and there a large number of subordinate officers? Will that create a sort of incentive for them to impart justice with due regard to the interest of the public?

SHRI SHANTI BHUSHAN: Sir, we have great respect for our judiciary in this country and, the main incentive for them to do their work is their devotion to the national cause of doing justice by the common man. It is that that is the main incentive and not the other thing. But other matters also like the pay scales have been improved from time to time. They do not compare unfavourably in other States or with other Services, etc. But we expect that the members of the judicial services will go on.

SHRI SHYAMLAL GUPTA: Sir, let us take the case of Haryana. They start at Rs. 400 with D.A. But they go up after three or four years. But take the case of other States. In

Gujarat, they start at Rs. 1100 and in Maharashtra also at Rs. 1100. That is one point. My next point is about this promotion to the upper scale. Junior officers are promoted after only nine years of service while the practising lawyers are taken after five years of their practice. The officers have to be got selected through a selection procedure while the junior-most man in the advocate's cadre and whose practice is not very much is selected after five years of service. Will the hon. Minister kindly elucidate this?

SHRI SHANTI BHUSHAN: Sir, if I may say with great respect to the hon. Member, I have not understood the question properly. So far as Haryana is concerned, I have given the pay scales of Haryana. They start from Rs. 400 and go up to Rs. 1250. Their selection grade is Rs. 1300 to Rs. 1500. The DA rates have also been given. And so far as my mathematics is concerned, I do not find that the pay scales for the Delhi Judicial Service members are less than those which are given to the members of the Haryana Judicial Service. So far as the other point raised by the hon. Member is concerned, namely, their promotion to the higher judicial service, they are eligible for being promoted to the higher judicial service. They are promoted to the higher judicial service according to the service rules. It is true that the Constitution lays down that recruitment to the higher judicial services need not be confined to the subordinate judicial service but also extended to the advocates also. Now that is a provision in the Constitution and in accordance with that provision, direct recruitment from the members of the Bar is also made to the higher judicial service.

SHRI HAMID ALI SCHAMNAD: Sir, we have got the Cr. P.C. and the IPC. To bring about uniformity in the judicial service, will selection to the judiciary be made by an all-India service so that there could be uniformity in their pay scales? Secondly,

will the Government consider giving at least free quarters to the subordinate judges? Will they at least be provided with quarters for their residential accommodation? At present they are wholly dependant upon the general public for this need. Will this matter be considered by the Government?

SHRI SHANTI BHUSHAN: Sir, so far as the formation of the All-India Judicial Service is concerned, if I understand the hon. Member rightly that is a question which requires very careful consideration. In due course, the Government will have to give thought to that problem. So far as the question of giving quarters is concerned, well, Sir, as the House knows, there are problems in the construction of houses and so on and consistently with that whatever can be done, will certainly be done.

Setting up a Working Group for Railway Development programme

*243. SHRIMATI LEELA DAMODARA MENON:†

SHRIMATI SUSHILA SANKAR ADIVAREKAR:

SHRIMATI AMARJIT KAUR:

Will the Minister of RAILWAYS be pleased to state:

(a) what are the names of the members of the Working Group on Railways recently constituted to formulate the Railway Development Programme for the next five years; and

(b) what are its terms of reference?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): (a) and (b) A statement is laid on the Table of the House.

†The question was actually asked on the floor of the House by Shrimati Leela Damodara Menon.