

Construction and Utilization of Limited Height Subway (LHS)

[Action Taken by the Government on the Observations/Recommendations of the Public Accounts Committee contained in their 52nd Report based on Audit Para 3.1 of C&AG's Report No.19 of 2019 (17th Lok Sabha)]

MINISTRY OF RAILWAYS

**PUBLIC ACCOUNTS COMMITTEE
(2023-24)**

NINETY FOURTH REPORT

SEVENTEENTH LOK SABHA



**LOK SABHA SECRETARIAT
NEW DELHI**

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PUBLIC ACCOUNTS COMMITTEE **(2023-24)**

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Presented to Lok Sabha on: 07-02-2024

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**LOK SABHA SECRETARIAT
NEW DELHI**

February 2024/ Pausha 1945 (Saka)

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COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE
(2023-24)

Shri Adhir Ranjan Chowdhury

- Chairperson

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Shri Thalikkottai Rajuthevar Baalu
4. Shri Bhartruhari Mahtab
5. Shri Jagdambika Pal
6. Shri Pratap Chandra Sarangi
7. Shri Vishnu Dayal Ram
8. Shri Rahul Ramesh Shewale
9. Shri Gowdar Mallikarjunappa Siddeshwara
10. Dr. Satya Pal Singh
11. Shri Brijendra Singh
12. Shri Rajiv Ranjan Singh alias Lalan Singh
13. Shri Jayant Sinha
14. Shri Balashowry Vallabhaneni
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RAJYA SABHA

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17. Dr. K Laxman
18. Shri Derek O'Brien
19. Shri Tiruchi Siva
20. Dr. M. Thambidurai
21. Shri Ghanshyam Tiwari
22. Dr. Sudhanshu Trivedi

SECRETARIAT

1. Shri Sanjeev Sharma - Joint Secretary
2. Shri Partha Goswami - Director
3. Shri Alok Mani Tripathi - Deputy Secretary

INTRODUCTION

1. I, the Chairperson, Public Accounts Committee (2023-24) having been authorised by the Committee, do present this 94th Report (Seventeenth Lok Sabha) on Action Taken by the Government on the Observations/Recommendations of the Public Accounts Committee contained in their 52nd Report (Seventeenth Lok Sabha) on "CONSTRUCTION AND UTILIZATION OF LIMITED HEIGHT SUBWAY (LHS)" relating to Ministry of Railways.

2. The Fifty-second Report was presented to Lok Sabha/laid in Rajya Sabha on 20th July, 2022. Replies of the Government to all the Observations/Recommendations contained in the Report were received. The Public Accounts Committee considered and adopted the draft Report at their Sitting held on 17th January, 2024. Minutes of the Sitting are given at Appendix I.

3. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in bold in the body of the Report.

4. The Committee also place on record their appreciation of the assistance rendered to them in the matter by the Committee Secretariat and the Office of the Comptroller and Auditor General of India.

5. An analysis of the action taken by the Government on the Observations/Recommendations contained in the Fifty-second Report (Seventeenth Lok Sabha) is given at Appendix-II

NEW DELHI

February, 2024
Magha, 1945 (Saka)

ADHIR RANJAN CHOWDHURY

Chairperson,
Public Accounts Committee

CHAPTER-I

REPORT

This Report of the Public Accounts Committee deals with the Action Taken by the Government on the Observations and Recommendations of the Committee contained in their Fifty-second Report (17th Lok Sabha) on "Construction and Utilization of Limited Height Subway (LHS)".

2. The Fifty-second was presented to Lok Sabha/laid in Rajya Sabha on - 20.07.2022. It contained Twenty Observations/Recommendations. The Action Taken Notes on all the Observations/Recommendations have been received from the Ministry of Railways and are categorized as under:

- (i) Observations/Recommendations which have been accepted by the Government:

Para Nos. 1, 2,3,4, 5, 6, 7, 8, 9, 10,11,12, 13, 14, 15, 16, 17, 18, 19 and 20

Total: 20
Chapter - II

- (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies received from the Government:

Para No. NIL

Total: 0
Chapter - III

- (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration:

Para No. NIL

Total: 0
Chapter - IV

- (iv) Observations/Recommendations in respect of which Government have furnished interim replies/no replies:

Para No.

NIL

Total: 0
Chapter - V

3. The Action Taken Notes furnished by the Ministry of Railways on each of the Observations/Recommendations of the Committee contained in their Fifty-second Report have been reproduced in the relevant Chapters of this Report. The Committee will now deal with the action taken by the Government, on some of their Observations/Recommendations which either need reiteration or merit comments.

Recommendation No.11

4. The Committee was disappointed to note that despite incurring additional expenditure for addressing the problem, water logging continues in Limited Height Subway (LHS)s. The Committee desired that Railways should take all necessary action to make all Limited Height Subway (LHS)s fully usable and ensure safe movement of the public through the sub-way passages. Responsibility in regard to managing drainage systems should be clearly demarcated. The Committee, in this regard, recommended that contact details of officers concerned need to be clearly displayed at the site of Limited Height Subway (LHS)s. The Committee further recommended that responsibility should be fixed on account of occurrence of post construction water logging, problem of drainage etc. that was witnessed at several sites.

5. The Ministry of Railways have furnished their reply as under:-

“Noted As already mentioned in Para 10 above, all remedial measures like construction of pump & sump arrangements, provision of cover sheds on both approaches, arresting source of ingress of water, etc. are being provided to avoid water logging. Nowadays, contact details of officials concerned are also being displayed at the site of Limited Height Subway (LHS)s.”

6. Audit vide their U.O.I No.5-Rly/LR/SECR/12-28/2017 dated 04.01.2023 have not offered any further comments.

7. The Committee expressed disappointment that despite incurring additional expenditure, water logging continues in Limited Height Subways (LHSs). The Committee had recommended that Railways take necessary action to make all LHSs fully usable, ensuring the safe movement of the public through subway passages. In the interest of effective management of drainage systems, the Committee recommended the clear demarcation of responsibility.

In response to the Committee's recommendation, the Ministry of Railways has noted the concerns and mentioned about the implementation of remedial measures to avoid water logging. The Committee further recommend the implementation of geo-tagging for all LHSs, with the names and contact details of the nodal officers responsible for their maintenance. The Committee emphasized that this information should not only be displayed at the LHS sites but also be made available on the official website of the Railways for public awareness and easy accessibility.

Recommendation (Para No. 16)

8. The Committee noted that as per guidelines issued in 2010 by Railways LHS were not to be constructed if adequate embankment height was not available, with the exception being made only in cases where water proofing arrangements were available. While the guidelines are in tune with the ground reality, what the Committee found to be disappointing to note is that guidelines pertaining to maintenance were unclear and do not clearly designate and bestow responsibility. The Committee noted that as per the guidelines, the cost of provisioning drainage facility in areas that fall outside the Railway boundary is to be borne by the respective State Governments, but the Governments concerned have not owned up any responsibility. As provision of drainage facility was not considered to be any one's responsibility, and not stipulated in clear terms, maintenance work was not being undertaken.

9. The Ministry of Railways have furnished their reply as under:-

"As mentioned in Para 4 above (Railway Boards letter dated 03.05.2010 & 21.06.2011), in order to eliminate all UMLC in time bound manner, LHS were constructed, even at those locations also where adequate bank height was not available. Railways over a period of time have taken several remedial measures to mitigate problem of water logging. All remedial measures like construction of pump & sump arrangements, provision of cover sheds on both approaches, arresting source of ingress of water, etc. are being provided to avoid water logging.

Even though guidelines are issued by Railway Board that the responsibility of maintenance of road passing through subways, lighting, drainage system and other allied works lies with State Government, but State Governments has not taken any initiative. As such, in view of safety and convenience of road users, Railway had no option but to take the responsibility for maintenance of above said assets."

10. Audit vide their U.O.I No.5-Rly/LR/SECR/12-28/2017 dated 04.01.2023 have not offered any further comments.

11. The Committee acknowledge the Railway's efforts in addressing the problem of water logging in Limited Height Subways (LHS) and notes the guidelines issued in 2010, emphasizing the importance of embankment height and water proofing arrangements. However, the Committee expressed disappointment in the lack of clarity and designated responsibility for LHS maintenance in the guidelines.

The Committee emphasized the historical challenges with State Government authorities not taking responsibility for the maintenance of drainage facilities outside the Railway boundary, as outlined in the guidelines. They, therefore, recommend collaboration between Railway and State Government authorities to address this issue effectively. The

Committee accentuate that a collaborative approach will not only delineate responsibilities but also facilitate the timely and efficient maintenance of LHS, ensuring the safety and convenience of road users.

Recommendation (Para 17)

12. The Committee also recommended that Railways should form a Committee of Senior Engineers to come out with solutions for mitigating recurrent and perpetual cost of dewatering in the sub-ways and find a permanent and low cost method of ensuring maintenance of drainage in all LHS. Steps taken in this regard may be intimated to the Committee.

13. The Ministry of Railways have furnished their reply as under:-

“Research Design and Standards Organization (RDSO) under Ministry of Railways had already studied the issue in detail to minimize problem of water logging in Road Under Bridges (RUBs)/Limited Height Subways (LHS) and suggested remedial measures. Accordingly, comprehensive guidelines have been issued in April 2020 by Railway Board, which includes following actions: - Adequate drainage arrangement had been made as integral part of planning of new Road Under Bridge (RUB)/Subways. In existing RUB/subways, feasible remedial measures like water flow diversion to nearest bridge and nallahs, provision of cover shed on approach roads, provision of hump at entry to Road under Bridge (RUB), provision of cross drains, sealing of joints etc. had been made as per site suitability and requirements. In addition, pumping arrangement had also been made for identified RUBs, to drain out expeditiously in case of emergency.”

14. Audit vide their U.O.I No.5-Rly/LR/SECR/12-28/2017 dated 04.01.2023 have not offered any further comments.

15. The Committee appreciate the comprehensive guidelines issued by the Railway Board in April 2020 to address the issue of water logging in Road Under Bridges (RUBs)/Limited Height Subways (LHS). However, the Committee had recommended a more sustainable and permanent solution to mitigate the recurrent and perpetual cost of dewatering in sub-ways. Specifically, the Committee had suggested that Railways should form a Committee of Senior Engineers to explore structural measures that can effectively stop water flow in LHS, minimizing the reliance on pumping arrangements.

The Committee emphasized the need for a low-cost method to ensure the maintenance of drainage in all LHS. The focus should be on finding structural solutions that prevent water accumulation and facilitate efficient drainage without the need for continuous dewatering efforts. The Committee, therefore, recommended that the proposed Committee of Senior Engineers should conduct a thorough study and propose practical, cost-effective measures to address the root cause of water logging in sub-ways.

At this stage the Committee can only emphasize for a thorough review of the implemented actions to identify potential areas for improvement or modification. Additionally, the Committee recommend that structural measures be undertaken to prevent water flow in the first place, in order to minimize the reliance on pumping arrangements. This approach aligns with the Committee's recommendation to form a Committee of Senior Engineers to explore permanent and low-cost solutions for drainage maintenance in all LHS.

Regular monitoring and evaluation of the implemented measures will ensure the continued effectiveness of the drainage arrangements and contribute to the overall safety and functionality of RUBs and LHS.

Recommendation (Para 18)

16. The Committee did note that as per report of RPF an accident took place on 6 December 2016 at the LC no 286, due to non-barricading of the LC although the LC was closed. The Committee noted that the subsequent joint inspection of Railways with Audit revealed that the LHS was filled with water up to the brink. The Committee had found that the explanation of the Ministry given in this regard is evasive. While the Audit clearly stated that the RPF reported the accident at the LC No. 286, the Ministry in their written reply stated on the contrary that there was barricading, LC was closed, and the motorbike driver involved in the accident was trespassing the railway track at a location far from the LC. The Committee found the reply of the Ministry contradicting the Report of RPF, as cited by Audit. The Committee emphasized the importance of human life and deplore the casual manner in which the railway has chosen to respond on the matter. The Committee desire that an explanation on the points highlighted in the RPF report may be given to the Committee and recommend that responsibility, as warranted be fixed on the official(s) responsible for getting the barricading done in this case, and the Committee intimated of the outcome at the earliest.

17. The Ministry of Railways have furnished their reply as under:-

“Railway has highest regard for human life and several measures are taken by the railways to prevent trespassing of railway track. Apart from barricading/trenching of the trespassing locations, Counseling of people living nearby area of track is done regularly by a team of Railway Protection Force (RPF) staff, P-way staff along with Safety personnel. Moreover, to create awareness among the people nukkad natak and advertisements through print and electronic media is also given.

Though the accident occurred near the LHS site, but it occurred due to the negligence/carelessness of the trespasser crossing the track without taking proper care about the incoming trains.”

18. Audit vide their U.O.I No.5-Rly/LR/SECR/12-28/2017 dated 04.01.2023 have not offered any further comments.

19. The Committee find the response of the Ministry contradictory to the RPF report, as noted by the Audit. The Committee emphasize the significance of human life and express concern about the casual manner in which the railway has chosen to respond to the matter. The Committee, therefore, recommended that the Ministry provide a detailed explanation on the points highlighted in the RPF report.

Furthermore, the Committee recommended fixing responsibility on the official(s) responsible for ensuring barricading in the specific case of LC no 286. The Committee stressed the importance of holding accountable those responsible for lapses in safety measures, and request to be intimated of the outcome at the earliest.

In light of the actions taken by the Railway, including measures to prevent trespassing, the Committee acknowledges the importance of such initiatives. However, the Committee emphasize that a proactive approach is required, ensuring that safety measures are effectively implemented and that responsibility is not shirked in the event of accidents.

Recommendation (Para No. 19)

20. The Committee in their original Report had noted from findings of Audit that in yet another case of accident, as per RPF report at LC no BK-12 an accident took place on 22 May 2014. The Committee also noted the Audit observation that at the time of accident, construction of LHS was not completed though the scheduled date of completion of the LHS was 11.09.2013. In this regard, the Committee also took note of the reply from the Ministry of Railways that since the Railway Officials executing the works at these LCs had taken action as per the contractual provisions such as imposition of penalty and termination of Contracts therefore, no action has been taken against Railway Officials executing the LHS works. The Committee felt that the ultimate responsibility lies with the Railway Officials, and therefore recommended that simply penalizing the contractor and absolving the railway officers is not the solution and will not solve the issue. The Committee wondered as to why no action was taken against erring officers when there was a delay of more than eight months in construction of LHS and no warning/security was put in place for the general public. The Committee expressed the need for identifying the senior railway officers who did not report the delay nor act on the delay reported in this case.

21. The Ministry of Railways have furnished their reply as under:-

"It is true that the scheduled date of completion for the LHS work at LC No. BK-12 was 11.09.13. But, due to the failure of the contractor and due to slow progress of work, the construction of LHS could not be completed in time. Accordingly, the contractor was penalized as per contract provisions.

The accident occurred due to negligence/carelessness on the part of tractor driver. On the fateful day, the tractor driver did not observe the various road sign boards on the approach of UMLC and failed to stop on the speed breaker at LC approach and collided with the loco of the

incoming train. There was barricading available for the road users. Railway administrations took all efforts to complete the work within TDC and for non-completion of work in time the agency also penalized accordingly.”

22. Audit vide their U.O.I No.5-Rly/LR/SECR/12-28/2017 dated 04.01.2023 have not offered any further comments.

23. The Committee find that an accident occurred at LC no BK-12 on 22 May 2014, and the Audit report highlights that the construction of the Level Crossing (LHS) was not completed by the scheduled date of 11.09.2013. The Committee note the Ministry of Railways' response, indicating that penalties and termination of contracts were imposed on the contractor, absolving the railway officers from any action. However, the Committee express concern that penalizing the contractor alone is insufficient and will not address the underlying issue.

The Committee, therefore, recommend that the Railway Authorities should take ultimate responsibility for the delayed construction of the LHS, especially when there was a delay of more than eight months. The Committee are not able to understand as to why no action has been taken hitherto against the erring officers who failed to report and address the delay, leading to a lack of warning/security measures for the general public. The Committee emphasize the need for identifying and holding senior railway officers accountable for their failure to act on the reported delay in this case.

In conclusion, the Committee recommend a structured and thorough and impartial investigation into incidents like the one at LC no 286, with a focus on holding Railway Authorities accountable for any negligence or failure to enforce safety protocols. The Committee, therefore, in no

uncertain words accentuate the need for a transparent and responsible approach to address safety concerns and protect human life.

NEW DELHI

**February, 2024
Magha, 1945 (Saka)**

ADHIR RANJAN CHOWDHURY

**Chairperson,
Public Accounts Committee**