

THE VICE-CHAIRMAN (SHRI D. THENGARI): Mr. Gupta, you have had your say. Let others say.

DR. ANUP SINGH: Mr. Vice-Chairman, . . . (Interruption by Shri Bhupesh Gupta)—I listened to you. I did not interrupt you. Please have patience. There are at least 15 or 20 other names. (Interruption by Shri Bhupesh Gupta.) Nobody has the right, even the great, great Mr. Bhupesh Gupta, has no right to anticipate what these Members are going to say. Let somebody oppose introduction of this closure at this stage. You are depriving others of their right.

THE VICE-CHAIRMAN (SHRI D. THENGARI): At 5 o'clock there is a discussion.

SHRI BHUPESH GUPTA: It is 5 o'clock and the Private Member's Bill is over. Sir, you cannot carry on beyond 5 o'clock.

THE VICE-CHAIRMAN (SHRI D. THENGARI): A reasonable debate is subject to criterion. The Chairman has the discretion and I think that from this point of view it should continue.

SHRI BHUPESH GUPTA: Reasonable or not, it is 5 o'clock and it is over for the time being.

THE VICE-CHAIRMAN (SHRI D. THENGARI): Mr. Bhargava.

HALF-AN-HOUR DISCUSSION ON POINTS ARISING OUT OF ANSWER TO STARRED QUESTION NO. 298 ANSWERED ON THE 5TH AUGUST, 1968

SHRI M. P. BHARGAVA (Uttar Pradesh): Mr. Vice-Chairman, I wish to raise a discussion on the points arising out of the answer to starred question No. 298 given in the Rajya Sabha on the 5th August, 1968, regarding vigilance work by Senior Deputy General Managers of Railways. Now, to refresh the memory of the House I will read out the question and the answers given by the hon. Minister. The question was :—

“(a) whether it is a fact that in the Zonal Railways, Senior Deputy

General Managers also look after the vigilance work ;

(b) whether it is a fact that some of the Senior Deputy General Managers have been detected to have indulged in corrupt practices themselves ;

(c) if so, the number of such Senior Deputy General Managers, zone-wise who indulged in corrupt practices during last 5 years; and

(d) the nature of corrupt practices indulged in by each of them and the action taken against each of them?”

The reply of the Minister was :

“(a) Yes, Sir. The Senior Deputy General Managers on the seven major Zonal Railways and Deputy General Managers on the remaining two Railways (North Eastern and Northeast Frontier) have been designated as Chief Vigilance Officers who look after the Vigilance work.

(b) to (d) Complaints were received against two Chief Vigilance Officers of the Zonal Railways, one in the year 1966 and the other in 1967. On investigation, the allegations against one of them were not substantiated and the case was closed in consultation with the Central Vigilance Commission. As regards the other officer, the allegations refer to irregular promotion/appointment of two employees. The allegations have been investigated by the Vigilance Directorate of the Railway Board and the question of initiating action against the officer in the light of the report and the Central Vigilance Commission's advice thereon is under consideration”.

Now, as far as the one officer, against whom the allegations have not been substantiated, is concerned we need not go into that question here. We have, therefore, to see the allegations against the other officer.

I understand that the whole investigation against this particular officer started on the alleged complaint by a Member of the other House which was sent to the Central Vigilance Commis-

[M. P. Bhargava]

sion. The first mystery which is to be solved at some stage somewhere is this. I contacted that particular gentleman, the hon'ble Member of the other House, and I learn from him that he has never made any complaint to the Central Vigilance Commission. That raises a very grave issue. Which is that letter on the basis of which all these investigations have been started? And if the letter is not from the hon'ble Member referred to, who has sent that letter? That is the first question.

The second question is : what are the allegations against the officer concerned and whether they are allegations of a serious nature or they are allegations of administrative lapses or corruption or any irregularity which may have been due to the discretion which he has used in particular cases? Two cases were referred to the Central Vigilance Commission after due enquiry. One is about a promotion of a Vigilance Inspector from a certain grade to another grade. The other is about a class IV servant being used somewhere when he should have been on duty somewhere else. These are the two complaints on which the enquiry has been made.

Now, Mr. Vice-Chairman, these are allegations of a very general type. It is not that this officer can be held all responsible for these lapses. Let us examine the working of the Railway Board as a whole and what do we find? Do we find that the appointments to the highest cadre in the Railway Board, Members of the Railway Board, even the Chairman of the Railway Board have all been made in a regular fashion, on merits of consideration, nothing else except merit? If we analyse all that we will find that it is not so. There are considerations other than merit which lead to appointments in the Railway Board.

Another question is : Is the working of the Railway Board satisfactory which is to be seriously taken by the hon. Minister? I have come to know certain lapses in the working of the Railway Board. I have been told that there are Members and Members who

have no communication between themselves. There are Members and Chairman who do not talk among themselves for months together. Is it the way in which a smooth working of the Railways can be expected? And what is the cause of frustration at the lower level?

SHRI BHUPESH GUPTA (West Bengal) : What do you mean by "communication" between Member and Member? Kindly explain. It is too much philosophical for me. Do you mean to say that they do not talk to each other?

SHRI M. P. BHARGAVA : Communication between Member and Member, that is the meaning. Communication can be anything. They write notes but they do not talk, they do not sit together. There can be so many things. What is communication? I am in communication with Shri Bhupesh Gupta. So you can understand what is communication.

SHRI BHUPESH GUPTA : I know the meaning of the word "communication". All that I know. The hon. Member should at least help other Members in understanding that. You are very intelligent. I am not so, as you know.

SHRI M. P. BHARGAVA : I thought intelligence was the monopoly of Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : That is again your lack of intelligence in this matter. Kindly tell us exactly what is it that you are driving at. Are they at loggerheads?

SHRI M. P. BHARGAVA : It only means that the Board does not function as a composite body as it should. It is not that smooth working which is expected of a Board.

SHRI A. C. GILBERT (Uttar Pradesh) : You should suggest what the Minister should do in this matter.

SHRI M. P. BHARGAVA : Mr. Gilbert, you will have your chance. You can put a question.

I was talking about another thing which is happening. There is frustration among the workers at the lower level, and that is due to the bureaucratic behaviour of the superior officers towards their junior officers. I have complaints after complaints that dozens of representations by the junior staff are not even acknowledged, not to talk of any action being taken on them. I have brought in this House cases after cases, claims cases of Assistant Station Masters, of Station Masters, of Khalasis and others, which have been pending year after year. Suspension continues year after year and yet they do not decide. The superior officers are very jealous about their amenities, about their getting due promotions and so on; about their privileges, about what all they should get, they are very very jealous. May I ask the hon. Minister whether he will give the same amount of satisfaction, the same amount of amenities, the same amount of facilities for promotion to the junior staff who are at the mercy of their superiors? Unless we tackle this problem of frustration at the lower level, I am afraid, the working of the Railways will be far from satisfactory. Accidents after accidents will continue and the sufferers will be the passengers of this country. Can we allow the passengers to be at the mercy of the bureaucratic behaviour of the superior officers? That is a problem which must get the top priority at the Ministerial level. I have come across cases where transfers, promotions are all on a basis of favouritism, right from the top to the bottom. One who is not caught is a good officer. But another person, on a frivolous, meagre allegation of giving promotion from Rs. 150 to Rs. 210 or from Rs. 210 to Rs. 300 is caught. That is what is happening in the Railways. This has to be looked into.

Now the service of Class IV officers is the most pitiable as far as the Railways are concerned. They are treated as if they are at the mercy of everybody in the Railways. I say Class IV officers are the backbone in the running of the Railways and unless the Class IV officers are well cared for,

you will not have that efficiency in the running of the Railways which you expect to have.

DR. ANUP SINGH (Punjab) : Mr. Vice-Chairman, I would like to ask him for a clarification so that we may follow him intelligently. The question, I understood, was about a certain Deputy General Manager of the Railways. Obviously the hon. Member is defending him and from there, he goes on. . .

SHRI M. P. BHARGAVA : I am not defending anybody; you should not go with that impression.

DR. ANUP SINGH : All that I am saying is that from this point, the hon. Member, who is usually very coherent and logical, goes on to something else and I must confess that I have not been able to follow what the connection is between the working of the Railway Board and all the other charges that have been made against X, Y, Z and so on. What is all this?

SHRI M. P. BHARGAVA : I think Dr. Anup Singh could follow the logic. . .

DR. ANUP SINGH : I tried.

SHRI M. P. BHARGAVA : . . . behind these arguments. It is simple. The administrative lapses this officer is alleged to have committed are the order of the day in the Railway Board. That is the point I am driving at. And this malady, which the Railway Board is suffering from cannot be cured by taking action against an officer here or against an officer there. The malady is deep-rooted and the cure will have to be a drastic one if things are to be set right in the Railway Board. The House should not go with the impression that I have any brief for any particular officer. If he has committed any irregularity, if he has committed any offence for which disciplinary proceedings should be taken against him, it must be done, and it must be done expeditiously. I am coming to that aspect now. What are the forces working behind this and why has action not been taken on the recommendations of the Central Vigilance Commission all these months? These are

[Shri M. P. Bhargava.] things which have to be decided one way or the other as soon as possible. You cannot allow the fate of officers to hang on for long without any decision. What I would plead with the hon. Minister is that whenever any case of corruption comes to his notice, it must be decided within three months. It should not go beyond three months in any case, if it is departmental proceedings. If it is a court case, then he is helpless and only the courts have to say what is to be done. But as far as departmental proceedings are concerned, I would like and to have an assurance from the hon. Minister that no case of corruption will be allowed to hang on in the department for more than three months. It should be decided expeditiously.

SHRI A. C. GILBERT: The hon. Minister should give that promise today.

SHRI M. P. BHARGAVA: To wind up, what I want is the appointment of a high-powered committee to go into the whole working of the Railways. The Railways have come to a stage where the very safety of the life and property of the travelling public is in danger. And that situation cannot be allowed to continue for long. If the Railways have to give efficient service, the house of the Railways has to be put in order. And the sooner it is put in order, the better it will be in the interest of the travelling public, in the interest of the country. We owe certain responsibilities to the travelling public and we have to fulfil them. We have to give them the best benefit for what we realise from them. I am sorry to say that fares have been going up from year to year; the goods fares have also been going up from year to year. But the facilities and service efficiency are going down from year to year. I am sorry to say that. While I say that, let me put on record that in times of emergency, the Railways have done wonderful work and they must be congratulated for that. But that should not mean that the Railways should be complacent, they should not

act as a commercial body, they should not give the best service to the people and they should be wasting their time in their internecine quarrels between officers and officers and should not give the junior staff their just dues. That is all I have to say.

THE MINISTER OF RAILWAYS (SHRI C. M. POONACHA): Sir, I have been trying to follow my hon. friend, Shri M. P. Bhargava, closely as to what exactly he wanted to raise during this half-an-hour discussion on a matter which related to a subject connected with a starred question which was answered in this House on the 5th of August. He has raised one point with regard to that question and that is as to why there was this delay in taking appropriate action after the CVC's advice was received by the Board. To that extent that was a pertinent point arising out of the question on which this half-an-hour discussion was sought to be raised in this House. The other things were all more of a general character about the functioning of the Board, about the increase in the fares, the services obtained in the railways and other things of a very very general nature and in this half-an-hour discussion time I wonder whether I will be able to do full justice to the various points he has raised because that needs elaboration on certain broad administrative and operational points. I would first confine myself to this question, that is, as to why this matter was delayed for necessary action after the CVC's advice was received with regard to this question.

Another point also he mentioned, Sir, that is, that the first complaint which was made to the Central Vigilance Commission was not made by a particular Member of Parliament whose name he seems to have come to know. Well, this matter is not within my knowledge now. The Central Vigilance Commission seems to have received a complaint in writing which was forwarded on to the Board for necessary enquiry and report. We had no authority whatsoever to go into the genuineness of that particular complaint or the signature that

was appended to that particular complaint. We have taken the thing as it came from the Central Vigilance Commission. We have gone into the matter and a report was duly forwarded to the CVC. The CVC, after having gone through the report, came to the conclusion that initiation of proceedings as for major penalty is warranted in this case and advised the Railways to take necessary action. This advice came to us on the 5th of January, 1968. When an advice from the CVC is received by the Board, the procedure is that the charges will have to be framed on certain specific issues and the specific issues would be indicated by the CVC as No. 1, 2, 3, and basing on these specific issues charges will have to be framed. So the Board had discussions with the CVC as to those specific points on which these charges will have to be framed and the discussions were going on between the Board and the CVC on these matters. I must confess that a little more time had been taken and the last discussion they had was on the 25th July and then again on the 6th August and I think the matter is being finalised. But so far as the Board is concerned, we have never said anywhere that we would go against the advice of the CVC. Whatever the CVC's final advice would be, will be accepted for necessary action—whether it is initiation of proceedings as for major penalty or whatever the final advice from the CVC after these discussions—we will take necessary action.

The other point was that whether in the Board's set up itself there is a sufficient fair play so far as the subordinate officers are concerned, whether there is the team work so far as the Board's members are concerned; whether the Railway house is in order or is in disorder. I would only like to say in brief that to the extent I have been associating myself with the working of the railways I have found excellent team work prevailing in the Railway Board. There is no doubt about it. I have had the occasion of working in other Ministries. I have had the occasion of working in certain departments of the Government of

India. I have had the opportunity of working in a State Government and I have found that here we have a set of officers who have built up a fraternity and work with good team spirit. Without that probably the railways would have been not what they are today. They have a high tradition. No doubt we have our difficulties. The difficulties are not such that they are created by the railways. The difficulties are as regards the conditions that are prevailing in the country as a whole. What are those conditions? Those conditions are that the volume of travelling public is far more than the capacity we have. Whatever facilities we provide either by additional number of trains or amenities or station facilities and other things, they are not enough to cope up with the increasing number of travelling public. The demand is very much and the facilities are not that much as to match with the demand on the railways. So there are certain difficulties.

SHRI AKBAR ALI KHAN (Andhra Pradesh): What about his other point that the efficiency has gone down?

SHRI C. M. POONACHA: I am coming to it. The efficiency is not to that standard as is expected under certain given circumstances. At the level for which the facilities and capacities have been organised to carry passengers and to provide amenities, the Railways have proceeded on certain norms. But when the demand exceeds these limitations, naturally the efficiency will come down. It is not because that railways' efficiency has gone down, but because of the fact that the capacity of the railways is limited to only a particular level of passenger traffic, up to a limit and beyond that naturally when there is more demand than the capacity that we have, you will find there is deterioration in the services. It is but natural. And that has to be provided for by increasing the capacity, investing more money, providing more facilities, which under the present circumstances are not that easy. That is all that I want to say. I don't say that nothing better could be done. More things could be done but for that more funds are required.

[Shri C. M. Poonacha.]

More amenities will have to be provided and at the same time more co-operation also is required from the railway user which cooperation is not readily available to our expectation. Ten years ago the amount of cooperation that we used to receive from the general public is different from what it is today. If a particular gentleman wants to have a halt at a particular place, formerly he used to write to us, or tell us in advance. Now it is not so.

SHRI A. G. KULKARNI (Maharashtra): Sir, is it not a reflection on the efficiency of railways that public co-operation is diminishing in terms of the efficiency going down in railways?

SHRI C. M. POONACHA : Certainly not, Sir. I was trying to explain the fact that if a particular stop is not agreed to in respect of an express train which has to keep up certain timings from one point to the other and some demands are made to stop the train at a particular place and for operational reasons we find that it could not be done—because it is not feasible—what happens today? Hundreds of people sit on the track and they will not allow the train to move and cause all difficulties for the railway operation. Such a condition was not there fifteen years ago or ten years ago. This is the unfortunate condition in which the railways are put today in arranging the necessary service facilities to the general public. I can quote any number of instances. But I do not want to take the time of this House. I only want to say that the conditions under which the railways are made to work today are not that easy. That is the point I was trying to place before this House. The honourable Members may kindly consider these aspects which are known to them in all its details as regards the happenings that are taking place all over. While coming to the point whether we are making all necessary arrangements to meet the demand, take for example, the growing traffic in the cities. My hon. friend would be knowing, what is the density of traffic between Poona and Bombay today? What

was it ten years ago? What is it in Bombay city? What is it in Calcutta city? What is it in Delhi city itself? Delhi is not that much of a very highly industrialised area. But still the difficulties are far too many. And we are trying to meet these extra demands on the railways. There is no doubt a little short-fall so far as the railways capacity in meeting these demands fully to the extent that can satisfy all the railway users in general.

Having said that, Sir, I just want to refer to another point so far as this particular case is concerned, the question that was raised on the 5th when this question came up for answer, as to why the officer was not suspended. Some Members felt that the answers furnished were not sufficiently satisfactory. Whatever answers and information that were sought on that day were made available by me as well as by my colleague here. . .

SHRIMATI LALITHA (RAJAGOPALAN) (Madras) : When they asked the question that for a major penalty if the CVC had to appoint a Commissioner why that Commissioner was not appointed, you stated that "on that point I have to collect information". So full information was not given on that day.

SHRI C. M. POONACHA : What I am trying to say is that when the advice comes from the CVC, we have to frame charges on specific issues; the charge-sheet will be framed and then further investigation and enquiry will commence. CVC will then have to appoint a Commissioner for departmental enquiry. In respect of gazetted officers it is the CVC which directly deals with the enquiry. With regard to non-gazetted officers the Vigilance Directorate and the Vigilance Officers in the Railways deal with the enquiry. The Commissioner for departmental enquiry has not yet been nominated and that matter is still under the consideration of the CVC. How soon it will be done or what time it will take. I have no information; so I have got to collect the information. But the fact remains that the CVC will appoint

a Commissioner for enquiry after the charges are framed and for the charges being framed the issues will have to be specified and for those issues being specified the discussions are going on. These are the facts.

Then, Sir, a question was asked as to why this officer was not suspended. For suspending an officer there are certain instructions laid down by the Ministry of Home Affairs. They have laid down certain codes according to which, in respect of certain categories of allegations and complaints, officers would be put under suspension but in respect of certain irregularities and minor things a suspension order need not necessarily follow. Therefore we are guided by the advice of the Home Ministry and in accordance with those instructions we have pursued this particular case and I can assure the hon. Member that no undue delay will be allowed to take place; we will take expeditious action in coming to a conclusion. With regard to the nature of the enquiry, that will have to be as per the advice of the CVC; this process will be expedited as quickly as possible.

SHRI A. C. GILBERT : Sir, before I put a straight and simple question. I would like to say that the Board is not working as a team; there is no co-operation among the Board's officers or the Board's members. The Minister says that they are working as a team. But I also say that they are not working as a team and there is no co-operation. Now, Sir, is it not a fact that promotions were made not due to mere administrative irregularities but due to other causes of a serious nature and the Central Vigilance Commission recommended for initiation of proceedings not for minor penalty but for major penalty? Is it not a fact that the Government deliberately was delaying in the matter to protect the officer? I understand some pressure has been brought to bear by some influential person. Since the Central Vigilance Commission has recommended for major penalty, will the Government remove him from the Principal-

ship and keep him under suspension till the case is decided? There should be no hitch in doing this and I really fail to understand why this corrupt officer is not being suspended.

SHRI C. M. POONACHA : Sir, my friend perhaps has not been able to follow what I was explaining.

SHRI A. C. GILBERT : I follow everything. I am quite conversant with the suspension rules and everything of the Railways.

SHRI C. M. POONACHA : No, you are not aware of that; hence this misunderstanding. The point, Sir, is that we are guided by a set of instructions of the Home Ministry; they were issued on 22nd October, 1964 in respect of cases of corruption and the circumstances under which a Government servant may be suspended. Except in cases where corruption is involved, and where there is embezzlement, misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gains and such other things, suspension is not resorted to on a *prima facie* finding of certain administrative irregularities. Here is a case purely of an administrative irregularity. What is the irregularity the officer committed? The officer seems to have promoted a Class III officer in the scale of Rs. 150-240 to a higher scale. This class III officer is a Vigilance Inspector. And this Senior D. G. M was a Senior Vigilance Officer of the Railways. A Senior Vigilance Officer finds it proper to promote a Vigilance Inspector, a Class III officer, from the scale of Rs. 150-240 to that of Rs. 335-425. This seems to have been the great sin that this officer has committed. Well, complaints have come and it is not as if somebody wanted to shield him. The matter was gone into and then it was noticed that there were certain irregularities of an administrative nature. Therefore the report which went to the CVC was considered in all its aspects and the CVC came to the conclusion that since this man is a Senior Vigilance Officer,

[Shri C. M. Poonacha.]

even a minor irregularity of this nature should not have happened through his hands. That is how this case is being looked at. If it had happened by other officers, probably that could have been not so serious. It was held "Here is a Vigilance Officer who is expected to maintain very high standards of administrative propriety". In that context the irregularity committed by this officer could not be treated lightly therefore C.V.C. said further investigations may be made. Therefore, Sir, this was not a case where suspension was warranted and it would have been a wrong thing if the Administration had passed orders to suspend this officer for a small administrative lapse on his part. As to what final conclusion would be after the necessary departmental investigations are concluded, we cannot foresee, but taking into consideration all the aspects of the case, I am quite convinced of the fact that this case did not warrant suspension of the officer concerned. And the officer also has been given a different charge now; he is the Principal of the Baroda Training College and that appointment was made much earlier, 7 or 8 months earlier to the receipt of the advice from the CVC. So I may again repeat that this case has been dealt with in accordance with the rules as stipulated by the Ministry of Home Affairs and there has been nothing like shielding the officer concerned and I can only assure the House that the investigations will proceed according to the prescribed procedures.

MESSAGE FROM THE LOK SABHA

THE GOLD (CONTROL) BILL, 1968

SECRETARY : Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha :—

"I am directed to inform Rajya Sabha that Lok Sabha, at its sitting held on the 9th August, 1968, has adopted the following motion extending the time for presentation of the Report of the Joint Committee of the Houses on the Gold (Control) Bill, 1968 :—

MOTION

"That this House do extend the time appointed for the presentation of the Report of the Joint Committee on the Bill to provide, in the economic and financial interests of the community, for the control of the production, manufacture, supply, distribution, use and possession of, and business in, gold, ornaments and articles of gold and for matters connected therewith or incidental thereto, upto the 13th August, 1968".

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The House stands adjourned till 11 A.M. on Monday.

The House then adjourned at forty minutes past five of the clock till eleven of the clock on Monday, the 12th August, 1968.