

TWENTY SECOND REPORT
COMMITTEE ON PETITIONS

(FOURTEENTH LOK SABHA)

MINISTRY OF HUMAN RESOURCE
DEVELOPMENT
MINISTRY OF RAILWAYS
MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS

(Presented to Lok Sabha on 19.12.2006)



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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Prabhunath Singh — *Chairman*

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5. Shri V.P. Gupta — *Committee Officer*
6. Shri Sanjay Goel — *Executive Assistant*

TWENTY SECOND 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 Second Report (Fourteenth Lok Sabha) of the Committee to the House on the following matters:—

- (i) Representation regarding delay in construction of building for Mashrak Central School;
- (ii) Representation requesting for appointment on compassionate grounds in Railways;
- (iii) Representation regarding trespass and denial of right of property by N.E. Railway; and
- (iv) Representation regarding non-compliance of the Rajbhasha Resolution, 1968 by the U.P.S.C.

2. The Committee considered and adopted the draft-Twenty Second Report at their sitting held on 18th December, 2006.

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

NEW DELHI;

18 December, 2006
27 Agrayana, 1928 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

CHAPTER I

REPRESENTATION REGARDING DELAY IN CONSTRUCTION OF BUILDING FOR MASHRAK CENTRAL SCHOOL

1.1 Shri Kailash Baitha, M.P. forwarded a representation signed by Shri Ashok Kumar Singh, Village Bangra Daudpur, Chhapra, District Saran, Bihar and others regarding delay in construction of building for Mashrak Central School.

1.2 In the representation, the petitioners *inter-alia* stated that a Central School has been operating at Mashrak in District Saran of Bihar. But there is no proper building for this school and the school has been running upto VIII standard with only one section in each class. There is a scope to increase the number of sections in this school but for want of building, the school is not being upgraded to accommodate more students of district Saran. Even though the land has been earmarked for the school by the Commissioner, Saran, but the construction work could not be started due to non-availability of funds for the purpose.

1.3 The petitioners, therefore, requested that building for the Central School may be constructed at the earliest so that students from rural and backward areas could get opportunity for study.

1.4 The Committee took up the matter for examination in accordance with Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the representation was forwarded to the Ministry of Human Resource Development on 26th August, 2004 for furnishing their comments on the points raised therein.

1.5 In response, the Ministry of Human Resource Development *vide* their communication dated 21st October, 2004 furnished the following comments:—

“Kendriya Vidyalaya Sangathan, has informed that KV, Mashrak was opened in the academic session 2003-04 in Civil Sector under the sponsorship of State Government. The Vidyalaya is presently functioning up to Class IX in the temporary accommodation provided by the State Government of Bihar. However, the land earmarked for KV, Mashrak has not yet been allotted to KVS by the State Government. Pending transfer, in favour of KVS, construction of school building cannot be initiated by the Sangathan.”

1.6 Based on the comments furnished by the Ministry of Human Resource Development, the State Government of Bihar were requested through the Ministry to furnish their replies to the questionnaire related with the subject.

1.7 In reply to a questionnaire about the reasons for not handing over the land earmarked for construction of a permanent building for Kendriya Vidyalaya at Mashrak, the scheduled time for handing over the land to them, the related terms and conditions for setting up of Kendriya Vidyalaya and the role assigned to the State Government

thereto, the State Government of Bihar in their communication *vide* letter dated 08.01.05 submitted as under:—

“As per the provisions made in section 148 under chapter XVIII of the Education code for Kendriya Vidyalayas the land for permanent establishment of the Kendriya Vidyalaya under civil sector is to be transferred free of cost to the Kendriya Vidyalaya Sangathan by the sponsoring State Government. In this context, in principle a decision is being obtained to make available the suitable plot of land free of cost on token amount of Rs. One only for the lease of thirty years and accordingly to hand it over to the Kendriya Vidyalaya Sangathan.

As soon as the decision of the State Government, mentioned in aforesaid para is obtained, the transfer and handing over the proposed suitable land for Kendriya Vidyalaya Mashrak to the Kendriya Vidyalaya Sangathan will be made accordingly. However making all the necessary formalities complete for the same, a time period of two months is required.

With regard to the establishment of Kendriya Vidyalaya Mashrak under Civil Sector, the State Government is responsible to make available the suitable plot of land on free of cost basis and to handover it to Kendriya Vidyalaya Sangathan. Besides the suitable temporary accommodation for smooth functioning of the Vidyalaya is being provided free of cost, till the construction of the permanent school building for Kendriya Vidyalaya, Mashrak.

Kendriya Vidyalaya Sangathan is responsible for bearing all the recurring as well as non-recurring expenditure including cost of building construction and the maintenance.

In response to another question, the Committee were informed that there are 18 Kendriya Vidyalaya as mentioned below for which land is to be given by the State Government:—

1. K.V. Bettiah
2. K.V. Buxar
3. K.V. Hazipur
4. K.V. Lakhisarai
5. K.V. Mashrak
6. K.V. Saharsa
7. K.V. Jahanabad
8. K.V. Banka
9. K.V. Gopalganj
10. K.V. Dharbhanga No. 2
11. K.V. Chhapra
12. K.V. Purnia
13. K.V. Madhepura
14. K.V. Ara
15. K.V. Raxaul
16. K.V. Nawadah
17. K.V. Patna No. 3
18. K.V. Siwan

Kendriya Vidyalaya Mashrak is presently functioning in the temporary accommodation provided by the State Government. Now only proposed land is to be made available for School building construction by the State Government.”

1.8 The Committee took oral evidence of the representatives of the State Government of Bihar on 15th June, 2005. During the evidence the Secretary, Human Resource (Secondary Education) Department, Government of Bihar gave the background of the case as under:—

“.....Actually, the Central Schools have been sanctioned in different phases. Unfortunately, there was no clear-cut policy on the transfer of land. Most of the land proposals were getting stuck because prices were being charged. But, the Central School Organisation— Kendriya Vidyalaya Sangathan (KVS) - wanted land free of cost. Finally, in March this year, the Cabinet took a decision that henceforth all proposals for transfer of land for Central Schools would be free of cost. With that Order, we expect that all proposals would be cleared now. If any Department has surplus land, that land would be transferred on 30 years’ lease, to start with, on one rupee token lease amount. Unfortunately, this was not clarified earlier. Therefore, various Central Schools were sanctioned in phases and they were functioning in temporary premises. That was the situation earlier.”

1.9 Explaining about the reasons for delay in bringing the proposal for transfer of land to the school before the Cabinet, the witness stated:—

“There was a mistake in earlier proposal. The map was not signed by Collector, therefore, that was returned. That came through Commissioner in 2002 after removing the mistake and the proposal of transfer was carried out on the payment of Rs. 11 lakh, 62 thousand and 350.”

1.10 The Committee wanted to know the time by which the State Government would take action with regard to allotment of land to the remaining 17 schools. Responding to this, the witness from State Government of Bihar stated as under:—

“Land has not been identified at three places. It has already been identified in respect of the remaining 14 cases. We shall identify land within a period of two months”

The witness added:—

“ After receiving the proposals for the remaining three places, we shall identify the land for them within six months.”

1.11 Before undertaking further oral evidence of the Ministry of HRD, a questionnaire was sent to them in the matter. In their response *vide* their communication dated 06.07.2005, the Ministry *inter-alia* stated that Kendriya Vidyalaya Mashrak was opened in the year 2003-2004 under civil sector with the approval of the then Chairman, KVS-cum-HRD Minister. The Kendriya Vidyalaya, Mashrak is one of the 95 KVs in which the ex-post-facto approval of the Cabinet has been sought for. As regards the extent of

time likely to be taken for constructing a permanent building for the KV Mashrak, the Ministry replied as under:—

“Government of Bihar *vide* letter No. Policy/03/04-227 (6)/R dated 6.4.2005 has issued sanction order for allotment of land to KVs in the State of Bihar free of cost on a token amount of Re. 1/- only for the lease of 30 years. However, in respect of Kendriya Vidyalaya Mashrak formal transfer of land and handing over of its possession to school has not been done by local State Authorities. Construction works in KVS are ordinarily undertaken by CPWD, MES & State PWD on deposit works basis. After finalisation of land transfer formalities the time schedule for construction work is drawn by the construction agencies as under:—

- (i) Preparation of preliminary 3-6 months drawings and estimate by CPWD.
- (ii) Detailed engineering tender 6-9 months action and award of work by CPWD.
- (iii) Construction period of 24 months school building.

Normally 3 years time is required for completion of school building after finalization of land transfer formalities and issue of Administrative Approval and Expenditure Sanction by KVS.

1.12 In their written reply to the questionnaire, the Committee were also informed that Kendriya Vidyalayas are normally non-residential schools. KVS can consider the case for starting a hostel if land for the purpose is made available and there are minimum 100 students available for hostel accommodation. Hostel is constructed separately and it is not constructed alongwith the main building. Only after the construction of the permanent building, it would be logical to find out as to how many students want hostel accommodation and whether it would be financially viable and administratively convenient to start and run a hostel. Normally the cost of construction of school building and 11 units of staff quarters is around Rs. 2.50 crore in normal conditions. Since approval of Govt. of India for opening of new schools is awaited, KVS is not in a position to commit any financial liability in respect of new schools. The KV Mashrak is presently running upto Class X with one section. Since the school does not have required facility for three laboratories (Physics, Chemistry, Biology) and a standard library, as per laid down norms of CBSE, the upgradation will be considered once the school gets its own permanent building and consequently other facilities.

1.13 Thereafter, the Committee took oral evidence of the representatives of the Ministry of Human Resource Development at their sitting held on 8th July, 2005.

1.14 During the course of evidence, the Committee pointed out that the land has been provided by State Government of Bihar for construction of Kendriya Vidyalaya at Mashrak. The Committee wanted to know as to how long it would take to start construction work of building and hostel. At this, the witness, Secretary to the Ministry of Human Resource Development responded as under:—

“..... The plan period of all Kendriya Vidyalayas is approved by the Ministry and it is on this basis that the number of Kendriya Vidyalayas are opened in particular plan period. No Vidyalaya had been approved under 10th Plan period so far but there have been 95 Vidyalayas which were not approved by Cabinet. This Vidyalaya is one of them.

The facts in this regard have been presented before them and are to be presented before Cabinet so as to obtain their sanction with a view that about 85 schools which are not running properly may be conducted properly and get necessary infrastructure from the Cabinet. We hope that it will be provided, this is five year plan of the Planning development. For additional funds, we are moving for the process of EFC and thereafter to bring it before the Cabinet and Committee on Economic Affairs. These are reasons for delay.

The second reason for delay is that State Governments are requested to provide land to open these schools through administrative order of the Chairman. At many places land has been provided and school at Mashrak is one of them. Recently Bihar Government has in principle decided to provide land.”

1.15 When the Committee pointed out that the State Government of Bihar had notified for allotment of land for the School, the witness stated as under:—

“We did not receive this information till yesterday. Today, first since Secretary has informed that land has been provided, we sent Assistant Commissioner today itself to examine whether this land is suitable or not. He enquired and submitted its report that this land is fit for Vidyalaya. As far as time limit is concerned we require the approval of Cabinet and in absence of resources it will be not possible to start the work related to this Vidyalaya since huge fund will be required and approval of Parliament is necessary after the approval of Cabinet. This is your privileged area, proposal has already been submitted and we have to complete all process to get the approval of Cabinet and Parliament.

It has already been requested that the meeting should be called in afternoon because there was a meeting of Governing Body in the morning chaired by Hon’ble Minister. In this meeting the officer of Kendriya Vidyalaya Sangathan who are included in the Governing Body first time have approved that now this proposal should be submitted to Cabinet. There is delay only due to this process because presently it has still not been approved. There are prescribed procedure of Government. As per this procedure no school can be approved without financial sanction.”

1.16 On being enquired about the delay in placing the proposal for opening of Kendriya Vidyalayas before the Cabinet, the witness replied as under:—

“..... Until the budget provisions are approved by the Cabinet at present and it would not be treated regular and till than these obstructions will come in the way to make investments for the construction of building and other things for the school. If all of you support, all resources will be available at the earliest.”

1.17 The witness also informed the Committee that the process of sending the proposal to Cabinet and getting it approved will be completed within next 3-4 months.

1.18 Explaining about the efforts being made by the Ministry to expedite the process for the Central School at Mashrak, the witness stated as under:—

“We are moving it to Cabinet, we got the information today only about the availability of land and we have sent an officer. We will get resources at the earliest under your guidance. We request you all with regard to the school, so that more and more money may be collected from the Parliament. Apart from this, we request other Secretaries also as there is a great demand of admission to these schools throughout the country. The allotment of new land is quite less as it should be. We can not do as we want.”

1.19 In their written reply the Ministry of Human Resource Development informed the Committee about the status of allocation of land for running Kendriya Vidyalaya at Mashrak and its functioning from new building as under:—

“As against the requirement of ten acres of land for opening a new Kendriya Vidyalayas in rural areas, a plot of land measuring 7 acres has been given on lease in October, 2005 by the State Government of Bihar for Kendriya Vidyalaya at Mashrak.

The Vidyalaya was opened during 2003-04 without formal approval of Government. A proposal for obtaining *ex-post-facto* approval of CCEA is being processed in the Ministry for regularization of 95 such Kendriya Vidyalayas including KV Mashrak which were opened during the years 2003-2004 and 2004-2005. As soon as the approval of the CCEA is received and the State Government gives three more acres of land, the construction of permanent building can be taken up.”

1.20 The Committee were also informed by the Ministry of Human Resource Development about the procedure followed in the context of opening/running of Kendriya Vidyalayas as under:—

“On receiving the proposal in the prescribed format from the State Government for opening a new Kendriya Vidyalaya under civil sector, KVS examines the viability of the same with reference to the prescribed norms i.e. the sponsors will provide (i) 4.00 acres in Metropolitan city, (ii) 6.00 acres in Hilly terrain, (iii) 8.00 acres in Urban area and (iv) 10.00 acres in Rural/Semi urban area of land free of cost and also rent free building for running the school till the Sangathan constructs its own building. The norms further require availability of residential accommodation to 50% of its employees. Since the Kendriya Vidyalayas are primarily intended for the benefit of children of Central Government employees, a minimum concentration of 1000 Central Government employees as also availability of 200 children (500 in big cities), for admission are also prescribed as conditions for opening a school).

If the proposal is found feasible for opening a new K.V. at a particular place, the same is placed before the Board of Governors for necessary approval. Thereafter, a comprehensive proposal is sent to Ministry of Human Resource Development, Government of India to obtain the approval of Cabinet.

The Ministry on its part obtains the approval of Cabinet in consultation with the Ministry of Finance, Planning Commission and other relevant Ministries.

Kendriya Vidyalaya at Mashrak is one of 95 K.Vs. opened under the Civil Sector during the year 2003-04 and 2004-05 based on the approval of the then Hon'ble HRD Minister cum Chairman, Kendriya Vidyalaya Sangathan, but without formal approval of Government.”

1.21 The Committee took further oral evidence of the representatives of the Ministry of Human Resource Development at their sitting held on 10th April, 2006.

1.22 At the outset, the Committee pointed out that after the inspection of the officials of the Ministry, seven acres of land have been transferred by State Government of Bihar for construction of the building for Central School in Mashrak but the work thereon has yet to start. When the Committee asked about the reasons for delay in starting construction work of the building of the school, the witness, the Additional Secretary of the Ministry of Human Resource Development explained as under:—

“.....The requirement of land for Mashrak and some other schools is only one requirement. But the important and basic requirement is competent sanction from Central Government for these schools. When Committee had taken evidence on 8th July, Shri Banerjee, Secretary was also present there. During that evidence it was informed that 95 Central Schools including Mashrak were started without sanction of Central Government. Action is being taken for *ex-post facto* sanction for these schools. This is under process. There are two main stages in this process, first the proposal is sent to Expenditure Finance Committee. Secondly, it goes to Economic Affairs Committee of Cabinet. First stage has been completed and the draft observations for Economic Affairs Committee has already been sent to concerned Ministries. Barring one, reply of other Ministries has already been received. Comments of Ministry of Finance is awaited. We are sending reminders to them. We hope that this issue will reach to Committee on Economic Affairs for approval by next month. After their approval we should start the procedure for construction of building. We have a land measuring 7 acres. It will be better if we get 3 acres of land more because 10 acres of land is required for such areas. If we have much problem in getting more land we will try to get it done in only 7 acres of land. But getting approval for 95 Kendriya Vidyalaya which had been started during that year without due approval is a pre-condition and we will try to do it as the earliest.”

1.23 The witness, however, failed to give any satisfactory reply to a query as to when they had written to the State Government about the need of 3 more acre of land for construction of building for K.V. Mashrak. The Committee pointed out that the Secretary had earlier found the land suitable for the purpose which was also inspected by the Joint Secretary but now the letter is being sent about the shortage of 3 acre of land. Responding to this, the witness stated as under:—

“..... The norms are of 10 acres of land which is desirable. But it should not be so that if due to some unavoidable reasons, 2-3 acres of land is not available, the entire work will be stopped.”

The witness further added:—

“I would like to say that suitability and sufficient means, it is levelled, it is at appropriate distance from the city and suitable for this purpose. But the norm in the country is 10 acres and it is desirable and it is in the larger interest of Kendriya Vidyalaya that the land should be sufficient so that it can be expended in future and staff quarters can be constructed for 50 per cent staff. It is not so that it can not be started due to availability of 3 acre of less land. The main requirement is that we should get approval from the Committee on Economic Affairs for 95 schools because construction of building is an aspect only. We have to fulfil other requirements in future.”

1.24 On being pointed out that previously the Secretary of the Ministry of Human Resource Development had assured that land has been aquired and that the work will be completed in 3-4 months, but no action has been taken so far in case of Mashrak. At this, the witness stated as under:—

“If you permit me, I want to throw light on its background so that it would be helpful to understand the whole case. All the Central Schools are sanctioned by the Cabinet for the plan period. On the basis of that as many Central Schools are opened in that plan period. Not a single school was sanctioned during the 10th Five Year Plan. But there were 95 schools which were not sanctioned by the Cabinet. This is one of those schools. Facts have been brought before them in this regard and the process to send it to the Cabinet in going on so that it could be sanctioned by them.”

The witness further added:—

“They said that it would take 4 months time. It is absolutely true. Since you asked about Mashrak, I submitted that they placed the whole position of about 95 schools before the Committee. It could not be completed in 4 months and the Ministry regrets that now efforts are on to take it to the Committee on Economic Affairs of the Cabinet. This is the matter of last phase. Only the comments of the Finance Ministry are awaited. We are continuously reminding them about it.”

1.25 When the Committee desired to know as to when the process in respect of Mashrak School will be completed so that construction work of the building can be started, at this the witness replied as under:—

“If we get the sanction of the Committee on Economic Affairs of the Cabinet by next month we will try to issue administrative sanction for this by 30th September.”

1.26 When the Committee asked about the position of allotment of land for the remaining 17 schools, the witness replied as under:—

“..... As you said that 95 schools not be considered as a block. They should be divided into different categories, I want to say something on this point. As far as we and Cabinet are concerned all these 95 Schools are of the same category. All schools were sanctioned by the then Chairman of Kendriya Vidyalaya Sangathan. Among them 82 schools were started at the

time. But approval from competent authority had been not taken so far. Now it is before the Cabinet. Now we are considering all 95 schools altogether. It is another factor that for some schools land is available and for others it is not available, for some it is sufficient for others it is not. This is a very lengthy thing. Ultimately 82 schools out of 95 schools are running. All these schools are a block for the Cabinet. As far as 13 schools are concerned..... As the approval was granted to these 95 schools, the land was made available..... As soon as these 95 schools, had been approved the land was made available for the same. It is almost sure that the priority would be given to the construction of building of these schools had been approved. We do not have any doubt that the priority would be given to the construction of building of those schools, which have already been provided land.”

1.27 Explaining about the basis on which the permission for opening of new sections in a school is granted, the witness stated that they give preference to those locations where Central Government employees’ children are more in number and the State Government, which is the sponsoring authority, provides them some temporary accommodation till they construct their building. These were the two pre-conditions on which they consider.

Observations/Recommendations

1.28 The Committee took up for a detailed examination a representation forwarded by Shri Kailash Baitha, MP regarding the delays in construction of the building of Kendriya Vidyalaya, Mashrak, District Saran, Bihar. In the representation, the petitioner stated that Kendriya Vidyalaya (KV) opened at Mashrak, District Saran in 2003-2004 has no proper building and is running upto VIIIth standard with only one section in each class. The petitioner has further submitted that there is a scope to increase the number of sections in this school but for want of building, the school is not being upgraded to accommodate more students. The petitioner has submitted that though the land has been earmarked for the school, the construction work could not be started due to non-availability of funds for the purpose and requested that the building for the school may be constructed at the earliest so that students from rural and backward areas could get opportunity for study.

1.29 The Committee note from the reply furnished by the Ministry of HRD on the issues raised in the representation that 95 KVs including at Mashrak was started in the academic session 2003-2004 in Civil sector with the approval of the HR Minister-cum-the Chairman, KVS but without formal approval of the Government.

1.30 The Ministry further stated that for the opening of a new Kendriya Vidyalaya under Civil sector, the state Government sends the proposal in the prescribed format which is examined by the Kendriya Vidyalaya Sangathan (KVS) to ascertain its viability with reference to the prescribed norms viz. free of cost provision of 10 acres of land in rural area, rent free building for running the school till the Kendriya Vidyalaya Sangathan (KVS) constructs its own building, availability of restricted accommodation to 50% of its employees, a minimum concentration of 1000 Central Govt. employees, availability of at least 200 children for admission, etc. If the proposal is found feasible

for opening a new KV at a particular place, the same is placed before the Board of Governors of KVS for necessary approval. Thereafter, a comprehensive proposal is sent to the Ministry of HRD, to obtain approval of the cabinet. The Ministry on its part obtain the approval of the cabinet in consultations with the Ministry of Finance, Planning Commission and other concerned Ministries. The Committee note that KVs are normally non-residential schools but the case for starting a hostel if land for the purpose is made available and minimum of 100 students are available for hostel accommodation.

1.31 The Committee observe that for opening of a K.V., provision of adequate infrastructure and smooth functioning of the school, Central Govt., the Ministry of HRD/Kendriya Vidyalaya Sangathan (KVS) and the State Governments have distinct roles and responsibilities. The Central Govt., is required to examine the feasibility for opening of a new K.V. at a particular place with reference to prescribed norms and thereafter accord administrative sanction for provision of infrastructure. The Central Government may, however, accord provisional permission for the opening of a K.V. without formal approval of the cabinet and fulfillment of the prescribed norms. The State Government on its part is required to make free of cost provision for land (10 acres in rural/semi urban areas, 8 acres in hilly terrain and 4 acres in metropolitan cities) and also rent free building for running the school till KVS constructs its own building.

1.32 The Committee note that the KV, Mashrak was opened in the year 2003-04 but land therefore could not be provided by the State Government of Bihar and as stated by the Ministry of HRD, Government of Bihar *vide* letter no. policy/03/04-227(6)/R dated 6.4.2005 issued sanction order for allotment of land to KVs in the State of Bihar free of cost and a token amount of Re. 1 only for the lease of 30 years. The Committee further note from the submission made by Government of Bihar that there was no clear cut policy on the transfer of land and most of the land proposals were getting stuck because prices were being charged though KVS wanted land free of cost. Finally in March, 2005 the Cabinet took a decision that henceforth all proposals for transfer of land for central schools would be free of cost. The Committee also note that out of 18KVs for which land is to be given by State Government of Bihar, identification of land has already been done in respect of 14 cases.

1.33 The Committee note from a subsequent communication that 7 acres of land have since been transferred by the State Government of Bihar for mashrak KV and that if due to some unavoidable reasons, the additional 2-3 acres of land is not available, the entire work will not be stopped.

1.34 The Committee further note that as required under the norms, the State Government provided temporary accommodation for Kendriya Vidyalaya(KV) upto class Xth with one section in each class and further upgradation will be considered once the school gets its own permanent building and consequently other facilities.

1.35 As regards the role of the Central Government—Ministry of HRD/KVS, the Committee note from the submission of the Ministry that though the KV at Mashrak and 17 KVs at other places in Bihar were opened during 2003-2004, the *ex-post facto* approval of CCEA could be obtained only in June, 2006. The Committee also observe that the sanction order for the allotment of land to KVs in the State of Bihar

was issued *vide* letter dated 06.04.2005, but the representatives of the Ministry during the course of evidence held on 8th July, 2005 stated that they received the information that day itself and have since examined the suitability of the land and found it fit for Kendriya Vidyalaya. The Committee further note that the proces of sending proposal to Cabinet Committee Economic Affairs(CCEA) and getting it approved will take 3-4 months and after the approval of Cabinet is received and the State Government gives 3 more acres of land, the construction of permanent building could be taken up. The Ministry of HRD further clarified that if they get the sanction of the CCEA by next month they will try to issued administrative sanction by 30th September, 2006.

1.36 The Committee further note that though the CCEA approval was received in June, 2006, the administrative sanction for commencing the construction work of the building is yet to be issued. It is understood the Ministry of HRD/KVS have been again insisting on provision of additional 3 acres of land before the administrative sanction is accorded.

1.37 The Committee express their extreme unhappiness at the way in which the entire matter has been handled by the Central Government and the then State Government of Bihar. The Committee are surprised that though 18 KVs started functioning in the State of Bihar in 2003-2004, the then State Government had little idea about the norms regarding provision of land for these schools. It is inexplicable as to how the temporary accommodation was provided and at the same time State Government were oblivious of the requirements of Kendriya Vidyalaya Sangathan. The Committee are distressed to note that there was no clear cut policy on the transfer of land to the KVs and that State Government officials slept over the proposal instead of getting the position clarified from Kendriya Vidyalaya Sangathan. It was only in March, 2005 that Bihar cabinet took a decision in consonance with the norms of KVs that henceforth all proposal for transfer of land for KVs would be on 30 years of lease on Re. 1 token lease amount. The Committee deprecate the delays which resulted from sheer negligence of the officials causing immense harm to the students of the area should be thoroughly inquired into.

1.38 The Committee also deplore the inaction on the part of the Ministry of HRD/ KVS and their failure to process the matter with the desired urgency. The Committee are distressed that the abysmal communication gap between the Central Government and the Government of Bihar resulted the entire process not being completed even after nearly four years and the administrative sanction could not be accorded even one and half years after the placement of land by the State Government.

1.39 The Committee regret to note that there has been inexplicable delay in the whole process for one reason or the other. Despite repeated assurances given to the Committee, the Central as well as the State Governments failed to expedite the process with the desired speed and willingness as expected from them. This only goes to show their apathy and casual approach with which the issue has been dealt with all along.

1.40 The Committee deplore the callous attitude of the authorities and express the hope that the Government will strive without further delay to expedite the process for according the administrative sanction and take up the project on priority basis for

construction of permanent buildings for all the Kendriya Vidyalayas including Mashrak within a strictly stipulated time frame. The Committee also desire that adequate funds will be earmarked for the construction of these buildings so that the work is not hampered on this account and will take initiative and necessary steps in this regard. The Committee would like to be apprised of action taken in this regard.

CHAPTER - II

REPRESENTATION REQUESTING FOR APPOINTMENT ON COMPASSIONATE GROUNDS IN RAILWAYS

2.1 During the 13th Lok Sabha a representation was received from Smt. Binapani Das w/o late Shri Basudeb Das, requesting for her appointment in the Railway on compassionate grounds. Her representation was forwarded to the Ministry of Railways (Railway Board) on 20.11.2003 for furnishing their comments thereon. However, their comments in the matter were not receive. It the meantime the 13th Lok Sabha was dissolved and as a consequence thereof, the case of Smt. Das was treated as lapsed.

2.2 After constitution of the 14th Lok Sabha on 15.10.2004, Shri Basudeb Acharia, M.P. had requested to revive the aforesaid case. Accordingly, the case of Smt. Das was re-examined under Direction 95 of the Directions by the Speaker, Lok Sabha.

2.3 In her representation dated 12.09.2004, the petitioner has stated that her husband late Shri Basudeb Das was working as an Ex. Commission Vendor in the Catering Department of South Eastern Railway. He died on 24.08.2000 while he was in service. According to her, she had submitted an application for her appointment on compassionate grounds in the Railway. But no action was taken by the Ministry on her request. The aforesaid representation was forwarded to the Ministry of Railways (Railway Board) on 08.02.2005 with the request to furnish their comments. Since no reply was received from the Ministry, the Committee decided to have an oral evidence of the representatives of the Ministry of Railways (Railway Board) in the matter on 31.08.2005.

2.4 In offering their comments, the Ministry of Railways in a written note have stated as under:—

“Shri Basudeb Das was an ex-Commission Vendor on South Eastern Railway. he died on 24th August, 2000. The request of Smt. Binapani Das w/o late Shri Basudeb Das, Ex-Commission Vendor, S.E. Railway Catering, Kharagpur for appointment on compassionate grounds has been examined on the railway as well as in the Ministry of Railways. The request could not be agreed to since Shri Basudeb Das expired before he was screened and empanelled for absorption on the Railway. The rules on Compassionate ground appointment do not provide for this facility to the wife/ward of commission vendors. Smt. Das was thus not eligible for appointment on compassionate ground on the Railways.”

2.5 The Committee at their sitting held on 31.03.2005, heard the Chairman, Railway Board. The Committee asked about the appointment of widow of late Shri Basudeb Das, ex-CPC Vendor, on compassionate grounds. Responding to this query, the Chairman, Railway Board *inter-alia* submitted that Shri Das was Commission Vendor

who died on 24.08.2000. Appointments on compassionate grounds are made only when the employees are on regular service or on such conditions where an employee has died or disappeared. The said Commission Vendor was not on regular employment and cadre of Railway employment and therefore, as per rules, no dependent person could be given employment.

2.6 While explaining the policy of the Ministry of Railways for giving employment on compassionate grounds, the Ministry in a written note stated as under:—

“On Indian Railways, compassionate ground appointment in favour of spouse or other dependent is normally considered in the event of either death of railway employee during service or his total invalidation. The object behind this scheme/policy is to provide immediate succour to the dependents of such a railway servant in the form of means of livelihood and relieve the family from financial hardship which may be encountered in due course. This Ministry follows the guidelines laid down from time to time by the nodal Ministry viz. Ministry of Personnel, Public Grievances and Pensions, on the subject. The policy on considering compassionate ground appointment in situations as above is in vogue on the railways for past several decades. A need for a review of this policy is not envisaged in the near future. However, if the nodal Ministry viz. Ministry of Personnel, Public Grievances & Pensions issues further guidelines on the subject, the same will be considered for appropriate adoption on Indian Railways”.

Persons eligible to be appointed on compassionate ground

- (a) spouse; or
- (b) son/daughter (including adopted son/daughter); or
- (c) brother or sister in the case of unmarried railway employee who was wholly dependent on the Railway employee, at the time of his death/retirement on medical grounds.

Cases of missing Railway employees are also covered by this scheme, subject to certain conditions that have been laid down.

Compassionate appointment is not considered if the widow has remarried.

Time limits

Normally request for compassionate appointment has to be made within a period of five years. Within this period any ward is considered eligible for such appointment. As the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Railway employee, related requests are not to be considered as a matter of course. In this context, the nodal Ministry have clearly indicated that if a request has not been made within the prescribed time limits, the fact that the family has been able to pull on all those years should be taken as adequate proof that the family had some dependable means of subsistence, and therefore belated requests are to be considered with a great deal of circumspection.

The General Managers have however been delegated powers by the Board to consider requests made even after this prescribed period, provided it is for the first son/first daughter and is within a period of twenty years. The powers of the General Managers have been further delegated to Divisional Railway Managers/Heads of Departments/Chief Workshop Managers. This period has been laid down with a view to keep the case open till a child attains majority. Such requests are therefore required to be made within two years of attainment of majority of the first son/first daughter. Cases not within the powers of the General Managers have to be referred to the Board.”

2.7. On being asked as to why late Shri Basudeb Das was not regularised and the time by when he was likely to be regularised, the Chairman, Railway Board, *inter-alia* stated:—

“As per order of Supreme Court, there was no provision to regularise them. However, when the case was tried under Contract Labour Act, the Court gave a decision that these Commission Vendors should be regularised gradually. We have tried to regularise them in accordance with the order of the Court but they should possess qualification and also adequate posts should also be available to accommodate them. As per procedure, we look into the matter after a period of six months or one year that one thousand Vendors be regularised. But one thousand vacancies can not be filled up in one go. We constitute a Screening Committee according to the vacancies and all vacancies of Commission Vendors are filled up on the basis of their application, qualification and priority. Late Shri Basudeb Das was not a regular employee at that time. Therefore, it hardly matters, as after how long he was supposed to be regularised after his death.”

Observations/Recommendations

2.8 The Committee, during the 13th Lok Sabha received a representation from Smt. late Binapani Das W/o late Shri Basudeb Das, requesting for her appointment in the Railways on compassionate grounds. However, before the comments in the matter were furnished by the Ministry of Railways, the 13th Lok Sabha was dissolved and as a consequence thereof the representation was treated as lapsed. After the Constitution of 14th Lok Sabha in May, 2004, the petitioner, Smt. Binapani Das, submitted another representation dated 12th September, 2004. Smt. Das in her representation has stated that her husband late Shri Basudeb Das was working as an ex-commission vendor in the Catering Department of South Eastern Railways. He died on 24.8.2000 while in service. Smt. Das further stated that she had submitted an application for her appointment on compassionate ground in the Railways but no action was taken by the Ministry thereon.

2.9. The Committee note from the reply of the Ministry that the request of Smt. Binapani Das, W/o late Shri Basudeb Das, ex-commission vendor, SE Railway Catering, Khargpur for appointment on compassionate ground has been examined on the Zonal Railway side as well as in the Ministry of Railways. The request could not be agreed to since Shri Basudeb Das expired before he was screened and empanelled for absorption in the Railways. The rules on compassionate ground appointment do not provide for this facility to wife/ward of the commission vendors. Smt. Das was thus not eligible for appointment on compassionate ground in the Railways.

2.10 The Committee are undoubtedly aware that the request of petitioner cannot be acceded to being not covered under rules since commission vendors were not on regular employment and cadre of Railways but nevertheless are of the view that humanitarian considerations make no distinction between regular/adhoc/casual employees and the basic philosophy behind the provision of compassionate employment is to provide relief and succour to the dependents of the employees/workers in the form of means of livelihood to tide over the financial hardship.

2.11 The Committee note that late Shri Basudeb Das served Railways as commission vendors but he expired before he could be absorbed as regular employee and that the family of late Shri Das belongs to the poorer section of the society. The Committee, therefore, desire that the Ministry should examine the issue and explore ways and means to provide suitable means of livelihood to the family of late Shri Das on priority basis on humanitarian grounds. The Committee would like to be apprised of the action taken in this regard.

CHAPTER III

REPRESENTATION REGARDING TRESPASS AND DENIAL OF RIGHT TO PROPERTY BY N.E. RAILWAY

3.1 Shri Basudeb Acharia, M.P. forwarded a representation signed by Shri S.N. Agnihotri, resident of A-12, Sector-31, Noida regarding trespass and denial of right to property by N.E. Railway.

3.2 In his representation, the petitioner stated that he has a piece of land, running parallel to that of N.E. Railway at Gola Gokaran Nath. He had alleged that the N.E. Railway had trespassed the said land and started throwing their waste and polluted water to the said land since 1985 making that land unusable, besides, causing mental agony and irreparable damage to his property and financial losses to him. He added that his efforts to fill up the land were also rendered infructuous as the same was washed away by the gushing water thrown by the Railways. The petitioner had also proposed Railways authorities to procure/acquire the said land at an agreeable cost and the petitioner in turn would not press for any damages, compensation and cost on reclamation etc. In case, Railways do not accept the said proposal, then the petitioner demanded that the Railways must pay for the usage and trespass of his property and the losses suffered by him and the cost of reclamation *etc.* According to the petitioner, he had written several letters to various authorities but the same were ended without any fruitful result. The petitioner, therefore, approached the Committee for action in the matter.

3.3 The Committee took up the representation for examination under Direction 95 of the Directions by the Speaker, Lok Sabha. The representation was forwarded to the Ministry of Railways (Railway Board) for furnishing their comments on the points raised therein. But no comments were received from them.

3.4 Subsequently, the Ministry furnished their comments on the questionnaire based on the aforesaid representation *vide* their communication dated 28.06.2005.

3.5 Responding to the questionnaire, the Ministry in their written reply denied that the polluted water and waste are being thrown by Railways near the land/colony of the petitioner and commented as under:—

“Petitioner was replied from time to time that the water flowing into his land is not because of any activity of Railway but because there is natural ground slope. Problem has aggravated as a result of construction of private houses in front of the land of the petitioner. Remedial action therefore, is not under the purview of railway and has to be tackled by the District Administration.”

3.6 The Committee took oral evidence of the representatives of the Ministry of Railways (Railway Board) at their sitting held on 28th June, 2005.

3.7 During the course of evidence, the witness from the Ministry explained the position in the matter as under:—

“...His complaint is that sewage drain carrying Railway’s sewage water passes through his property, which is causing harm to this property.”

The witness added:—

“We have collected information in this regard. Municipality water also flows along with the railway water in that drain. I have told even in my reply that number 203 bridge is constructed there, that means it is a natural drainage.”

3.8 In response to a question as to whether they would propose to coordinate with District Administration in laying drainage etc. in order to mitigate the grievance of the petitioner, the Ministry responded in affirmation and stated as under:—

“...District Administration has been approached by the Railway Administration. Letter dated 19.02.05 has been received from the Municipal Council, Gola Gokaran Nath, Khiri in confirmation. According to Municipal Authorities, the work of clearance of accumulated water is expected to start soon to be financed with funds, to be provided by Shri Arvind Giri, MLA, Uttar Pradesh. The work includes digging/construction of 1.5 km of drain from village Hafizpur Railway Bridge No. 203 to Mailani end level crossing No. 158/ C, which on completion, will eliminate the problem of water accumulation.”

3.9 In a subsequent communication dated 04.08.2006, the Ministry stated the latest position in the matter as under:—

“Since nothing has materialised out of MLA’s Fund so far, the work for provision of drains at Gola Gokaran Nath has been sanctioned by the Ministry at a cost of Rs. 7,50,000. This will take care of the problem of Shri S.N. Agnihotri. In view of the above position, the matter may be treated as closed.”

Observations/Recommendations

3.10 In his representation the petitioner stated that he has a piece of land which is running parallel to the N.E. Railway at Gola Gokaran Nath. He had alleged that the said piece of land had been trespassed by N.E. Railway and that N.E. Railway throw their waste and polluted water to the said land since 1985 making it unusable. According to the petitioner, this had caused besides mental agony, irreparable damage to his property and financial losses to him. He had written several letters to the concerned authorities but without any result. The petitioner, therefore, sought intervention of the Committee.

3.11 The Committee note from the replay of the Ministry that the water flowing into the land of the petitioner is not because of any activity of Railways but because there is a natural drainage. No polluted water and waste are being thrown by the Railway near the land/colony of the petitioner. According to the Ministry, the problem has aggravated as a result of construction of private houses in front of the land of the petitioner.

3.12 The Committee were informed that the remedial action for the stated problem does not fall under the purview of the Railways and the same, according to the Ministry, has to be tackled by the District Administration. It was also informed that District Administration has been approached by the Railway Administration and in their response, the Municipal Council and Gola Gokaran Nath, Khiri have stated that the work of clearance of accumulated water is expected to start soon and funds for this purpose will be provided by local MLA of the area. The work includes digging/ construction of 1.5 Km of drain from village Hafizpur Railway Bridge No. 203 to Mailani End Level Crossing No. 158/C, which on completion, will eliminate the problem of Water accumulation in the said area.

3.13 The Committee regret to note the matter was allowed to drag for more than 20 years and no sincere and concrete efforts were made either by the Railway authorities or by the Local/Municipal authorities to solve the genuine grievance of the petitioner. The Committee are unhappy to note that despite the Railway Administration approaching the District Administration in the matter, the problem of accumulated water in the land of the petitioner persisted. The Committee deplore this callous attitude and the apathy shown by the authorities concerned. The Committee, however, note with satisfaction that after the intervention of the Committee the Railways have since sanctioned a work for provision of drains at Gola Gokaran Nath at a cost of Rs. 7,50,000. The Committee hope that sincere and coordinated efforts will be made at least now by all the authorities concerned in order to ensure expeditious completion of the said work so that the grievance of the petitioner is redressed at the earliest. The Committee would also like to be apprised of the action taken in this regard.

CHAPTER IV

REPRESENTATION REGARDING NON-COMPLIANCE OF THE RAJBHASHA RESOLUTION, 1968 BY THE U.P.S.C.

4.1 Shri Brajesh Pathak, M.P. forwarded a representation signed by Shri Kamlapati Chowdhary, resident of village Shekhpur, Distt. Unnao, UP regarding non-compliance of the Rajbhasha Resolution, 1968 by the Union Public Service Commission (UPSC).

4.2 In his representation, the petitioner stated that he qualified the Civil Services (Preliminary) Examination conducted by UPSC on 7th June, 1992, for selection on the post of Indian Administrative Service (IAS) and Allied Service. He appeared in the Civil Services (Main Examination) but his scripts in General Studies and optional subjects were not evaluated, as he could not obtain qualifying marks in the compulsory English language paper. As a result thereof, he was not considered for selection. In this context, the petitioner stated that the Parliament had passed a Government Resolution as 'Rajbhasha Sankalp' in compliance of the relevant Articles of the Constitution of India. The petitioner also added that an Expert Committee headed by Dr. D.S. Kothari made recommendations for streamlining the Civil Services Examination in the light of the Resolution passed by the Parliament. However, the UPSC did not accept those recommendations and imposed English language compulsory in Civil Services Examination. He also filed a petition before Central Administrative Tribunal (CAT) but the same was dismissed by the CAT in the light of judgements given by CAT Allahabad Bench and CAT Hyderabad Bench, which according to the petitioner were not relevant to his case. He argued that in those cases, the candidates did not qualify in Hindi language, which was optional, whereas, the petitioner had challenged the condition to qualify the compulsory English language paper.

The petitioner, therefore, requested that the compulsory English paper in Civil Services Examination be quashed the light of the Resolution passed by Parliament and he may be considered for selection for the IAS on the basis of Civil Services (Preliminary) Examination, 1992. He also prayed that the report of the Alagh Committee appointed to review Civil Service Examination rules may also be submitted.

4.3 The Committee took up the matter for examination in accordance with Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the representation was forwarded to the Ministry of Home Affairs and Ministry of Personnel, PG & Pensions for their comments on the points raised therein.

4.4 In their reply, the Ministry of Home Affairs *vide* their communication dated 24th/27th January, 2006 stated that the petition is against non-compliance by the UPSC with the Official Language Resolution of 1968 adopted by both Houses of Parliament. The UPSC functions under the administrative control of Department of

Personnel & Training and that Department are also concerned with the policy adopted by recruiting agencies (including UPSC) in regard to appointment to various categories of posts under the Central Government.

4.5 In response to the questions of the Committee on the points arising out of the contentions of the petitioner, the Ministry furnished their comments as under:—

“The petitioner, namely Shri Kamlapati Choudhary qualified the Civil Services (Preliminary) Examination, 1992 and appeared in the Civil Services (Main) Examination, 1992. He has alleged that his papers on General Studies and optional subjects were not evaluated as he could not get the prescribed marks in the compulsory English language paper.

The scheme of the Civil Service (Main) Examination as described in Section II of the Rules, provides that:—

- (i) The papers on Indian Language and English will be of Matriculation or equivalent standard and will be of qualifying nature. The marks obtained in these papers will not be counted for ranking.
- (ii) The papers on Essay, General Studies and optional subjects of only such candidates will be evaluated as attain such minimum standard as may be fixed by the Commission in their discretion for the qualifying papers on Indian Language and English.

The Civil Services Examination Rules are statutory in nature.

Recruitment to the Indian Administrative Service and the Indian Police Service is made through the Civil Services Examinations. The Parliament has enacted the All India Service Act, 1951 (No. LXI of 1951). Section 3 of the said Act provides that:

Regulation of recruitment and condition of Services. (1) The Central Government may, after consultation with the Government of States concerned including the State of Jammu and Kashmir (and by Notification in the Official Gazette) make rules for the regulation of recruitment, and the conditions of service of persons appointed to an All India Service.

Thus the Central Government is empowered to make regulations of recruitment to these services.

The Indian Administrative Service (Appointment by Competitive Examination) Regulations, 1955 provides that:

Holding of Examination (1) The examination shall be conducted by the Commission in the manner notified by the Central Government from time to time.

Similar provision exists in the Indian Police Service (Appointment by Competitive Examination) Regulations, 1955.

Therefore Central Government is within its right to prescribe the manner of examination for recruitment to the Indian Administrative Service and the Indian Police Service.”

4.6 The explained Rajbhasha Sankalp is as under:—

“According to the Resolution, compulsory knowledge of either Hindi or English shall be required at the stage of selection of candidates for recruitment to the Union Services or posts except in respect of any special services or posts for which a high standard of Knowledge of English alone or Hindi alone, or both as the case may be, is considered essential for satisfactory performance of the duties of any such service or post.

In this connection it may be clarified that in consultation with the Union Public Service Commission and with the approval of Prime Minister, it has been decided that the Civil Service Examination is meant for recruitment to the highest general services of the Union and the All India Services and good knowledge of English for the officers recruited through the Civil Services Examination to these services should be considered essential for their efficient functioning in senior position of the Union Government. Therefore continuation of English as a compulsory language paper, as in the existing scheme of Civil Services Examination, should be considered essential for the satisfactory performance of duties of officers belong to any of the services of which recruitment is made through the Civil Services Examination. The Resolution, as adopted by both Houses of Parliament was published on 18.01.1968.”

4.7 In response to a question about the steps taken by the Government to fulfil the Resolution passed by the Parliament, the Ministry, in their comments, stated as under:—

“It has been decided in consultation with the Union Public Service Commission and with the approval of Prime Minister that the Civil Services Examination is meant for recruitment to the highest general services of the Union and the All India Service and good knowledge of English for the officers recruited through the Civil Services Examination to these services should be considered essential for their efficient functioning in senior position of the Union Government. Therefore, continuation of English as a compulsory language paper, as in the existing scheme of Civil Services examination should be considered essential for the satisfactory performance of duties of officers belong to any of the services to which recruitment is made through the Civil Services Examination.”

4.8 In a written note the Ministry informed that the broad terms of reference of Dr. D. S. Kothari Committee was to review the then existing IAS etc. Examination Scheme.

The Committee recommended to have:—

“Paper I Indian languages—to be selected by the candidates from the languages included in the Eighth Schedule to the Constitution;
II. English language.”

4.9 According to the Ministry, the Kothari Committee recommended compulsory English language paper and that most of the recommendations were accepted by the Government. No Court/Tribunal has directed to remove compulsory paper on English. The Ministry also informed the Committee that the UPSC appointed a Committee under the Chairmanship of Prof. Y. K. Alagh to review the existing Civil Services Examination Scheme. This Committee have recommended higher standard English language paper for the Civil Services Examination. The recommendations of the Committee are under consideration of the Government.

4.10 The Committee took oral evidence of the Ministry of Home Affairs/Ministry of Personnel, PG and Pensions at their sitting held on 27.01.2006.

4.11 On being asked to clarify the position in the matter, the witness from the Ministry of Personnel, PG and Pensions stated as under:—

“Sir, appointment of IAS officers is made through Civil Services examination. Presently there is a scheme for the purpose for which rules have been formed. As per these there is a preliminary examination consisting of one paper of general studies of 150 marks and one optional subject paper. Both these papers of 300 marks have a duration of 2 hours each. Those candidates who qualify this level are called for main examination. In main examination, there are two papers of languages one is Hindi or other Indian language and second is of English language. These two papers of minimum qualifying level and until the candidate qualifies in these papers, his optional and other Paper are not evaluated. Third paper is Essay paper of 200 marks. Paper Nos. 4 and 5 are of general studies of 300 marks each. In addition to this there are two optional subjects two papers each of 300 marks. Besides, this 300 marks are exclusively for the interview. Thus the examination is to 2300 marks in total. A merit list is prepared on the basis of marks obtained by the candidates in the examination and appointment is made on the basis of that merit list only. The rule applied in this regard is that whether it is Hindi or English both are compulsory. Examination of both the languages is of Matric standard and it is compulsory to qualify in it. The issue raised has been that it is compulsory to pass in English paper.”

Observations/Recommendations

4.12 The petitioner qualified the Civil Services (Preliminary) Examination, 1992 and appeared in the Civil Services (Main) Examination, 1992. He has alleged that his papers on General Studies and optional subjects were not evaluated as he could not obtain qualifying marks in the compulsory English language paper. As a result thereof, the petitioner was not considered for selection. He has also alleged that the UPSC had not accepted the recommendations made by an Expert Committee headed by Dr. D.S. Kothari for streamlining the Civil Services Examination in the light of the Resolution passed by Parliament as “Rajbhasha Sankalp” as per the relevant Articles of the Constitution of India and imposed English language compulsory in Civil Services Examination. He has also failed to get justice from the Central Administrative Tribunal (CAT) where he filed a case in the matter. The petitioner, therefore, requested that the

compulsory English Paper in Civil Services Examination be quashed in the light of the Resolution passed by Parliament and he may be considered for selection for the IAS on the basis of Civil Services (Preliminary) Examination, 1992. He has also prayed for submission of the report of the Alagh Committee appointed to review the Civil Services Examination Rule.

4.13 The Committee note that as per the scheme of the Civil Services (Main) Examination Rules, the papers on Essay, General Studies and Optional subjects of only such candidate will be evaluated who attain such minimum standard as may be fixed by the Commission in their discretion for the qualifying papers on Indian Language and English. The scheme provides that the papers on Indian Language and English will be Matriculation or equivalent standard and will be a qualifying nature. The marks obtained in these papers will not be counted for ranking. The Civil Services Examination Rules are statutory in nature. Recruitment to the Indian Administrative Service and the Indian Police Service is made through the Civil Services Examinations. Parliament has enacted the All India Services Act, 1951 (No. LXI of 1951) and Section 3 of the said Act regulate the recruitment and conditions of service of persons appointed to an All India Service, which empower the Central Government to make regulations of recruitment to these Services. According to the Ministry, the Central Government are within its right to prescribe the manner of examination for recruitment to the Indian Administrative Service and the Indian Police Service.

4.14 The Committee were informed that according to Rajbhasha Resolution, compulsory knowledge of either Hindi or English shall be required at the stage of selection of candidates for recruitment to the Union Services or Posts except in respect of any Special Services or posts for which a high standard of knowledge of English alone or Hindi alone, or both as the case may be, is considered essential for the satisfactory performance of the duties of any such Service or post. In this context, the Ministry have clarified that in consultation with the UPSC and with the approval of Prime Minister, it was decided that the Civil Services Examination is meant for recruitment to the highest general services of the Union and the All India Services and good knowledge of English for the officers recruited through the Civil Services Examination to these Services should be considered essential for their efficient functioning in senior position of the Union Government. Therefore, continuation of English as a compulsory language paper, as in the existing scheme of Civil Services Examination, should be considered essential for the satisfactory performance of duties of officers belong to any of the services to which recruitment is made through the Civil Services Examination. It was also informed that the Committee headed by Dr. D.S. Kothari, constituted to review the then existing IAS etc. Examination Scheme and the said Committee recommended English Paper as one of the compulsory papers for the examination. Prof. Alagh Committee have also recommended high standard English language paper for the Civil Services Examination. During the course of evidence, the Ministry also clarified that candidates for the the IAS are recruited through the Civil Services Examination for which there is a scheme and rules for the same have been formulated. According to the scheme, only those candidates are called for Main Examination who qualify the Preliminary Examination which consists of General Studies Paper and the other one, an optional subject. Apart from the

compulsory/optional papers, the Main Examination constitute two papers on languages, out of which, one is in Hindi or any other Indian languages and the other is in English language. These papers have been kept on minimum qualifying level and are of Matriculation standard. Unless the candidate qualify both these papers, the optional subjects and other papers are not evaluated. Thus, as per the rules, it is compulsory to qualify the English paper for recruitment to the IAS.

4.15 The Committee after considering the comments offered by the Ministry, do not wish to pursue the case further.

NEW DELHI;
18 December, 2006
27 Agrahayana, 1928 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

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

The Committee on Petitions sat on Wednesday, 15th June, 2005 from 1200 to 1305hrs. in Committee Room No. 63, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri N.S.V. Chitthan
3. Shri Suresh Kurup'
4. Mohd. Muqueem
5. Shri Vijoy Krishna

SECRETARIAT

Shri Brahm Dutt — *Director*

WITNESSES

Representatives of the State Government of Bihar

1. Shri R.S. Tiwary — Commissioner & Secretary,
Tourism Department
2. Shri Navin Verma — Secretary, Human Resources
(Secondary Education) Department
3. Shri K.D. Sinha — Agricultural Production Commissioner
4. Shri R.P. Singh — Director, Agriculture
5. Shri Daya Kant Mishra — Joint Secretary, Department of Revenue

2. At the outset, the Chairman welcomed the representatives of the State Government of Bihar and drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

3. Thereafter, the Committee took evidence of the representatives of the State Government of Bihar on (i) Representation regarding long delay in starting development work at Gautam Sthan, Bihar; (ii) Representation regarding delay in constructing building for Kendriya Vidyalaya Mashrak; and (iii) representation requesting to enquire about the delay in opening up of Krishi Vigyan Kendra (KVK) at Jalalpur, Bihar.

MINUTES OF THE THIRTY-FIFTH SITTING OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Monday, 10th April, 2006 from 1400 hrs. to 1640 hrs. in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Raj Babbar
3. Shri Nandkumar Singh Chauhan
4. Dr. M. Jagannath
5. Mohd. Muqueem
6. Shri Vijoy Krishna

SECRETARIAT

1. Shri A.K. Singh — *Director*
2. Shri U.B.S. Negi — *Under Secretary*

WITNESSES

Ministry of Human Resource Development (Department of Secondary & Higher Education)

1. Shri K.M. Acharya — *Additional Secretary*
2. Shri S.C. Khuntia — *Joint Secretary*
3. Shri Kamal Chowdhery — *Director*

Kendriya Vidyalaya Sangathan (KVS)

1. Shri R. L. Jamuda — *Commissioner*
2. Shri Rajvir Singh — *Deputy Commissioner (Pers.)*

8. The representatives of the Ministry of Agriculture then withdrew and representatives of the Ministry of Human Resource Development (Department of Secondary & Higher Education) took their seats.

9. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Human Resource Development (Department of Secondary & Higher Education) on the representation regarding delay in construction of building for Kendriya Vidyalayas at Mashrak.

10. The following points were discussed by the Committee:—

- (i) transfer of land to Kendriya Vidyalaya Sangathan by the State Government of Bihar for construction of Kendriya Vidyalaya at Mashrak;
- (ii) sanction of funds for construction of the Kendriya Vidyalaya;
- (iii) expected time to be taken for completion of all the formalities regarding construction of Kendriya Vidyalaya; and
- (iv) details about grant of permission for opening of new Kendriya Vidyalayas and allotment of land for these schools in Bihar.

11. The representatives of the Ministry of Human Resource Development then withdrew. The representatives of Ministry of Shipping, Road Transport & Highways, National Highways Authority of India and Government of Bihar, Road Construction Department, Bihar took their seats.

12. ***	***	***
13. ***	***	***
14. ***	***	***

The witnesses then withdrew.

15. A copy of the verbatim proceedings of the sitting of the Committee was kept on record.

The Committee then adjourned.

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

The Committee on Petitions sat on Thursday, 31st March, 2005 from 1100 hrs. to 1240 hrs. in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Vijoy Krishna — *In the Chair*

MEMBERS

2. Shri Nandkumar Singh Chauhan
3. Dr. M. Jagannath
4. Smt. Nivedita Mane

SECRETARIAT

1. Shri Brahm Dutt — *Director*
2. Shri R.K. Bajaj — *Under Secretary*

WITNESSES

Representatives of the Ministry of Railways (Railway Board)

1. Shri R.K. Singh — Chairman (Railway Board).
2. Shri R.R. Jaruhar — Member Engineering (Railway Board)
3. Shri R.S. Varshneya — Member Staff (Railway Board)
4. Shri R. Sundararajan — Addl. Member (Work) (Railway Board)
5. Shri S.C. Manchanda — Adviser (Staff) (Railway Board)
6. Shri P.K. Sanghi — Exe. Director (Work) (Railway Board)
7. Shri K. Biswal — Exe. Director/Estt. (Railway Board)
8. Shri M.N. Chopra — Addl. Member/T&C (Railway Board)

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

The Committee on Petitions sat on Tuesday, 28th June, 2005 from 1500 hrs. to 1625 hrs. in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh—*Chairman*

MEMBERS

2. Dr. M. Jagannath
3. Shri Suresh Kurup
4. Smt. Nivedita Mane
5. Mohd. Muqueem
6. Shri Damodar Barku Shingda
7. Shri Vijoy Krishna

SECRETARIAT

- | | | |
|-----------------------|---|-------------------------|
| 1. Shri S. Bal Shekar | — | <i>Joint Secretary</i> |
| 2. Shri Brahm Dutt | — | <i>Director</i> |
| 3. Shri R.K. Bajaj | — | <i>Deputy Secretary</i> |

WITNESSES

Representatives of the Ministry of Railways (Railway Board)

- | | | |
|-------------------------|---|-----------------------------------------------------------------|
| 1. Shri R.R. Jaruhar | — | Member Engineering,
(Railway Board), Ex-officio
Secretary |
| 2. Shri R.S. Varshneya | — | Member Staff, (Railway Board)
Ex-officio Secretary |
| 3. Shri P.N. Garg | — | Member Mechanical (Railway Board)
Ex-officio Secretary |
| 4. Shri Thomas Verghese | — | General Manager, (Northern Railway) |
| 5. Shri A. Swamy | — | Chief Personnel Officer,
Northern Railway |

2. At the outset, the Chairman welcomed the representatives of the Ministry of Railways (Railway Board) and drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

3. Thereafter, the Committee took evidence of the representatives of the Ministry of Railways (Railway Board) on representation (i) regarding arbitrary functioning of the officials of Lucknow Division of Northern Railway causing excessive financial loss to Railways and terror amongst the working employees; (ii) requesting for repairing of school building and initiating CBSE courses in Railway Primary School, Bhopal; and (iii) regarding trespass and denial of right of property by N.E. Railway.

4. The following important points were discussed by the Committee:

(viii) Action Taken by the Ministry of Railways on flow of polluted water and waste thrown by the Railways near the private land/colony at Gola Kokaran Nath in N.E. Railway and need to coordinate with the district Administration in laying drainage etc. to solve this problem.

5. The Committee directed the witnesses to sent written replies to some of the points/information on which replies were not readily available with them during the evidence, at the earliest.

6. A copy of the verbatim proceedings of the sitting for the Committee was kept on record.

The Committee then adjourned.

MINUTES OF THE THIRTIETH SITTING OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA).

The Committee on Petitions sat on Friday, 27th January, 2006 from 1400 hrs. to 1545 hrs. in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Baliram Kashyap
3. Shri Suresh Kurup
4. Mohd. Muqueem
5. Shri Jyotiraditya Madhavrao Scindia

SECRETARIAT

1. Shri P. Sreedharan — *Joint Secretary*
2. Shri U.B.S. Negi — *Under Secretary*
3. Shri M.S. Jaspal — *Assistant Director*

WITNESSES

Ministry of Home Affairs

1. Shri A.K. Mitra — Special Secretary
2. Dr. K.S. Sugathan — Joint Secretary (UT)
3. Shri Yashwant Rai — Joint Secretary (Admn.)
4. Shri B.A. Coutinho — Joint Secretary (HR)
5. Shri Dinesh Singh — Joint Secretary (FFR)
6. Shri I.B. Karn — Director (Delhi)
7. Shri Pravir Pandey — Deputy Secretary
8. Shri S.K. Bhatnagar — Deputy Secretary
9. Shri Jagram — Director
10. Shri M.K. Kutty — Addl. Commissioner (MCD)
11. Shri Pradeep Srivastava — CVO(MCD)
12. Shri O.P. Kelkar — Principal Secretary (UD)

13. Ms. Renu Jagdev — Director (Personnel), MCD
 14. Shri H.P.S. Saran — Director (Vig.), MCD
 15. Shri Anil Agnihotri — Administrative Officer (MCD)

Ministry of Finance (Department of Economic Affairs Banking Division)

1. Shri Vinod Rai — Addl. Secretary (FS)
 2. Shri G. Srinivasan — CGM, RPCD, RBI
 3. Shri P.P. Mitra — Economic Advisor
 4. Shri Vivek Kapoor — Officer on Special Duty

**Ministry of Personnel, P.G. and Pensions
 (Department of Personnel & Training)**

1. Shri P.I. Suvrathan — Addl. Secretary
 2. Shri R. Ramanujam — Joint Secretary
 3. Shri S.K. Lohani — Director
 4. Shri D.N. Gupta — Deputy Secretary

2. At the outset, Chairman welcomed the representatives of the Ministries of Home Affairs, Finance (Department of Economic Affairs—Banking Division) and Personnel, P.G. and Pensions (Department of Personnel & Training) and drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

[The witnesses of the Ministry of Finance (Department of Economic Affairs—Banking Division) then withdrew and thereafter the representatives of the Ministries of Home Affairs, Personnel, P.G. & Pensions (Department of Personnel & Training) took their seats].

6. The representatives of Ministries of Home Affairs, Personnel, P.G. & Pensions (Department of Personnel & Training), took place and thereafter the Committee took oral evidence of on the following representations.

(i) Representation from Shri Kamalapati Chaudhari, Regarding non-compliance of the Rajbhasha resolution, 1968 by U.P.S.C.

IV. Representation from Shri Kamalapati Chaudhari, regarding non-compliance of the Rajbhasha Resolution, 1968 by UPSC

The Committee discussed on the issue whether it is compulsory to qualify in English language paper for selection in Civil Service Examination.

The Committee directed the witnesses to send replies on the points which were not readily available with them during the evidence.

12. A copy of the verbatim proceedings of the sitting of the Committee was kept on record.

The witnesses then withdrew.

The Committee then adjourned.

MINUTES OF THE FORTY-NINTH SITTING OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Monday, the 18th December 2006 from 1500 hours to 1630 hours in Chairman's Room No. 45(II) Ground Floor, Parliament House, New Delhi.

PRESENT

Shri Prabunath Singh — *Chairman*

MEMBERS

1. Shri Shingada Damodar Barku
2. Shri N.S.V. Chitthan
3. Shri Mohan Jena
4. Shri C. Kuppusami
5. Shri Dharmendra Pradhan
6. Shri Kishan Singh Sangwan
7. Shri Jyotiraditya M. Scindia

SECRETARIAT

1. Shri A.K. Singh — *Director*
2. Shri U.B.S. Negi — *Under Secretary*

2. The Committee considered the draft Twentieth, Twenty First, Twenty Second and Twenty Third Reports and adopted the same.

3. The Committee also authorised the Chairman to finalise and present the same to the House.

The Committee then adjourned.