

**HUNDRED AND TWENTY-FIFTH
REPORT**

**PUBLIC ACCOUNTS COMMITTEE
(1987-88)**

(EIGHTH LOK SABHA)

LAND MANAGEMENT IN RAILWAYS

**MINISTRY RAILWAYS
(RAILWAY BOARD)**

[Action Taken on the 54th Report (Eighth Lok Sabha)]



सत्यमेव जयते

Presented in Lok Sabha on 18.4.1988
Laid in Rajya Sabha on 25.4.1988

**LOK SABHA SECRETARIAT
NEW DELHI**

April, 1988/Vaisakha, 1910 (Saka)

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CORRIGENDA TO HUNDRED AND TWENTY FIFTH REPORT
OF PUBLIC ACCOUNTS COMMITTEE (8TH LOK SABHA)

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**COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE
(1987-88)**

CHAIRMAN

Shri Amal Datta

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Lok Sabha

2. **Shri S.M. Bhattam**
3. **Shri Mohd. Ayub Khan**
4. **Shri Y.S. Mahajan**
5. **Shri Ajay Mushran**
6. **Shri K. Ramamurthy**
7. **Shri Balwant Singh Ramoowalia**
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9. **Shri S. Jaipal Reddy**
10. **Shri Chiranji Lal Sharma**
11. **Shri Pratap Bhanu Sharma**
12. **Genl. R.S. Sparrow**
13. **Dr. Chandra Shekhar Tripathi**
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15. **Shri Yogeshwar Prasad Yogesh**

Rajya Sabha

- *16. **Shri A.K. Antony**
- *17. **Shri Nirmal Chatterjee**
18. **Shri Bhuvnesh Chaturvedi**
19. **Shri M.S. Gurupadaswamy**
20. **Shrimati Manorama Pandey**
21. **Shri B. Satyanarayan Reddy**
22. **Shri T. Chandrasekhar Reddy.**

SECRETARIAT

1. **Shri K.H. Chhaya—*Joint Secretary***
2. **Shri B.D. Duggal—*Chief Financial Committee Officer***
3. **Shri S.M. Mehta—*Senior Financial Committee Officer***

*Ceased to be members of the Committee consequent on their retirement from Rajya Sabha w.e.f. 2 April, 1988.

INTRODUCTION

1. I, the Chairman of the Public Accounts Committee, as authorised by the Committee do present on their behalf this Hundred and Twenty-fifth Report on action taken by Government on the recommendations/observations of the Public Accounts Committee contained in their Fifty-fourth Report (Eighth Lok Sabha) on Land Management in Railways.

2. The Committee in this Report have been constrained to observe that the pace of progress of certification of Land Plans continues to be far from satisfactory. The work of certification has reached the stage of near completion only in South Eastern Railway. On the other Railways the percentage of land plans yet to be certified as on 31st March, 1987 varied between 11 and 63. The work of updating and certification of land plans, therefore, continues to be in heavy arrears on all the Zonal Railways except South Eastern Railway. Obviously, the Railway administrations have not shown the due sense of urgency in completing this work of vital importance having long term consequence. In view of the fact that the certified land plans are the elementary requirement for ownership proof of the land belonging to the Railways, the Committee have desired that serious and concerted efforts should be made to accelerate the pace of disposal of pending arrears.

3. Expressing concern over encroachments of Railway land, the Committee in their earlier Report had pointed out that in spite of the various measures taken for checking and preventing encroachments, the incidence of encroachments was on the increase. In their action taken note the Ministry of Railways (Railway Board) have intimated that the number of encroachments have further increased from about 98,000 in 1985 to 1,03,070 as on 31st March, 1986. The Ministry have also admitted that overall growth of encroachments could not be contained due to various factors, like weaknesses in the Public Premises Act, 1971, general law and order conditions prevailing in various parts of the country, inadequacy of organisation to deal with the large number of cases of encroachment, etc.

The Committee realise the dimension of the problem and the difficulties encountered by the Zonal Railway administrations in clearing the encroachments and frustrating attempts of unauthorised occupation of railway land. The Committee are of the opinion that the problem requires to be tackled on a war footing and the progress achieved in this direction need to be monitored periodically at the highest level so that further encroachment of Railway land is prevented and existing ones are cleared of encroachments expeditiously.

4. The Committee considered and adopted the Report at their sitting held on 5th April, 1988. Minutes of the sitting form Part II of the Report.

5. For reference facility and convenience, the recommendations/observations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in the Appendix to the Report.

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

NEW DELHI
April 8, 1988
Chaitra 18, 1910 (Saka)

AMAL DATTA
Chairman,
Public Accounts Committee

CHAPTER I

REPORT

This Report of the Committee deals with action taken by Government on the Committee's recommendations/observations contained in their Fifty-fourth Report (Eighth Lok Sabha) on Land Management in Railways.

1.2 The Committee's Fifty-fourth Report was presented to Lok Sabha on 31 July, 1986. The Report contained 18 recommendations/observations. Action Taken Notes have been received from the Government in respect of all the recommendations/observations. All the recommendations/observations have been noted or accepted by Government. These have been broadly categorised as indicated in the Appendix. Replies to two* recommendations are, however, interim in nature.

1.3 The Committee desire that final action taken replies to the recommendations in respect of which interim replies have been given should be furnished expeditiously.

1.4 The Committee will now deal with the action taken by Government on some of their recommendations and observations.

Verification of Land Plans

(Sl. Nos. 3 & 4—Paras 1.65 and 1.66)

1.5 The Committee had noted with concern that maintenance of accurate land plans of all railway lands duly accepted by the Revenue authorities of the State Governments was far from satisfactory on all the Zonal Railways. In the absence of proper land plans it was not known whether periodical verification of boundaries as per extant rules was regularly done by the Railway administrations. In their action taken note, the Ministry of Railways (Railway Board) have given the progress of certification of the land plans during 1986-87 on all the Zonal Railways.

1.6 The Committee, while appreciating the progress of certification made during 1986-87, is constrained to note that the pace of progress continues to be far from satisfactory. The work of certification has reached the stage of near completion only on South Eastern Railway. On the other Railways the percentage of land plans yet to be certified as on 31st March, 1987 varied between 11 and 63. The work of updating and certification of land plans, therefore, continues to be in heavy arrears on all the Zonal Railways except South Eastern Railway. Obviously, the Railway administrations have not

*Serial Nos. 7 and 11—Paragraphs 1.69 and 1.73.

shown the due sense of urgency in completing this work of vital importance having long term consequence. In view of the fact that the certified land plans are the elementary requirement for ownership proof of the land belonging to the Railways, the Committee desire that serious and concerted efforts should be made to accelerate the pace of disposal of pending arrears. The Committee would also like to be apprised in due course about the steps taken and results achieved in this direction.

Disputes about ownership or payment of licence fees.

(Sl. No. 5—Paragraph 1.67)

1.7 The Committee had pointed out 8 specific cases of disputes about title or payment of license fees in respect of 8 plots of the Railways at different places and had desired that these cases should be pursued vigorously to safeguard the interests of the Railways.

1.8 The Committee note from the action taken reply* that none of these cases has made any progress towards final settlement. Six of these cases are still pending in different courts and the remaining two are in the process of pursuance with the concerned civil authorities. As the disputed cases involve plots of land of very high values, the Committee desire that the progress towards conclusion of these cases should be monitored periodically at an appropriate higher level.

Encroachment of Railway land.

(Sl. Nos. 6 & 8—Paras 1.68 & 1.70)

1.9 Expressing concern over encroachments of Railway land, the Committee had pointed out that in spite of the various measures taken for checking and preventing encroachments, the incidence of encroachments was on the increase. The number of encroachments on Railway land had increased from 64,000 in 1975 to about 98,000 in 1985. In their action taken note, the Ministry of Railways (Railway Board) have intimated that the number of encroachments have further increased to 1,03,074 as on 31st March, 1986. The Ministry have also admitted that overall growth of encroachments could not be contained due to various factors, like weaknesses in the Public Premises Act, 1971, general law and order conditions prevailing in various parts of the country, inadequacy of organisation to deal with the large number of cases of encroachment etc.

1.10 The Committee realise the dimension of the problem and the difficulties encountered by the and Zonal Railway administrations in clearing the encroachments frustrating attempts of unauthorised occupation of railway land. But what is disquieting is that the overall number of encroachments

*See Chapter I

has increased, the number of fresh encroachments have been more than the number of encroachments vacated during the last few years. While the Railways have been able to remove 52,174 encroachments, 70,204 new encroachments have taken place during the last five years. The total number of encroachments existing as on 31.3.1986 was 1,03,070. The Committee therefore, feel that there is need to further strengthen efforts for the prevention and removal of encroachments. The Committee are of the opinion that it is imperative that the problem is tackled on a war footing and the progress achieved in this direction is monitored periodically at the highest level so that further encroachment of Railway land is prevented and existing once are cleared of encroachments expeditiously. The Committee would like to be informed in due course the progress made in the matter.

Delegation of more powers to the Estate Officers and Magistrates of Railways
(Sl. No. 7—Para 1.69)

1.11 The Committee had recommended that the proposal of the Ministry of Railways to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 for delegation of more powers to the Estate Officers in regard to giving magisterial authority to summon police assistance and powers to Railway Magistrates for eviction of encroachments should be examined by the Government in all aspects and implemented, if found feasible, with a view to preventing effectively the encroachments of Railway lands. In their action taken, the Ministry of Railways (Railway Board) have stated that a reference had been made to the Ministry of Urban Development in September 1986 to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, suitably and in the light of the advice received from that Ministry the required amendments in the existing Act of 1971 would be processed in consultation with the Ministry of Law.

1.12 The Committee deplore that although more than one year has elapsed since the reference was made to the Ministry of Urban Development, the Ministry of Railways (Railway Board) have not intimated the final outcome of the reference made to the Ministry of Urban Development in September, 1986. As further progress of the reference made has not been indicated, the Committee apprehend that there has been no real progress in the case after making the aforesaid reference. The Committee deprecate the lackadaisical approach of the Government to such a vital issue. They desire that the matter should be pursued in right earnest and the Act of 1971 amended suitably as early as possible. They would like to be informed of the conclusive action taken in the matter within a period of six months.

Disciplinary proceedings against Retired Officers

(Sl. Nos. 9 & 10—Paras 1.71 & 1.72)

1.13 In their Report on the unauthorised occupation of Railway land in New Delhi by M/s. Oriental Building and Furnishing Co., the High

Powered Committee appointed by the Government had held responsible a large number of Railway Officers even at the highest level who dealt with the case at various stages and at different points of time from the very beginning since forties. The Report also pointed out that all the Railway Officers except one-who have been held responsible in the case, have since retired.

1.14 It has been stated in reply by the Government that draft charges against Shri N. S. Hirani, the only officer held responsible who is in service, have been drawn up and action is in hand to serve him with a charge sheet for major penalty proceedings against him.

It has further been stated that as regards action against the retired officers, apart from cut in their pension, no other action can be taken against the retired persons. Under the rules, proceedings can be initiated for a cut in pension in respect of officials who have retired under the Railway Pension Scheme, and further proceedings can only be initiated for acts of omission and commission which should not be more than 4 years old on the date of initiation of the proceedings.

It has also been brought out that the incidents of the acts of omission brought out in the report of the High Powered Committee related to the period upto 1975 and as the incidents are already more than 4 years old, no action against the retired persons is possible under the rules.

1.15 The Committee are of the opinion that in order that appropriate departmental action can be taken against officers held responsible for grave and costly lapses jeopardising the financial interests of the Government the administrative machinery should be streamlined to make it possible to detect lapses and fix responsibility with due promptitude so that action can be initiated against the concerned officers before they retire or leave service. They also view that relevant rules may be amended so as to provide for initiation of the proceedings against the officers for the acts of omission and commission which are pointed out in the Audit Reports and presented to the President within four years from the dates of their retirement. Provision of such a rule will have salutary effect in checking malpractices/irregularities in future.

Outstanding dues on account of rent/licence fee

(Sl. No. 12-Para 1.74)

1.16 Expressing deep concern on the accumulation of large outstanding dues on account of rent/licence fee on various Railways, the Committee had desired that determined efforts should be made by the Zonal Railways for expeditious liquidation of outstanding dues. The Ministry of Railways (Railway Board) have now stated that the Railways have been directed to liquidate the outstanding dues of rent/licence fee on priority basis and the progress is being watched at Board level. They have also stated that the recent measures streamlining of licensing fee as well as review of disputed

cases by Head of the Department level Committee in Railways are in the process of implementation and actual impact is expected in a year or so.

1.17 The Committee would like to be apprised of the outcome of these measures in due course.

Afforestation of surplus Railway lands

(Sl. No. 13-Para 1.75)

1.18 The Committee had recommended that economical and gainful exploitation of surplus railway land through afforestation should be examined and considered to augment the railway finances. In their action taken note the Ministry of Railway (Railway Board) have stated that during the 7 years from 1980-81 to 1986-87 nearly 672 lakh trees have been planted either directly by the Railways or through the Forest Departments of the State Governments. But the arrangements made to look after the trees planted and their survival rate have not been indicated in the reply.

1.19 The Committee, while appreciating the laudable effort made by the Railways for gainful exploitation of surplus railway lands through afforestation thereby contributing their mite to the national efforts to improve the ecological and environmental balance of the country, hope that the tempo of tree plantation on surplus lands will be kept up and at the same time suitable arrangements for protection of plants will be made to ensure better survival rate of the trees planted. The Committee would like to be apprised of the survival rate of the trees already planted and also the arrangements made to ensure their higher survival in future.

Strengthening of Land Management Organisation

(Sl. Nos. 14, 16 & 18-Paras 1.76, 1.78 & 1.80)

1.20 The Committee had noted with grave concern that the Railways did not have adequate organisation for management of their valuable land assets on sound and economic lines, with the result that the Railways were not in a position to protect their lands from unauthorised occupation/encroachments. At the Divisional Headquarters and in the field, there was hardly any staff provided exclusively for land management. The engineering staff who were assigned the job of land management in addition to their normal duties hardly got any time for specifically dealing with encroachment cases. The Committee had recommended that to begin with the existing set up at the Board level and at the Zonal levels should be strengthened so as to bring about a marked improvement in land management and the proposal for setting up an independent Land Management Organisation, which was shelved earlier, should also be reconsidered in the light of the recommendation of this Committee.

1.21 The Committee note* that in response to their recommendation, the Ministry of Railways (Railway Board) have since decided to suitably strengthen the Land Management Organisation in the six divisions of Delhi, Howrah, Sealdah, Bombay (Central Railway), Bombay (Western Railway) and Madras of the metropolitan cities of Delhi, Calcutta, Bombay and Madras where the problem of land management is more intensive, by creation of additional posts at Junior Administrative Grade level and downwards.

1.22 Land management is an additional responsibility of the officials of the Civil Engineering Departments of the Zonal Railways who are preoccupied with their primary duty of maintaining track and other structures etc. They have little time for land management work. According to the Railway Reforms Committee, the organisational set-up of the Railways for land management is ineffective and nearly non-existent. There is practically no land management organisation at the divisional level. With the increasing pressure of population and migration of rural unemployed to urban areas in search of livelihood on account of frequent droughts, the number of encroachments on the vacant railway land are likely to increase further.

1.23 The Railway Board have initiated several measures for prevention and removal of encroachments for vigorous implementation at Zonal and Divisional levels. In the opinion of the Committee these measures can succeed only if there is an effective and adequate machinery in the field for proper implementation. It was in this context that the Committee had recommended that the proposal for setting up an independent Land Management Organisation should be considered by Government. Such an organisation is imperative for effectively preserving, protecting and promoting proper utilisation of railway land and gainful exploitation of surplus lands for augmenting resources by surmounting all hurdles so that Railways are not deprived of a valuable source of revenue in national interest and there is optimum utilisation of resources. The Ministry of Railways (Railway Board) have not indicated whether this recommendation has been given consideration by the Government. The Committee deprecate the casual approach of the Government in dealing with an important recommendation made with a view to streamlining and improving land management in the Railways. The Committee urge that the recommendation should be given consideration with promptitude and the Committee apprised of the results of consideration.

*See Chapter II

CHAPTER II
OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN
ACCEPTED/NOTED BY GOVERNMENT

Recommendation

The Indian Railways own about 8.3 lakhs acres of land spread over the length and breadth of the country along its network of over 61,850 route kilometres of railway lines. About 5.56 lakh acres of land are under railway assets like tracks, workshops, offices, staff colonies, etc. Whereas the remaining 2.74 lakh acres are non-functional and fall in the category of available lands as defined in Para 1008 of the Indian Railways Code for the Engineering Department.

[S.No. 1 Para 1'63 of 54th Report of PAC —VIII Lok Sabha 1986-87]

Action Taken

The observations of the Committee have been noted.

This has been seen by Audit.

[Ministry of Railways (Railway Board)'s case No. 86/W2/LM/18/105]

Recommendation

The Committee note that as a result of review of the land management of the various Railways Audit has raised four basic issues. The first is inadequate and inefficient maintenance of land plans leading to disputes/litigations, damage to Railways's title of land and loss of revenue accruing therefrom. The second is high incidence of encroachments and inadequacy of action for its removal. The third is lack of concerted efforts to exploit surplus land to derive maximum revenue and the fourth is non-execution of agreements for land licensed.

[S.No. 2 Para 1'64 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action Taken

The observations of the Committee have been noted.

This has been seen by Audit.

[Ministry of Railways (Rly. Bd.)'s case No. 86/W2/LM/18/105]

Recommendation

The Committee have noted with concern that maintenance of accurate land plans of all railway lands duly accepted by the Revenue authorities of the State Govts. is far from satisfactory on [all the Zonal Railways.

In the absence of proper land plans it was not known whether periodical verification of boundaries as per extant rules, was regularly done by the Railway administrations. The Committee are informed that land plans for about 80% of total lands owned by the Indian Railways were available with the Zonal Railways. Work on preparation and certification of remaining lands had been taken up by the Zonal Railways and target of 31.3.1986 had been set for the purpose, which has apparently not been achieved. During their visit in July, 1985, to South Central Railway, it was learnt by the Committee that to prepare authenticated land plans, it was necessary to have a joint survey made by the officials of the Railways and the Revenue Department of the State Governments. At an approximate cost of Rs 8000/-per km., the joint survey of 1597 Kms, for which land plans were not available, would cost the Railway Administration Rs- 1.28 crores. The entire amount was to be found from within Revenue expenditure which suffered from acute shortage of funds. The Committee were also informed that the joint survey had been completed over a length of 201 Kms. only.

[S.No. 3 para 1.65 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action Taken

The present position regarding verification of land plans is as under :

	Total Land Plans invol- ved Route KM/Nos	Position of certified Land plans on 31.3.86	Position of land plans certified as on 31.3 87	Balance as on 1.4.87
C.R.	6310 Kms	3755	4258	2052 Kms
E.R.	4441 Kms	4860 Nos	4866 Nos	1778 Nos
	6644 Nos			
N.R.	7248 Kms	3940	4558	2690 Kms
N.E.	3090 Kms	2219	2314	776 Kms
N.F.	3582 Kms	3107	3183	399 Kms
S.R.	6710 Kms	1521	2460	4250 Kms
S.C.	7137 Kms	3840	3762	3375 Kms
S.E.	6192 (Nos)	6029 (Nos)	6073 (Nos)	119 (Nos)
W.R.	10295 Kms	7850	8400	1895 Kms

Authentication of land plans by the Revenue authorities is a lengthy process requiring collection of revenue records, its analysis, joint site verification with Revenue staff and coordination with Civil Authority for getting

signature of concerned civil authority on land plans. Action has already been initiated by the Railways to complete the authentication of balance land plans as early as possible.

This has been seen by Audit.

[Ministry of Railways (Rly. Bd)'s cases No. 86/W2/LM/18/105]

Recommendation

The Committee have a feeling that position of updating the land plans on other Railways may not be different. As the certified land plans are the elementary requirement for ownership proof of the land belonging to the Railways, the Committee recommend that work on preparation, certification and verification of boundaries of the remaining land plans should be done on priority basis. The Committee would also like to be apprised of the progress achieved by the Zonal Railways in clearing the arrears in this regard within six months.

[S. No. 4 Para 1.66 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action Taken

The observations of the Committee have been noted.

The latest position of the authentication of land plans has been given against para 1.65.

This has been seen by Audit.

[Ministry of Railways (Railway Board's) cases No. 86/W2/LM/18/105]

Recommendation

As regards specific cases of non-maintenance of up-to-date and complete land plans mentioned in the Audit Paragraph, the Committee are informed that in the cases of plot No. 436 of Birlanagar siding at Gwalior, the Railway's ownership has now been established and mutation done in their favour. It is proposed to licence the Railway land to J.C. Mills who are using the land for unloading of coal etc. on annual licence fee with retrospective effect from 1961. Central Railway has been asked to work out the arrears and realise the same from the party. The Committee desire the Ministry to expeditiously work out the arrears and to ensure the payment thereof by the party to the Railway. The Committee may be informed of the amount recovered.

The cases of land occupied by Notified Area Committee at Loharu, non payment of licence fee by provincial Armed Constabulary at Gorakhpur, licensing of Railway land to M/s Stall Coir Industries at Tellicherry, and land on Millers Road, Bangalore are still subjudice at various stages in the courts of law. The cases of land at Chupra and mutation of land of

Tezpur-Balipara Railway are being pursued with the state authorities concerned in the matter. The Committee trust that Railways will vigorously pursue all such cases as mentioned in the Report which are sub judice and pending with the State Government authorities and take appropriate remedies, administrative and legal available to them to safeguard the Railway's interest.

The Committee observe that two plots of Railway land measuring 5073 sq. yards situated in front of New Delhi Railway Station were licensed (1948) to the then Delhi Municipal Committee on the recommendations of the Ministry of Rehabilitation, at a nominal fee of Rs. 2 per annum, for temporary resettlement of refugees from West Pakistan. The Committee have been informed that the matter is under correspondence between the Ministries of Railways and Rehabilitation and the Lt. Governor of Delhi. Keeping in view the considerable delay and the continued adverse possession of the land, the Committee recommend that the matter should be resolved at the earliest to set at rest the uncertainty about this area of prime land which may be very essential for railway operations.

[S. No. 5 para 1.67 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action Taken

The observation of the Committee have been noted. The position of specific cases mentioned by the Committee is as under :

Birlanagar siding (Gwalior)

The license fee (instead of wharfage charges) for the railway land used by M/s Jiyajeerao Cotton Mills for unloading of coal etc. has been worked out with retrospective effect.

This licence fee is of the order of Rs. 12,49,725/- for the period from 1.1.1961 to 31.12.1987.

A formal notice for payment of the above amount has been served by the Railway on 8.4.87 to M/s Jiyajeerao Cotton Mills. Nothing further has been heard from the party.

The party has filed an appeal in Civil Court against the decision of Tehsil Court about ownership and Title of plot No. 436 in favour of the Railways. The case is being contested.

All efforts are being made to recover arrears of licence fee dues from the party.

**Item No. 2. Land occupied by notified Area Committee at Loharu
(N. Railway)**

The latest position of the case is as under :—

The local Commissioner (Tehsildar, Bhiwani) filed his report in the court of Addl. Disst. Judge Bhiwani in October, 1985. The case was finally heard by the Hon'ble Court and appeal filed by the Railway Administration was allowed and a decree for possession of land in suit was granted on 28.2.86. The opposite party was allowed three months, time to remove the encroachment from the land in suit.

Notified Area Committee, Loharu has filed RSA No. 1444 of 1986 in the High Court. Chandigarh against the judgement delivered by Addl. Distt. Judge Bhiwani on 28.2.86. The execution of decree granted by Addl. Distt. Judge was stayed by the High Court on 28.5.86. No further date has yet been fixed for hearing by the High Court.

The matter is being pursued in the Court.

**Item No. 3. Non payment of Licence fee by the P.A.C. at Gorakhpur
for the Railway land used for Rifle Range at Gorakhpur.**

The latest position is as under :

Many hearings have taken place from time to time in the Court of Tehsildar Sadar and the next hearing (64th) has been fixed on 17.9.1986. The matter is being vigorously pursued in the Court.

**Items No. 4. Tellicherry-Railway land licensed to M/s Small Coir
Industries.**

The latest position of the case is as under :

Having failed in the writ petition and writ appeal in the High Court of Kerala, the party has now filed a case O.S. No. 452 of 1986 in the Munsiff Court, Palghat seeking a decree of perpetual injunction against the Railway restraining them from dispossessing the party from the property originally licensed to them and filed I.A.No. 1770/85 in the same case seeking issue of direction to the Railways to review and revise the licence fee of the property originally granted on licence in conformity with and on the basis of the rent fixed for similar adjacent lands licensed to others and to refrain from taking steps to evict the party from the property in question, The Court has passed on 12.9.1986 an order of ad-interim injunction restraining the railways from dis-possessing the land from the party until further orders of the Court.

The original suit filed by the Party against the Railway in O.S. No. 452/86 in the Munsiff Court at Palghat was disposed of by the Court on 10.10.86 in favour of the Railway. Immediately on passing of the decree by the Munsiff Court, the party filed the petition in the High Court Kerala in CRP No. 2381/86 and CMP No. 25483/86. Necessary counter affidavit has already been filed in the High Court, Kerala, by the Railway to defend the case.

The CRP was dismissed on 19.3.1987, since the other side was not present. On the party filing a petition for restoration of the case, the same has been allowed. This is being pursued further.

Item No. 5. Encroachment on Railway Land at Millers Road Bangalore.

The latest position of the case is as under :

The Administration has filed on 16.12.1985 a Caveat application in the High Court of Karnataka requesting them not to allow the party to enter into Railway Land or to make any appeal further. This caveat case was admitted as a regular second appeal No. 433/1986. The case came up for hearing on 26.8.86 and the Court, it is understood from the Railway's lawyer has confirmed the judgement and decree passed by the Lower Appellate Court after hearing the Corporation Side and rejecting their appeal. The certified copy of judgement of High Court/Karnataka confirming the judgement and decree passed by the Lower Appellate Court in favour of the Railway has since been received and further follow up action is being taken in the matter.

Item No. 6. Railway land of Station approach road under dispute with the District Board at Chupra (N.E. Railway).

The latest progress in this case is as under :-

A meeting was held with the District Magistrate Chupra on 13.1.1986 in which he desired that both the parties should produce the relevant papers and records. Next meeting was fixed on 14.4.1986 which could not be materialized due to the engagement of District Magistrate. No further meeting could be held with the District Magistrate as he was busy throughout, Railway is, however, pursuing the matter with the District Magistrate Chupra to finalize the issue early.

Item No. 7. Mutation of land at Tezpur-Balipara Section

The latest position is as under :-

A sum of Rs. 6.60 lakhs was demanded by the Settlement Officer, Darrang, Tezpur as cost of State Govt. land and capitalised land revenue for 25 years before the land could be transferred to the Railway. This demand was contested and the sum was not paid as it was felt that Central Govt. is not liable to any amount to the State Govt. on this account. The matter was referred to the Secretary to the Govt. of Assam, Revenue Deptt, but the transfer of land to the Railway in Revenue Record remained unaccomplished. The land is still in possession of the Railway. The civil authorities will be pursued further in this matter. However, it appears that there may not be any other option but to make payment to the State Govt. towards the cost of Sarkari Land in case we want the land to be mutated in favour of N.F. Railway.

Item No. 8. Land opposite New Delhi Railway Station—Amrit Kaur's Market.

The latest position is as under :

A meeting was arranged with Lt. Ed. Governor on 25.6.86 in Raj Nivas Delhi, which was attended by Railway and Municipal Corporation of Delhi officials. Lt. Governor desired and asked Municipal Corporation of Delhi

Authorities to prepare a proposal for the shifting of Amrit Kaur Market to an alternative place in the vicinity, after which the matter should be discussed with him. Another meeting was held on 15.10.86 in the Lt. Governor's Office in which he proposed to inspect the site on 5.11.86.

The Lt. Governor, Delhi inspected the site on 5.11.86 and after inspection observed that he would be calling a meeting in which he would also like to involve Delhi Development Authority and other organisations connected with planning and development of Delhi. No further communication in the matter has been received so far from the Lt. Governor Delhi despite a D.O. reminder dated 26.12.86 from the General Manager, Northern Railway.

Meanwhile a demand notice for recovery of Rs. 81,57,7401/- towards occupation fee upto 31.12.86 has been issued to the Dy. Commissioner Municipal Corporation on 29.12.86.

The finalisation of the cases and recoveries will be advised to the Public Accounts Committee in due course.

This has been seen by Audit.

[Ministry of Railways (Railway Board)'s case No. 86/W2/LM/18/105]

Recommendation

Another important matter which the Audit Paragraph has raised is that encroachments on Railway land had been increasing from year to year. According to the Ministry of Transport (Deptt. of Railways) number of encroachments on Railway land have increased from 64,000 in 1975 to about 98,000 in 1985. The Ministry have sought to explain the position by saying that although migration of labour to urban areas to seek employment and other sociological factors are primarily responsible for large scale encroachments on Public lands, there are certain special reasons for the proneness of railway land to unauthorised occupation. These are Railway land being unfenced and scattered, interference by pressure groups, inadequate administrative machinery at the grass-root levels, indifference of the fields staff in taking timely action and ineffectiveness of the Public Premises Eviction Act, 1971.

The Ministry of Transport (Department of Railways) (Railway Board) have further stated that a number of corrective steps have been taken to protect Railway land against encroachments. These include appointment of additional Estate Officers, large-scale social forestry on vacant land in sensitive areas close to metropolitan cities, provision of boundary walls/fencing for protecting railway land and follow up at appropriate levels with State

Govts. for eviction from Railway lands. However, inspite of adopting various measures the encroachments have increased and it has not been possible for the Railway Administration to effectively prevent the encroachment on their land especially in the metropolitan cities and major towns.

[S. No. 6 Para 1.68 of 5th Report of PAC-VIII Lok Sabha 1986-87]

Action Taken

The observations of the Committee have been noted.

The number of encroachments on railway land as on 31.3.1986 was 103,070.

The following factors have been contributing to the growth of encroachments, inspite of effects to contain and check fresh encroachments of railway land :

- (i) inadequate machinery in the field of preventive checks and evictions of existing encroachments ;
- (ii) Proneness of railway lands to encroachments, being scattered all over the country and mostly being unfenced, specially in big cities, and population pressures ;
- (iii) The basic of inherent short-comings in the Public Premises Act of 1971 and time consuming legal process and various courts of appeals ;
- (iv) Lack of magisterial authority with the Estate Officers to summon police assistance to implement eviction orders ;
- (v) Lack of authority for imposing punishments by the estate officer or power to convict as is vested in a magistrate ;
- (vi) Lack of powers to appoint persons (like Court Bailiffs) to execute orders of the Estate Officers ;
- (vii) Encouragement and interference from pressure groups ;
- (viii) Lack of adequate cooperation from the State Governments and Police in respect of encroachments, which pose social/law and order problems.

The following measures have been taken for prevention and removal of encroachments :

- (a) The incidence of encroachments on railways is being closely monitored at Railway Headquarters and Railway Board and suitable instructions are issued from time to time to the Railways ;
- (b) Provision of fencing along the railway lines at selected locations, to prevent trespass and encroachments ;

- (c) emphasising the advantage of building railway quarter and others structures along the railway boundaries to check encroachments ;
- (d) Reiterating to the Zonal Railways to take vigorous actions under the P.P.E. Act and with the co-operation of State Governments to clear the encroachments and forestall attempts of unauthorised occupation of railway land ;
- (e) Various officials connected with land management being made responsible for any new encroachments.

During the year 1983-84, 12036 fresh encroachments were detected, while 12658 were removed ; in 1984-85, 15825 new encroachments were detected while 12444 were removed ; during 1985-86, 15408 encroachments were detected while 11205 were removed. It may be observed that during the last three years. a total of 36,307 encroachments were removed, though it is accepted that over-all growth of encroachments could not be contained during this period due to various factors listed above.

This has been seen by Audit.

[Ministry of Railways (Rly. Bd)'s case No. 86/W2/LM/18/105]

Recommendation

The Committee are distressed to find that in spite of adopting various measures for checking and preventing encroachments, the encroachments on Railway land have increased. The seriousness of the situation can be seen from the fact that there is increase in encroachments from 64,000 in 1975 to 98,000 in 1985 though some more powers having been delegated to Estate Officers and provision made for unlawful occupation of public premises through amendments of the Public Premises Eviction Act, 1971 in 1984. That such a thing should have happened is a matter of regret. This only strengthens the views of the Committee that all these years land management in the Railways has been poor.

[S. No. 8 para 1.70 of 54th Report of PAC-VIII Lok Sabha 1986-87]

Action Taken

It is respectfully submitted that within the limited resources of Land Management Organisation at the disposal of Zonal Railways, all out efforts were made to keep in check the growing menace of increasing encroachments. During the last five years 70,204 additional encroachments took place on the Railways, out of which Railway have been able to remove 52,174 encroachment. The balance could not be removed due to various weaknesses in the Public Premises Act, 1971, general law and order condition prevailing in various parts of the country and inadequacy of organisation to deal with the large number of cases of encroachments etc.

This has been seen by Audit.

[Ministry of Railways (Rly. Bd)'s case No. 86/W2/LM/18/105]

Recommendation

In their Report on the unauthorised occupation of railway land in New Delhi by M/s Oriental Building and Furnishing Co., the High Powered Committee have held responsible a large number of Railway officers even at the highest level who dealt with the case at various stages and at different points of time from the very beginning since forties. The Report also points out all the Railway Officers except one—who have been held responsible in the case, have since retired. Departmental action is proposed to be taken against the only one officer—the then Divisional Engineer (Estate) who is still in service.

The following are glaring instances of administrative irregularities/lapses which have been pointed out :

- (i) Extension of lease of land for a period of 20 years not with standing that eviction proceedings were in progress with the competent authority during early sixties ;
- (ii) Further extension of lease by the then Chairman, Railway Board beyond 31.12.1972 inspite of recorded orders of the then Minister of Railways that the lease of the firm be terminated with effect from 31.12.1972 which had already been notified to the firm ; and
- (iii) The letter dated 26.10.1974 over the signature of Divisional Engineer (Estate) should have never been issued to the firm.

[S. No. 9, Para 1.71 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action Taken

The observations of the Committee have been noted.

Draft charges against Shri N.S. Hirani have been drawn up and action is in hand to serve him with a charge sheet for major penalty proceeding against him.

This has been seen by Audit.

[Ministry of Railways (Rly. Bd)'s case No. 86/W2/LM/18/105]

Recommendation

The Committee observe that findings of the High Powered Committee is a sad commentary on the functioning of the Railway Administration in such matters of vital consequence. It has been established beyond doubt that the whole case had been handled in lax and perfunctory manner, that

there were serious lapses by Railway Officers at the highest level which the Committee feel could be the result of pressure or influence exercised from outside and that the various inordinate delays and lapses that have taken place at various stages could not have been possible without the active collusion on the part of some Railway Officers. The Committee take a very serious view of it and urge that stern action may be taken against those officers who are responsible for grave and costly lapses irrespective of the fact whether they are in service or not under the extant rules.

[S. No. 10, Para 1.72 of 54th Report of PAC-VIII Lok Sabha 1986-87]

Action Taken

Action being taken against an officer who is in service has been indicated against para 1.71.

As regards action against the retired officers, apart from cut in their pension, no other action can be taken against the retired person. Under Rule 2308 R-II, proceedings can be initiated for a cut in pension.

In respect of officials who have retired under the Railway Pension Scheme. There is, however, a proviso in their rule that proceedings can only be initiated for acts of omission and commission which should not be more than 4 years old reckoning from the initiation of the proceedings.

The incidents of the acts of omission brought out in the report of High Powered Committee relate to the period upto 1975. As the incidents are already more than 4 years old, no action against the retired persons is possible under rule 2308-R.II.

This has been seen by Audit.

[Ministry of Railways (Rly. Bd)'s case No. 86/W2/LM/18/105]

Recommendation

The Committee note that at present the total outstanding dues on account of rent/licence fee on various Railways as on 31.3.1985 are Rs. 6.94 crores. The Railway Board have taken these accumulations lightly in view of annual earnings from land being of the order of Rs. 7 crores. The rate fixed by Zonal Railways in terms of instructions issued by the Railway Board in 1980, were considerably higher than old rates. Many licences have disputed the increase and are either paying at old rates or are not paying at all. Besides, there are some major defaulters. The Ministry have further stated that Railways have appointed Committees of Senior Officers to examine the disputed cases so that disputes are settled and dues realised. For major defaulters like M/s Pure Drinks, New Delhi, and M/s Kirit Enterprises, Bombay

cases are being pursued in the Courts. In case of oil companies, the matter has been taken up at Secretary's level.

The Committee feel deeply concerned over this State of affairs. In this connection, the Committee note that Department of Railways have recently issued detailed guidelines to the Zonal Railways for fixing licence fees and for review of old cases involving disputes. The Committee expect that with the issue of recent broad guidelines old cases involving disputes will be settled quickly. In addition, the Committee desire that determined efforts should be made by the Zonal Railways for expeditious recovery of outstanding dues. This Committee also that desire that the Directorate of land Management in the Railway Board should keep a close watch and review quarterly the position of settlement of disputed cases and clearance of outstanding dues.

The Committee observe from the replies furnished by the Ministry regarding outstanding rent/licence fee from the major defaulters that an amount of Rs. 4 crores outstanding from the oil companies. The Oil Companies and public undertaking being the major rail users, the Committee wonder why such large outstandings should have been allowed to accumulate. Immediate action in this direction is called for to ensure that these outstandings are liquidated at the earliest. The Committee are surprised at the lack of concern in settling accounts between different arms of the Government. This does not speak well about the system of accounts.

[S. No. 12, para 1.74 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action Taken

The observations of the Committee have been noted.

The Railways have been directed to liquidate the outstanding dues of rent licence fee on priority basis and the progress is being watched at Board level. The recent measures streamlining of licencing fee as well as review of disputed cases by Head of the department level Committee in Railways are in the process of implementation and actual impact is expected in a year or so.

This has been seen by Audit.

[Ministry of Railways (Railway Board)'s case No. 86/W2/LM/18 105.]

Recommendation

The Committee note that afforestation is an important national objective. Railways are contributing their mite to the national efforts to improve the ecological and environmental balance of the country through

plantation of trees. According to Railway Board, the primary aim of Railway plantations is social rather than monetary. The level of tree plantation has been raised from 20-25 lakh trees annually to more than 100 lakhs by cooperating afforestation work with the State Forest Departments. The Ministry have further stated that with close liaison with the Ministry of Forest and Environment and the States, it is proposed to plant nearly 10 crore of trees on Railway land in the next ten years. The Committee trust that suitable look after arrangements have been made to ensure better survival rate of the trees planted. The Committee while appreciating the laudable efforts of the Railways desire that the tempo of the plantation should be ensured and priority may be given to plantation of trees on Railway lands along the Railway tracks passing through populated areas with a view to checking pollution and encroachments.

From the replies furnished by the Railway Board, the Committee observe that the project report prepared for afforestation on the Indian Railways envisages use of 88,000 hectares of land for the purpose. Of this, 15,885 hectares of land has been handed over to the State Forest Departments by the Zonal Railways for afforestation on a nominal licence fee of Re. 1/-per hectare per annum. The Committee note from the Advance Report of the Comptroller & Auditor General of India for the year 1982-83 Union Government (Railways) that in accordance with the projections made by Audit the surplus railway lands have a potential of earning of Rs. 111 crores per annum by utilising half of the surplus railway lands. This being the potential of earnings of these surplus lands and the fact that the railway themselves have been running through difficult financial conditions during these years for their activities and expansion, the Committee consider that economical and gainful exploitation of such lands through afforestation should also be examined and considered to augment the railway finances.

[S. No. 13 Para 1.75 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action Taken

Indian Railways have been growing trees for many years. However, in accordance with the Prime Minister's new 20- Point programme, much emphasis has been laid on tree plantation since 1983-84.

The Railways have identified about 88,000 hectares of vacant land which could be brought under the plantation scheme in a span of 10 years for planting about 10 crore trees. Nearly 35,000 hectares have already been brought under afforestation by planting more than 6 crore trees. The balance would be covered in the next 5 to 6 years period.

Tree plantation is being done

(a) directly by the Railway,

(b) through the Forest Deptts. of State Govt. on Railway land given to them on nominal licence-fee.

In the first case, the usufruct benefits come to the Railway. Since the massive plantation drive has been taken recently, it will take some time to get such benefits.

In the latter case usufruct benefits would accrue to the State Government.

Figures of actual plantation for the past few years are as under (both a & b together).

Years	No of trees planted (in lakhs)
1980-81	44
1981-82	25
1982-83	52
1983-84	107
1984-85	133
1985-86	145
1986-87	165.8

Action has been initiated for that first time on Railways on 5 pilot projects which are being taken up for development of Model Compact Block Plantation Farms (30 to 50 acres in area) and have the potential of yielding economic benefits on a long term basis.

In cases of tree plantation directly by the railways, the trees which can economically exploited like eucalyptus, subabul etc. have been planted along with other useful fruit bearing and shady trees. In case of the former variety, it is expected that after these trees mature, these will yield considerable economic return while in the later cases, advantages will be more on environment and ecological aspects.

In cases where Forest Departments of the State Govt. have undertaken tree plantation, generally they have gone in for social forestry scheme where the main objective is to provide fodder and fuel in the rural areas apart from economical returns when such trees are felled on attaining maturity. Thus it will be seen that it is not possible to precisely evaluate the quantum of economic return of the tree plantation drive

taken up by the Railways as there are many social, ecological and environmental benefits not capable of quantification.

This has been seen by Audit.

[Ministry of Railways (Rly. Bd.)'s case No. 86/W2/LM/18/105]

Recommendation

In June, 1980, the Department of Railways (Railways Board) directed Railway Administrations to give highest priority to the management of land by exercising greater control and taking dynamic action to eliminate encroachments. From the information furnished by the Ministry of Transport (Department of Railways), the Committee are greatly concerned to find that the Railways do not have adequate organisation for management of their valuable land assets on sound and economic lines. At the Divl. Headquarters and in the field, there is hardly any staff provided exclusively for land management. Since, June, 1980, at the Zonal Railway Headquarters, Chief General Engineers have been entrusted with full normal duties. Existing strength of officers and staff for all the nine Zonal Railways is 12 officers and 181 non-gazetted staff against their total requirement of 96 gazetted and 750 non-gazetted staff which is totally inadequate and virtually insignificant in view of vast unfenced land assets spread all over the vast Railway network, comprising of nearly 3.36 lakhs hectares.

[S. No. 14 Para 1.76 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action Taken

The observations of the Committee have been noted.

This has been seen by Audit.

[Ministry of Railways (Railway Board)'s case No. 86/W2/LM/18/105]

Recommendation

The Committee further note that the proposals for strengthening the land management organisation on the Zonal Railways at the Headquarters as well as the Divisions have since been submitted by the Zonal Railways. These proposals have been examined in the Board's office and action is being taken to submit a Memorandum to the Cabinet for creation of these required posts. However, due to ban on creation of posts, the Department of Railways is not in a position to create the required organisational infrastructure for management of land.

[S. No. 15, Para 1.77 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action Taken

The observations of the Committee have been noted.

This has been seen by Audit.

[Ministry of Railways (Railway Board)'s case No. 16/W2/LM/18/105]

Recommendation

The Committee regret to have to observe that various facets of land management on Indian Railways have suffered in the past due to lack of adequate attention being paid to this subject. The incumbents in the existing posts of Chief General Engineers/Addl. Chief General Engineers who were assigned the job of land management in addition to their normal duties have not been able to do the work as efficiently as was accepted of them. The Ministry have also pointed out that at present officers of the Engineering Department are generally appointed as Estate Officers under the P.P.E. Act to deal with encroachment cases in addition to their normal duties. They hardly get any time for specifically dealing with eviction cases which consequently get delayed.

[S.No. 16, Para 1.78 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action Taken

The observations of the Committee have been noted.

This has been seen by Audit.

[Ministry of Railways (Railway Board)'s case No. 86/W2/LM/18/105]

Recommendation

The Committee are informed that in accordance with the recommendations of the Railway Reforms Committee, the Railways proposed to create a Land Management Authority through an enactment of the Parliament for proper protection, development and management of their land assets and air space. The Committee of Secretaries to the Government of India which considered the matter, however, did not accept the proposal primarily on the consideration that the main function of the Railways was to carry traffic and the real estate activities were not the legitimate function of the Railways. That Committee has further observed that such an organisation would not be able to discharge its responsibilities effectively within the framework of departmental working. Railways as the Deptt. of the Govt. would be more effective in tackling the problems of encroachments than a new undertaking or authority.

Instead it recommended strengthening of existing organisation both at Zonal and Divisional levels for better management of Railway lands.

The Committee feel that in the present situation when the value of land is increasing throughout the country particularly in big towns, it is really astonishing that the Railways are not in a position to protect their lands from unauthorised occupation/encroachments. It is imperative for

the Railways to preserve and protect all Railway lands which ultimately form part of assets of the public exchequer.

[S. No. 17 Para 1.79 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action taken

The observations of the Committee have been noted.

2. It has since been decided to suitably strengthen the land Management Organisation in the six divisions of Delhi, Howrah, Sealdah, Bombay (Central Railway), Bombay (Western Railway) and Madras of the metropolitan cities of Delhi, Calcutta, Bombay and Madras where the problem of land management is more intensive, by creation of additional posts at Junior Administrative Grade level and downwards.

3. All efforts are being made to preserve and protect the railway lands from unauthorised occupation.

This has been seen by Audit.

[Ministry of Railways (Railway Board)'s case No. 86/W2/LM/18/105]

Recommendation

The Committee have been informed that proposals for creation of about 90 gazetted and 600 non-gazetted posts involving additional expenditure of Rs. 1.5 crores per annum are under consideration. With the proposed strengthening of the Land Management Organisation in the field of Zonal Railways, the annual earnings are likely to increase from the present level of Rs. 7 crores to around Rs. 10-12 crores in about 3 to 5 years, time. Apart from the increased earnings, the strengthened organisation will play a vital role in carrying out large scale departmental afforestation on Railway lands in actively pursuing the eviction of encroachments, surveying of demarcation of land boundaries, updating of land record and in checking fresh encroachments on Railway lands.

The Committee after taking into consideration all aspects of the matter feel that to begin with the existing set up at the Board level and the Zonal levels should be suitably strengthened with qualified personnel so as to bring about a marked improvement in Land Management. The Committee also feel that the proposal for setting up a inadequate Land Management Organisation may be given a second thought. Any overlooking of this fact will continue to deprive the Railways of valuable source of revenue, which cannot be allowed to go unchecked in national interest.

[S. No. 18 Para 1.80 of 54th Report of PAC—VIII Lok Sabha 1986-87]

Action taken

It has since been decided to suitably strengthen the Land Management Organisation in the six divisions of Delhi, Howrah, Sealdah, Bombay (Central Railway/ Bombay (Western Railway) and Madras of the metropolitan cities of Delhi, Calcutta, Bombay and Madras, where the problem of land management is more intensive, by creation of additional posts at Junior Administrative Grade level and downwards.

This has been seen by Audit.

[Ministry of Railways (Railway Board)'s case No. 86/W2/LM/18/1051

CHAPTER III

**OBSERVATION/RECOMMENDATION WHICH THE COMMITTEE
DO NOT DESIRE TO PURSUE IN THE LIGHT OF THE
REPLY RECEIVED FROM GOVERNMENT**

-NIL-

CHAPTER IV

**OB SERVATION/RECOMMENDATION REPLY TO WHICH HAS
NOT BEEN ACCEPTED BY THE COMMITTEE AND
WHICH REQUIRES REITERATION**

-NIL-

CHAPTER V
OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH
GOVERNMENT HAVE FURNISHED INTERIM REPLIES

Recommendation

In their note to the Committee, the Ministry of Transport (Deptt. of Railways) have suggested the following three major steps to check and prevent encroachments :-

- (i) Amendment of P.P.E. Act to give more effective judicial powers to the Estate Officers so that their direction to summon police help is an obligation under the law and not a simple direction, which may or may not be complied with.
- (ii) The relevant Act should be amended to give powers to the Railway Magistrates for eviction of encroachments.
- (iii) Separate posts of Estate Officers with minimum supporting organisation may be created on the Zonal Railways to deal full time with the encroachment cases instead of nominating Engineering Officers as Estate Officers in addition to their normal duties^ofunctions.

The Committee feel that the proposal of the Department of Railways for delegation of more powers to the Estate Officers in regard to giving magisterial authority to summon police/assistance and powers to Railway Magistrates for eviction of encroachments. being in the interest of preventing effectively the encroachments of public premises, merit serious consideration. The Committee recommend that the proposals should be examined by the Government in all aspects and implemented, if found feasible.

[S. No. 7 para 1.69 of 54th Report of PAC-VIII Lok Sabha 1986-87]

Action Taken

The observations of the Committee have been noted.

A reference has been made to the Ministry of Urban Development to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 suitably vide O.M. No. 73/W2/14/13 dated 15.9.1986 (copy attached). In the light of the advice received from that Ministry the required amendments in the existing Act of 1971 will be processed in consultation with the Ministry of Law.

The finalisation of the cases and recoveries will be advised to the Public Accounts Committee in due course.

This has been seen by Audit.

[Ministry of Railways (Rly. Bd)'s case No. 86/W2/LM/18/105]

Recommendation

In the case of unauthorised occupation of Railway land by M/s Oriental Building and Furnishing Company (M/s Pure Drinks), New Delhi, the Committee further note that the Arbitrator had given an award on 24th September 1984, directing the party to hand over vacant and peaceful possession of the land and pay Rs. 34.1 lakhs to the Railway Administration on account of rent arrears and interest thereon upto 31st December, 1982.

The Ministry of Transport, Department of Railways (Railway Board) have stated that on receipt of the award, two applications were filed in Delhi High Court, seeking (i) directions to the Arbitrator to file the original award and (ii) making the award the rule of the Court. The Department of Railways (Railway Board) have further stated that since proceedings in the High Court were likely to take time due to delaying tactics adopted by the party, two applications were filed with the Estate Officer, Northern Railway under the Public Premises (Eviction of Unauthorised occupants) Act, 1971 (i) for getting the land vacated and (ii) for recovery of damages from the 1st January, 1983 for unauthorised occupation of land. The Committee would like to be apprised of the further developments alongwith the chronological resume of the hearings both by the Delhi High Court and the Estate Officer.

[S. No. 11 para 1.73 of 45th Report of PAC-VIII Lok Sabha 1986-87]

Action Taken

The present position of the Court cases against M/s Oriental Building and Furnishing Co. Pvt. Ltd., New Delhi is as follows :

(1) Suit No. 1756/84 in Delhi High Court—Railway filed this suit in Delhi High Court on 6.11.1984 for getting the award dated 24.9.84 given by Shri K.C. Tandon, Sole Arbitrator to be made a rule of the Court. This case was fixed for arguments on 21.11.86 but as a result of an application made by M/s. Oriental Building and Furnishing Co. Pvt. Ltd., New Delhi for giving him time for filing counter affidavit, the same was fixed for hearing on 9.1.1987. Again the case was fixed for 4.5.87. The Court adjourned the hearing for arguments to 11.8.87 and further adjourned to 27.10.87.

(2) Case No. 1736/DLI/PPEA/HQ/85 for eviction of Premises : The Estate Officer has delivered judgement on 20.5.86 and observed that it would be appropriate in the interest of justice that these proceedings are dropped till receipt of the final decision of Hon'ble High Court, Delhi in arbitration proceedings pending before them. The Railway will be at liberty to start these proceedings from the stage at which they are being dropped or file fresh applications depending upon the final order of the High Court, Delhi.

(3) *Case No. 1737-DLI/PPEA/HQ/85 for recovery of damages with interest beyond 1.1.1983* :-This case was fixed for hearing on 18.3.87. The fate of this case is dependent on the outcome of the case mentioned at item No. (4) below. This case was later fixed for hearing on 26.5.87. Railway Advocate has requested the court for adjournment. Next hearing is fixed for 20.10.1987.

(4) *P. P. E. A. Appeal No. 17/86* in the court of Addl. District Judge on 29.5.86. The Railway has filed an appeal in the court of Additional District Judge, Delhi against the order dated 20.5.86 of the Estate Officer declining to pass an eviction order. This case was fixed for arguments on 24.11.86 but was adjourned to 6.1.1987. This case was fixed for 3.4.87 but adjourned to 24.4.87, 20.5.87, 25.5.87, 7,7.87, 30.7.87, 18.8.27, 7.9.87 and 9.10.87.

The chronological resume of the hearing fixed in the High Court of Delhi and in the court of Estate Officer are given in the Annexures.

The finalisation of the cases and recoveries will be advised to Public Accounts Committee in due course.

This has been seen by Audit.

[Ministry of Railways (Rly. Bd) No. 86/W2/LH/18/105].

AMAL DATTA

NEW DELHI

*Chairman,
Public Accounts Committee,*

April 8, 1988

Chaitra 18, 1910 (Saka)

ANNEXURE I (A)

Chronological resume of the hearings fixed in the High Court of Delhi in the case of the UOI Vs M/s Oriental Building and Furnishing Co. Ltd.

- 23.8.85 The High Court adjourned the case to 28.8.85.
- 28.8.85 Respondent filed application for condonation of delay in filing objections to the Award and the case was adjourned to 4.9.85.
- 4.9.85 The High Court condoned the delay for filing the objections to the Award. Railway were directed to file reply to the objection within 4 weeks and to the respondents for filing rejoinder within next 2 weeks. Arguments on Railway's application for stay order against the Respondents restraining them for disposing, selling or otherwise parting with their properties could not be heard and the case was adjourned to 24.10.85.
- 1.10.85 A rejoinder to the objections was filed by the Railways in the High Court.
- 24.10.85 The arguments on Railway's application against transferring of respondent's properties or otherwise were heard by the High Court and passed orders for framing issues on 20.11.85.
- 20.11.85 The Respondent filed rejoinder in High Court and the case was adjourned to 18.12.85.
- 18.12.85 Arguments heard and the High Court framed the issues and directed the respondents to aduce evidence by way of affidavit within six weeks and the Railway within next 6 weeks. The Respondent may file rejoinder within next 3 weeks. The case was fixed for 28.4.86 for arguments.
- 27.1.86 The Respondents filed application in the High Court. Arguments by Railway on application fixed on 13.3.86. Respondents did not file the affidavits for evidence within 6 weeks from 18.12.85. Railway filed application seeking orders for closing the evidence of the respondents and to permit to file affidavits.
- 13.3.86 The case in the High Court being fixed for arguments on 28.4.86. Respondents application of 27.1.86 for framing additional issues, adjourned to 1.4.86. The Respondents did not file affidavits within 6 weeks from 18.12.85.
- 1.4.86 Case in High Court adjourned to 14.4.86.

- 14.4.86 Certain additional issues sought by the Respondent were accepted by the High Court. Respondent to file affidavits by way of evidence within 4 weeks and the Railway to file counter affidavits within next 4 weeks. Case adjourned to 20.8.86 for arguments.
- 20.8.86 Case adjourned to 23.10.86 for filing counter affidavit by the Railway.
- 23.10.86 Case adjourned to 21.11.86 for hearing.
- 21.11.86 There was no hearing as on application by the opposite party the case was adjourned to 9.1.87.
- 9.1.87 On request by OBF Co. the matter was adjourned to 6.3.87.
- 6.3.87 Again on the request of the party the matter was adjourned to 9.4.87.
- 9.4.87 OBF Co. again moved an application for adjournment. This was not objected by the Railways as their senior counsel Dr. L.M. Singhvi was busy at Jaipur in some other important case. The case was fixed for next hearing on 4.5.87.
- 4.5.87 This case was fixed in short matters. The court adjourned it to 11.8.87 for arguments.
- 11.8.87 Counsel for the opposite party requested for adjournment. Case is now fixed for arguments on 27.10.87.
- Chronological resume of the hearings in the Court of Estate Officer against M/s Oriental Building and Furnishing Co. Ltd.*
- 23.7.85 Application U/S 4 of the PPE Act, 1971 was filed before Estate Officer.
- 25.7.85 Notice U/S 4 of the PPE Act, 1971 was issued to the Party by Estate Officer, who fixed 2.9.85 for reply.
- 7.8.85 Application U/S 7 of the PPE Act, 1971 was filed before Estate Officer.
- 8.8.85 Notice U/S 7 of the PPE Act, 1971 was issued to the Party by Estate Officer, who fixed 19.8.85 for filing of objection, if any and 2.9.85 for hearing.
- 2.9.85 The respondents filed objection to Notice under Section 4 of PPE Act. The party sought time for filing objection to Notice U/S 7. The case was fixed for filing objection by the respondents on 24.9.85 and rejoinder by Railways on 7.10.85 in both the cases.
- 24.9.85 The respondents requested for further period of 2 weeks for filing objection U/S 7. In case under Section 4 the respondents filed an application and both the cases were adjourned to 7.10.85.

- 7.10.85** A rejoinder to the respondent's objection to Notice U/S 4 was filed by the Railway. Reply to the respondents application was also filed by the Railway. The case was adjourned to 24.10.85. The respondent did not file objection U/S 7 and this case was also fixed for 24.10.85.
- 24.10.85** The respondents filed some documents and an application seeking production of Railway Board's office file. The case was fixed for hearing on 19.11.85. The respondent also filed preliminary objections against Notice U/S 7 which were incomplete. This case was also adjourned to 19.11.85.
- 19.11.85** The Railway filed reply to respondent's application for producing Railway Board's file. The case was adjourned to 26.11.85 for filing rejoinder by respondents and also for arguments. The respondent filed detailed reply to Notice U/S 7. The case was adjourned to 11.12.85.
- 26.11.85** Respondent's counsel did not attend the court of Estate Officer and the case was adjourned to 11.12.85.
- 11.12.85** Under Section 4 the respondents requested for time as their counsel was out of station. Next hearing was fixed on 17.12.85
Under Section 7-A rejoinder was filed by the Railway to the objection filed by respondent.
- 17.12.85** The cases were adjourned to 31.12.85 for arguments on respondents application.
- 31.12.85** Both the cases under sections 4 and 7 came up for hearing. The Estate Officer decided the issues and directed both the parties to lead evidence as a whole by filing affidavits and documents, if any on 27.1.86.
- 27.1.86** Railway Advocate filed Railway's evidence. The respondents sought 4 weeks time for filing affidavits and documents etc. 25.2.86 was fixed.
- 25.2.86.** Both the cases U/sections 4 and 7 were adjourned to 10.3.86 for filling of affidavits and counter affidavits by the respondents.
- 10.3.86** Respondents filed affidavits/evidence in both the cases which were adjourned to 20.3.86 for filing affidavits and 31.3.86 for counter affidavits by the Railway.
- 20.3.86** Respondents filed counter affidavits. Case was adjourned to 9.4.86 instead of 31.3.86.
- 9.4.86** Estate Officer being on leave, cases were adjourned to 16.4.86.

- 16.4.86 U/S 4 Railway filed counter affidavits 28.4.86 was fixed for deponents respondents' deponents and 30.4.86 was fixed for applicants to be cross examined.
- U/S 7— Railway Advocate requested for time for filing counter affidavits. Case was adjourned to 15.5.86.
- 28.4.86 U/S 4— Respondent's deponent was cross examined U/S 7— 19 5.86 was fixed for filing of counter affidavits by the Railway (against 15.5.86 fixed earlier).
- 30.4.86 Railway's deponent was cross examined. Evidence of parties was concluded and the case was fixed for argument on 15.5.86.
- 15.5.86 U/S 4. The case was argued and Estate Officer reserved for judgement.
- 19.5.86 U/S 7 Counter affidavit on behalf of UOI was filed. Estate Officer directed the parties to file list of witnesses for oral evidence on 5.6.86.
- 20.5.86 Estate Officer delivered judgement and observed that it would be appropriate and in the interest of justice that these proceedings are dropped till the final decision of Hon'ble High Court, Delhi in arbitration proceedings pending before them. The applicant i.e. Railway will, however, be at liberty to start these proceedings from the state at which they are being dropped or file fresh application depending upon the final order of the High Court, Delhi.
- 29.5.86 Appeal filed by Shri Rajinder Datt, Advocate.
- 30.5.86 Adjourned for issue of notices.
- 9.7.86 Respondent absented.
- 8.8.86 EO's file not received in Court. Both the parties attended.
- 3.9.86 Both counsels absented due to strike by advocates.
- 29.9.86 Counsel for respondent requested for time.
- 24.11.86 Railway Advocate did not turn up being busy in some other case.
- 7.1.87 Adjourned by Judge.
- 21.2.87 Adjournment by respondents (counsel being out)
- 7.3.87 Counsel for respondent did not appear.
- 13.3.87 Counsel for respondent appeared and sought adjournment on plea of being busy in some other case.
- 3.4.87 Shri Rajinder Datt Advocate for applicant was not available being busy in some other case.

- 24.4.87 Court busy in some other case.
- 20.5.87 Case with drawn from the court of Sh. Lokeshwar Parashad.
- 25.5.87 Court of Smt. S. Duggal, respondent absent.
- 7.7.87 Strike by advocates.
- 30.7.87 Again strike by advocates appeal transferred to the court of Shri J.D. Kapoor, A.D.J./Delhi.
- 18.8.87 Railway Advocate absent. Adjourned to 7.9.87.
- 7.9.87 Counsel for the Railway did not attend as he was busy in some other case. The court adjourned the case to 9.10.1987.
- Proceedings under Section 7 of Public Premises (Eviction of Unauthorised Occupants) Act—1971 before the Estate Officer.*
- 5.6.86 U/S 7— Counsel for both the parties wanted to argue whether the court can proceed with this case regarding damages in view of case U/S 4. Case was adjourned to 22.7.86 for arguments.
- 22.7.86 U/S 7—The case was adjourned to 20.10.86.
- 20.10.86 Counsel for the OBF Co. argued for didmisal of Railway's application for recovery of damages as they have not been declared as unauthorised occupants. Railway requested for time. Case was adjourned to 18.12-86 as last opportunity.
- 18.12.86 E.O. was on leave. Case was adjourned to 18.3.1987.
- 18.3.87 E. O. was not available so the case was adjourend to 26.5,87
- 26.5.87 Railway requested for adjournmcat and the case was adjourned to 27.7.87 as last chance.
- 27.7.87 Railway moved an application for adjournment on the ground that appeal U/S 9 against E.O's orders dated 20.5.87 was pending before ADJ Delhi. Case was adjourned to 3.9.87 for reply by the respondent.
- 3.9.87 Reply to Railways application was filed by the respondent and case was adjourned to 20.10.1987 for rejoinder by the Railway, arguments and final disposal of the matter.

**GOVERNMENT OF INDIA MINISTRY OF TRANSPORT
DEPTT. OF RAILWAYS (RAILWAY BOARD)**

No. 73/W2/14/13

15.9.86

OFFICE MEMORANDUM

SUB : *Amendment of Public Premises (Eviction of Unauthorised Occupants) Act, 1971—Proposal to vest the powers of Magistrate on the Estate Officers—*

.....

The undersigned is directed to refer to the Ministry of Urban Development O.M. No. 21011 (2)/85 Pol-IV dated 12th June, 1986, and 7th August, 1986, on the above noted subject and to state that for actual eviction of encroachers from public premises after orders are passed by Estate Officers, help of police and presence of a Magistrate are necessary as eviction in most of the cases involves law and order problem. Such assistance is often not forthcoming promptly. The Railways have been facing time and again the indifference and ineffectiveness of the Civil Authorities and the Police in eviction after the Estate Officer has issued the verdict in favour of Railways. Lack of specific powers (Magisterial or Judicial) to summon Police assistance in the event of failure to execute eviction orders passed by the Estate Officer is a serious weakness in the Act. At present, P.P.E. Act only provides (vide Rule 7) that and Estate Officer or any officer duly authorised by him may obtain Police assistance if any obstruction is offered while taking possession of any public premises under the Act. In section 5, it has been provided that the Estate Officer may evict a person from and take possession of the public premises and may for that purpose use such force as may be necessary.

2. The above provisions are vague and ineffective leading to inherent weaknesses which should be removed by taking the following action:
 - (a) Estate Officers should have authority like a Civil Court (not a quasi judicial authority, as at present) to issue directions to the local police to evict the unauthorised occupants and take possession of the public premises. Like a Civil Court, non-compliance of instructions should be treated as a contempt of the Court punishable under the Law.
 - (b) The act should provide for appointment of persons like Bailiffs or Court Amins to execute the orders of the Estate Officers.

- (c) Empowering the Estate Officers to issue prohibitory orders of injunction during the pendency of the Estate case—from proceeding with the unauthorised construction.
- (d) Empowering the Estate Officer to direct attachment of the encroachers' property with a view to meeting the dues of the Railways.
- (e) Sub-section 2 of Section 5-A of the Act may be amended to read "The Estate Officer or any other officer duly authorised by him may remove the building or any other structure or fixture." In place of words "The Estate Officer may remove the building or any other structure or fixture."
- (f) Under Section 16, "Protection of taken in good faith", this protection should be available to other staff as well. This will deter the encroachers against making false accusations against the supporting staff and thereby instituting/fabricating false cases against them. In this section, "or any other officer authorised by the Estate Officer" should be incorporated before the words 'in respect of.'
- (g) In cases, where eviction proceedings have been initiated/completed against a party but actual eviction has not taken place and the person expires or to evade eviction hands over possession of the premises to a third party, fresh eviction proceedings are required to be initiated against the occupiers. This frustrates the purpose of law and leads to undue delay in eviction of the party from the premises. Provision may be made in the act so that the earlier proceedings shall apply to the successor occupiers/legal heirs without requiring fresh initiation.
- (h) Under Section 5 B, penalties may be prescribed for violation of orders passed by the Estate Officer for demolition of unauthorised structure or orders restraining unauthorised encroachers from making further unauthorised constructions during the pendency of the case before the Estate Officer or disposal of the case by the appellate authority.
- (i) Under Section 7, a sub-section may be added to provide for recovery of expenses under section 5-B, or rent or damages or interest in respect of Public premises similar to the provisions in Section 22 of Income Tax Act, 1961, authorising the Central Government to appoint Tax Recovery Officers for realising arrears of rent, damages, costs, interest and any other charges. In case of default to pay the above mentioned charges, suitable punishment should be provided under the Act.

The public Accounts committee (8th Lok Sabha) has made the following recommendation in their 54th Report on Para 19 of C & AG's Report for the Railways for the year 1982-83.

"The Committee feel that the proposal of the Deptt. of Railways for delegation of more powers to the Estate Officers in regard to giving magisterial authority to summon police/assistance and powers to Railway Magistrates for eviction of encroachments, being in the interest of preventing effectively the encroachments of public premises, merit serious consideration. The Committee recommend that the proposals should be examined by the Govt. in all aspects and implemented, if found feasible."

This merits serious consideration by the Ministry of Urban Development.

4. On the Railways, Estate Officers have been appointed at the Zonal Headquarters and Divisional Headquarters of All Indian Railways, and at Chittaranjan Locomotive Works Chittaranjan, Diesel Locomotive Works, Varanasi, Integral Coach Factory, Madras, Wheel and Axle Plant, Bangalore, Diesel Components Works, Patiala. Other than Govt. Officers have not been appointed as Estate Officers.

Sd/-

(U.R. CHOPRA)

Adtl. Executive Director (LM)
Railway Board.

Ministry of Urban Development,
Government of India,
Nirman Bhawan,
NEW DELHI.

MINUTES OF THE 40TH SITTING OF THE PUBLIC ACCOUNTS
COMMITTEE HELD ON 5TH APRIL, 1988.

The Committee sat from 15.30 to 16.15 hours.

PRESENT

Shri Amal Datta—*Chairman*

MEMBERS

2. Shri Ajay Mushran
3. Shri Chiranji Lal Sharma
4. Shri Pratap Bhanu Sharma
5. Dr. Chandra Shekhar Tripathi
6. Shri M.S. Gurupadaswamy
7. Shrimati Manorama Pandey
8. Shri B. Satyanarayan Reddy
9. Shri T. Chandrasekhar Reddy

SECRETARIAT

1. Shri B.D. Duggal—*Chief Financial Committee Officer*
2. Shri S.M. Mehta—*Senior Financial Committee Officer*

REPRESENTATIVES OF THE AUDIT

1. Shri G.M. Mani — *ADAI (Reports)*
2. Shri P. Ramanathan — *Director (Indirect Taxes)*
3. Shri A.K. Sitaram — *Joint Director (Railways)*
4. Shri S.K. Gupta — *Joint Director (Indirect Taxes)*

2. The Committee considered the following Draft Reports and adopted them :

× × × × × × × × × × × ×

(ii) Draft Report on action taken on recommendations contained in 54th Report of the Public Accounts Committee (8th Lok Sabha) regarding Land Management in Railways.

× × × × × × × × × × × ×

3. The Committee authorised the Chairman to finalise the Draft Reports in the light of verbal changes arising out of factual verification by the Audit and present them to the House.

× × × × × × × × × × × ×

The Committee then adjourned.

APPENDIX I

Categorisation of Action Taken Notes on the Observations/ Recommendations contained in the 54th Report

- (i) **Recommendations and observations that have been accepted/noted by Government :**

(Sl. Nos. 1 to 5, 6, 8 to 10 and 12 to 18)

- (ii) **Recommendations and observations which the Committee do not desire to pursue in the light of the replies received from Government :**

-Nil-

- (iii) **Recommendations and observation replies to which have not been accepted by the Committee and which require reiteration :**

-Nil-

- (iv) **Recommendations and observations in respect of which Government have furnished interim replies :**

(Sl. Nos. 7 and 11)

APPENDIX II

Statement of Observations and Recommendations

Sl. No.	Para No.	Ministry concerned	Observations/Recommendations
1	2	3	4
1	1.3	Ministry of Railways (Railway Board)	The Committee desire that final action taken replies to the recommendations in respect of which interim replies have been given should be furnished expeditiously.
2	1.6	-do-	The Committee while appreciating the progress of certification made during 1986-87, is constrained to note that the pace of progress continues to be far from satisfactory. The work of certification has reached the stage of near completion only on South Eastern Railway. On the other Railways the percentage of land plans yet to be certified as on 31st March, 1987 varied between 11 and 63. The work of updating and certification of land plans, therefore, continues to be in heavy arrears on all the Zonal Railways except South Eastern Railway. Obviously, the Railway administrations have not shown the due sense of urgency in completing this work of vital importance having long term consequence. In view of the fact that the certified land plans are the elementary requirement for ownership proof of the land belonging to the Railways, the Committee desire that serious and concerted efforts should be made to accelerate the pace of

disposal of pending arrears. The committee would also like to be apprised in due course about the steps taken and results achieved in this direction.

8 1.8 -do-

The Committee note from the action taken reply that none of these cases has made any progress towards final settlement. Six of these cases are still pending in different courts and the remaining two are in the process of pursuance with the concerned civil authorities. As the disputed cases involve plots of land of very high values the Committee desire that the progress towards conclusion of these cases should be monitored periodically at an appropriate higher level.

4 1.10 -do-

The Committee realise the dimension of the problem and the difficulties encountered by the Zonal Railway administrations in clearing the encroachments and frustrating attempts of unauthorised occupation of Railway land. But what is disquieting is that the overall number of encroachments has increased, the number of fresh encroachments have been more than the number of encroachments vacated during the last few years. While the Railways have been taken to remove 52,174 encroachments, 70,204 new encroachments have taken place during the last five years. The Total number of encroachments existing as on 31.3.1986 was 1,03,070. The Committee, therefore, feel that there is need to further strengthen efforts for prevention and removal of encroachments. The Committee are of the opinion that it is imperative that the problem is tackled on a war footing and the progress achieved in this direction is monitored periodically at the highest level so that further encroachment of Railway land is prevented and

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existing ones are cleared of encroachments expeditiously. The Committee would like to be informed in due course the progress made in the matter.

5

1.12

Ministry of Railway
(Railway Board)

The Committee deplore that although more than one year has elapsed since the reference was made to the Ministry of Urban Development, the Ministry of Railways (Railway Board) have not intimated the final outcome of the reference made to the Ministry of Urban Development in September, 1986. As further progress of the reference made has not been indicated, the Committee apprehend that there has been no real progress in the case after making the aforesaid reference. The Committee deprecate the lack adaisical approach of the Government to such a vital issue. They desire that the matter should be pursued in right earnest and the Act of 1971 amended suitably as early as possible. They would like to be informed of the conclusive action taken in the matter within a period of six months.

6

1.15

-do-

The Committee are of the opinion that in order that appropriate departmental action can be taken against officers held responsible for grave and costly lapses jeopardising the financial interests of the Government the administrative machinery should be streamlined to make it possible to detect lapses and fix responsibility with due promptitude so that action can be initiated against the concerned officers before they retire or leave service. They also view that relevant rules may be amended so as to provide for initiation of the proceedings against the officers for the acts of omission and commission which are

1	2	3	4
10	1.23	Ministry of Ministry (Railway Board)	<p data-bbox="1098 381 2303 463">is more intensive, by creation of additional posts at Junior Administrative Grade level and downwards</p> <p data-bbox="1098 495 2303 1492">The Railway Board have initiated several measures for prevention and removal of encroachments for vigorous implementation at Zonal and Divisional levels. In the opinion of the Committee these measures can succeed only if there is an effective and adequate machinery in the field for proper implementation. It was in this context that the Committee had recommended that the proposal for setting up an independent Land Management Organisation should be considered by Government. Such an organisation is imperative for effectively preserving, protecting and promoting proper utilisation of railway land and gainful exploitation of surplus lands for augmenting resources by surmounting all hurdles so that Railways are not deprived of a valuable source of revenue in national interest and there is optimum utilisation of resources. The Ministry of Railways (Railway Board) have not indicated whether this recommendation has been given consideration by the Government. The Committee deprecate the casual approach of the Government in dealing with an important recommendation made with a view to streamlining and improving land management in the Railways. The Committee Urge that recommendation should be given consideration with promptitude and the Committee apprised of the results of consideration.</p>

