# <u>Discussion paper for IInd National Convention of Rly Pensioners Associations @ Secundrabad</u> on 13.02.2011

#### Comrades & Friends!

At the very outset, let us state that we do not have any rivalry or competition with any one. We have gathered here to awaken the pensioner community in general and the 12 lakhs of Railway Pensioners in particular and to impress upon them the need to come out of their houses to claim, fight for and achieve their legitimate rights as Senior Citizens & Pensioners.

In today's scenario the Govt & the Political class of the country recognize the only Vote Power. So if you wish to be heard and cared for, **come out**, **join together & show them the 'Vote Power of the Elderly'**.

Friends! As responsible citizens of this great country we cannot remain aloof or unconcerned with the happenings around us. Thus, as a part of the Civil society, in the very beginning, even before coming to our own grievances, this Convention, under the aegis of Bharat Pensioners Samaj, expresses its deep anger and anguish on the rampant corruption and scams by those in Power.

# India is still a 'GOLDEN SPARROW' and the great Indian 'Civil Society' will not tolerate the loot by those in Power any more!

In a situation of spiralling prices and high inflation, combined with the increasing costs of medical aid and treatment, it is becoming more and more difficult just to cope up with the demands of our day-to-day existence. Another factor contributing to our difficulties is the fast disappearing Joint Family system. Lastly, the apathetic, insensitive & dismal attitude of the Government towards Sr Citizens, especially the Pensioners, leaves us with no choice but to have a fresh look at our plight from time to time.

In this changing scenario we are forced to meet periodically, preferably at different places in the country, to review from time to time, the situation on the ground and also our own plight. The earlier such initiative was the First National Convention of Rlymen under the aegis of BHARAT PENSIONERS SAMAJ held at New Delhi last year (4.7.2010). Today we are meeting again to take stock of the developments since then and chalk our agenda and action programme for 2011 onwards.

### **Grievances of Railway Pensioners:**

Over 12 lakh of Railway Pensioners in the country have several problems / Grievances pertaining specifically to the Ministry of Railways.

Bharat Pensioners' Samaj raised these issues during the first ever National Convention of Railway Pensioners Associations' on 05.07.2010.

M.S., during the pre convention meeting with the delegation of BPS on 15.06.2010, had assured due consideration & necessary action in regard to the Pensioners' grievances. He was kind enough to detail Member, H R R Committee Ex. Director, Shri Amitabha Khare, now CPO, S.E. Rly @ Kolkata to attend the 1st National Convention of Railway Pensioners' Associations on 05-07-2010 at N. Delhi, presided over by Sh. P.C. Sharma, former Advisor Safety, Railway Board. On that historic day, Sh. Khare too assured, on behalf of the M.S., to address the concern, expressed by the delegates which included several former HODs.

Apparently so far no action appears to have been initiated. Thus, Bharat Pensioners Samaj is again taking up burning issues through this 2<sup>nd</sup> National Convention of Railway Pensioners' Associations at Secunderabad.

- 1. Pension (Fixation, Revision & Disbursement): We want to draw your particular attention to H'ble Supreme Court's Constitution Bench historic judgment delivered in case of D. S. Nakra on 17.12.1982 and request that it implemented in letter & spirit. Pensioners should not be divided on the basis of their date of retirement or otherwise and a uniform formula be adopted for the revision of all the pension irrespective of Class, Category or status while in service, i.e., if a multiplication factor of 3 is given to one section of pensioners then, by sheer logic, it should be uniformly adopted for all the Pensioners.
- 1(i) Pension to be net of Income Tax as was recommended by the CPC V vide their Para 167.11: Inflation is much more than any tax; it erodes the major part of already inadequate pension. To enable pensioners, at the fag end of their lives, to live honorably, they be spared from paying Income Tax. In the words of CPC V, 'Pension should be net of income tax."

1(ii) Merger of DR with pension whenever it goes above 50%:- In the case of working personnel, their allowances automatically go up by 25% whenever D.A. goes above 50%. As pensioners do not get any allowances, they feel cheated. In order to strike a balance, DR should be merged with Pension whenever it goes beyond 50%.

1(iii) Pension to Disabled & sickly pensioners be disbursed at their residence in accordance with RBI guidelines: Due to physical / mental disability or on account of prolonged sickness, quite a number of pensioners are unable go to the Pension Disbursing Agency. There are Standing Instructions issued by the Reserve Bank of India for payment of pension at their residence in such cases. These Instructions are followed more in breach than in implementation. However, in actual practice, Bank authorities avoid doing so causing a lot of inconvenience and even harassment to the unfortunate disabled or sick.

# 1(iv) Grievance redressal:

In Railways the only effective grievance redressal Machinery available at present for Pensioners is:

#### Pension Adalats:

Though the implied spirit of Master Circular 63 on Pension Adalats is to consider all Grievances of Pensioners & Family pensioners, yet most of the Divisions are admitting only the grievances relating to settlement of dues and the pension. Master Circular 63, vide Para 2.4, provides that the representatives of Bank/other Pension Disbursing Authorities should also be co-opted in the Pension Adalats. But these instructions are not implemented in practice. Without the involvement of Pension disbursing agencies, grievances related to Pension disbursement, revision, additional old age pension, restoration of commuted value, delay in starting Family Pension & delayed payment of DR etc remain unresolved. Since Pension Disbursing Banks are adopting and implementing the concept of Central Pension Processing Centre (CPPC) - single window mechanism, co-opting / associating representatives of the concerned Pension Disbursing Bank CPPC with Pension Adalat is not likely to pose any difficulty as fewer representatives would now be involved.

Most of the Zones and Divisions are not admitting the issues related to Medical attention/ Treatment for consideration in Pension Adalats. Similar is the position with regard to the issues related to Post retirement Passes. (i.e. Delay in starting Widow passes, delay in issuing, incorrect preparation & not giving eligible concessions at the time of reservation etc, etc). Moreover only the cases of Group "C" & "D" are being dealt with. There is no provision to cover the cases of Group "B" & Group "A" Pensioners.

Leading Pensioners Federations/Associations of pensioners even though recognized for sanction of grant in aid by DOP & PW, and even SCOVA members are not being invited to be present in Pension Adalats.

Presently Pension Adalats are being held once a year at the Divisional and Zonal levels. This is too long an interval for an elderly retiree to wait for redressal of his grievance; several of them just pass away before the Adalat is held.

Finally there is no such forum available at the Board's level for redressal of pensioners' grievances with the participation of pensioners' representatives.

The Railway Board, therefore, is requested to:

- (1) make Pension Adalats functional also at the Railway Board level.
- (2) widen scope of Pension Adalats to include all groups i.e. A, B ,C & D & all the grievances especially those relating to the Medical attention / treatment and the post retirement Passes.
- (3) Invoking the extant guidelines laid down in Para 2.13. of the Master circular 63 on the subject, the Board is requested to increase the frequency of holding Pension Adalat at Divisional level to every three months and at Zonal level to every six months. The system should be introduced at Board level forthwith with a frequency of once a year.

**No doubt, each Zonal Rly Hqrs** is having a PG Cell which deals with Public as well pensioners' grievances. Unfortunately, the PG Cell functions merely as post office; its job is done when the representation received is just forwarded to concerned Divisional / Hqrs office and then everyone simply forgets about it. No application of mind or effort is made to redress the grievances of Pensioners. To

remedy this unfortunate but worrisome situation, the formation of a separate pensioners' Cell in each Rly Hgrs / Division is requested which may be sensitized to deal with pensioners' cases expeditiously.

The acceptance of above requests would also help the administration by way of drastic reduction in the number of litigations, RTI queries & representations adding to the image of the Rlys being an ideal employer.

# 1(v) Family pension to Dependents

# (cases of Secondary eligible where the event arises post retirement):

Such of the dependent relatives who are entitled to receive Family Pension on their turn are facing much hardship, and even harassment, at the hands of the dealing clerical staff. The reason for this unfortunate situation is there being no Standard procedure & Check list to act upon. There are cases where such dependents have been running from pillar to post for more than a year or even two to get their Family Pension started. Railway Board is requested to come to the rescue of these dependent Unmarried / Widowed / Divorced daughters and the Blind, Physically & Mentally incapacitated Sons of ex Rly employees who are no more; it is not only imperative but also urgent to lay down a Standard procedure & the requisite Check list in respect thereof with a time bound schedule.

Another reason for the delay in such cases often is the inability of the concerned Section head to trace the old records. But we have a simple solution to remedy such a seemingly intractable problem: The same or similar procedure may be introduced as was adopted in the case of pre-1986 retirees while revising pension on the basis of notional fixation of pay as on 1.1.86 in implementation of the V CPC recommendations. Thus, the RB should issue definite and specific guidelines as to how to process the case further when the relevant records are not traceable. The Administration may, in such cases, accept certified copies of relevant documents submitted by the claimants.

# 1(vi) Harassment Due to delay in issuing revised PPO in case of pre 2006 retirees:-

With effect from 1.1.2006, elderly pensioners & family pensioners of age 80 years & above are entitled to additional pension at ascending rates.

- (i)Problems arise in the case of Family pensioners where there is no mention of age & DOB in the existing PPOs. The Banks do not entertain their claim to Additional family pension for want of mention of age / DOB in the existing PPOs. They do not accept Voter I.D. cards etc as proof of age, on the plea that the Department is not providing to them the subsequent verification & acceptance.
- (ii)Secondly, in the absence of revised PPOs, Pensioners & Family pensioners are being deprived of the advantage of the provision that in no case revised Pension shall be less than 50% of the minimum of the Pay Band plus Grade pay, corresponding to the scale of pay from which the pensioner retired and further that in no case Family Pension shall be less than 30% of the said corresponding Minimum of Pay Band plus Grade pay. The Railway Board is, therefore, urged to issue suitable orders prescribing time bound Schedule for issuing revised PPO on revised proforma incorporating family details & DOB of spouse & dependent family members for early issue of revised PPOs to all pre 2006 retirees.
- (iii) Income Limit for Dependency be raised to Rs 3,500 + DR:- Income Limit for Dependency / eligibility for Secondary Family Pension has been raised to Rs.3500 + DR thereon. As per the 6<sup>th</sup> CPC recommendations, Clarifactory orders need to be issued urgently as in most of the Divisions the income limit is being still treated as Rs. 2,550/-.

# 1 (vii) Ex-gratia for Pre 1986 SRPF beneficiaries & their families:-

Very few (a very small number) of Pre – 1986 SRPF(c) beneficiaries are now alive; they are at present being forced to live below poverty line due to meager ex-gratia of Rs 650 to Rs 3000. Dearness relief too in the case of family recipients is lower by 8% as compared to other pensioners. Their dependent children i.e unmarried/widowed/divorced daughters, mentally, physically & visually disabled sons, too are being discriminated against by not allowing them the same entitlement to the meager ex-gratia on their turn. Certainly they too are entitled to lead a dignified life comparable to their earlier status in younger

(working) days as Railway Employees. Keeping in view the present day cost of living, a highly inflationary regime and humanitarian factors, they deserve to be considered for another chance to come over to Pensionary benefits. As the number involved is very very few, it would not cause any appreciable financial burden on the Government.

# 1(viii) Payment of enhanced ex-gratia to pre 1986 SRPF(C) beneficiaries:-

In Railway Board's letter No. P(E) III/98/PN/Ex.Gr./3 dt. 15-11-2006 (RBE No. 170/06) it is laid down that the Head of Office or Department, which sanctioned the existing ex-gratia payment authority, shall prepare the revised ex-gratia payment authority at the enhanced rates, as in, Sub-para 1(VII) above suomotu in lieu of the said existing authority of Rs. 600/-. Revised payment authorities have not so far been issued by several Divisions with the result a large number of those beneficiaries are still being paid exgratia at the old rates only. Instructions need, therefore, to be issued immediately by the Railway Board for implementation of the above mentioned orders within a stipulated period and also ask for submission of compliance reports in this regard from the concerned authorities.

### 2. Medical attention & treatment:-

Monthly Pension payment, as demonstrated above is most important, but, in addition Medical attention & Treatment is a matter of prime concern to Rly Pensioners. As is well-known, Medicare needs increase with age. Apart from Diagnostic & Pharmaceutical requirements, they also need Psychological & Emotional handling with much better Doctor - Patient relationship. A lot of jobs need to be taken care of by the Rly's Medical department, in this field. The Railway Board is therefore requested to take some of the following measures:

# 2(i) To issue 'Smart Card' (on CGHS pattern) to all RELHS beneficiaries,

with all India 5 years' validity, for Medical attendance & treatment, in all medical emergencies without prior referral by the A.M.A.

Earlier, in March 2008, N. Rly had half-heartedly launched Smart Card Pilot project in NCR. In the first year itself, Smart Cards were issued, after a great hassle, at a cost of Rs 120/- each in the month of June. The Card expired on 21<sup>st</sup> of August 2008. Again the Cards were renewed in June 2009 and, once again, expired on 21<sup>st</sup> of August, 2009. Thereafter, these cards have not so far been renewed. Some of the deficiencies noticed in the Pilot project were as follows: - (i) Only three Medical Emergencies i.e cardiac, cancer & dialysis were covered. General Medical Emergencies & Neurology were left out.

- (ii) Though the Smart Card was supposed to be covering the NCR region yet only the hospitals located in Delhi were included. Even the hospitals on panel for emergency treatment in other NCR towns were left out.
- (iii) Poor response from hospitals was mainly because of hassles in bill payment. This problem needs to be addressed suitably.
- 2(ii) It would be necessary to sensitize the Rly Doctors with a view to ensuring that they behave properly with elderly patients, give them patient hearing, carry out proper clinical examination followed by periodical Diagnostic investigation, hassle-free timely specialized consultation, referral facility whenever required and that only good quality medicines are dispensed to them.

This may be possible only when the workload pressure on OPD Doctors is reduced and simultaneously they are duly sensitized & trained in handling geriatric patients.

- 2(iii) In the existing Sr Citizen OPDs in Divisional & Zonal hospitals the facility should be strengthened and new OPDs opened where it does not exist at present. Separate nominated days & time periods be fixed for Specialist consultation so that the elderly do not have to stand in long queues for long periods & the Doctors are able to pay them adequate attention.
- 2(iv)At outstations where H.Us & Lockup Dispensaries exist, specialized OPD consultations be outsourced with the existing procedure of dispensing of medicines & referral through Rly's Health Units/Lockup Dispensaries themselves be continued.
- 2(v) In the CGHS, the cost of Smart Card is borne by the Ministry of Health & Family Welfare. Why then should the Rly pensioner be penalized to pay the cost? The Smart Card would be immensely popular if the cost thereof is borne by the Rlys.
- 2(vi) Constitute the multi-level Hospital Advisory & Grievance Redressal Committees with the participation of pensioners' representatives on CGHS pattern.

**2(vii)** RELHS has already been made mandatory for future retirees wef 16.03.2010. Very few eligible persons especially the widows and secondary family pensioners such as unmarried / widowed / divorced daughters, mentally / physically visually disabled sons, are left out due to various reasons which may be beyond their own

control. The Rly Board is therefore requested to honour the Hon'ble Supreme Court the judgement in the case of Consumer Education & Research Centre & Others v/s UOI & Others in writ petition (C) No.206 of 1986 (AIR 95 Vol. 82 Page 922) wherein it was held "we therefore hold that right to medical aid to protect the health & vigour of a worker while in service or post retirement is Fundamental Right under Article 21, read with Article 39(e), 41,43,48A and all the related articles and Fundamental Human Rights to make the life of the workman". (Para 27). There are other higher courts judgements too which need to be followed. The Delhi High Court Judgements in W.P © No.889/2007-DOJ-12.03.2010 -Kishan Chand Vs Govt. of N.C.T. & other wherein the honourable court ruled "It is a settled legal position that a Government employee, during his lifetime or after his retirement, is entitled to get medical reimbursement and no fetters can be placed on his rights on the pretext that he has not opted to become a member of any scheme." The Board is, therefore, requested to make RELHS an open-ended scheme w/o lockin period (like CGHS) without linking it to qualifying service of 20 years and which should be available w/o any hassle to all past Pensioners / Family pensioners including the secondary Family Pensioners(i.e. Dependent /Divorced/Widowed Daughters & eligible dependent Sons who get family pension on their turn after the death of both their parents) who are given medical facilities at par with other pensioners, by CGHS & ECHS i.e. the Ministry of Health & Family Welfare & the Ministry of Defence respectively.

**2 (viii)** To provide Rest Room facility attached to Railway Hospitals for the stay of pensioners and their families coming from outstations for in-patient as well as out-patient treatment.

**2(ix)** A larger number of **Hospitals & Diagnostic Centres need to be recognized within a radius of 20 Kms** from the Health Units/Lockup Dispensaries so that elderly patients, for whom an attendant & even small expenditure is a luxury, are not put to physical & economic strain because of reference to outstation Hospitals & Diagnostic Centres.

# 3. Post retirement Passes:

3(i) Post-retirement Complimentary Passes are issued to Railway servants subject to the same conditions as applicable to Railway servants in service. Thus it would not only be logical but also fully justified to extend the same revised entitlement of Passes as per Rly Board's recent orders vide their No E (W)2008/PS 5-1/38 RBE No 03/2011 dt 06-01-2011 to all retired Railway personnel w/o any cut off date.

# 3(ia) Qualifying length of service

At present to become eligible for PRC passes, the minimum qualifying length of service for Group A, B & C Railway staff is 20 years while for Group 'D' staff it is 25 years. But after implementation of 6thCPC minimum length of qualifying service for full Pension is 10 years for all category of staff.

So in conformity with eligibility for full Pension, the minimum qualifying length of service for PRC passes, be revised to 10 years for everybody, instead of 25 years for Group "D" staff and 20 years for all others.

#### 3(ib) Number of PRC passes:

At present Group 'A' & 'B' staff with 20-25 years of service get 2 sets of PRC passes and with 25 or more years of service get 3 sets.

The eligibility for Group 'C staff with service 20-25 years is one set and with service of 25 years or more - 2 sets, while a Group 'D' staff with a minimum service of 25 years are to get one set P.A.

The above complicated slab and eligibility on length of service should be dispensed with and be rationalized as below: -

- 3(ic) For Group 'A' & 'B' staff with minimum service of 10 years 3 sets,
- 3(id) For Group 'C or staff with GP above Rs1800/- (non Gazetted) minimum service of 10 years 2 Sets P.A.
- 3(ie) For Group 'D' or staff with G.P. 1800/-; for minimum service of 10 years 1 Set P.A.

### 3 (ii) Widow Pass:

(a)In widow passes the dependent relatives are not entitled to be included except for the dependant widow mother of the deceased Railway employee. This is too harsh a rule for a widow who is emotionally, financially & socially shattered and left alone with the liability of caring not only for her own

dependent children but also the parents of her late husband. Widowed mother-in-law is included as her family member, but not her own dependent Children. This indiscreet attitude towards widows needs to be set right w/o delay. They may be allowed to include dependent relatives in their passes as per the entitlement of their late Husbands.

(b) In case of death in harness the widow should be allowed to get a minimum of 1 Set of Pass every year as per entitlement

(c) In case of widow of a pensioner, the minimum **widow** pass be sanctioned, irrespective of category, as 1 Set per year. [For Group 'A' & 'B' - 2 Sets F.A.]

## 3 (iii) P.R.Passes to Family pensioners other than the spouse

# i.e. <u>Complimentary passes for the Unmarried/Widow/Divorced Daughters and Handicapped Children:</u>

At present the above category of children are entitled to get family pension on the event of death of their both the parents.But they are not eligible for Railway passes individually though they used to avail the pass facility along with their parents 'when alive. So, the above category of children be granted with ONE Set of Pass per year.

# 3(iv) Companion in IInd class Post retirement Passes:-

Pensioners are a homogenous group, variation in 'Age' related privilege within the same organization, is indiscretionary and needs to be rectified. Ministry of Railways is therefore requested to allow the facility of Companion in the second class Post retirement passes also.

# 3(vi Issuing of post retirement passes - Denial of Same Day facility:-

In spite of instructions to do so, post retirement passes are not being issued the same day resulting in repeated visits to the concerned office causing physical and financial strain to elderly people. The Rly Board is requested to see that the instructions / orders issued are strictly followed.

### 4. Early Setting up of Seventh Pay Commission:-

The Govt. has conceded wage revision in PSUs after every 5 years – the same criteria should therefore be applied in the case of Central Government' own past & present employees. Seventh Pay Commission should, therefore, be set up forthwith for revision of wages and Pensions wef 1<sup>st</sup> January, 2011.

# 5. Welfare Measures:-

# 5(1) Include Pensioners' representatives in various Committees:-

Discussing, debating and deciding the Matters / Policies relating to Pensioners, with representatives other than those of pensioners, is unfair & against the Rules of 'Natural Justice'. At present various Committees like National Anomaly Committee (NAC) and JCM (on Pensionary matters), are there wherein matters / policies relating to pensioners' welfare are discussed and decided, but they do not have pensioners' representatives with the result their viewpoints, hardships & anomalies are not properly represented. Moreover such of the existing committees cover only Group D & Group C employees. There is no Forum or Committee to sort out the Items pertaining to Group A & B pensioners. As pensioners are a homogenous class, there is an urgent need to constitute separate Committees for pensioners wherein matters / policies / anomalies relating to pensioners of all Groups & categories may be discussed. Natural justice demands that the stake holders (Groups 'A' & 'B') too should be included in these Committees. In view of the facts mentioned in foregoing lines, the Rly Board is requested to constitute separate Committees with Pensioners' representatives, wherein issues relating to the welfare of pensioners may be discussed and debated as already recommended by the 5<sup>th</sup> CPC vide their Para 141.30. This will give them a feeling of participation and involvement in decision making.

5(2) <u>Correspondence & representations by Pensioners' Associations:</u> Pensioners' Associations are basically Welfare organizations working for the betterment of Pensioners, but in spite of clear instructions from Rly Board Vide their No E (W) 2001/PA/1 dated 30.09.2004, most of the Divisions & Zones are not replying to the representations made by these Associations.

Similarly, as mentioned in Rly Board's letter E9W)95/PA/2 dated 19.12.97, in the 13<sup>th</sup> & 14<sup>th</sup> SCOVA meetings of the Deptt. of Pension & Pensioners' Welfare (the nodal Ministry), the Railway administration had assured that the representatives of Pensioners Associations' could meet and discuss the issues with concerned officers of the Railways as & when necessary. But, in practice, Railway officers very rarely provide such opportunities to the Rly Pensioners' Associations.

Realizing the fact that, practically it may not be possible for the administration to individually reply or to meet the representatives of so many associations, it is suggested that the correspondence from the four Railway Pensioners Associations identified by DOP &PW for grant-in-aid and from 15 members of SCOVA must be responded to by the Rly Administration. Lastly, representatives of these organizations should be able to meet concerned Officers at all levels as & when necessary. This may be ensured by issue of standing instructions in this regard to all concerned.

# 5(3)Provision of office accommodation to Pensioners Associations

as recommended by 5<sup>th</sup> CPC in their Para 141.24:-

Railway Rules permit allotment of Rly Lands & Buildings, to Staff welfare organizations, which the pensioners' organizations in fact are, on the ground of Pension being "Deferred Wage" subject to future good conduct. There are Institutes, Welfare Centers & Women Welfare organizations etc, which are being nursed and encouraged for the welfare of various segments of Rly employees & their families. Then, let's ask, why only Pensioners Welfare Organizations' are being discriminated against? In the absence of specific guidelines from the Railway Board, some GMs & DRMs like those on S.C. Rly are exercising subjective discretion in allotment of office accommodation to Pensioners Associations while the others altogether refuse to do so. Railway Board, is therefore, requested to consider the matter sympathetically in the light of 5<sup>th</sup> CPC recommendations vide their Para 141.24 and issue definite guidelines in this regard.

**5(4)** <u>Allowances: Pension is a Deferred Wage</u>, subject to future good conduct. Therefore, pensioner is not a written off category of staff and thus, he has legitimate entitlement to share the benefits such as House Rent Allowance, Transport Allowance, Children's Educational Allowance, Hostel Subsidy, Festival Advance, The Rly Board is requested to extend the benefit of all such benefits to the Pensioners to enable them to cope up with the continuous all-round increase in cost of living due to high inflationary trends in the country's economy.

5(5)To help Pensioners & family pensioners in distress it is proposed that whatever facilities already exist for the serving employees, may also be allowed to be shared by the pensioners as was suggested by 5<sup>th</sup> CPC also (vide their Para 141.23) and they may be sanctioned **Funeral ex-gratia** etc

5(6) <u>ANNUAL GET-TOGETHER:</u> Rly Board, Zonal Railways & Divisions should organize a gettogether with pensioners once a year to inculcate in them a feeling of security, unity & belonging.

Er. S.C. Maheshwari

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Secretary (Railway)

**Bharat Pensioners Samaj** 

Shyam Sunder

Syan Suder

**Secretary General** 

**Bharat Pensioners Samaj**