

FIRST REPORT

COMMITTEE ON PETITIONS

(FOURTEENTH LOK SABHA)

(Presented to Lok Sabha on 20 December, 2004)

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**LOK SABHA SECRETARIAT
NEW DELHI**

September, 2004/Bhadrapada, 1926 (Saka)

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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Prabhunath Singh - Chairman

Members

2. Shri Raj Babbar
3. Shri Nandkumar Singh Chauhan
4. Shri N.S.V. Chitthan
5. Dr. M. Jagannath
6. Shri Jitin Prasad
7. Shri Baliram Kashyap
8. Shri Suresh Kurup
9. Ms. Nivedita Mane
10. Mohd. Muqueem
11. Shri Dharmendra Pradhan
12. Shri Jyotiraditya Madhavrao Scindia
13. Shri Damodar Barku Shingada
14. Shri Mansukhbhai D. Vasava
15. Shri Vijay Krishna

SECRETARIAT

- | | | | |
|----|-------------------|---|----------------------|
| 1. | Shri John Joseph | - | Additional Secretary |
| 2. | Shri R.C. Ahuja | - | Joint Secretary |
| 3. | Shri Brahm Dutt | - | Director |
| 4. | Shri J.V.G. Reddy | - | Assistant Director |
| 5. | Shri V.P. Gupta | - | Committee Officer |

FIRST REPORT OF THE COMMITTEE ON PETITIONS

(FOURTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Twenty-fifth Report of the Committee on the following matters to the House:-

- (i) Action Taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-third Report on the representation regarding conversion of Achalpur-Murtijapur narrow gauge railway line into broad gauge in Vidarbha Area of Maharashtra.
- (ii) Action Taken by the Government on the recommendations of the Committee on Petitions (Thirteenth Lok Sabha) contained in their Thirty-seventh Report on the Petition against the transfer of Indian Institute of Mass Communication, Dhenkanal to Utkal University, Bhubaneswar.
- (iii) Action Taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-seventh Report on the representation requesting to give appointment to the course completed act apprentices against existing vacancies in Southern Railway.
- (iv) Action Taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-eighth Report on the petition regarding giving employment to the displaced families whose lands have been acquired for Talcher-Sambalpur Railway Link Project.

2. The Committee considered and adopted the draft First Report at their sitting held on 1st September, 2004.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

PRABHUNATH SINGH
Chairman,
Committee on Petitions.

1st September, 2004
10 Bhadrapada, 1926 (Saka)

CHAPTER-I

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR THIRTY THIRD REPORT ON THE REPRESENTATION REGARDING CONVERSION OF ACHALPUR-MURTIJAPUR NARROW GAUGE RAILWAY LINE INTO BROAD GAUGE IN VIDARBHA AREA OF MAHARASHTRA

1.1 The Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-third Report presented to Lok Sabha on 22nd August, 2003 had dealt with a representation regarding conversion of Achalpur-Murtijapur narrow gauge railway line into broad gauge in Vidarbha area of Maharashtra.

1.2 The Committee made certain observations/recommendations in the matter and the Ministry of Railways (Railway Board) were requested to implement those recommendations and furnish action taken notes for the consideration of the Committee.

1.3 Action Taken notes have been received from the Ministry of Railways (Railway Board) in respect of the recommendations contained in the Report.

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

1.5 In paragraphs 1.21 and 1.22 of the Report, the Committee observed as follows:-

"The Committee note that two privately owned narrow gauge rail lines of almost 277 Kms distance are being worked by the Indian Railways in terms of an 'Agreement' entered into with the private owning Companies. Around, 52 Kms of narrow Ahmadpur-Katwa Narrow gauge railway line is owned by the Ahmadpur-Katwa Railway Company Ltd. and worked by the Eastern Railway in terms of an 'Agreement' signed on 1.7.1967. In the Vidarbha region of the State of Maharashtra, 225 Kms of narrow gauge railway line is owned by the Central Provinces Railways Company Ltd. and worked by the Central Railway in terms of an 'Agreement' signed in 1916. This narrow gauge line consists of three sections viz. Murtajapur-Yavatmal of 113 Kms; Murtijapur-Achalpur of 77 Kms; and Pulgaon-Arvi of 35 Kms stretch."

(Para 1.21)

"The Committee are informed that under the 'Agreement' with the Central Provinces Railways Company Ltd., the Central Government has an option to purchase the 225 Kms length of narrow gauge line in Maharashtra at intervals of every ten years. As per the provisions of the 'Agreement', the ten yearly review had been made in 1996. However, the Central Government did not exercise its purchase option for taking over the 225 Kms of narrow gauge line in 1996 due to financial considerations, heavy capital investment and unremunerative nature of the rail line."

(Para 1.22)

1.6 In paragraph 1.23 of the Report, the Committee observed as follows:-

"The petitioner has contended that the Achalpur-Murtijapur rail line passes through agriculturally rich and best irrigated areas in the State of Maharashtra with significant to and fro traffic in the area and the Railways could improve its earnings by connecting new train routes in the region. Due to non-availability of better railway facilities between Achalpur and Murtijapur Railway Stations, the region is deprived of developmental activities. The petitioner has, therefore, requested that the Achalpur-Murtijapur narrow gauge line should be converted into broad gauge rail line in order to facilitate more trains in the area and provide better railway services."

1.7 In their action taken reply, the Ministry of Railways (Railway Board) have stated that Achalpur-Murtajapur Railway line is only one of the three

narrow gauge sections of 77 Kms. owned by the Central Provinces Railways Company Ltd. The other two narrow gauge sections owned by the above Company are Murtajapur-Yavatmal (113 Kms.) and Pulgaon-Arvi (35 Kms.). Thus the entire network of Central Provinces Railways comprises 225 Kms. which is worked by the Central Railway in terms of an Agreement entered into in 1916 which was further revised in 1917 with the owning Company. Any decision regarding take over or otherwise of these privately owned Railways would require to be taken in totality and not in isolation as per Clause 51(2) and 51(3) of the said Agreement. Exercise of purchase option occurring at an interval of 10 years under above clauses is further guided by various considerations such as financial advantage to the Indian Railways arising out of take over, alternative mode of transport available in the region, the gauge of the lines vis-à-vis the gauge of the contiguous railway network etc. As all the three lines of the C.P. Railways are branch lines, and connected to the system at one end only and connecting them to the main system at both ends would entail, not only their conversion from NG to BG but also provide fresh links to the main system. All this would entail huge capital investment as their conversion into broad gauge would alone cost around Rs. 400 to 500 crore at present day costs. Taking into account throw-forward liability of Indian Railways of around Rs. 30,000 crore, any addition to this huge backlog would only deteriorate the meagre resource position of the railways. However, a Preliminary Engineering-cum-Traffic Survey of the entire network of the C.P. Railways has already been sanctioned, the feasibility of take over and

subsequent upgradation of gauge would be examined only after receipt of its detailed Report. However, it is mentioned that the region is already having a good and efficient network of roads.

Observation/Recommendation

1.8 The Committee note from the reply of the Ministry of Railways (Railway Board) that a Preliminary Engineering-cum-Traffic Survey of the entire network of the Central Provinces Railway had already been sanctioned and feasibility of take over and subsequent upgradation of gauge would be examined only after receipt of its detailed Report. The Committee hope that the Ministry of Railways will ensure that the survey report is finalised at the earliest and then examine the feasibility of gauge conversion of this line in tune with overall gauge conversion policy of the Railways. The Committee would like to be apprised of the progress made in this regard within 6 months.

1.9 In paragraph 1.24 of the Report, the Committee observed as follows:-

"The Committee cannot but express their concern over the fact that presently, only one pair of narrow gauge train is running on the Achalpur-Murtijapur route line with an average speed of 16-17 Km per hour. The Committee need hardly emphasize that since railways are the most energy-efficient mode of transport and play an important role in the country's development, there is an apparent necessity to increase the railway transport network all over the country. The Committee also feel that for safety of passengers it is essential that old and worn-out railway tracks which are unremunerative should be replaced. Similarly for connectivity with Railway net-work it is essential to convert all narrow gauge lines into broad-gauge so as to make them suitable for introduction of new

trains and thereby facilitate trade, commerce and development in all parts of the country.”

1.10 In their action taken reply the Ministry of railways (Railway Board) have stated that it is a fact that only one pair of passenger train runs on Murtajapur-Achalpur section (narrow gauge) of the Central Provinces Railways Company Limited with an average speed of 22 Kms per hour. A Preliminary Engineering-cum-Traffic Survey of the entire network of the C.P. Railways has already been sanctioned, the feasibility of their take over and subsequent upgradation of gauge would be examined only after receipt of its detailed report.

1.11 In paragraph 1.25 of the report, the Committee recommended as follows:-

“During the course of oral evidence before the Committee, the representatives of the Ministry of Railways have assured that a Preliminary Engineering-cum-Traffic Survey (PETS) of 225 Kms of the narrow gauge rail line, owned by the Central Provinces Railways Company Ltd. in the Vidarbha area of Maharashtra would be carried out by the Government. The Committee, therefore, recommend that a comprehensive survey to assess the viability of the aforesaid rail line be completed in a time bound manner so as to introduce broad gauge rail tracks in the Murtijapur-Yavatmal-Achalpur-Arvi sectors.”

1.12 In their action taken reply the Ministry of Railways (Railway Board) have stated that pursuant to the assurance given by Chairman Railway Board during the course of oral evidence on 14.7.2003 before the Hon’ble Committee, a Preliminary Engineering-cum-Traffic Survey (PETS) of all the three narrow gauge spurs, namely, Murtajapur-Yavatmal, Murtajapur-Achalpur & Pulgaon-Avri sections of the Central Provinces Railways

Company Limited, comprising of a total length of 225 Kms had already been sanctioned. The Survey Report would bring out detailed traffic projections by considering the growth potential of the region, cost estimates and optimisation of existing facilities and various alternatives available. For its time bound completion, concerned authorities of Central Railway have been advised to undertake this work and complete the same early.

1.13 In paragraph 1.26 of the Report, the recommended as follows:-

“The Committee also recommend that as provided in the ‘Agreement’ with the owner, the railways should take over Murtijapur-Yavatmal-Achalpur stretch of 225 Kms narrow gauge rail line from the owner Company. The Committee find that this would entail an expenditure of about Rs. 1.12 crore only. After PETS, steps should be taken to upgrade this to broad gauge.”

1.14 In their action taken reply the Ministry of Railways (Railway Board) have stated that the question of take over of three narrow gauge section of the Central Provinces Railways Company Ltd. is regulated essentially in terms of an Agreement between the Government of India and the owning company. In accordance with the provisions of the said Agreement, decennial reviews are undertaken for determining the contract under Clause 51(2). In terms of this Clause the Central Government has an option to terminate the contract on 31st day of March 1947 or in 31st day of March in the last year of any subsequent period of ten years by giving an advance 12 months notice of purchase. Under this Clause, the purchase

price to be paid shall be determined in accordance with provisions contained under Clause 8 of Schedule II, which stipulates as under:-

*“25 times of the average yearly net earnings derived by the Company from the said Railway during the three years immediately preceding the year when the contract shall be determined or 120% of the total capital expenditure as appearing in the capital account of the Company, **whichever is less.**”*

The contract can also be determined through notice of special purchase under Clause 51(3) of the Agreement by giving 12 months prior written notice to the Company in view of the following:-

- (i) When the Central Government considers it desirable that the gauge of the lines is to be altered;
- (ii) Convert the Railway line into a line of through communication; and
- (iii) When the Central Government desires to extend the said line and the Company is unwilling or unable to provide for funds.

The purchase price to be paid under this clause shall be determined in terms of provisions stipulated in Clause (9), Schedule II of the Agreement as under:-

*“25 times of the average yearly net earnings derived by the Company from the said Railway during the three years immediately preceding the year when the contract shall be determined or 115% of the total capital expenditure as appearing in the capital account of the Company, **whichever is more.**”*

While it is true that take over of above narrow gauge lines of 225 Kms, of the Central Provinces Railways Company Ltd. would entail an expenditure of Rs. 1.12 crore by exercising special purchase option under

Clause 51(3) of the Agreement, merely their taking over by the Railways may perhaps not be adequate. The entire system will not only have to be upgraded to broad gauge but also extended from the dead end to the main Railway Network. It is because these lines are Branch lines and are only connected to main line at one end. While exercising purchase option in the year 1996, the cost of their conversion from narrow gauge to broad gauge alone was estimated at about Rs. 200 crore with no commensurate returns on this additional capital investment. The amount of investment

now required would be far more as already indicated in Government's reply to earlier. However, since Preliminary Engineering-cum-Traffic Survey (PETS) of the entire narrow gauge stretch of 225 Kms. has already been sanctioned in pursuance of the assurance given by the Chairman Railway Board before the Hon'ble Committee during the course of oral evidence, the decision whether to take over these railway lines or otherwise, will be taken only after receipt of PETS report keeping into account financial advantage to the Railways.

1.15 In paragraph 1.27 of the Report the Committee recommended as follows:-

“The Committee note that the existing one train running on the Achalpur-Murtijapur section has only a few compartments and it is plying less number of times on this line. The Committee also desire that pending take over/conversion to broad-gauge adequate measures should be taken to increase the train capacity by addition

of compartments and the re- scheduling of the train time-table; and enhance the frequency of its daily trips. Repairs of the track will increase the speed of the train, which is just 16-17 Kms. per hour.”

1.16 In their action taken reply the Ministry of Railways (Railway Board) have stated that only one pair of passenger train is running on the Murtajapur-Achalpur stretch of the Central Provinces Railways Company Ltd. The occupancy ratio is only 21%. The average number of passengers travelling daily on the section during the last 5 years is as under:-

| <u>Year</u> | <u>Average number of daily passengers on Murtajapur-Achalpur Section</u> |
|--------------------|---|
| 1998-1999 | 274 |
| 1999-2000 | 289 |
| 2000-2001 | 316 |
| 2001-2002 | 349 |
| 2002-2003 | 611 |

The low turn out of the daily passengers over the above section is primarily attributable to availability of roads running parallel to railway line with daily frequency of State transport buses on an average of 6 to 7 per day. Further, any increase in composition of trains would require additional coaches, which are currently not available. At the same time, operating another pair of trains over the section would result in corresponding increase in operating costs, taking into account existing low occupancy ratio. It is further stated that in terms of the Agreement, all the assets that include rolling stock, tracks and bridges etc. are owned by the

Company and maintained by Central Railway. All these assets were created in early 1920 and have not only become old and obsolete but have also outlived their normal lives. The total cost involved in the repairs/rehabilitation of tracks and bridges alone over all the three sections of the Company Railway has been estimated at Rs. 18.72 crore approx. Under Clause 25 of the Agreement, for any work of capital nature costing more than Rs. 10,000/- which involves reasonable alteration, improvement or addition required to be made in any part of the said Railway or any of the stations or works belonging thereto, either for the protection and security of the works and stations, the safety of passengers etc., the Government by bringing out reasonability of such work(s) alongwith total estimated cost involved therefore, is bound to give a written notice to the owner Company, from time to time, to provide funds for executing said work(s). If the Company, within six months from the date of such notice, fails or neglects to provide the funds, the Government of India shall be at the liberty to provide all or any of the moneys so required for execution of these works. On demand, the owning Company is bound to pay to the Government of India, the total amount so expended by them in execution of above works, including also from its net earnings or the interest @ 5% p.a. on the refunds so applied. In the event owning Company fails to comply with the above stated claims of the Central Government, the latter under the provisions of the contract can refer the matter to arbitration. Under the above provisions of the Agreement, which cannot involve a single section of Murtajapur-Achalpur alone, but the entire stretch of 225

Kms of all the three narrow gauge sections of the Central Provinces Railways Company Limited, the total cost comprising of repairs/rehabilitation of existing tracks and bridges has alone been estimated at around Rs. 18.72 crore. Notwithstanding the fact that repairs/replacements of above assets to some extent may augment the existing speed of the trains plying on these sections as rightly opined by the Hon'ble Committee, the onus as per the Agreement lies with the owing Company to provide the funds therefor.

1.17 In paragraph 1.28 of the Report the Committee observed as follows:-

“The Committee note that under clause 25 of the ‘Agreement’ of 1916 with the Central Provinces Railways Company Ltd., for carrying out works on the rail line costing more than Rs. 10,000/-, the Government is bound to give notice to the owner Company regarding reasonable alteration, improvement or addition and the amount is charged from the capital of the Company. The Committee, however, are distressed to learn that the owner Company has not acceded to the demands for addition, renovation, etc. of the track, although it is in a deteriorating position. The Committee expect that the Government will take up the matter with the owner with a view to carry out necessary repairs/maintenance so that adequate facilities may be provided in the train as well as at the Stations.”

1.18 In their action taken reply the Ministry of Railways (Railway Board) have stated that it is factually correct. In view of the provisions laid down under Clause (25) of the Agreement for carrying out works on rail line(s) costing more than Rs. 10,000/- as brought out in Government's reply to the Committee's recommendation at Para 1.27 above, the Government while taking serious note of the distress expressed by the Hon'ble Committee

about the owning Company's not acceding to the demands for addition, repairs/renovation of tracks etc. over the sections owned by it, two notices as provided under aforementioned Clause have already been served on the Company, with a categorical stipulation that in case the Company fails to reimburse the said amount, the same will be adjusted against 55% of Company's share of gross earnings in future.

Observation/Recommendation

1.19 The Committee note that two notices as provided under Clause(2) of the agreement for carrying out works regarding addition renovation, etc. of the track costing more than Rs. 10,000/- have been served on the Company, with a categorical stipulation that in case the Company fails to reimburse the said amount, the same will be adjusted against 55% of Company's share of gross earnings in future. While reiterating their recommendation made in para 1.27 of their original report, the Committee trust that the Ministry of Railways would take conclusive action in the matter with a view to ensuring safety, proper amenities and increased frequency of trains for the benefit of the local population. The Committee also feel that considering the vast network of railway lines across the country, it should not be difficult for the Railways to acquire, upgrade and operate this small patch of railway line.

CHAPTER-II

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) CONTAINED IN THEIR THIRTY-SEVENTH REPORT ON PETITION AGAINST THE TRANSFER OF INDIAN INSTITUTE OF MASS COMMUNICATION, DHENKANAL TO UTKAL UNIVERSITY, BHUBANESWAR.

2.1 The Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-Seventh Report presented to Lok Sabha on 18th December, 2003 had dealt with a petition against the transfer of Indian Institute of Mass Communication (IIMC), Dhenkanal to Utkal University, Bhubaneswar.

2.2 The Committee made certain observations/recommendations in the matter and the Ministry of Information & Broadcasting were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

2.3 Action taken notes have been received from the Ministry of Information & Broadcasting in respect of the recommendations contained in the Report.

2.4 The Committee will now deal with the action taken by the Government on their recommendations.

2.5 In paragraph 1.15 of the Report, the Committee observed as follows:-

“Shri K.P. Singh Deo, M.P. presented to Lok Sabha a petition signed by Shri Nabin Chandra Narayan Das against the transfer of Indian Institute of Mass Communication (IIMC), Dhenkanal to Utkal University, Bhubaneshwar. In the petition, it was submitted that IIMC, Dhenkanal was set up in 1993 by the IIMC, Delhi and there

was a proposal by the Ministry of Information & Broadcasting to hand over this unit to Utkal University. According to petitioners, the financial position of Utkal University was not very sound and by transferring IIMC, Dhenkanal to Utkal University, the utility of this Institute would become less as this Institute was providing excellent education in the field of mass communication and also employment to the young people who studied in the Institute in print/visual media/journalism in the eastern region.”

2.6 In their action taken reply, the Ministry of Information & Broadcasting have stated that the proposal for IIMC Dhenkanal’s collaboration with Utkal University was envisaged under IIMC’s 10th Plan scheme ‘Collaboration with Regional Centres of Learning’. This scheme was formulated in light of Expenditure Reforms Commission recommendations on IIMC branches. However, Utkal University conveyed its inability to go ahead with the proposal. Presently there is no move for IIMC Dhenkanal’s collaboration with Utkal University.

2.7 In paragraphs 1.16 to 1.18 of the Report, the Committee have recommended as follows:-

“The Committee were apprised that the proposal was based on the recommendations of the Expenditure Reforms Commission which inter-alia had recommended to do away with the branches of the institutions like IIMC. Based on these recommendations, the matter was taken up with the Utkal University. However, the matter could not be settled with Utkal University. For the present, IIMC Dhenkanal, would remain with IIMC, Delhi till some new partners are found.

IIMC, Delhi has consolidated itself as a premier center of learning and needs to concentrate on further developing and diversifying its programmes and activities. A major initiative in this regard has been an application sent recently to University Grants Commission for grant of ‘Deemed University’ status of IIMC, Delhi. Subsequently, the Institute proposes to start doctoral research programme for which it

will be extremely useful to have institutional tie-ups with universities and institutions at the regional level.

Considering the fact that the IIMC Dhenkanal is doing very well even with minimum infrastructure and IIMC Delhi has developed into a premier center which is in the process of being developed as remain with IIMC, Delhi and Government should not look for other collaboration partners. This will ensure better quality education in mass media and related fields in the eastern part of the country, which is comparatively a backward area.”

2.8 In their action taken reply, the Ministry of Informaiton & Broadcasting have stated that presently there is no move to tie up IIMC, Dhenkanal in collaboration. An application for grant of ‘Deemed University’ status to Indian Institute of Mass Communication (IIMC) has been sent to the Ministry of Human Resource Development.

OBSERVATION/RECOMMENDATION

2.9 The Committee are happy to note that now there is no move to transfer IIMC, Dhenkanal to Utkal University and that it will remain linked with IIMC, Delhi which has been the arrangement so far. This meets the demand of the petitioners. The Committee have also been informed that the Ministry of Information & Broadcasting have approached the Ministry of Human Resource Development for granting ‘Deemed University’ status to IIMC, Delhi. The Committee trust that the Ministry of Information & Broadcasting will continue to make sincere efforts to make IIMC, Delhi and its linked institutes including IIMC, Dhenkanal, institutes of excellence imparting education/research in mass communication and related fields.

CHAPTER-III

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR THIRTY-SEVENTH REPORT ON REPRESENTATION REQUESTING TO GIVE APPOINTMENT TO THE COURSE COMPLETED ACT APPRENTICES AGAINST EXISTING VACANCIES IN SOUTHERN RAILWAY.

3.1 The Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-seventh Report presented to Lok Sabha on 18th December, 2003 had death with a representation requesting to give appointment to the Course Completed Act Apprentices against existing vacancies in Southern Railway.

3.2 The Committee made certain observations/recommendations in the matter and the Ministry of Railways (Railway Board) were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

3.3 Action Taken notes have been received from the Ministry of Railways (Railway Board) in respect of the recommendations contained in the Report.

3.4 The Committee will now deal with the action taken by the Government on their recommendations.

3.5 In paragraph 2.16 of the Report, the Committee observed as follows:-

“The Committee note that Railways are one of the biggest employers in the Public Sector. However, in spite of increase in its network in the country, the employment generation in railways is decreasing. For instance as against the manpower strength of 15,45,308 as on 31st March, 2001, the manpower strength was 15,10,759 at the end of March, 2002 i.e. decrease of 34,549. Considering the increase in railway accidents, it was announced in the Railway Budget for the year 2003-2004 that about 20,000 posts will be filled in the Railways to strengthen the safety measures. However examination of the representation submitted by the Railway Employees Union, Chennai to the Committee has revealed that about 18,000 posts are to be filled in the Railway for safety purposes. Out of this, about 17,000 will be for Gangmen and another 1000 for S&T and Mechanical Departments..... the Railways are recruiting all these employees from direct category ignoring the claims of Act Apprentices i.e. persons trained by the Railways under the provisions of the Apprentices Act, 1961.”

3.6 In their action taken reply, the Ministry of Railways (Railway Board) have stated that the Apprentices Act, 1961 and the rules framed thereunder, aim at regulation and control of training of Apprentices in designated trades. Under Section 22 of the Apprentices act 1961, it has been stipulated that it shall not be obligatory on the part of the employer to offer any employment to any Apprentice who has completed the period of his apprenticeship training in his establishment, nor shall it be obligatory on the part of the Apprentices to accept any employment under the employer. Act Apprentices trained in Railway establishments are considered by various Railway Recruitment Boards if they apply against notifications issued for the purpose. Other things being equal, such trained

apprentices are given preference over a candidate who is not such an apprentice.

3.7 In paragraph 2.17 of the Report, the Committee observed as follows:-

“The petitioners, in their representation submitted to the Committee have stated that in terms of Railway Board instructions issued earlier and the Supreme Court judgement given in 1996, various Zones/Divisions/Wings of the railways were providing employment to the Act Apprentices. The Southern Railway offered employment to 526 Act Apprentices between October, 1997 and March, 1999 and out of these, 268 joined the service of Railways. The petitioners submitted that presently there are about 2500 Act Apprentices in the southern Railway and Act Apprentices should be considered for regular employment against available vacancies in the Southern railway.”

3.8 In their action taken reply, the Ministry of Railways (Railway Board) have stated that due to electrification of Palghat-Trivandrum Sections of Southern Railway, an Electric Loco Shed was set up at Erode to cater to the needs of AC Locos plying in that area, duly creating additional posts to man the shed. Indents were placed on RRBs for filling up of vacancies of Khalasis. Since it was apprehended that the recruitment of Khalasis would get delayed and there was an urgent requirement of personnel to attend to the Electric Locos awaiting maintenance, it was decided to engage Course Completed Act Apprentices as Substitutes under the General Manager's power. 268 course completed Act Apprentices were appointed as “Substitutes” between October 1997 and March 1999. In the meanwhile, due to revision of hourly rate of incentives in workshops where there would

be minimum reduction of 12% in allowed timings, review of existing manpower was required. It was then decided that, engagement of course completed Act Apprentices as “fresh face” Substitutes in group ‘D’ category be put on hold.

Direct recruitment to group ‘C’ & ‘B’ posts in the Railways are made by selection through Railway Recruitment Boards (RRBs). The vacancies are given wide publicity including publication in the Employment News, etc. and all those who apply against such notifications are considered for recruitment on the Railways. This procedure is in conformity with the Constitutional provision regarding equality in opportunity to all, in the matter of employment in the Central Government and guidelines issued by the Nodal Department i.e. Department of Personnel & Training.

Restricting recruitment from amongst apprentices only would mean restricting the field of consideration to a particular group of persons and barring others, which would be violative of the provisions of the Constitution of India.

Unlike in the past Group ‘D’ posts are now being filled up by recruitment through various RRBs in an open market selection. Thus ‘course completed Act Apprentices’ cannot be absorbed on the Railways without going through the process of recruitment through RRBs.

3.9 In paragraph 2.18 of the Report, the Committee observed as follows:-

“The Railways in their submissions made before the Committee brought out that as per the provisions of the Apprentices Act 1961, concerned Departments are not under obligation to give employment to the Apprentices. The number of Apprentices is determined in consultation with the Ministry of Labour (Directorate General of Employment & Training) for each organisation. In the past, Railways, in some cases, recruited directly from the Act Apprentices. But now, as per the Ministry of Labour guidelines and provisions of the Apprentices Act 1961, the Ministry of Railways have framed detailed guidelines. As per the revised guidelines, the Apprentices are to apply in the open category and other things being equal preference is being given to them. Similarly, there are provisions for age relaxation for the Apprentices.”

3.10 In their action taken reply the Ministry of Railways (Railway Board) have stated that Act Apprentices trained in Railway establishments are considered by various Railway Recruitment Boards if they apply against notifications issued for the purpose. Other things being equal, such trained apprentices are given preference over a candidate who is not such an apprentice. Further, for Group ‘D’ recruitments, upper age limit in case of such an apprentice is relaxed to the extent of the period for which he had undergone training as per the normal period of training.

3.11 In paragraphs 2.19 and 2.20 of the Report, the Committee made the following observations/recommendations:-

- (i) As per circulars issued by the Railways from time to time, Act Apprentices were to be given preference in regular employment.
- (ii) The Supreme Court judgement, given in 1996 in the case of UP Roadways, has clearly brought out that a Seniority Register is to be maintained. As per the existing guidelines of Railways, since Apprentices are to apply against direct quota, this Seniority register system cannot be fool-proof.

- (iii) Since the Act Apprentices undergo training for various period ranging up to 2-3 years, it would be in the interest of the Railways if they engage these people as against the unskilled/inexperienced persons.
- (iv) Considering the requirement of upgradation of safety measures, it is all the more essential that trained people are recruited for safety purposes.
- (v) As early as 1977, there was a provision in the Railways that of the total posts available in C&D categories. 25% posts should be filled up through Act Apprentices.
- (vi) Railways have given direct employment to the Act Apprentices in its various Wings/Divisions in the past.”

Considering the above factors, the Committee strongly recommend that Zone-wise Seniority Registers of the Act Apprentices should be maintained in the railways and out of the total vacancies in Group ‘D’ category, 25% should be exclusively reserved for Act Apprentices and these should be filled on seniority basis. Needless to emphasize that necessary rules should be modified accordingly. These measures will help the Railways to get skilled manpower for its various workshops, tracks and other areas of activities where safety is of paramount importance.

3.12 In their action taken reply, the Ministry of Railways (Railway Board) have stated that Railways have been directed to maintain a year to year record of these apprentices who successfully complete the apprenticeship trade-wise and thus the persons trained earlier will get preference over persons trained later.

Recruitment of trained apprentices in regular service without notifying vacancies and not allowing other eligible candidates to compete would amount to discrimination in the matter of employment under the Government of India due to the fact that this will be violative of Article 16 of

the Constitution. This has been upheld by the Hon'ble Supreme Court in their judgement dated 22.8.1996 and Department of Personnel & Training have directed vide their O.M. dated 18.5.1998, that employment notices for the posts of group 'C' and 'D' have to be published in Employment News in addition to Employment Notices being issued to Employment Exchange, Associations of Scheduled Castes & Scheduled Tribes, etc.

3.13 In paragraph 2.21 of the report the Committee recommended as follows:-

“The Committee also note that as against 4907 seats allocated to the Railways for Act Apprentices, the Railways provided training to 3429 in 2000-2001 and to 3437 in 2001-2002. The Committee feel that considering the size and infrastructure available at the disposal of the Railways, they should provide training to the requisite number of persons as per the allotment decided in consultation with the Ministry of Labour.”

3.14 In their action taken reply, the Ministry of Railways (Railway Board) have stated that Railways are making all out effort to fully utilise the training slots made available by the Ministry of Labour.

Observations/Recommendations

3.15 The main recommendation of the Committee is that the Railways should maintain Zonal-wise seniority Registers of the Act Apprentices and 25% of the total vacancies in Group 'D' category in the Railways should be reserved for them. These 25% vacancies should be filled up on seniority basis. The Committee note from the reply of the Ministry of Railways that in view of the Supreme Court judgement dated 22.8.1996 and Department of Personnel & Training directions dated 18.5.1998, and also the guidelines framed by the Ministry of Labour and Railways on the subject, there is no scope for giving any reservation to the Act Apprentices in the matter of employment in category 'D' posts. As per the guidelines, Act Apprentices are required to apply in the open category and, other things being equal, preference will be given to them. The Committee have been informed that the Railways have been directed to maintain a year to year record of those apprentices who successfully complete the apprenticeship trade-wise to ensure that persons trained earlier get preference over persons trained later.

3.16 The Committee regret to note that the Ministry of Railways have not given due consideration to the issue of reserving 25% vacancies in 'D' category to the Act Apprentices keeping in view the utility of the technical training imparted to them by the Railways. The Ministry have also not indicated whether any consultation has been made with

the Ministry of Labour and Department of Personnel & Training to give reservation to the Act Apprentices in category 'D' vacancies based on their technical experiences gained in the Railways during training. The Committee therefore, recommend that the Ministry of Railways should, in consultation with the Ministries and authorities concerned, seriously consider to reserve atleast 25% of the total vacancies in category 'D' to the Act Apprentices. The Committee feel that there is no reason as to why the Act Apprentices cannot be treated as a class separate from the open category based on their practical technical experience and be entitled to reservation. The Committee desire that action taken in this regard may be informed to them at the earliest.

3.17 As regards providing training by the Railways to requisite number of persons allotted by the Ministry of Labour, the Committee note that the Ministry of Railways have assured to make all out effort to fully utilise the training slots made available by the Ministry of Labour. The Committee trust that the Ministry of Railways will comply with this assurance in letter and spirit.

CHAPTER - IV

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR THIRTY-EIGHTH REPORT ON PETITION REGARDING GIVING EMPLOYMENT TO THE DISPLACED FAMILIES WHOSE LANDS HAVE BEEN ACQUIRED FOR TALCHER-SAMBALPUR RAILWAY LINK PROJECT OF SOUTH EASTERN RAILWAY.

4.1 The Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-Eighth Report, presented to Lok Sabha on 23rd December, 2003 had dealt with a Petition regarding giving employment to the displaced families whose lands have been acquired for Talcher-Sambalpur Railway Link Project of South Eastern Railway.

4.2 The Committee made certain observations/recommendations in the matter and the Ministry of Railways (Railway Board) were requested to implement those recommendations and furnish action taken notes for consideration of the Committee.

4.3 Action taken notes have been received from the Ministry of Railways (Railway Board) in respect of the recommendations contained in the Report.

4.4 The Committee will now deal with the action taken by the Government on their recommendations.

4.5 In paragraphs 1.34 and 1.35 of the Report, the Committee observed as follows:-

“The Committee note that 16135 persons of 9135 land losers families of over 52 villages in Orissa have been displaced/affected as a result of acquisition of their land for the Talcher-Sambalpur Railway Link Project of South Eastern Railway. Most of them belong to the socio-economically backward class. The Committee are informed by the petitioners that the

Railway Board was going to fill up 511 Gangman posts of in South Eastern Railway under DRM Sambalpur. The Railways had assured them that they would be given priority in employment in Group 'C' and 'D' posts. Accordingly, the main demand of the petitioners is that land losers be given employment to the land losers in Railways in Grade 'C' and 'D' posts."

(Para 1.34)

"The Committee have been apprised that in response to the advertisement issued by South-Eastern Railway for the post of gangman, 2805 land-losers had applied. Out of those who applied, only 652 fulfilled the prescribed qualifications and 76 were finally empanelled for appointment on priority as Gangmen out of whom 3 were declared medically unfit. Another 82 posts of Gangman have been kept unfilled under instructions from the Courts (February, 2002) due to cases by land-losers."

(Para 1.35)

4.6 In their action taken note, the Ministry of Railways (Railway Board) have stated that only a part of land holding was acquired from the villagers of Talcher-Sambalpur area for Railway Link Project and no one was displaced because of the project. Notifications were issued to fill up 511 posts of Gangmen in Sambalpur Division of undivided South Eastern Railway. Further, a separate notification dated 5.2.1999 was issued permitting the eligible land losers of Sambalpur-Talcher Line to apply directly against the notifications issued for the purpose and Railway authority gave priority in employment to the affected land losers at the time of filling up the 511 posts.

4.7 In paragraph 1.36 of the Report, the Committee recommended as follows:-

"The Committee have also been informed by the Ministry that there was no agreement between the land-losers and the Railways for providing employment to them. However, as per the policy of the Railways land-losers were to be given preferential treatment for employment in Group 'C' and 'D' posts. As per this policy it has to be done within a period of two years after the acquisition of the land

and employment is limited to only one job per family. The stay on filling up these posts was vacated on 19th August, 2002. The Committee, however, regret to note that out of 9135 affected families employment has been given to 66 persons only and 82 posts of Gangman were kept vacant on directions of CAT/Cuttack. The Committee feel that out of the 511 posts of Gangman, giving appointment to 66 land-losers is too small a measure in providing help to the land losers. As per the declared policy of Railways, due preference to the land lose-losers should have been given even by giving relaxation in eligibility criteria. The Committee, therefore, would like the Railways to provide employment to more land-losers out of the un-filled posts of Gangman and vacancies in other similar posts/grades. Had this been done, the Committee firmly believe that the petitioners would not have approached the court of law for redressal of their grievances.”

4.8 In their action taken note, the Ministry of Railways (Railway Board) have stated that rules do not permit giving automatic employment to those land losers who gave only a part of their land for construction of Railway Line. However, in the instant case, land losers were given preference over others by way of issuing a separate notification for them. Further, they were tested separately in the physical test and viva-voice. They were also given five extra marks as grace marks at the time of drawl of select list. Finally, land loser candidates securing 50% marks in aggregate (in written, viva and physical test) after addition of grace marks have been empanelled and they were given the appointment letters first and were accommodated on priority basis, whereas, the other than land loser select list contained the names of candidates who had secured 81% in unreserved, 71.5% in Scheduled Tribe, 72% in scheduled Caste and 73.5% in Other Backward Classes categories. As a result of above concessions, the success rate of land losers in the above recruitment comes out to be 14% of the applicants, whereas, for others it is only 3% of the total applicants. Only

after exhausting their select list, the balance vacancies were filled up from other than land loser select list. Thus preference was given to them in the selection. Only 76 candidates could qualify in the selection and they have been given employment. 82 posts have been kept vacant due to court case and will be filled up as per direction of Hon'ble Court.

4.9 In paragraph 1.37 of the Report, the Committee recommended as follows:-

“The Committee’s examination of the relevant facts on the subject has revealed the following:-

- (i) Even though the Ministry of Railways Guidelines on the subject, issued from time to time, particularly those issued in November, 1989 stipulate provision of one employment per land-loser family, these have not been implemented.
- (ii) Even though the land for Talcher-Sambalpur railway link was acquired in the early 90's, Railway did not make sincere efforts to provide employment to the land-losers.
- (iii) The South-Eastern Railway issued a Notification for Group-D posts in July, 1989 in the open category. Subsequently, in February, 1999 another Notification was issued in continuation of the Notification of July, 1998 that persons from the land loser category were also eligible. However, as per the guidelines on the subject, Railways should have issued exclusive Notification for the land-losers category. The circular of Railways issued in November, 1989 specifically stipulates as under:-

“A notification should be issued locally in the areas in which the land acquired is situated, calling for applications from eligible persons.”

- (iv) The Railway Minister, on 27th June, 1995 had communicated to a Member of Parliament who was pursuing the matter on behalf of petitioners (Shri K.P. Singh Deo, M.P.) as under:-

“Kindly refer to your letter regarding appointment to the members of the families displaced as a result of acquisition of

land for Talcher- Sambalpur railway link project of South Easter Railway.

You will be happy to know that the South Eastern Railway authorities have been instructed that the facility of employment of land losers in terms of the extant instructions be extended to Talcher-Sambalpur project.

- (v) The Railways or the State Government of Orissa have not prepared any list detailing the percentage of land acquired of the land losers as there may be some cases where 75% or above holdings may have been acquired depriving the land owners of their livelihood.
- (vi) In the context of judgement of CAT, Cuttack regarding evolving a national policy on the subject, the Railways have stated that Ministry of Railways' policy is not in conformity with the Government policy.

From the above facts, the Committee regret to note that the Railways have not made sincere efforts to provide employment to the land-losers. Similarly, the railways have not followed properly even their own guidelines on the subject. Considering the humanitarian angle in the matter and the very fact that the livelihood of the villagers in backward areas has been affected, the Committee strongly recommended that the Ministry of Railways should re-start the whole process with a view to providing maximum number of jobs to the land losers. Considering the fact that about 20,000 employees are to be recruited by the Railways in safety related areas immediately, the Committee hope that there will not be shortage of vacancies. The Committee would like to be apprised of action taken in the matter within 3 months of the presentation of this Report in Parliament."

4.10 In their action taken note, the Ministry of Railways (Railway Board) have stated as under:-

- (i) As per the guidelines existing on the subject, there is no such compulsion that one person per family of land losers would automatically be given employment without passing the test for selection or even if ineligible for the post. The guidelines specify certain conditions as already brought to the notice of the Committee.

- (ii) As far as Railways are concerned, sincere efforts have been made on their part to provide employment to the eligible land losers.
- (iii) A notification dated 5.2.1999 was issued permitting the families of land losers to apply directly against the notification dated 31.7.1998.
- (iv) South Eastern Railway have followed the extant instructions as communicated by the Hon'ble Minister to Shri K.P. Singh Deo, M.P.
- (v) It is for the State Government of Orissa to take any action. Ministry of Railways have already made sincere effort to provide employment to the land losers.
- (vi) The judgement of Hon'ble court was conveyed to the Department of Personnel & Training (which is the nodal department for the purpose) to formulate a national policy.

At this stage there is no scope for re-starting the whole process. As regards the recruitment of 20,000 persons in safety categories, these vacancies are being filled up through the agency of Railway Recruitment Boards as per the extant rules. These recruitments in Group 'D' are open to all citizens of this country.

4.11 In paragraph 1.38 of the Report, the Committee recommended as follows:-

“The Committee regret to note that even decades after the acquisition of land by the Railways, 365 land-losers are yet to be given monetary compensation reportedly due to family disputes. The Railways have left the poor farmers at the mercy of the State Government. The Committee would like the Railways to coordinate with the State Government in this regard and ensure that each land losers gets his due compensation.”

4.12 In their action taken note, the Ministry of Railways (Railway Board) have stated that the Railways have deposited the entire money with State Government. The payment, as informed by the latter, to 365 families of land losers is withheld because of internal disputes among the families

regarding the title of the land. Railways cannot be held responsible for such disputes.

4.13 In paragraph 1.39 of the Report, the Committee recommended as follows:-

“The Committee’s examination of the subject has revealed that there is a lacuna in the Railways’ agreement with the State Government as it does not have specific provisions for providing jobs to land-losers. The Committee recommend that in future Railways’ agreement with State Governments for land acquisition should have specific provisions about this aspect of employment of land-losers and their proper rehabilitation through the State Government which acquired the land for Railways projects. The Committee’s examination of the subject has also revealed that there is no national policy for providing jobs to land-oustees/losers. Considering the magnitude of the problem, the Committee strongly recommend that proper and comprehensive policy guidelines regarding appointments in the land-losers category (i.e., for the affected persons whose lands are acquired for the Government projects) should be framed within a period of six months.”

4.14 In their action taken note, the Ministry of Railways (Railway Board) have stated that Railways are not only compensating the families of land losers monetarily but also trying their best to provide them employment despite the fact that Central Government do not have such a policy. Framing a national policy for this purpose is in the jurisdiction of Department of personnel & Training and not that of the Ministry of Railways. This Ministry has already brought the issue of formulating a national policy to the notice of the DOP&T.

4.15 In paragraph 1.40 of the Report, the Committee recommended as follows:-

“The Committee also desire that in the meantime the Railways should review their existing guidelines to make them more friendly to land-losers and also ensure their implementation by various zones/divisions/units of the Indian Railways.”

4.16 In their action taken note, the Ministry of Railways (Railway Board) have stated that in future also the Ministry of Railways would ensure to implement the instructions by various zones/divisions as they have done in the past

Observations/recommendations

4.17 The Committee note from the replies of the Ministry of Railways that only a part of the land of the petitioners was acquired from the villages of Talcher-Sambalpur area for a Railway Link Project and none of them was displaced due to acquisition of their land. The guidelines of the Ministry of Railways on rehabilitation of the people whose land had been acquired, do not provide for automatic employment of one person from each land loser family. Such guidelines provide for some preferential treatment by way of relaxation in percentage of qualifying marks to facilitate employment of the land losers. These guidelines do not provide for any special drives for giving guaranteed employment or employment to maximum number of affected people. Out of a total of 16135 persons, the Ministry of Railways have so far provided employment to only 66 persons and 82 posts of gangman were kept vacant due to Court cases. The Committee have also been informed that settlement of monetary dues by the State Government in respect of 365 land losers is still pending due to family disputes. The Committee learn that as on date there is no comprehensive policy/guidelines regarding appointments to the land losers category. The Ministry of Railways have brought this issue to the notice of the Department of Personnel & Training for formulating a policy as they are the nodal agency in this regard.

4.18 The Committee regret to point out that in the absence of a clearly defined policy/guidelines on rehabilitation of the Project Affected Persons (PAPs), the Government would always take advantages of the loopholes in the law and the vague guidelines on rehabilitation policy to delay and also deny justice to the poor people whose lands have been taken away for implementation of the projects. The Committee feel that it is unfair to expect the poor villagers to fight endless legal battles in the Courts or pursue the matter with the Government without any time limit to get their dues in the form of employment and monetary compensation. The replies given by the Ministry of Railways in the present case reflect such helplessness of the petitioners in getting their justified dues (employment and monetary compensation) in the absence of clearly defined policy of the Government on the subject. The Committee, therefore, recommend that the Department of Personnel & Training, as the nodal agency, should formulate a comprehensive policy in this regard at the earliest. The Committee would like to be informed of the status regarding formulation of such policy within a period of six months.

4.19 'Pending formulation of a suitable policy regarding appointment of persons from the land losers category, the Committee recommend that earnest efforts should be made to help the poor land losers by giving them some sort of employment in the Railways in activities like security, transport, canteen etc. at the earliest.

**MINUTES OF THE SECOND SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)**

The Committee on Petitions sat on Wednesday, 1st September, 2004 from 1500 to 1600 hrs. in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh - Chairman

MEMBERS

2. **Shri Nandkumar Singh Chauhan**
3. **Dr. M. Jagannath**
4. **Shri Suresh Kurup**
5. **Mohd. Muqueem**

SECRETARIAT

1. **Shri John Joseph - Additional Secretary**
2. **Shri R.C. Ahuja - Joint Secretary**
3. **Shri Brahm Dutt - Director**
3. **Shri J.V.G. Reddy - Assistant Director**

2. The Committee considered and adopted their draft First, Second and Third Reports with certain amendments as shown in the Appendix.

3. The Committee decided to hold their next sitting on 16 September, 2004 for taking evidence of the representatives of the Ministry of Railways (Railway Board) on two representations.

The Committee then adjourned.