

**DISASTER MANAGEMENT AND LAND  
MANAGEMENT IN INDIAN RAILWAYS**

**MINISTRY OF RAILWAYS**

**PUBLIC ACCOUNTS COMMITTEE  
(2009-10)**

**SIXTEENTH REPORT**

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**FIFTEENTH LOK SABHA**



**LOK SABHA SECRETARIAT  
NEW DELHI**

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PUBLIC ACCOUNTS COMMITTEE  
(2009-10)

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MINISTRY OF RAILWAYS



*Presented to Lok Sabha on 29 April, 2010  
Laid in Rajya Sabha on 29 April, 2010*

LOK SABHA SECRETARIAT  
NEW DELHI

*April, 2010/Vaisakha, 1932 (Saka)*

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COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE

(2009-2010)

\*Shri Gopinath Munde — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Anandrao Vithoba Adsul
3. Dr. Baliram
4. Shri Khagen Das
5. Shri Naveen Jindal
6. Shri Satpal Maharaj
7. Shri Bhartruhari Mahtab
8. Dr. K. Sambasiva Rao
9. Shri Jaswant Singh
10. Shri Jitendra Singh (Alwar)
11. Kunwar Rewati Raman Singh
12. Shri Yashwant Sinha
13. Shri K. Sudhakaran
14. Dr. M. Thambidurai
15. Shri Aruna Kumar Vundavalli

*Rajya Sabha*

16. Shri Prasanta Chatterjee
17. Shri Sharad Anantrao Joshi
18. \$ Vacant
19. Shri Shanta Kumar
20. Dr. K. Malaisamy
21. Shri N.K. Singh
22. Prof. Saif-ud-Din Soz

SECRETARIAT

1. Shri Ashok Sarin — *Joint Secretary*
2. Shri Raj Shekhar Sharma — *Director*
3. Shri S.L. Singh — *Committee Officer*

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\* Appointed as the Chairman of the Committee *w.e.f.* 6th January, 2010 *vice* Shri Jaswant Singh resigned from the Chairmanship of the Committee.

§ *Vice* Shri Ashwani Kumar retired from Rajya Sabha *w.e.f.* 9th April, 2010.

COMPOSITION OF SUB-COMMITTEE-V OF THE  
PUBLIC ACCOUNTS COMMITTEE  
(2009-10)

\*Shri Ashwani Kumar — *Convener*

MEMBERS

*Lok Sabha*

2. Shri Bhartruhari Mahtab
3. Shri Naveen Jindal

*Rajya Sabha*

4. Shri Prasanta Chatterjee

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\* Ceased to be a Member of the Committee/Sub-Committee on expiry of his term in Rajya Sabha  
*w.e.f.* 9th April, 2010.

## INTRODUCTION

I, the Chairman, Public Accounts Committee as authorised by the Committee, do present this Sixteenth Report (15th Lok Sabha) on 'Disaster Management and Land Management in Indian Railways' based on Chapter I and Chapter II respectively of C&AG Report No. 8 of 2008 for the year ended March, 2007 relating to the Ministry of Railways.

2. The Report of the Comptroller and Auditor General of India for the year ended March, 2007 was laid on the Table of the House on 24th October, 2008.

3. Taking cognizance of the inordinate delay on the part of various Ministries/ Departments in furnishing the Action Taken Notes on the Non-selected Audit Paragraphs/Chapters/Reports within the stipulated time frame, the Public Accounts Committee (2009-10) took up the subject for detailed examination and report. A Sub-Committee was specially constituted for the purpose. In due consultation with the Audit, it was decided to examine the position in respect of the Ministry of Railways alongwith some other Ministries/Departments.

4. In the process of the scrutiny of the Audit Paragraphs/Chapters/Reports pending with the Ministry of Railways, the Sub-Committee came across certain pending Paragraphs/Chapters on very important issues and considered it prudent to examine and report the same alongwith the Non-Compliance issue. Accordingly, the Sub-Committee took up the above mentioned Chapters of the Audit Report for in-depth examination.

5. The Sub-Committee took evidence of the representatives of the Ministry of Railways on 27th November, 2009. The Committee considered and adopted this Report at their sitting held on 26th April, 2010. Minutes of the Sittings form Appendices to the Report.

6. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in thick type in the body of the Report.

7. The Committee thank the Sub-Committee for their efforts in examining the subject in detail and finalizing and placing the Report before the main Committee.

8. The Committee would also like to express their thanks to the officers of the Ministry of Railways for tendering evidence before the Sub-Committee and furnishing information that the Sub-Committee/Committee desired in connection with the examination of the subject.

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

NEW DELHI;  
26 April, 2010  
6 Vaisakha, 1932 (Saka)

GOPINATH MUNDE  
*Chairman,*  
*Public Accounts Committee.*



## **REPORT**

### **Part-I Narrative Portion**

#### **I. INTRODUCTORY**

The Reports of the Comptroller & Auditor General of India, (except Commercial Audit Reports) after being laid in Parliament in accordance with Article 151 of the Constitution of India, stand referred to the Public Accounts Committee for their scrutiny. As it becomes practically impossible for the Public Accounts Committee to examine each and every paragraph contained in the Audit reports, the Committee adopt a selective approach and take up a few relatively important paragraphs for in-depth examination at the beginning of the terms every year. As regards the paragraphs, which are not formally selected for detailed examination by the Committee, these are dealt with by means of a procedure where by the Ministries/Departments are required to furnish the remedial/corrective Action Taken Notes to the Committee through the Ministry of Finance (Department of Expenditure).

2. But as there was inordinate delay on the part of the Ministries/Departments in furnishing the Remedial/Corrective Action Taken Notes, the Committee in their 105th Report (Tenth Lok Sabha) had recommended that with effect from 31st March, 1996, the Action Taken Notes on all the Paragraphs of the Reports of the C&AG, which stand referred to the Public Accounts Committee, should be furnished to the Committee through the Monitoring Cell, the Ministry of Finance (Department of Expenditure) within four months of the date of laying of these Audit Reports in Parliament.

3. During 2000-01, the Committee decided that the Remedial/Corrective Action Taken Notes furnished by the respective Ministries/Departments should be categorized by the Audit under three broad heads namely 'Accepted', 'Partially Accepted' and 'Not Accepted'. In subsequent developments, the Committee also decided that a brief on those Action taken Notes which are categorized as 'Not Accepted' should be furnished by the Office of C&AG, clearly indicating the reasons for such categorization as well as the points of difference between Audit and the Ministry/Department concerned.

4. Even then, various Ministries/Departments have been unable to furnish the Remedial/Corrective Action Taken Notes to the Committee through the Ministry of Finance (Department of Expenditure) within the prescribed time line of four months for example as on 28th February, 2010 Remedial/Corrective Action Taken Notes on a total number of 3450 Audit Chapters/Paragraphs were pending with various Ministries/Departments.

5. Against this backdrop, the Public Accounts Committee took up the subject for detailed examination during 2009-10 and a Sub-Committee (Sub-Committee-V on "Non-Compliance by Ministries/Departments in timely submission of replies to the

Audit Paragraphs of C&AG") was constituted to go deep into the matter, prepare separate Reports on eight test selected Ministries/Departments and place the same before the Main Committee for their consideration before presenting them in the House. In the process, the Sub-Committee obtained Background Notes/Preliminary Materials and Written Replies from the Ministries/Departments concerned. The Sub-Committee also took separate evidence of the representatives of the eight Ministries/Departments on different dates.

6. This Report pertains to the Remedial/Corrective Action Taken Notes on the Audit paragraphs pending with the Ministry of Railways. Out of the 3450 Audit Paragraphs/Chapters pending with various Ministries/Departments as on 28th February 2010, 481 Paragraphs/Chapters pertained to the Ministry of Railways. Taking a serious view on such a casual approach of the Ministry of railways in taking timely Remedial/Corrective Action on the Audit Observations/Recommendations highlighted in these pending Audit Paragraphs/Chapters, the Sub-Committee decided to go beyond the issues relating to the submission of the Remedial/Corrective Action Taken Notes by the Ministry. The Sub-Committee, therefore, took up for in-depth examination two subjects — "**Disaster Management" on Indian Railways** and "**Land Management in Indian Railways**" as contained in Chapters I and II of C&AG's Report No. 8 of 2008, Union Government, Railways (Performance Audit) respectively as case studies in view of their relative and topical importance in today's scenario. The Sub-Committee broached upon these subjects in detail and identified certain crucial issues, which are dealt with in the succeeding paragraphs.

## **II. STATUS OF PENDING REMEDIAL/CORRECTIVE ACTION TAKEN NOTES**

7. The Sub-Committee were informed by the Audit that as of 15th September 2009, 362 Paragraphs/Chapters of the C&AG Reports pertaining to the years 1995-96 to 2007-08 on which Remedial/Corrective Action Taken Notes were due remained pending with the Ministry of Railways. In this context, when the Sub-Committee enquired about the reasons for such a large accumulation of pending Remedial/Corrective Action Taken Notes, the Chairman, Railway Board deposed during evidence as under:

"The Railways system is very vast consisting of 16 Zonal Railways, 6 production units and 68 Divisions. Many times clarifications on the audit paragraphs are required to be sought from the Zonal Railways and in turn they have to seek information from the Divisions. This collection of information takes time. In addition, whenever there is a back reference or some observation on some of the replies, which are submitted to the audit, further cross references have to be made. That results in taking more time."

8. Further, citing the problems faced in timely submission of the Notes, the Ministry added that while the cell in the Ministry of Railways was working with a view to meeting the target dates stipulated in each case, and regular follow ups were also being made at appropriate levels, delays in preparation of Remedial/Corrective Action Taken Notes took place in a number of cases for the fact that the issues raised in the Audit Paras, were such as would require information/relevant papers

from various Railway Divisions, field units, the Railway/Production Units etc. This became even more complicated and time consuming in case the Audit Paras pertain to more than one Zonal Railway. The time required gets multiplied when the Zonal Railways missed some crucial facts/figures, issues etc. and the Audit had to point out them later and send the Notes back to the Ministry for correction. The same situation happened in the event of any disagreement between Audit and the Ministry on certain issues.

9. Asked about the mechanism available in the Ministry for furnishing the Notes, the Ministry stated that a cell in the Ministry of Railways, under the supervision of a very senior officer of the rank of Adviser, was in place for ensuring timely submission of Remedial/Corrective Action Taken Notes on the Audit Paragraphs of C&AG. This cell worked in close co-ordination with Executive Officers of various Directorates within the Ministry, the Zonal Railways and Audit. Similarly, at the Zonal Railway level, Accounts Department headed by a senior officer of the rank of Senior Administrative Grade functioned as the nodal Department for processing matters related to C&AG for co-ordinating with Heads of the Departments. Despite this, the Ministry of Railways have not able to furnish Remedial Action Taken Notes in a large number of cases.

10. On being enquired as to when the Action Taken Notes on these pending paragraphs are likely to be submitted for further compliance, the Ministry replied in a note as under:

"The pendency of ATNs is being reviewed at the highest level in Railway Board. Chairman, Railway Board has directed the General Managers of the Zonal Railways concerned to immediately submit the requisite information so that the ATNs could be prepared. It is accordingly, expected that the pendency of ATNs will get substantially reduced shortly."

11. Subsequently, the Sub-Committee were informed by the Audit that the number of Remedial/Corrective Action Taken Notes pending with the Ministry of Railways had gone up to 481 by February, 2010. The break-up of these pending Notes is given below:

(i) No. of Paragraphs/Chapters/PA Reports on which Remedial/Corrective ATNs are pending.	481
(ii) No. of Remedial/Corrective ATNs not received from the Ministry by Audit even for the first time.	198
(iii) No. of Remedial/Corrective ATNs returned to the Ministry by Audit for correction.	150
(iv) No. of Remedial/Corrective ATNs which have been finally vetted by Audit but have not been submitted by the Ministry to the PAC.	63
(v) No. of Remedial/Corrective ATNs under vetting in Audit.	70

### **III. DISASTER MANAGEMENT IN INDIAN RAILWAYS**

#### ***Introduction***

12. Spread over a vast geographical area over 63000 route kilometres, the Railways is the most preferred and important mode of transport both for the movement of people and goods consignments in bulk in the country. In the event of a disaster, unlike in other countries where the role of Railways is restricted to clearing and restoring the traffic, in India the Railways handles the rescue and relief operations as well. The "Citizen's Charter" of the Indian Railways also spells out the Railways' commitment in providing safe and dependable train services to passengers.

13. The Indian Railways were managing disasters relating to train accidents in accordance with the rules and procedures contained in the Accident Manual 1992. Increasing traffic density, longer length of trains with a large number of passengers on board, higher operational speeds of trains, emerging technologies etc. called for a paradigm shift from the existing level of preparedness and readiness to combat any disastrous situation to a much higher level of effective "Disaster Management System". Consequently in the year 2002, the Ministry of Railways constituted a High Level Committee (HLC) to review the disaster management system over the Indian Railways. This HLC recommended additional inputs to be put in place within a period ranging from 3 to 36 months and the Railway Board accepted all of its 111 recommendations in April, 2003. Afterwards in 2004, another Committee viz., Disaster Management Review Committee was constituted by the Railways to look into the accidents, accidents involving trains carrying explosives/inflammable/hazardous material and man made disasters including terror strikes, bomb blast, communal violence etc. which were not addressed by the HLC. This Review Committee was yet to finalise its recommendations.

14. As the HLCs were aimed at effective management of post disaster activities, the Ministry also formulated in August 2003 a Corporate Safety Plan as a means to realize the vision of an accident free and casualty free Indian Railway system by taking preventive measures to address the causes that lead to disasters. In this Plan, the Ministry reiterated its focus on modernization of Disaster Management. Subsequent to the promulgation of the National Disaster Management Act, 2005, the Ministry also issued instructions from time to time to Zonal Railways to ensure compliance on specific issues.

15. Disaster management is 'a continuous and integrated process of planning, organising, coordinating and implementing measures necessary for prevention of danger or threat of any disaster, mitigation or reducing the risk of any disaster or its severity or consequences, capacity building, preparedness to deal with any disaster, prompt response to any threatening disaster situation or disaster, assessing the severity or magnitude of effects of any disaster, evacuation, rescue and relief, rehabilitation and reconstruction'. Capacity building for emergency preparedness was therefore an integral part of disaster management.

### ***Organizational Structure***

16. A number of Directorates in the Railway Board are involved in addressing disaster management and related safety concerns of which the main ones responsible for issue of policy guidelines are the Safety, Mechanical, Health, Traffic, Commercial and Security Directorates. The overall implementation rests with the respective Departments of Zonal Railways, with the Safety Department being the nodal department to handle all disaster management related issues.

### ***Audit Review***

17. A Performance Audit of Disaster Management in the Indian Railways was carried out during 2006-07 on certain representative Railway Divisions, Stations, trains, divisional hospitals, relief trains and medical vans with the main objectives of ascertaining whether — emergency preparedness of the Railways for handling disasters was adequate; post incidence (post disaster) response of the Railways was adequate and effective; and safety and security issues, which contribute to prevention of accidents and disasters were adequately addressed. This Performance Audit highlighted various deficiencies, loopholes, lapses and findings of which the important ones are discussed in the following paras.

#### **(i) Inadequacies in Disaster Management Plans**

18. The Disaster Management Act, 2005 stipulates that the Ministries of Government of India shall be responsible for taking measures for prevention, mitigation, capacity building and to respond effectively to any threatening disaster situation or a disaster in accordance with the guidelines of the National Disaster Management Authority. However, it is revealed in Audit review that disaster management plans of the zonal railways and the divisions were not comprehensive, lacked uniformity and did not adhere to the provisions of the Disaster Management Act, 2005 and the recommendations of the High Level Committee constituted by the Ministry of Railways. In this regard, the Sub-Committee have been informed that the Indian Railways have issued their Disaster Management Plan in November, 2009. This was preceded by Corporate level plan, Zonal and Divisions level Disaster Management Plans. The Ministry also informed that all the provisions of the Disaster Management Act, 2005 have been complied with and all the guidelines of National Disaster Management Authority issued in 2007, 2008 and 2009 have been included in these Disaster Management Plans.

19. Even so, the Sub-Committee in their examination found that while the Railways had made their Disaster Management Plans, the State Governments, which have an important role in mitigation of a Disaster, rescue, relief etc., still have not prepared their Disaster Management Plans. The Ministry conceded that unless all these plans were made, a formal arrangement of dovetailing, their Disaster Management Plan for sharing of resources was not possible though there was a informal system of sharing resources in all disasters including Railway accidents.

**(ii) Inadequate Rescue and Relief Equipments**

20. The High Level Committee (HLC) constituted by the Railways had recognized that the strategy for setting up of an effective disaster management system in the Indian Railways had to be based on stronger and appropriate infrastructure, backed by a well trained team of disciplined and dedicated staff. In this perspective, the HLC recommended provision of infrastructure in terms of rescue and relief equipments such as relief trains, medical vans, breakdown cranes, rescue ambulances etc. to reach the site quickly and to carry out rescue and relief operations, adequate facilities in railway hospitals to take care of the victims and facilities in coaches of trains to assist rescue and relief.

21. It was, however, found in Audit review that provision of rescue and relief equipments such as Self Propelled Accident Relief Trains (SPARTs), Accident Relief Trains (ARTs), Accident Relief Medical Vans (ARMVs), Breakdown Cranes etc. was inadequate and maintenance was deficient. Besides, speed restrictions and non-placement of relief equipments strategically in the Divisions curtailed speedy response to disasters. Audit observed that the state of preparedness was not geared up to the envisaged levels.

22. In the above context, the Sub-Committee desired to know the current status of provision of rescue relief equipments particularly Self Propelled Accident Relief Trains (SPART), Accident Relief Trains (ART), Accident Relief Medical Vans (ARMV) etc. The Ministry stated that as far as ARTs and ARMVs were concerned, the Railways were equipped according to the scales prescribed for each location, which was subject to constant verification through well laid down schedule to inspections at Divisional and Zonal levels. They further stated that adequate number of SPARTs have been sanctioned to cover all Divisions of Indian Railways. The first coach SPART has already been manufactured at Integrated Coach Factory (ICF) and was under trial. Once successful, SPARTs would be inducted as envisaged in the plans.

**(iii) Ineffective Response within 'Golden Hour'**

23. Rapid access to the accident site is a fundamental step in providing quick and effective rescue and relief operations within the golden hour the first hour after the accident. The Indian Railways handle all disasters affecting trains as per the Accident Manual, which, among others, laid down the norms for departure of the relief trains to the disaster sites. Audit review of 205 accidents that occurred over the previous five years across the Indian Railways revealed that response to disasters within the golden hour was ineffective, co-ordination arrangement was poor, preparedness and expertise was lacking apart from other deficiencies like availability of necessary equipment.

**Delayed arrival of rescue and relief equipment**

24. The Indian Railway Accident Manual stipulates that ARMVs and ARTs should depart for the accident site within 30 minutes and 45 minutes of ordering (60 minutes during night time) respectively. Audit review, however, revealed that out

of the 138 incidents that warranted either an ART or an ARMV for rescue and relief, in 124 cases the ART/ARMV reached the site after the golden hour. To give some examples, in an accident at Ujjain station in Ratlam Division of the Western Railway on 27 June 2004, the ART was ordered at 20:30 hours but departed only at 21:54 hours and took 48 minutes to reach the site, which was only six and a half kilometres away. Even during the bomb blasts in seven local trains in Mumbai suburban section of Mumbai Central Division of WR on 11 July 2006, the ARMVs located at Mumbai Central, Valsad and Udhana were ordered but before arrival of the ARMVs, the victims at all the locations had already been shifted to nearby hospitals by the volunteers from amongst the passengers and medical relief was not required to be done by the ARMVs. Due to non-availability of diesel locomotive in the vicinity of 75 Kilometres on Mumbai Division, ARMV capable of running at a speed of 100 Kilometres per hour had to be hauled with WDS 4 locomotive with a speed capacity of 45 Kilometres per hour only.

25. Thus, it was found in Audit review that the Indian Railways were neither able to rapidly access the disaster sites nor provide organized rescue and relief during this hour. Delayed arrival of relief equipments at the disaster sites also led to delayed restoration of rail traffic causing diversions and cancellation of trains. Audit has also revealed that while less than 25 per cent of the frontline staff was trained in most of the Divisions, specialized training courses were poorly attended.

26. On this issue, the High Level Committee on Disaster Management had also noticed that a rescue operation with the golden hour cannot be achieved in any railway disaster/accident unless it occurs in the vicinity of the Railway Disaster Management zone with adequate medical infrastructure. The Ministry conceded the position when they stated that rescue during golden hour cannot be achieved merely with the conventional provisions of ART, ARMV, SPART etc., but required a paradigm shift like provision of air support and integration of railway disaster management infrastructure with those of civil authorities, armed forces etc.

#### **(iv) Poor Coordination Arrangements**

27. The High Level Committee (HLC) recommended entering into a Memorandum of Understanding (MoU) with the State Governments so that the Railway administration could join hands for mutual assistance in case of railway or non-railway disasters. The HLC also suggested entering into MoUs with the civil and private hospitals to improve the response time, with the Armed Forces and private air operators for air support to access the disaster sites. Audit examination has, however, revealed that coordination arrangements with the State Governments/District authorities as well as other agencies were weak and the Railways were unable to harness their infrastructure while responding to disasters. In addition, the Railways also lacked the expertise to deal with water related disasters.

28. Taking note of this fact, the Committee enquired about the Indian Railway's plan to provide organized relief during the Golden Hour. In their reply, the Ministry



of Railways stated that the following actions are taken for quick relief and rescue operations:

"On Board staff has been trained in First Aid to provide medical aid to injured passenger Railway is taking help of available on Board medical professionals for rendering medical assistance to passengers, ART & ARMU's are dispatched to site in stipulated time and monitored at highest level for its unrestricted movement, help of local Government/Railways/Private Hospitals/NGOs are being taken including their ambulances."

29. Replying to a related query regarding the steps/measures taken by the Railways to improve the coordination arrangement to reach the disaster sites early, the Ministry stated in a note that onboard and frontline staffs have been properly trained and contact numbers and names of the concerned authorities of Civil (including District Collectors Police Officers), Medical and Armed Forces have been incorporated in all the Divisional and Zonal Disaster Management Plans and local contact numbers of Civil Authorities, Medical staff are also available at stations. Efforts were earlier made by the Zonal Railways to enter into a formal arrangement with the State Governments/District Authorities, Civil/Private Hospitals and other agencies. Most of the States, however, expressed reluctance to enter into formal arrangements. Further, the Ministry claimed that the current arrangement of having informal coordination arrangements with the State Governments/District authorities, Civil/private hospitals and other agencies has proved to be useful and was being further strengthened.

30. Yet, the Ministry admitted that with the promulgation of a Disaster Management Act, 2005 such formal arrangements might not be of use as it has become a duty of the resource owners to assist the affected party at the time of crisis.

**(v) Safety and Security Issues**

31. The Indian Railway operate about 900 trains reaching 800 stations and handling approximately 1.4 crore passengers per day across the country. Even as protection of Railway assets and property is the responsibility of the personnel of the Railway Protection Force (RPF), the commercial staffs man the entry points in train stations to prevent unauthorized entry into the station premises which has been facing overcrowding as major security concern. A joint inspection of the security mechanism involving Audit at 138 stations across Indian Railway revealed that the infrastructure was inadequate and the surveillance at stations was not very effective. While CCTVs were not available in 87 out of the 128 stations, some CCTVs in 10 out of the 24 'A' category stations such as Chennai Central, Kalyan, Secunderabad, Guwahati and Patna Junction were found non-functional. Besides there was either acute shortage or existence of non-functional security gadgets such as scanning machines, metal detectors, bomb detection and disposal squad in most of the test checked stations. In smaller stations the security mechanism was found inadequate with none of them existing with any surveillance mechanism. In all a majority of the test checked stations had multi-entry/exit points, which were either not manned or monitored regularly. Thus, not only surveillance mechanisms were inadequate, the RPF was ineffective in preventing unauthorized entry into station premises.



32. For strengthening of security mechanism to avert man made disasters such as terror attacks, bomb blasts etc., the Sub-Committee have been informed that an Integrated Security System is being installed at 195 sensitive stations of the country at an estimated cost of Rs. 344.31 crore, which has been included in the Works Programme 2009-10. This system comprises of the four broad areas of—IP based CCTV Surveillance System; Access Control; Personal and Baggage Screening System; and Bomb Detection and Disposal System. Besides this, the Railway Protection Force has been strengthened by taking the following measures:—

- (i) Rs. 67.09 crore have been allocated to equip RPF personnel with modern security related equipment.
- (ii) 12 Commando companies are being raised by giving Commando training to RPSF personnel in institutes of repute.
- (iii) Slots have been allocated for Training of Trainers course on Disaster Management at National Industrial Security Academy (NISA), Hyderabad and for course on Bomb Detection & Disposal at NSG for RPF personnel.
- (iv) An innovative measure in the form of 'RPF Mitra Yojana' has been launched to strengthen contact and information network between RPF and railway passengers/public. The objective is to involve such persons in controlling criminal activities over Indian Railways, using them as "Anti-Terrorism Cooperator" wherein they will inform RPF about suspicious objects/persons.
- (v) 59 Trackers and 235 Sniffer dogs are available with RPF for detection of explosives. To augment the availability of trained dogs, National Dog Training Centre has been sanctioned in Southern Railway jurisdiction at Podanur with a capacity of training 50 dogs at a time at a cost of Rs. 2.20 crore.

33. As regards plugging the multi-entry and exit points in railway stations as a security measure and to prevent unauthorized use of railway premises, the Ministry stated in a note:—

"At present, persons entering station premises unauthorisedly are being dealt with as per the extent provisions of the Railways Act, 1989. In the year 2008, about 14 lakh offenders have been prosecuted by the RPF under various sections of the Railways Act for trespassing, causing public nuisance and unauthorized hawking/vending. Guidelines have been issued to General Managers of all zonal railways for construction of boundary walls and fencing of station area, based on threat perception and vulnerability."

34. Linking this issue with the Integrated Security System, the Ministry have further informed that this surveillance mechanism will cover entry/exit points (*i.e.* point from where passengers enter/exit ticketing area); circulating area (including parking area etc.); concourse; all platforms (including waiting room/cloak room); Parcel area; PRS; FOB; yard pit shed, washing line, station limit (home signal to home signal); and vehicle entry point (to record vehicle number plate etc.). The General Managers

of the zonal railways have been directed to ensure implementation of Integrated Security System by the end of 2010.

**(vi) Train Accidents**

35. The Sub-Committee enquired about the position of different categories of train accidents occurred during the last five years on the Indian Railways. The Ministry furnished the position as under:—

Type of Accident	No. of Train Accidents				
	2004-05	2005-06	2006-07	2007-08	2008-09
Collision	13	09	08	08	13
Derailments	138	131	96	100	85
Manned Level Crossing Accidents	05	10	07	12	07
Unmanned Level Crossing Accidents	65	65	72	65	62
Fire in Train	10	15	04	05	03
Miscellaneous	03	04	08	04	07
<b>Total</b>	<b>234</b>	<b>234</b>	<b>195</b>	<b>194</b>	<b>177</b>

36. These train accidents have been broadly classified as under on the basis of their cause-wise analysis:—

Causes	No. of Train Accidents				
	2004-05	2005-06	2006-07	2007-08	2008-09
Failure of Railway Staff	119	120	85	87	73
Failure of other than Railway Staff	78	86	84	81	75
Failure of Equipment	14	08	09	09	—
Sabotage	04	05	08	07	13
Combination of factors	01	—	01	—	03
Incidental	16	11	07	08	04
Could not be established conclusively	02	03	01	02	04
Under Investigation	—	01	—	—	05
<b>Grand Total</b>	<b>234</b>	<b>234</b>	<b>195</b>	<b>194</b>	<b>177</b>

37. It may thus be seen from above tables that derailment and unmanned level crossing accidents constitutes more than 83 per cent to 86 per cent of total number

of accidents which occurred during this period while accidents caused by human error were in the range of 83 per cent to 88 per cent. The latest audit figures in this regard revealed that though the overall annual accidents have reduced over the years, the rate of level crossing accidents and collisions have gone up in some zones.

38. In this context, the Sub-Committee asked about the persistence of train accidents despite acceptance and implementation of the recommendations of various high profile and expert Committees on railway safety *viz.* the Khusru Committee in 1962, the Wanchoo Committee in 1967, the Sikri Committee in 1977 and the Khanna Committee in 1998. The Ministry replied in a note that to reduce different types of accidents, the following measures have been proposed:—

**(a) Measures to reduce Derailments**

- (i) Replacement of over-aged tracks, bridges, S&T gears and Rolling Stock;
- (ii) Gradual phasing out of derailment prone 4 wheeler tank wagons;
- (iii) Reduction in Thermit welded joints on rails, use of SPURT Cars for Rail flaw detection;
- (iv) Track Circuiting for enhanced safety in train operations; and
- (v) Introduction of Self-Propelled Accident Relief Medical Van (SPARMV) and Wheel Impact Load Detector (WILD).

**(b) Measures to reduce Collisions**

- (i) Extensive training to train operations staff;
- (ii) Improved maintenance and safety checks;
- (iii) Improvement in design of Rolling Stock; and
- (iv) Installation of Anti Collision Device (ACD). ACD has been installed on 1900 Route kms. of N.F. Railway and 800 Route kms. on KRCL and put under trial. Decision has been taken to extent ACD to Southern Railway, South Central Railway and South Western Railway on a trial basis.

**(c) Measures to reduce Level Crossing Accidents**

- (i) Social awareness Programmes have been launched in rural areas through Divisions;
- (ii) Construction of Road Over Bridges (ROBs)/Road Under Bridges (RUBs) at Level Crossing with Train Vehicle Units (TVUs)>1 lakh, limited use subways to replace Level Crossings;
- (iii) Manning of Unmanned Level Crossings;
- (iv) Interlocking and provision of phones at Level Crossing Gates; and
- (v) Train Actuated Warning Device (TAWD) is under trial.

**(d) Measures to reduce Fire Accidents**

- (i) Provision of fire retardant material in new coaches and retro-fitment in existing coaches;
- (ii) Emergency exits have been introduced in coaches to reduce fatalities;
- (iii) Provision of Electrical fire sensing and extinguishing system in Rolling Stock and Stationary Installations; and
- (iv) Provision of Electrical fire sensing and extra quashing system in rolling stock and stationary installations.

39. On being asked how far the signalling system in the Indian Railways comparable with International state-of-the-art signalling system of major trans-National Railways of developed countries, the Ministry stated in their reply as under:—

"Signalling system on IR is in transition phase. Presently we are having mix of Mechanical, Electro-mechanical and Electrical/Electronic interlocking system. The old aged/out dated Mechanical, Electro-mechanical signalling systems are being progressively replaced with Electrical/Electronic system and these have been provided at about 4300 stations (70% of total Block stations). About 4400 Track Kms. (5.5%) of IR network equipped with Automatic Block Signalling. On Board Train Protection & Warning system (ETCS-I) has been commissioned on trial basis on 50 Route Kms. in Chennai Suburban Section. Trial of system on main line (Non suburban) is also planned to be taken up in Delhi-Agra section (200 Route Kms.). Signalling system having route setting type, panel interlocking & route relay interlocking are being provided in all new works during gauge conversion, doubling new line & replacement as a policy. However in developed Countries, communication based Signalling System, Automatic Train Protection and Control System and GSM based Mobile Train Radio Communication System are there."

**(vii) Upgradation of Unmanned Level Crossings**

40. The Sub-Committee have been informed that there are a total of 34,220 numbers of Level crossing in the country. Out of this, 17,244 are manned leaving 16,976 unmanned. Asked whether the Indian Railways can upgrade all unmanned level crossings to manned level crossings, the Ministry in reply stated as under:—

"At the present day cost, the manning of these unmanned level crossings would require minimum about Rs. 3,300 crores with a recurring expenditure of Rs. 1700 crores per annum. In view of the huge expenditure required for the work, manning is being done progressively depending upon the requirement for each individual location, as per laid down qualifying criteria [Category-I, All level crossing including restricted visibility cases where Train Vehicle Unit (TVU) is more than 6000 and Category-II, restricted visibility level crossing where TVU is between 3000 and 60,000. Restricted visibility means visibility is less than 800m, either from the road or rail side]."

41. The Ministry have further informed that though the safety at the unmanned level crossings is the responsibility of the road users, the Railways have been manning the gates qualifying for the same. Keeping in view, the increasing traffic both from the rail and road, a decision has now been taken to step up the pace of manning, so that safety standards at the level crossing gates can be improved and ensured at the earliest time after a level crossing qualifies for manning. 2960 numbers of unmanned level crossing gates have been sanctioned in anticipation of their qualifying for manning in future as per the extant criteria. They assured the Sub-Committee that this would avoid delay in manning of such gates for at least about a year.

**(viii) Corporate Safety Plan**

42. The Ministry of Railways formulated in August 2003, a Corporate Safety Plan for ten years period from 2003-13 as a means to realise the vision of an accident free and casualty-free Indian Railway System. This Plan lays down policy provision of new technology and renewal and replacement of overaged assets, tracks, rolling stock and bridges, maintenances, inspection and modernization of Signalling and Telecommunication Wing, human resource development etc. to enhance railway safety. Audit review has, however, revealed that timely renewals and replacements of assets were not carried out and provisions of safety aids and monitoring of other infrastructure under this plan was inadequate thereby compromising on safety.

43. On being asked how far the objectives of the Corporate Safety Plans of the Railways have since been achieved, the Ministry stated in a note that they have provided modern efficient and reliable signalling system as well as telecommunication system under Corporate Safety Plan. The track circuiting at stations, adequate interlocking, multi aspects colour light signalling, use LED bulbs in signals, efficient telecommunication system with adequate redundancy alongwith mobile communication are some of the major achievements of the railways.

44. The Ministry also informed that new initiatives in regard to Signalling and Telecommunication as well as additional safety features, which include Modern Train Radio Communication System, Cab Signalling, Anti-Collision Device etc. can bring further improvement in Railway safety.

45. It may be mentioned in this connection that Audit in a recent review conducted on the Signalling and Telecommunication (Reported separately in Chapter 2 of C&AG's Report No. PA 26 of 2008-09) brought out that provision of modern signalling system was progressing behind schedule. A geographical disparity has been observed with some areas lagging behind others and the zones had not been able to provide standards expected performance parameters of Signalling and Telecommunication equipments in use. It has further been observed in Audit that expenditure on the signalling and telecommunication works in the last five years was always less than 8 per cent of the total plan expenditure. The expenditure on S and T works steadily decreased from 6.2 per cent in 2005-06 (RE) to 2.6 per cent by the year 2009-10 (BE), which required drastic improvement.

**(ix) Vandalism of Railway Property**

46. To prevent incidents of damaging and vandalising of railway properties, the Railways have to depend upon the State police who are responsible for maintenance of law and order. For this, Railway Protection Force (RPF) maintains close coordination with the State police and the Government Railway Police (GRP). At the place of occurrence, RPF personnel are deployed to assist the GRP/Local Police for maintenance of law and order and to protect the Railway properties. Still, vandalism of railway property like burning of trains, destruction of properties/assets etc. is very common in different parts of the country especially during general strikes, public agitations, *bandhs* etc.

47. When asked about the action taken in such cases, the Ministry in their reply have informed the Sub-Committee that specific cases are registered by the concerned GRP/local police on the basis of FIR/complaints lodged by the concerned Railway authorities under the provision of law including the Railways Act. RPF, on behalf of the Railway Administration, shares intelligence and co-ordinates with investigation agencies (GRP/local police) to pursue the investigation into the cases, identification and arrest of the anti-social elements involved in the case. Regular coordination meetings are also held with civil police and GRP authorities and review of progress of such cases are undertaken.

**IV. Land Management in Indian Railways**

***Introductory***

48. Railway land has been defined under the Railway (Amendment) Act, 2005 as "any land in which a Government Railway has any right, title or interest". The Indian Railways (IR) owned 4.32 lakh hectares of land as on 01 April 2006 and is the second largest owner of land in the country after the defence forces. About 75.71 per cent of the Railway land is used for operational and service infrastructure and the balance is licensed for various purposes such as afforestation, pisciculture, grow more food scheme etc. The Railway land is also licensed for commercial purposes. Still, a significant quantum of land (approximately 10.4 per cent) is lying vacant and out of this 1,999 hectares of land is under encroachments. The need for effective acquisition, custody, utilisation and disposal of land is therefore essential in view of the implications of Indian Railways operations, safeguarding of one of its most valuable assets and the potential for revenue generation.

***Organizational structure***

49. Land Management and Amenities Directorate, in the Railway Board is the apex body for land management in the Indian Railways. The primary responsibility of the Directorate, which works under the overall direction of the Member (Engineering) is to lay down the policy in regard to land management and ensure/monitor its implementation at the Zones/Divisional level by calling for various reports. At the zonal level, the Principal Chief Engineer under the General Manager is the implementing and coordinating authority for the various policies/orders issued by

the Railway Board. He is assisted by Chief General Engineer and Deputy Chief Engineer/Land Controlling Officer. The Sr. Divisional Engineer at the divisional level is responsible for execution of various instructions for regulating usage of land, prevention and removal of encroachments, execution of agreements for commercial licensing etc.

50. In the field, the Assistant Engineer/Senior Section Engineer (Works/Permanent Way) is responsible for maintaining land records, demarcation of land boundaries and detection and prevention of encroachment etc. From January 2007 commercial exploitation of Railway land is being pursued with the help of a newly formed organization, the Rail Land Development Authority (RLDA). To give more impetus to the management of railway land, Land Management Cell were also constituted at Zonal level by the Railway. These Cells deal with entire issues of land management which include commercial licensing, afforestation, plantation, prevention of encroachments, maintenance of land records etc. and related court cases.

#### ***Audit Review***

51. A performance audit of Land Management in the Indian Railways was carried out during 2006-07 with a view to assess—whether the mechanism for acquisition of land was effective in facilitating the completion of projects for which land was to be acquired; whether adequate safeguards were in place to prevent loss of land; and whether the Railways took prudent and effective measures for utilizing the available land (other than the land required for operational purpose) and ensuring optimum revenue generation from the same. This Audit review identified various shortcomings, deficiencies and lacunae in the existing Railway Land Management. The important Audit findings/observations in this performance review are dealt with in the following paragraphs.

#### **(i) Land Management Organisation**

52. Land management is one of the important functions of the Engineering Department of the Railway Board. An Expert Committee on Commercial Exploitation of Railways Land, (established in 1992), recommended in September, 1995 for setting up of a separate land Management Organisation for preventing encroachments into Railway land. Accordingly, a separate Land Management Organisation was set up as pilot project in Mumbai Division of Central and Western Railways. Encouraged by their performance, Railway Board decided to strengthen the Land Management Organization at Divisional and Zonal levels in December, 2000. However, as it was felt by the Advisor (Land and Amenities) in September, 2001 that Divisional Engineers with the assistance and Draftmen were effective in prevention and removal of encroachments, updating of land plans etc., the decision was dropped without the approval of the Board.

53. A review in audit disclosed that land management cells were not formed in 8 out of the 16 zones at the Zonal level and in 44 out of the 67 divisions at the Divisional level. It was also found that training was not imparted to the officials posted in land management cells in some Zones. Even the officials nominated as



Estate Officers to decide the cases of encroachments under Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (PPE Act) were not given proper training to be conversant with the provisions of PPE Act. Furthermore, weakness in the Land Management Organisation resulted in several deficiencies in the management of land.

54. In response to a query of the Sub-committee on the above issues, the Ministry stated in a note that though Land Management Cells were not in place in all Zonal Railways, Land Management Cells have now been set up and were functional in the Zonal Headquarters and Divisions of all the 16 Zonal Railways. These cells were headed by competent officials with engineering background and were well trained in land management. In addition, legal cells exist at zonal levels and law assistants at the divisional levels to provide legal assistance on all land related issues.

55. The Ministry have further stated that knowledge based strengthening of staff with regard to land related matters is carried out through regular training to officers and staff at the divisional training school and Indian Railway Institute of Civil Engineering (IRICEN), Pune. Separate workshops are also held for interaction with revenue officials. Policy circulars and instructions are circulated to all railways and concerned officials and the same are reiterated from time to time during various meetings held at the Zonal and Railway Board level. A separate webpage of Railway Board and IRICEN, Pune has been setup to enable the field officials to have immediate and direct access to the policy circulars and instructions as well as provisions of various codes and manuals. While close coordination and liaison is maintained with revenue authorities including *patwaris* and *kanungos*. Efforts are being made to co-opt officers from Revenue Department of State Governments for better coordination.

56. Based on the position rechecked in Audit, it was, however, noticed that separate Land Management Cells have not been still in place in various Zonal and Divisional Headquarters.

**(ii) Delay in Acquisition of Land**

57. Railways acquire land for their requirements through the State Governments. Acquisition of land on Railways is regulated under Land Acquisition Act, 1894. Notification, award enquiry, passing final award, disbursement of payments etc. are done by the District Collector/Special Land Acquisition Officer.

58. Audit has pointed out that delays in acquisition of land were observed in 71 out of the 129 cases reviewed. Further, in 60 cases, mutation of land was not done with the respective State revenue authorities and in 44 cases the acquired land was not handed over to the construction departments/open line. Of the land acquisition cases that were in progress, 41 out of 124 cases reviewed were more than five years old and 27 others were more than two years old. The main reasons for delay were court cases, delay on the part of State Governments, encroachments, commercial rate demanded by State Governments, non-disbursement of amount etc.

59. The Sub-committee enquired about the mechanism devised by the Railways to streamline mutation procedures and enhance liasioning with State Governments



to minimize the delays in land acquisition. In reply, the Ministry informed that after the land acquisition proceedings were over, mutation of land records was done by the State Governments. Constant interaction with the State Revenue Authorities and other agencies was maintained for expediting land acquisition as well as mutation at all levels. Periodic meetings were held with State Governments officials including Secretary level meetings. Further, "The Railways (Amendment) Act, 2008" has been enacted by Parliament which provided for faster acquisition of land in comparison to "The Land (Acquisition) Act, 1894". The act was on similar pattern of "The National Highways Act, 1956". Acquisition of land under "The Railways (Amendment) Act, 2008" was expected to result in to expeditious acquisition of land.

60. On being asked whether land acquisition work for the freight corridors in Golden Quadrilateral has been slowed down, the Ministry stated in their note as under:—

"Land acquisition work for freight corridors has not been slowed down. In order to make the land acquisition process more transparent and humane, a review of the land acquisition policy was taken up by Railways with special attention to dedicated freight corridor project and after the review, necessary instructions have since been issued. In the meanwhile, work on dedicated freight corridor has already commenced in part of both eastern and western corridors. The review of the land acquisition process to ensure transparent and humane arrangement is a parallel process."

61. However, Audit in their vetted comments remarked that work on Freight corridors on Golden Quadrilateral was still in land acquisition stage.

**(iii) Improper Maintenance of Land Record/Registers**

62. The Indian Railways maintained their basic land records in the form of three registers—Land Record Register, Land Boundary Verification Register and Encroachment Inspection Registers in accordance with instructions contained in Para 850 of Indian Railways Code for Engineering Department and also as per Paras 806, 807 and 812 of Indian Railways Works Manual. The maintenance of these registers was also reiterated in the Joint Procedure Order (JPO) issued by Chief General Engineer/Zones during the year 2001 and 2002 as per instructions issued by the Railway Board in September 2001.

63. Despite these provisions, Audit has reported that land record registers were not being maintained by the Railways at zonal, divisional and field levels as per Codal Provisions and Instructions issued by the Railway Board. As such, the land holding position reported at various levels by different authorities was not susceptible to verification. Moreover, it was found that Land boundary verification and encroachment inspection registers were not being maintained by 97 out of 212 Senior Sectional Engineer's offices (SSEs) checked.

64. Audit review has further revealed that inconsistencies prevailed in reporting facts and figures on various basic data pertaining to land holding, vacant land,

encroachment, land plans, verifications of records with the State Revenue Authorities, construction of boundary walls etc. at various levels of the zones.

65. During evidence, the representative of the Ministry of Railways conceded the inaccuracies of the records, when he deposed as under:—

"Coming to the inaccuracies of the records, Sir, what you have observed is very valid and correct. We do have a problem because the land we took over was from the private parties, Government railways, Princely States. Beyond that also, even today, various State Governments have their own practices of the records that they keep. So there is a problem. It is a fact. The fact is that we have very clear instructions. Indian Railways Manuals and things are for a standard procedure, and we are trying to certainly adopt that. I am not saying that we have been of great success. Yes we have tried that".

66. In a subsequent note, the Ministry have, however, claimed that all zonal railways are maintaining the land record Registers though some inconsistencies may take place while reporting huge volume of data. In order to ensure that the deficiencies noticed are addressed, there is a system of certification of records and inspection and verification at the level of Senior Sub-ordinates, Assistant Engineer, Senior Divisional Engineer and Chief Engineer. The Ministry further informed that all the data relating to land holding has been computerized. In addition, 42,750 land plans out of a total of 52,367 such plans have been digitally scanned as on 31.8.2009.

67. When the position was again verified by Audit, the fact remained that the requisite registers were not being maintained at all locations in some Zones, while in some others, these were still deficiently maintained.

68. It was also highlighted in Audit review that instances of title disputes/forget sale of land by the private parties were noticed in some railway zones. In one such case in Western Railway, the railway administration failed to take back timely possession of land measuring 159.91 hectares from the State Government 32 years after closure of the narrow gauge line on Ujjain-Agra section as the Western Railway could not prove its ownership.

69. The Sub-Committee enquired about the preventive measures that have been put in place to eliminate/minimize title disputes in the Indian Railways. In reply the Ministry stated that the Indian Railways have inherited the land records from erstwhile British India, various State Railways and Princely States where there has been lack of uniformity in maintenance of land records. Even on date, different practices were being followed by various State Governments with regard to maintenance of revenue records. These varying practices, at times, might give rise to dispute on title of land. To minimize dispute on title of land, the Ministry have taken the following preventive measures like—verification of land plans with revenue authorities; computerization of land plans including scanning and micro-filming; and holding meetings with State Government revenue officials wherever required.

**(iv) Encroachment**

70. Audit review has revealed that there were 2,20,152 encroachment cases on the Railway land across the country as on 1st April, 2004. Though the issue was raised in Parliament during 1999, as many as 16,109 new cases of encroachment crept in during the period 2004-05 to 2006-07 in the various Railway Zones. Further, even if 54,984 cases of encroachments were removed during the period under review, a large number of cases of encroachments *i.e.* 1,88,996 cases involving land measuring about 1,594 hectares existed at the end of the year 2006-07.

71. It was also found during joint inspection conducted by Audit and Railway authorities that encroachments in 46 locations were not shown or shown inaccurately in the Railway records by the concerned SSEs/SEs. Further, scrutiny of 15 cases of encroachment by private parties and Government Departments, accounting for an area of 157.28 hectares across Railway Zones, revealed, inaction for periods as long as 55 years. The problem of encroachment run deeper in the Railways, for example, completion of projects was delayed due to encroachments in the following cases:—

Zone	Work	Impact
WR	Quadrupling of line between Borivali and Vasai road	Loss of earnings of Rs. 66 crore and cost escalation of Rs. 35.13 crore.
ER	Extension of Goods Wharf at Barasat	Against the target date of completion by August 2006 only 65 per cent of the work was completed till March 2007.
SR	Construction of third line between Attipattu and Korukkupet	Railway bridge could not be extended and the formation work of the targeted third line could not be taken up resulting in blocking of capital of Rs. 61.33 crore
SR	Yard remodelling work in Coimbatore Junction	Work could not taken up and is pending for the past 2 years.

72. The Sub-Committee's examination of the case has revealed that proper maintenance of land boundary was identified as the first and effective step towards prevention of encroachment, but widespread shortfall in construction of boundary wall around railway land was observed by Audit across the Railway zones as stated below:—

Year	No. of Zones	No. of Divisions	Shortfall up to 50 per cent	Shortfall between 50 and 80 per cent	Shortfall between 80 and 99 per cent
2004-05	14	28	13	10	5
2005-06	14	30	12	8	10
2006-07	14	25	10	3	12

73. The Ministry attributed these shortfalls to shortage of funds, non-finalization of estimates, non-finalization of tender. failure of contractors and non-availability of material Elaborating this matter, the Sub-committee have been informed as under:

"Railway land is spread all along the length of railways network of over 70,000 route km. Cost of construction of boundary wall is about Rs. 5000/- per

running metre. Construction of boundary walls all around railway land is precluded by huge investment of Rs. 70,000 crore required for such project. However, all zonal railways have been asked that the vulnerable locations prone to encroachments should be identified and the boundary walls at such locations be constructed on a programmed basis depending on availability of fund."

74. In this context, Audit has informed the Sub-Committee that the Railway Board instructed in August 2002 all Zones to take immediate steps to remove encroachments within Safety Zone. *i.e.* land within 15 metres from the centre line of the nearest track. But at the beginning of 2006-07, 27,408 numbers of encroachments were found in the Safety Zones located in 15 Zones. Although 2,549 encroachments were removed, 1,249 new encroachments took place during this year thus leaving a balance of 26,108 encroachment cases at the end of the year.

75. The Sub-Committee desired to know whether any effective mechanism was introduced by the Railways to prevent encroachments on Railway lands. In reply, the Ministry of Railways have stated that all possible efforts are made for expeditious removal of encroachments but they are dependent on the assistance of the State Governments for police, Magistrate, etc. who are normally reluctant to provide adequate support and assistance. Often the efforts and removal of encroachments are halted by court also. The Ministry, however, claimed that despite above constraints, they have been able to successfully reduce 37,377 numbers of encroachments involving 1,063 hectares in the past four and half years which is evident from the position given below:—

Date	Number of encroachments	Area (Hectare) under encroachments
31.03.05	175157	2075
31.03.06	158885	1990
31.03.07	147376	1906
31.03.08	144311	1567
31.03.09	140177	1023
31.10.09	137780	1012

**(v) Ineffective Eviction under the Public Premises Eviction Act**

76. The Railways deal their encroachment cases under the provisions of the Railway Act, 1989 and the Public Premises (Eviction of the unauthorized occupants) (PPE) Act, 1971. the provisions of Section 147 of the Railway Act, 1989 require that new encroachment should be removed promptly. Further, as per the provisions of the PPE Act, action should be taken for removal of old encroachments where parties are not amenable to persuasion, when this is not possible encroachments may be removed with the assistance of local civil authorities. In addition, Para 815 (h) of Indian Railways Works Manual (IRWM) stipulates that whenever cases of encroachments are taken up under the PPE Act, the concerned officials from the

Engineering Branch would act as the presenting officer, and pro actively help expeditious finalization of the proceedings.

77. In spite of these stipulations, Audit review of the position of removal cases under the PPE Act during the year 2006-07 across the zones reveals that as many as 45,581 cases were pending. Pendency of cases was attributed to non-production of required documents *i.e.*  *khasra* of land. Land Plan & Title of land etc. In 21, 654 cases decided by the Estate Officers, orders to evict encroachers from the land were not implemented Audit also found that since 2005-06, record keeping in respect of the position relating to cases under PPE Act has been stopped.

78. In their comments, the Ministry of Railways have stated that under the PPE Act, 1971, the Estate Officer (EO), *quasi-judicial* authority, is not vested with adequate powers to deal with encroachment cases effectively. The orders of eviction passed by him under the Act do not have the sanctity of a decree of a court of law. At times, in the absence of any assistance from the State Government, the Railways are unable to execute the orders of the EO. A suggestion to amend the PPE Act to vest more powers in the EO was made to the Ministry of Urban Development in the year 2003, but a final reply is still awaited.

**(vi) Utilisation of Vacant Land**

79. In all, the Railways have approximately 10.65 lakh acres of land in the country and about 90 per cent of this is under its operational and allied usages. Thus the Indian Railways have about 1.13 lakh acres of vacant land around the country. As a policy, such Railway Land is licensed for several purposes such as Grow More Food scheme. Pisciculture, for commercial use to oil companies, steel yards etc. and for welfare purposes. Vacant land has also been licensed to PSUs such as Container Corporation of India (CONCOR), Indian Railway Catering and Tourism Corporation (IRCTC), Central Warehousing Corporation (CWC) etc.

80. It was found in Audit review that schemes for licensing of land under "Grow More Food" (GMF) and pisciculture schemes were fraught with administrative deficiencies such as poor maintenance of records failure to re-posses the land after the expiry of the licensing period etc. as can be seen from the fact that 3538.744 hectares of land, given under GMF, remained to be taken back from the State Governments and private parties after the term of license expired. The Sub-Committee desired to know the remedial steps taken by the Ministry in these matters to improve the situation. In response, the Ministry have informed that the following measures have been taken:—

- Licensing of land under GMF given in identified urban areas and at level crossing gates with a purposes to protect valuable Railway Land from encroachment.
- Railway land under GMF is not licensed to outsiders and is given only to Railway employees and that too who have residual service of more than 5 years and is non-transferable.

- Initial period of licensing under GMF is two years with annual renewal on merit basis.
- Even in license of land for Pisciculture, 1st preference is given to cooperative society run by Railway employees themselves.
- Holding regular meeting of concerned officials at Sub-Divisional & Divisional level for maintenance of proper record.

81. Further, the Ministry have informed that instructions for maintenance of proper records in respect of licensing of railway land for Grow More Food have been issued *vide* Letter No. 98/LML/16/9 dated 6-3-2000 and those for licensing for Pisciculture *vide* Letter No. 81/W2/18/117 dated 19-1-1987.

**(vii) Licence Fee and Licence Agreements**

82. Audit has also observed that the mechanism of recovery of licence fee from CONCOR, CWC and IRCTC proved to be disadvantageous to the Indian Railways since it did not result in a steady flow of income at market related rates. Audit has also pointed out that the policy of charging license fee for the land given to CONCOR on the basis of TEUS (Twenty feet Equivalent Units) handled instead of linking it with the market value of land resulted in loss of revenue to the extent of Rs. 551.26 crore during the period 2004-07. Further out of 33,504 cases under the licensing agreement was yet to be executed in respect of 14,305 cases, Besides there were delays in renewal/execution of license agreements ranging from 3 to 5 years in 90 cases, 5 to 10 years in 2427 cases. Audit review further revealed that there were delays in renewal/execution of license agreements and in 16,588 cases, the delay was beyond 10 years. A comparison of the land value based on 1985 valuation and the current market value in 55 cases indicated that in 42 cases, the license fee fixed was lower than the current market value resulting in loss of revenue of Rs. 15.69 crore during the period under review. Audit observed that the Indian Railways have thus failed to harness its considerable land resources through quick and result oriented development of its properties.

83. On being asked what systemic improvements have put or proposed to be put in place to avoid delays regarding executions/renewal of licensing agreements/commercial licensing etc. in future, the Ministry replied as under:—

"Delays in executing agreement had taken place earlier, however in order to remove this discrepancy, inter-departmental coordination meetings are carried out on regular basis. Arrears of pendings agreement are monitored on monthly basis at various levels. Specific provision has been incorporated in the policy circular for commercial licensing issued *vide* letter No. 2005/LML/18/8 dated 10-2-2005 that proper agreement must be executed between railway and licensee before the licensee is given the possession of land/plot.

Above instructions have been reiterated to Railways *vide* letter No. 2005/LML/18/8 dated 4.12.2009 with emphasis that in future no leasing/licensing of land should be processed without draft lease/license agreement is submitted by the party duly signed."

84. Commenting on the above instruction issued by the Railways. Audit stated as under:—

"In spite of existing instructions, Commercial Licensing Agreements are not being entered into by the Zones indicating that the implementation/monitoring mechanism was weak, which needs to be strengthened. Further, in spite of having a policy of commercial licensing, the terms of licensing of land to PSUs like CONCOR, CWC, IRCTC etc. were at a variance compromising the Indian Railways interest."

**(viii) Future Projects**

85. The vacant land is required for future expansion of railway infrastructure in order to meet the demand of traffic growth. With huge quantum of vacant lands still lying with the Railways the Sub-Committee desired to know the futuristic plans mooted for utilization of these Railway lands. The Ministry have informed that major portion of the vacant land is in the form of longitudinal strip along the track, which is required for Railway own future developmental works. Most of the infrastructure works including doubling, additional lines, gauge conversion, traffic facility works, manufacturing units, housing, etc. are created on the vacant railway lands only Railways have also planned to utilize its vacant land, wherever feasible, for setting up of various infrastructural projects, which include Rail Coach and Component factories, Multi-Modal Logistic Parks, Auto hubs, Cold Storage & Perishable Cargo Centre's etc. in order to augment additional revenue for the Railways. The vacant land, which is not required for Railways immediate future operational needs, is considered for commercial development. Rail Land Development Authority (RLDA) has been set up by Railways through the Railway (Amendment) Act, 2005 to undertake commercial development of that vacant railway land and air space which is not required by the Railways for its immediate future operational needs.



## PART-II

### OBSERVATIONS/RECOMMENDATIONS

1. In terms of the procedure evolved by the Public Accounts Committee in their 105th Report (Tenth Lok Sabha), the Ministry of Railways, like other Ministries/ Departments, are required to furnish to the Committee, Remedial/Corrective Action Taken Notes on the Audit paragraphs/Chapters relating to the Railways as contained in the Reports of the Comptroller & Auditor General of India, which stand referred to the Public Accounts Committee under Article 151 of the Constitution of India. These Notes are to be furnished within four months of the laying of the Audit Reports in Parliament through the Ministry of Finance (Department of Expenditure), which has been designated as the nodal agency for the purpose. But the Ministry have not been able to adhere to this prescribed schedule in most cases leading to accumulation of huge number of pending Remedial/Corrective Action Taken Notes. As of February 2010, a total of 481 pending Remedial/Corrective Action Taken Notes, pertaining to the period 1995-96 to 2007-08, relate to the Ministry of Railways. Giving reasons for this huge backlog, the Ministry of Railways submitted that many of the issues raised in the Audit Paragraphs required collection of information/data from the vast Railway system of the Indian Railways consisting of 16 Zonal Railways, 6 production units and 68 Divisions, which took much time. According to the Ministry, this becomes even more complicated and time consuming if the Audit paragraphs pertain to more than one Zonal Railway and the delay gets multiplied when there is any disagreement with Audit on certain issues or where the Zonal Railways miss some crucial facts, figures and issues and the Audit have to point these out for correction.

2. The Committee do not find convincing, the reasons advanced by the Ministry of Railways for huge accumulation of pending Remedial/Corrective Action Taken Notes since these were not unforeseeable and could have been avoided much before by evolving internal arrangements in the Ministry to comply with the procedure. It appears to the Committee that the Railways need to give serious attention to the matter and fully apply the available technical capabilities to achieve functional and administrative efficiency. Moreover, despite the matter being taken up at the highest level in the Ministry with the Chairman, Railway Board directing the General Managers of Zonal Railways to expedite submission of the requisite information, there has not been much improvement in the last four months. Instead, the number of Remedial/Corrective Action Taken Notes pending with the Ministry has gone up to 481 in February 2010 from 362 in September 2009. This is not acceptable to the Committee. All these facts clearly indicate that greater efficiency is required in data collection, maintenance and information management systems throughout the entire network of the Indian Railways besides taking audit replies more seriously. While expressing their displeasure over this failure, the Committee desire that the Ministry of Railways should urgently complete total modernization of their data



maintenance and information management systems. Simultaneously, the existing mechanisms or systems put in place for preparation and submission of Remedial/Corrective Action Taken Notes on Audit Paras need to be streamlined/overhauled so that these Notes are furnished within the prescribed time limit of four months. This calls for effective monitoring at various stages of preparation and submission of the Action Taken Notes by none other than the Railway Headquarters. The Committee, therefore, recommend that the Ministry link up the Railway Board Headquarters with all the Zones, Divisions and Production Units through various means of modern communication devices for facilitating effective and efficient inter-Railways data transfer, processing etc. for timely submission of Remedial/Corrective Action Taken Notes.

3. The Committee further observe that both the apex cell in the Railway Board and the Accounts Departments in the Zonal Railways do not seem to be well conversant with the prescribed procedures for preparing and furnishing Remedial/Corrective Action Taken Notes as Audit had to point out various shortcomings in a large number of Remedial/Corrective Action Taken Notes (about 150) submitted by them, which in the process, caused undue delays in the final submission. It needs to be reemphasized here that Audit paras basically provide crucial inputs and suggestions for avoiding infructuous expenditure, lapses, deficiencies as well as for plugging various systemic loopholes, shortcomings etc. prevailing in the Ministry with a view to improving the overall performance and achievements of the Ministry. Accordingly, taking prompt remedial action thereon ought to be accorded priority and any delay on this count needs to be treated as a serious lapse. The Committee, therefore, urge upon the Railways to change their work ethics so as to take prompt remedial/corrective action on the Audit observations/findings and the requisite Action Taken Notes prepared and furnished within the stipulated time. The whole mechanism should be strengthened by introducing a system of fixing responsibility for the lapses and inordinate delays in the submission of Action Taken Notes on the Audit Paras. The Committee also desire that the Ministry should clear all the pending Remedial/Corrective Action Taken Notes within a fixed time-frame.

4. The Committee note that the Ministry of Railways have issued their Disaster Management Plans at the Ministry, Corporate, Zonal and Divisional Railways' levels by November, 2009. All the provisions of the Disaster Management Act, 2005 and the guidelines of the National Disaster Management Authority issued in 2007, 2008 and 2009 have been reportedly either complied with or included in these Plans. However, the State Governments, which play a key role in mitigation of a disaster, rescue, relief etc., have not yet prepared their Disaster Management Plans and thus no tangible purpose can be served by promulgation of these Disaster Management Plans. Consequently, the intended objective of sharing resources in all the disasters including railway accidents still remains a distant hope. While stressing the need for putting in place an integrated, comprehensive and uniform Disaster Management Plans to effectively deal with the challenges which emerge in the event of train accidents or other disasters, the Committee urge upon the Ministry to take up the matter at an appropriate level for persuading the State Governments to formulate

and promulgate expeditiously their Disaster Management Plans. In this context, the Committee would like the Ministry to have a coordinating arrangement with the State Governments, the District Authorities, civil/private hospitals, military and para-military forces and other concerned agencies so as to effectively leverage their infrastructure and resource for putting up synchronized efforts while responding to train or any other related disasters.

5. Recognizing the need for stronger and appropriate infrastructure as a part of the strategy for setting up an effective disaster management system in the Indian Railways, the High Level Committee constituted by the Railways had recommended for the provision of important rescue and relief equipments like Self Propelled Accident Relief Trains (SPARTs), Accident Relief Trains (ARTs), Accident Relief Medical Vans (ARMVs) in addition to breakdown cranes, rescue ambulances etc. The Committee, however, in their examination find grave inadequacies in the provision and persisting deficiencies in the maintenance of the aforesaid essential relief and rescue equipment. Subsequently, the Ministry of Railways claimed that the requisite number of the required scale of ARTs and ARMVs are being equipped but SPARTs would be inducted after the successful completion of trial of three such equipment manufactured by Integral Coach Factory. The Committee observe that this is high time that the Indian Railways should have such a scale and degree of preparedness to meet large-scale emergent crisis, which may arise in the event of train accidents/disasters. To prevent any compromise on this count, the Committee recommend that requisite number of SPART and other similar or associated emergency relief equipment should be inducted urgently in a time bound manner. This is imperative for the Indian Railways to gear up the scale of preparedness to the desirable level. Further, many a times such essential equipments inducted at a high cost are thrown out of operation due to machinery breakdowns, poor maintenance, unscheduled repairs etc. The Committee, therefore, desire that every possible safeguards and arrangements should be made for ensuring timely and proper periodic maintenance/over-hauling of these essential equipments so that these are kept operationally fit all the time.

6. The Committee note that rescue and relief during the first hour of train accidents termed, as the 'Golden Hour' is crucial to increase the survival chances of the victims. In Indian Railways, this type of rescue and relief work is primarily carried out by a few on board staff, nearby railway staff and local police and hospitals. The Committee are, however, pained to note that the Indian Railways have utterly failed in ensuring timely dispatch and arrival of the essential rescue and relief equipment within the 'Golden Hour' in most of the major train accidents including 11 July 2006 serial blasts in seven local trains in Mumbai and 27 June 2009, truck-train collision at Ujjain Station. Shockingly, in the Mumbai incident, the ARMVs sent to the blast site proved to be useless because all the victims had already been shifted to nearby hospitals by the volunteers from amongst the passengers. In the opinion of the Committee, the Ministry need to draw suitable lessons from these incidents so that the same mistakes are not repeated in future. In view of this appalling scenario, the Committee desire that strategic locations and train junctions

should be identified on all vulnerable routes and all the necessary items and equipments should be stationed at these locations in such a way that these are made available to the accident site within the 'Golden Hour' by any convenient means of transport. The Committee would like to have details of precise action taken in this regard.

7. Another major constraint being faced by the Railways in providing timely rescue operations in a train disaster is the lack of proper training of the frontline/ onboard staff resulting in inability to provide organized and coordinated operation. Precious time is also lost in summoning qualified personnel on the sites. Even though, the Railways have initiated certain measures in this regard; the actual position still remains far from satisfactory. It was found in the Committee's examination that in most of the Divisions less than 25 per cent of the frontline staffs were trained, whereas in the Zones the specialized training courses organized by Indian Railways were poorly attended. The Committee view imparting of training to onboard and frontline staff as an imperative to deal effectively with train disasters and feel that this needs to be pursued vigorously with the available manpower in the Indian Railways. The Committee would, therefore, like the Ministry to explore every possible avenue to provide appropriate training to their staff to improve their post disaster management skills so that the Railways' response time to a particular train accident/disaster is further minimized to provide effective succour to the accident victims. As a part of this strategy, possibility of imparting passenger education by the TTEs in coping with emergencies and accidents, on the lines of similar exercise being done on Passenger Airlines may also be explored. The Committee further observe that apart from onboard staff and passengers, people living in nearby areas are the first ones to arrive at a disaster site. The Committee, therefore, impress upon the Ministry to take advantage of this situation and enter into arrangements with NGOs, Voluntary Organizations, civil society groups, clubs etc. operating at various places/locations along the vulnerable rail lines for enlisting their services in rescue and relief operations. These Organisations should also be provided necessary training to enlist their services in such emergency situations.

8. The Committee note that achieving rapid access to the accident sites still remains a major hurdle, as rescue operation during the 'Golden Hour' cannot be achieved merely with the conventional provisions of ART, ARMV and SPART etc. For this, the Indian Railways require a paradigm shift like provision of air support and integration of railway disaster management infrastructure with those of civil authorities, armed forces etc. The Committee feel that this requirement further reinforces the need for proper and speedy implementation of the Disaster Management Act, 2005, which makes it mandatory for the Ministry of Railways to ensure proper coordination with the various Departments of the Union Government and the State Governments for dovetailing the Disaster Management Plans of all the stake holders so that the available infrastructure and resources are shared. The Committee further desire that the current arrangement of coordination for rescue and relief operations with the State Governments, District Authorities, local police, Medical and Armed Forces, and other agencies need to be further

strengthened for facilitating effective and synchronized relief/rescue operations. This would greatly enhance the Railways' quick response to any sort of train accidents. The Committee desire that in undertaking such an exercise, arrangements may be kept in hand for providing air support and deploying water/amphibious vehicles like boats, hovercrafts etc. if the situation so warrants.

9. The Committee are concerned that while there emerge newer and graver threats day by day, posing serious challenges to railway safety and security, matching attention and response is not visible in the railway security establishments. This was especially found at the Railway stations where infrastructure was inadequate and surveillance was not very effective as revealed in a joint inspection by Audit of the security mechanism at 138 stations across the Indian Railways. This inspection revealed that while CCTVs were not available in 87 out of the 128 stations, a number of CCTVs were found dysfunctional in 10 out of the 24 'A' category stations such as Chennai Central, Kalyan, Secunderabad, Guwahati and Patna Junction. Worse still, in most of the test-checked stations there was either acute shortage or prevalence of dysfunctional security gadgets such as scanning machines, metal detectors, bomb detection and disposal squads etc. The smaller stations were worst off in this regard, as none of them were equipped with any surveillance mechanism. These threats are further compounded by the existence of unmanned multi-entry/exit points. These glaring lapses in the Railways existing security set-up give the impression that while moderate level of security precaution is being provided at the bigger stations, the smaller stations are left to providence in so far as preventing threats to safety and security issues are concerned. This is a serious lapse for which Railways have to make earnest efforts at a fast pace to meet the growing security challenges. In this regard, the Committee have been informed that an electronic surveillance based Integrated Security System is being installed at 195 sensitive stations across the country. Besides, the Railway Protection Force has been strengthened by infusing more funds; raising 12 commando companies; providing specialized training; launching better information network with passengers/public and augmenting Dog Squad. The Committee still find that these measures are not commensurate with the quantum of the threat perception faced in a vast network which operates about 900 trains, reaching 800 stations and handling approximately 1.4 crore passengers per day. Moreover, the Integrated Security System neither addresses much about the risks associated with the goods trains nor covers the safety and security issues concerning tracks and bridges even though these are very vulnerable to sabotages. The Committee, therefore, recommend that the Ministry of Railways should get a proper security evaluation done for analyzing different threat perceptions relating to train stations, tracks, bridges etc. so that a comprehensive security plan is formulated and adequate preventive and anti-sabotage security system is put in place. The Committee further recommend that the RPF be reformed, modernized and expanded to provide the required level of manpower and security.

10. The Committee note that with the increasing number of train passengers and users, most of the Railway stations across the country have been increasingly

facing the problem of over crowding. With the existence of unmanned or inadequately manned multi entry and exit points in many of the stations, the problem of overcrowding and unauthorized entry into the railway premises is growing day by day posing a challenge to the railway safety. As a matter of concern, the number of tres-passers, unauthorized hawkers/vendors prosecuted by the Railway Protection force under various sections of the Railways Act, 1989 reached 14 lakh in the year 2008 alone. To eliminate this problem, the Committee observe that the Railways need to take precise and time bound multi-pronged measures like construction of boundary walls and fencings around the stations, plugging of unmanned entry and exit points, allowing the entry of the non-passengers to a certain point as is the case in the airports, revising the norms of platform ticket system etc. The Committee further desire that all these measures should be incorporated in the Railways' Integrated Security System as efforts to homogenize all the railways safety measures for better results.

11. The Committee in their examination find that about 83 to 86 per cent of the train accidents during the preceding five years were caused by human errors especially the failure of the Railway staff. This indicates lack of proper training or expertise in running/driving trains and handling sophisticated equipment. On a closer scrutiny, rampant cases of human errors are also indicative of occupational hazards such as working in extreme climates and overstretched working hours etc. The Committee, therefore, recommend that the Ministry should study the causes of the human errors leading to train accidents and take necessary remedial measures for imparting appropriate skills, training and for alleviating unreasonable hardships, if any, faced by the railway personnel to prevent or minimize the errors to the barest minimum.

12. The Committee note that train accidents at unmanned level crossing remains very high, being the second highest after derailments. As informed by the Ministry, the number of such train accidents were 65 each (out of 239 total train accidents) in both 2004-05 and 2005-06, 72 (out of 195) in 2006-07, 65 (out of 194) in 2007-08, and 62 (out of 177) in 2008-09. The Committee's examination of the causes of these accidents has revealed that as many as 16,976 level crossings, constituting about 50 per cent of the total number of 34,220 level crossings in the country are still unmanned. This implies that the unmanned level crossings will continue to be accident-prone. The Committee have been informed in this regard that cost of manning these level crossing is around Rs. 3,300 crore with a recurring expenditure of Rs. 1,700 crore per annum and because of fund constraints, upgradation of the existing unmanned level crossings to manned level crossings is being done progressively. The Committee observe that the current pace of manning unmanned level crossing is very slow compared to the rapidly growing rail traffic and the exploding road traffic posing further risk of increasing accidents at unmanned level crossings. In view of the loss of precious lives and high cost of accidents in the form of huge compensation and post disaster rescue and relief works, the Committee feel that the logic behind the slow pace of upgradation is not justified. The Committee, therefore, impress upon the Railways to quicken the pace of manning unmanned level crossings. For this, the Railways should undertake a

proper survey/assessment to identify the most accident-prone sites and categorise them into three or four priority groups for phase-wise and time bound upgradation. To help finance this venture, avenues for private sector participation or other revenue generating modalities may be explored. Further, train services infrastructure and accidents involve all the stakeholders *i.e.* State Governments, the Local Self Governments, NGOs, Voluntary Organisations, Civil Society, Clubs and most importantly, general public. The Committee would, therefore, urge upon the Railways to forge arrangements for harnessing active cooperation and participation of these stakeholders especially the State Governments and the District Authorities in their efforts to man the unmanned level crossings. The Committee further urge the Ministry to streamline the existing policy and management of level crossings so as to reduce inconveniences being faced by the public owing to long duration of closing traffic gates before and after the arrival of trains at a particular level crossing.

13. The Ministry of Railways formulated in 2003 a Corporate Safety Plan (2003-13) to realize the vision of an accident free and casualty free Indian Railways through the use of newer and better technology, removal and replacement of overaged assets, tracks, rolling stock, bridges, maintenance inspection and modernization of signalling and telecommunication wing, human resource development etc. The Ministry claimed that under this Plan, they have provided modern, efficient and reliable signalling and telecommunication system apart from taking new initiatives for additional safety features which include Modern Train Radio Communication System, cab signalling, Anti Collision Device etc. The Committee's examination has revealed that while continuing train accidents belie the realization of the vision of an accident free and casualty free rail system, the extent of modernization has not covered other areas and limited to some improvements in signalling and telecommunication facilities only. Further, the Committee's examination of a related Audit Report has revealed that provision of modern signalling system is progressing behind schedule and geographical disparity has emerged with some areas lagging behind others. Moreover, the Railway Zones have not been able to provide standard performance parameters of signalling & telecommunication equipment in use. In a more worrisome scenario, the Committee notice that the expenditure on signalling telecommunication steadily declined from 6.2 per cent of the total expenditure in 2005-06 to 2.6 per cent in the year 2009-10. In the opinion of the Committee, the signalling telecommunication equipments are something which are very critical for prevention of many of the train accidents as shown by the incidence of lesser number of train accidents in developed countries, where better communication based signalling system, Automatic Train Protection and Control System and GSM based Mobile Train Radio Communication System etc. are being utilised. The Committee would like the Ministry to make special efforts for speedier installation of modern signalling and telecommunication system for better operational and safer movement of trains. Since these initiatives would involve substantial cost, which will be augmented by maintenance and replacement cost, the Committee urge the Ministry to enhance funds for signalling and telecommunication works and ensure productive and judicious utilization of these funds, so that targets set under the Corporate



Safety Plan are achieved within the stipulated time. In this regard, the Committee would like the Ministry to explore the feasibility of entering into tie ups with telecom operators to ascertain whether the Railways can earn certain amount of revenue by lending some portion of their land or assets for mobile towers, receivers etc.

14. The Committee note that the Indian Railways have chalked out various measures to reduce different types of accidents like derailments, collisions, level crossing accidents, fire accidents. While these measures need to be pursued vigorously, many challenges lie ahead in this regard like fund constraints, lack of trained manpower, lack of co-operation from the States, sabotages by anti-social elements etc. Moreover, these being costly projects, would exact huge investment. The Committee, therefore, desire that the Ministry should explore new vistas and partnerships with the State Governments/PSUs and even the Private Sector perhaps in the PPP mode for enhancing revenue generation so that a substantial portion of the projects can be self financed or self sustainable.

15. The Committee find that many of the railway assets and properties including train stations, tracks, bridges, wagons, rolling stock, immovable infrastructure are exposed to various forms of vandalism like sabotage by extremists, mob violence, arson, looting, destruction hooliganism and even thievery. With the increasing incidences of mob violence, general strikes, public agitations, *bandhs* etc., the railway assets especially in the far-flung and remote areas are at the greater risk of destruction. It has been informed by the Ministry that in some cases of vandalism, where culprits are known, FIRs are filed but could not be pursued vigorously because of multiple of constraints like lack of manpower, lack of co-operation from the local police, lengthy or protracted court cases. Thus, acts of vandalism on the Railways' property are not being pursued effectively. The Committee recommend a vigorous and purposive follow up of prosecution of persons responsible for destruction of railway property and also an assessment of the need to amend certain laws to effectively enforce the protection of railway property. A Committee of experts, including legal experts may be set up to study the best possible solution for covering the gaps in the law and its enforcement as far as prosecuting the culprits is concerned. The Committee believe that with the increasing use of electronic surveillance system, the prevention and pursuance of these cases should be easier, faster and more decisive. For this, the Railways may enter into a formal coordinating arrangement with State Governments, district and Local Authorities/police, law courts etc. to undertake proper investigation to identify and arrest the culprits for further appropriate action. Further, an effective mechanism should be put in place for monitoring the outcome of the cases registered. Also, considering the difficulties and hurdles in pursuing such cases, the Committee would like the Ministry to focus on taking preventing actions by sensitizing all the law enforcement agencies like RPF, GRP and local police on these issues.

16. The Railway Board took a decision in December 2000 to set up separate Land Management Organization at Divisional and Zonal levels for preventing encroachments upon Railway Land. Subsequently, the idea was dropped without the

approval of the Board and Audit found in their review that land management cells were not formed in 8 out of 16 Zones and 44 out of 67 Divisions. Although the Ministry of Railways claimed that Land Management Cells have now been set up as previously envisaged and made functional with well trained and competent officials in the Zonal Headquarters and Divisions of all the sixteen Zonal Railways, the Committee find in their examination that such cells are still not in place in various Zonal and Divisional Headquarters. This reveals either errors in the information submitted by the Zonal Railways or lack of involvement as well as slack monitoring by the apex body in the Railway Board. The Committee observe that establishing a separate Land Management Cell at each of the Zonal and the Divisional Headquarters level would vastly help the Railway authorities in interacting, coordinating liaisoning with the State Revenue Authorities on various land related issues, like land title disputes and eviction of encroachments into railway land. Furthermore, since land disputes are complicated and often turn into protracted court cases, the system demands that those manning land management cells should be fully conversant with various Rules and Acts governing landed property like the Railway Act 1989, and the Public Premises Eviction Act, 1971. The Committee, therefore, while urging the Railways to set up separate land management cells in remaining Zone/Divisions, would also like the Ministry to make necessary efforts/arrangements to staff their Land Management Cells with those who possess adequate knowledge and skills to deal effectively with land related matters/cases in Courts of Law and if required, suitable training may be provided to them to improve the performance of these Cells.

17. The Committee are constrained to note the delays in acquisition of land in 71 out of the 129 cases reviewed by Audit. Further, even though land was acquired, mutation of land was not done with the respective State revenue authorities in 60 cases. Surprisingly, the acquired land was not handed over to the respective construction departments/open lines in 44 cases. It was also found that several cases of land acquisition, processed as far back as five to seven years, were still not finalized. The main reasons for these problems were court cases, delay on the part of the State Governments, encroachments, pricing disputes with the State Governments, non-disbursement of amount etc. The Committee in their examination notice that the entire land acquisition procedure of the Indian Railways had been carried out under the Land Acquisition Act, 1894. The Committee have now been informed in this regard that with the enactment of the Railways (Amendment) Act, 2008, acquisition of land is expected to be faster. The Committee recommend that the Ministry should further streamline their procedures of land acquisition and mutation preferably under a properly modified Act so that no scope is available for court cases and disputes with the State Governments in acquiring land for their purposes. This would arrest the delays in acquisition of Railways Land and consequently, will accelerate the momentum and progress of the capacity enhancement projects like Dedicated Freight Corridors, which are still at the nascent stage of finalizing land acquisition even after a lapse of three years from its initiation.

18. As per provisions of the Indian Railways Code for Engineering Department, the Indian Railways Works Manual and the Joint Procedure Order issued by Chief



General Engineer/Zones, three basic land records registers namely Land Records Register, Land Boundary Verification Register and Encroachment Inspection Register are required to be maintained at Zonal, Divisional and field levels. The Committee's examination has, however, revealed that the Land Boundary Verification and Encroachment Inspection Registers were not being maintained by 97 out of 212 Senior Sectional Engineers' Offices checked by Audit. Besides, inconsistencies prevailed in reporting the facts on the land holding, recent land encroachments, land plans, verification of records, construction of boundary walls etc. at various levels in the zones besides instances of title disputes and forged sale of land by private parties. In the absence of proper land records, the Railways could not submit accurate information even to the Courts thus prolonging many land dispute cases. Thus, the failure of the Railways to maintain the requisite land records registers has snowballed into a big problem for not only the Railways but also for other stake holders for the simple reason that many of the disputes and the court cases stemmed from this lapse. The Committee have now been informed that in order to address the deficiencies in record maintenance, all the data relating to land holdings has been computerized. In addition, more than 81 per cent of the total 52,367 land plans have been digitally scanned by August 2009. The Committee observes that it is also necessary to correct the inaccuracies in the existing land records. This would produce accurate, dispute-free land records and data, which would in turn help in settling many of the court cases and preventing any more disputes in future.

19. As an offshoot of improper maintenance of land records in various Zones and Divisions, instances of title disputes, non-reclamation of land and even forged sale of land are still prevalent in the Indian Railways. In a unique case of the Western Railway, the railway administration failed to take back timely possession of a piece of land measuring 159.91 hectares from the State Government even after 32 years of the closure of the narrow gauge line on Ujjain-Agar Section as it could not prove its ownership. The Ministry attributed the cause of these problems to the fact that the Indian Railways inherited the land records from the erstwhile British India, various State Railways and princely States, which lacked uniformity in maintenance of land records. The Committee do not find this contention convincing neither for the Railways' inability to recover the land from the State Governments, nor for instances of forged sale of land by the private parties because these problems would not have emerged at the first instance had the Railways undertaken verification/ proper survey of the inherited land for correct record maintenance and resolving ownership issues immediately when they took over possession of the land. The fact that this was not given any attention before indicates the apathetic attitude of the Ministry in taking timely action for having interactions/coordination with the concerned States with a view to facilitating transfer of ownership and other allied matters. Recently, the Ministry have taken on priority such long awaited measures as—verification of land plans with revenue authorities; computerization of land plans including scanning and microfilming; and holding meeting with State Government revenue officials. The Committee feel that the Indian Railways need to evolve a staggered time frame for implementation of these measures so that no scope for

title disputes and forged selling of land is left. The Committee further recommend the Ministry to keep all railway land under their possession/ownership in unambiguous terms to avoid any unwanted controversy in future.

20. In a disturbing scenario, the Committee find that the Indian Railways have been facing many cases of encroachment of their land across the country. The issue was raised in Parliament in 1999 but no effective eviction drive seems to have been taken as 2,20,152 encroachment cases were noticed as on 1st April, 2004. Further, 16,109 new cases of encroachment crept in during the period 2004-05 to 2006-07 thus leaving 1,88,996 cases involving land area of about 1,594 hectares at the end of the year 2006-07. The encroachment problem has grown deeper and acquired multi-dimensions as many of such cases were not shown or shown inaccurately in the railway records by the concerned Senior Section Engineers and Sections Engineers. In the opinion of the Committee, the situation is so grave that even the Railway Safety Zones have not been spared from the menace of encroachment despite the Railway Board's instructions issued in August 2002. In fact, 26,108 encroachment cases were found in the Safety Zones located in 15 zones at the end of 2006-07. The collateral damage caused by the encroachment into the Railway land is highly visible as completion of many projects have been delayed resulting in cost overrun and loss of earning capacity to the Railways. The main cause of increase in these cases of encroachment was non-erection of boundary walls around the vacant railway land. There had been heavy and widespread shortfall in construction of boundary wall around railway land across 14 Railway Zones on account of shortage of funds, non-finalization of estimates, non-finalization of tenders, failures of contractors, non-availability of material etc. As regards, eviction of the encroachers, the Railways, being dependent upon the State Governments for law enforcing agencies like Police and Magistrates etc; have been facing difficulties in getting enough support from these quarters. Moreover, Courts also halt the eviction process in many cases. All these factors have put the Railways in a very precarious condition. In the Committee's analysis, the root cause of these cases of enroachment can be traced to lack of proper survey/verification of railway land, non-availability of proper land records, improper maintenance of land record registers and indifference to the malaise; fuelled by inactivity on the part of Section Engineers, RPF personnel and other Railway authorities in carrying out timely inspection, identification and prevention of the encroachment activities. The Committee, therefore, urge upon the Ministry of Railways to formulate a comprehensive action plan both for early removal of all these encroachments and prevention of fresh encroachments into any of the Railway land especially including those in the Safety Zones. A coordinated approach is required to be taken to elicit active participation and co-operation for other stakeholders like the State Governments, District Authorities, local police, judiciary etc. Simultaneously, Divisional Railway Manager should be made responsible for any fresh encroachment on Railway land in his Division.

21. In carrying out eviction and removal of encroachments from the Railway lands, the Estate Officers play a key role. Their authority and powers need to be strengthened through amendment in the law where necessary. The Committee find

that in 21,654 cases decided by the Estate Officers, orders to evict encroachers from the land were not implemented on various grounds. To ensure faster removal of encroachments from the Railways Land, more teeth need to be provided to the eviction order issued by the Estate Officers. The Committee, therefore, exhort the Ministry for providing adequate legal powers to the Estate Officers even to the extent of placing them at par with the Magistrates by making necessary amendments to the Public Premises (Eviction) Act, 1971. In this context, the Committee further observe that the Act has not yielded the desired results as can be gauged from the prevalence of as many as 45,551 pending encroachment cases across the Railway Zones during the year 2006-07 which further strengthens the need for amendment of the Act to provide more powers to the Estate Officers.

22. The Committee observe that about 1.13 lakh acres of Railway land, which is approximately 10 per cent of the total 10.68 lakh acres of land possessed by the Indian Railways is lying vacant. This vacant land has been kept for future expansion of Railway infrastructure in order to meet the demands of traffic growth in the Country. Till that happens, the Railways lease out the vacant land for several purposes such as Grow More Food Scheme, Pisciculture, Welfare Activities for Indian Railways Employees etc. These vacant lands are also licensed out for commercial use to - Oil Companies, Steel Yards, PSUs like Container Corporation of India, Indian Railway Catering and Tourism Corporation, Central Warehousing Corporation etc. In this connection, the Committee note that the Railways have not been able to derive maximum benefit due to certain problems and gray areas such as poor maintenance of records, failure to repossess the land after the expiry of the licensing period, under recovery of licence fee etc. Due to these constraints, the Indian Railways have failed to harness their vast land resources through quick and result oriented development. The Committee, therefore, desire that the Railways need to be proactive in this regard to earn more revenue from their vacant land by being more vigilant and strengthening their licensing system and the maintenance of proper records regarding area under licensing by keeping track of date of licensing, due date for taking back, quantum of land released by the licensee after the expiry of the licenses and the current status of the utilization of these lands etc. The Committee would like to be apprised of the details of the latest status in this regard.

23. The Committee in their examination find persistent delays in renewal/execution of the agreement regarding commercial licensing of land by the Indian Railways. To give details, licensing agreement was yet to be executed in the Indian Railways in respect of 14,905 cases out of 33,504 cases under licensing; there were delays in renewal/execution of license agreements ranging from 3 to 5 years in 90 cases and 5 to 10 years in 2,427 cases; there were delays beyond 10 years in 16,588 cases etc. Besides, in 42 cases, the license fee fixed was much lower than the current market value resulting in heavy loss of revenue. The Committee find that the Ministry have not so far initiated any concrete action for addressing these problems except for reiterating the Policy Circular for Commercial Licensing (issued *vide* Letter No. 2005/LML/1818 dated 12.02.2005 and 04.12.2009) which only emphasized that in future no leasing/licensing of land would be processed unless

the draft lease/license agreement submitted by the parties duly signed. The Committee observe that due to continuance of delay in renewal and execution of license agreements, the Railways have been losing huge sums of revenue. The Committee, therefore, recommend the Indian Railways to set a time line for executing/renewal in respect of the land commercially licensed and also to ensure that the license fee in respect of land licensed to the PSUs is pegged to the market value of land and recovery of the amount due is effected accordingly. For this, the Committee would like the Ministry to review the system of entering into license agreements with CONCOR, CWC, IRCTC so that any provision denying the Railways of the deserving revenue are identified and rectified at the earliest. The issues of under recovery and non-recovery of License fees, non-revision of license fee and the failure to execute agreements should be monitored regularly at the Board level. Further, the Committee desire that the Railways should ensure uniformity in the levy of other charges wherever applicable besides recovering outstanding charges from the defaulters.

24. With 1.13 lakh acres of vacant land, the Indian Railways planned to utilize its vacant land, wherever feasible, for setting up various infrastructure projects which include Rail coach and component factories, multi model logistic parks, auto hubs, cold storage & perishable cargo centres etc. These ventures are being taken up in order to generate additional revenue for the Railways. Further, the vacant land, which is not required for the Railways' operational needs in the near future, has been entrusted to the recently formed Rail Land Development Authority to undertake commercial developments. The Committee welcome these ventures and hope that these would help to finance some of the vital and capital intensive railway projects like Project Unigauge, track renewal, upgradation of signalling & telecommunication equipment and other sorts of infrastructure modernization and renovation activities aimed at enhancing railway safety and revenue generation which would require huge investment. While encouraging the Railways to explore all available options in this regard to optimize their revenue generation and operational needs, the Committee expect the Railways to be prudent enough to protect their long-term interests so as to prompt any of the licensees from taking undue advantage of possible loopholes in the lease deeds even to the extent of taking over of the ownership rights etc. The Committee, therefore, desire that the Ministry put in place certain safeguards provisions for early and efficient retrieval of the leased out/trespassed/encroached upon land.

NEW DELHI;  
 26 April, 2010  
 6 Vaisakha, 1932 (Saka)

GOPINATH MUNDE  
 Chairman,  
 Public Accounts Committee.

## APPENDIX I

MINUTES OF THE SECOND SITTING OF THE SUB-COMMITTEE-V OF THE PUBLIC ACCOUNTS COMMITTEE (2009-2010) ON NON-COMPLIANCE BY MINISTRIES/DEPARTMENTS IN TIMELY SUBMISSION OF REPLIES TO THE AUDIT PARAGRAPHS OF C & AG OF INDIA HELD ON 27TH NOVEMBER, 2009

The Sub-Committee-V of the Public Accounts Committee sat on Friday, the 27th November, 2009 from 1610 hrs. to 1800 hrs. in Room No. '139', Parliament House Annexe, New Delhi.

### PRESENT

Shri Ashwani Kumar — *Convenor*

### MEMBER

*Lok Sabha*

2. Shri Bhartruhari Mahtab
3. Shri Naveen Jindal

### SECRETARIAT

1. Shri Raj Shekhar Sharma — *Director*
2. Shri Sanjeev Sharma — *Deputy Secretary*

### **Representatives of the Office of the Comptroller and Auditor-General of India**

1. Ms. R. Rajalakshmi — Director General (Railways)
2. Shri P.K. Kataria — Pr. Director (Report Central)

### **Representatives of the Ministry of Railways (Railway Board)**

1. Shri S.S. Khurana — Chairman, Railway Board and Ex-Officio Principal Secretary to the Government of India
2. Ms. Sowmya Raghvan — Financial Commissioner, Railways & Ex-Officio Secretary to the Government of India
3. Shri Shri Prakash — Member Traffic, Railway Board & Ex-Officio Secretary to the Government of India
4. Shri Rakesh Chopra — Member Engineering, Railway Board & Ex-Officio Secretary to the Government of India
5. Shri Praveen Kumar — Member Mechanical, Railway Board & Ex-Officio Secretary to the Government of India

- |    |                   |   |   |
|----|-------------------|---|---|
| 6. | Shri Sudesh Kumar | — | Member Electrician, Railway Board & Ex-Officio Secretary to the Government of India |
| 7. | Shri A.K. Goyal   | — | Member Staff, Railway Board & Ex-Officio Secretary to the Government of India       |
| 8. | Shri Ranjit Sinha | — | Director General, Railway Protection Force  |

2. At the outset, the Convenor, Sub-Committee-V of the Public Accounts Committee, Hon'ble Ashwani Kumar welcomed the representatives of the Office of the C & AG of India to the sitting of the Sub-Committee. Thereafter, the Audit Officers and the Secretariat briefed the Sub-Committee on the various issues concerning the subject on “Non-Compliance by Ministries/Departments in timely submission of replies to the Audit Paragraphs of C & AG of India”.

3. The Convenor then informed the Members that the sitting has been convened for taking oral evidence of the representatives of the Ministry of Railways on the subject relating to “Non-Compliance by Ministries/Departments in timely submission of replies to the Audit Paragraphs of C & AG of India”. The Convenor also informed the Members that the meeting will proceed with a discussion on “**Disaster management in Indian Railways**” and “**Land Management in Indian Railways**” as contained in Chapter I & II of Audit Report No. PA 8 of 2008.

4. Thereafter, the representatives of the Ministry of Railways (Railway Board) were called in and the Convenor welcomed them to the sitting of the Sub-committee. The representatives then, briefed the Sub-Committee on the initiatives taken by their Ministry in timely submission of replies to the Audit paragraphs of C & AG. They also, *inter-alia*, threw light on the current status of pending paras in their Ministry. The representatives also explained on the various issues and concerns raised by the Sub-Committee. To certain queries, which the representatives of the Ministry could not give immediate clarification or explanation, the Sub-Committee directed the representatives to furnish written information/replies at the earliest with a view to timely finalisation of the Report on the subject.

5. The Convenor thanked the representatives of the Ministry of Railways (Railway Board) for appearing before the Sub-Committee and for furnishing information that the Sub-Committee desired in connection with the examination of the subject.

*The witnesses, then withdrew.*

A copy of the verbatim proceedings has been kept on record.

*The Sub-Committee then adjourned.*

## APPENDIX II

### MINUTES OF THE ELEVENTH SITTING OF THE PUBLIC ACCOUNTS COMMITTEE (2009-10) HELD ON 26TH APRIL, 2010

The Committee sat on Monday, the 26th April, 2010 from 1530 hrs. to 1650 hrs. in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

#### PRESENT

Shri Gopinath Munde — *Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Anandrao Vithoba Adsul
3. Shri Khagen Das
4. Shri Naveen Jindal
5. Shri Satpal Maharaj
6. Shri Bhartruhari Mahtab
7. Dr. K. Sambasiva Rao
8. Shri Yashwant Sinha
9. Shri Aruna Kumar Vundavalli

##### *Rajya Sabha*

10. Dr. K. Malaisamy
11. Shri N.K. Singh

#### SECRETARIAT

1. Shri Raj Shekhar Sharma — *Director*
2. Shri M.K. Madhusudhan — *Additional Director*
3. Shri D.R. Mohanty — *Under Secretary*

#### **Representatives of the office of the Comptroller and Auditor General of India**

1. Ms. Rekha Gupta, — Dy. CAG Central (RC)
2. Shri R.B. Sinha — Director General (Report Central)
3. Ms. Usha Sankar — Director General (Autonomous Bodies)
4. Shri Gautham Guha — Director General of Audit (Defence Services)
5. Shri P.K. Kataria — Pr. Director of Audit, Report Central (RC)
6. Shri K.R. Sriram — Pr. Director of Audit, Report Central (Economic & Services Ministries)

7. Shri R.G. Viswanathan	—	Pr. Director of Audit (Scientific Departments)
8. Shri C.M. Sane	—	Principal Director of Audit (Air Force & Navy)
9. Shri H.K. Dharmadhekari	—	Pr. Director (State Report Audit)
10. Shri Rajvir Singh	—	Accountant General (Audit), Delhi
11. Ms. Divya Malhotra	—	Pr. Director of Audit (Railways)

2. At the outset, the Chairman, PAC welcomed the Members of the Committee and the Audit Officers to the sitting of the Committee. The Chairman, then apprised the Committee that out of the eleven Draft Reports slated for consideration, eight have been finalized by Sub-Committee-V. Thereafter, the Committee took up the following Draft Reports for consideration and adoption:

- |        |   |      |      |      |
|--------|---|------|------|------|
| (i)    | ****  | **** | **** | **** |
| (ii)   | ****  | **** | **** | **** |
| (iii)  | ****  | **** | **** | **** |
| (iv)   | ****  | **** | **** | **** |
| (v)    | ****  | **** | **** | **** |
| (vi)   | Draft Report on <b>“Disaster Management and Land Management in Indian Railways”</b> (Ministry of Railways) based on Chapter I and Chapter II respectively of C&AG Report No. 8 of 2008; |      |      |      |
| (vii)  | ****  | **** | **** | **** |
| (viii) | ****  | **** | **** | **** |
| (ix)   | ****  | **** | **** | **** |
| (x)    | ****  | **** | **** | **** |
| (xi)   | ****  | **** | **** | **** |

3. After some deliberations, the Committee adopted the above mentioned Draft Reports with some modifications and authorized the Chairman to finalise these Reports in light of the suggestions made by the Members and the consequential changes arising out of the factual verification by the Audit and present the same to Parliament.

4. The Chairman thanked the Members for their cooperation and active participation in the Committee's deliberations. He also thanked the PAC Secretariat and the Audit Officers for the assistance rendered to the Committee in the examination of the subject and finalization of the Reports.

5. The Members of the Committee thanked the Chairman for his guidance in the smooth conduct of the meetings of the Committee.

*The Committee then adjourned.*

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\*\*\*\* Matters not related to this Report.

GMGIPMRND—2512LS—06.07.2010.