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# COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

## TENTH REPORT



*(Presented to Lok Sabha on 30.8.2001)*

**LOK SABHA SECRETARIAT  
NEW DELHI**

*August, 2001/Bhadrapada, 1923 (Saka)*

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## COMPOSITION OF COMMITTEE ON PETITIONS

Shri Basudeb Acharia — *Chairman*

### MEMBERS

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3. Shri Ramakant Angle
4. Shri S. Bangarappa
5. Shri Manibhai Ramjibhai Chaudhri
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3. Shri J.S. Chauhan — *Under Secretary*
4. Smt. Neera Singh — *Assistant Director*

**TENTH REPORT OF THE COMMITTEE ON PETITIONS**  
**(Thirteenth Lok Sabha)**

**INTRODUCTION**

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

- (i) Petition requesting to make necessary amendments in the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 for exemption of compulsory deposit of Provident Fund amount with retrospective effect for the workers of Bankura Bidi Shilpi Cooperative Society Limited.
- (ii) Petition regarding construction of a new Railway Station at Nahur between Bhandup and Mulund Railway Stations in Mumbai.
- (iii) Action Taken by Government on the recommendations of the Committee on Petitions contained in their Seventh Report (Thirteenth Lok Sabha) on the representation regarding resumption of Railway Service at Ahamadpur-Katwa Section.

2. The Committee considered and adopted the draft Tenth Report at their sitting held on 28 August, 2001.

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

NEW DELHI;  
28 August, 2001  
6 Bhadrapada, 1923 (Saka)

BASUDEB ACHARIA,  
*Chairman,*  
*Committee on Petitions.*

## CHAPTER I

### PETITION REQUESTING TO MAKE NECESSARY AMENDMENTS IN THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952 FOR EXEMPTION OF COMPULSORY DEPOSIT OF PROVIDENT FUND AMOUNT WITH RETROSPECTIVE EFFECT FOR THE WORKERS OF BANKURA BIDI SHILPI CO-OPERATIVE SOCIETY LIMITED.

On 3rd June, 1998 Shri Basudeb Acharia, M.P. presented to Lok Sabha a petition signed by Shri Kankar Posak and others of Bankura Bidi Shilpi Co-operative Society Limited, Rabindra Sarani, Bankura requesting to make necessary amendment in the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 for exemption of compulsory deposit of provident fund amount with retrospective effect for the workers of Bankura Bidi Shilpi Co-operative Society Limited. A copy of the petition is enclosed at Appendix I.

1.2 The petitioners in their petition submitted *inter-alia* the following points:—

- (i) The workers of the Bankura Bidi Shilpi Co-operative had formed a Co-operative Society in the year 1956 and they were the owners of the co-operative society;
- (ii) The Hon'ble Supreme Court of India had passed a Judgement in regard to compulsory contribution of provident fund from employees of Bidi Workers with retrospective effect;
- (iii) The Provident Fund Commissioner, Kolkata Region had ordered to deposit the provident fund amount with retrospective effect. The total amount of provident fund was Rs. 14,75,316.45 for the period June, 1977 to November, 1988;
- (iv) The total working capital of the Society was Rs. 1,41,29,1.30 and Building was Rs. 6,06,781.33 and the total outstanding dues were Rs. 20,00,000.00. As such, the Society was not in a position to clear the outstanding amount.

1.3 The petitioners contended that the Bidi workers themselves were the members of the Co-operative Society and they should be exempted from compulsory deposit of provident fund amount. The petitioners, therefore, prayed that necessary amendment in the provisions of Employees Provident Funds and Miscellaneous Provisions Act, 1952 be made for exemption from compulsory deposit of provident fund to the Bidi Workers Co-operative Societies.

1.4 The petition was referred to the Ministry of Labour on 4 June, 1998 for furnishing their comments on the points raised in the petition. In response, the Ministry *vide* their communication dated 17 July, 1998 stated as follows:—

"The Employees' Provident Fund and Miscellaneous Provisions Act, 1952 applies to factories/establishments employing 20 or more persons. Accordingly the bidi establishments employing 20 or more persons were covered under the Act.

The Bankura Bidi Shilpi Co-operative Society was covered under the EPF and MP Act *w.e.f.* 31.05.1977. The establishment had failed to comply with the provisions of the Act. Therefore, 7A proceedings were initiated and an amount of Rs. 14,09,698.15 was assessed on 05.12.1988 for the period from June, 1977 to September, 1988. There are about 320 employees in the establishment. Again an amount of Rs. 65,618.30 was assessed on 30.04.89 for the period from October, 1988 to November, 1988 under Section 7A. The establishment did not deposit the assessed amount and approached Regional Provident Fund Commissioner, West Bengal for waiver of the dues. However, the establishment reported compliance and deposited the dues for the period December, 1988 to August, 1989 and submitted all the returns. Thereafter the establishment submitted several representations to Central/State Government authorities representing that the amount demanded may not be insisted upon as they have no capacity to make payment. Meanwhile, the Society filed a writ petition before Hon'ble High Court of Kolkata challenging the order determining the dues for the period June, 1977 to November, 1988. The Hon'ble Court disposed of the petition by an order dated 8.7.1991. The Regional Provident Fund Commissioner was directed to decide the issue of applicability of the Act to the establishment after giving opportunity of personal hearing and not to insist on payment of dues from the petitioner till the disputes regarding applicability were decided. In pursuance of the order of Hon'ble Court, proceedings under Section 7A for deciding the question of applicability of the Act were initiated and it was finally decided on 17.4.1996 upholding coverage of the establishment from 31st May, 1977. The establishment had again filed a writ petition before the Hon'ble High Court, Calcutta in 1996 challenging coverage of the establishment. The case was still pending in the High Court.

The request of the applicant that the Bidi workers of the Society were themselves members of Co-operative Society and hence the Society should be exempted from the Provident Fund was not sound in view of the following reasons:—

- (i) The Society had a separate legal entity and as such the Society was the owner irrespective of the fact that bidi workers themselves were members of the Society;
- (ii) The fact as to whether Society was an "establishment" coverable under the Act was arrived at with reference to the industry in which, it was engaged, with or without the aid of power and the number of employees employed by Society and wages/salaries/remuneration paid to them irrespective of whether they were members of Society or third parties. This being so, the Act was correctly applied to the society and the establishment did not warrant any exclusion from the purview of the Act;

- (iii) As far as the work was concerned, there appears to be master and servant relationship between the Society and its workers even if the worker had dual capacity of member also. The Act applied to the employees who were employed for wages in any kind of work in or in connection with the work of an establishment and who gets wages directly or indirectly from the employer and includes any person employed by or through a contractor in connection with the work of the establishment;
- (iv) It was a well known and accepted fact in bidi industry, that most of workers were 'home workers'. They may or may not be members of society. These home workers or 'Contractor's workers' working in or in connection with the work of the establishment fall within the definition of "employees" under Employee's Provident Funds and Miscellaneous Provision Act, 1952. Exclusion of the society from the purview of the Act would be against the interest of the workers and result in deprivation of social security benefits to them; and
- v) The Society was also not entitled to exemption by appropriate Government under Section 17(1) of the Act as the employees were not in enjoyment of provident fund and other benefits which on the whole were not less favourable to the employees than the benefits provided under the Act or scheme".

1.5 After perusing the comments furnished by the Ministry, the Committee undertook on-the-spot study visit to Kolkata on 31 October, 1998 to gather first hand information. The Committee held discussions with the petitioners who were the representatives of Bankura Bidi Shilpi Co-operative Society and the concerned Provident Fund Commissioners in Kolkata on the issue.

The Committee were informed by the petitioners that their Co-operative Society was originally established before independence but it went into liquidation due to uneven competition with private owners. This society was re-established in the year 1950. Due to lack of capital the society was facing tremendous competition and heavy loss especially in the event of the imposition of Central Excise Duty. Consequently, the losses of the society were increasing every year and the workers had to compensate for the loss by deduction of compulsory donation from their wages. The workers wanted to be exempted from paying the arrears of Provident Fund. However, the workers, had no objection to pay the contributions for Provident Fund prospectively but wanted waiver of only the arrear amount.

On the petition, the Regional Provident Fund Commissioner stated that the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 provides for contributory Provident Fund, Pension and Deposit linked Insurance benefits to the workers under the Act. The main objective of the scheme was to provide social security to the workers and to inculcate among the workers a spirit of savings during their gainful employment. The Employees' Provident Fund Organisation has been vested with the responsibility of implementing the Act and the scheme framed thereunder. The Regional Office at Kolkata of the EPF Organisation provides service

to 22,35,344 workers engaged in 16,533 establishments. The West Bengal Region during the year 1977—98 settled 1,22,340 claims.

The Regional Provident Fund Commissioner further stated that the Bankura Bidi Shilpi Co-operative Society engaged 325 workers and it thus satisfied the conditions laid down under Section 1 (3) and Section 16 of the aforesaid Act. The Supreme Court had upheld the applicability of the Act to the Bidi establishments. The by-laws of the society specifically provided for payment of Provident Fund contribution. Exclusion/exemption of the society from the purview of the Act would deprive the workers of social security benefits.

1.6 Subsequently, the Additional Central Provident Fund Commissioner, Employees, Provident Fund Organisation (Ministry of Labour) *vide* his letter No. 17(5)97/E.I/WB/80442 dated 2.12.1998 furnished further comments in connection with the discussion held on 31.10.1998 with the Committee which *inter-alia* stated as under:—

"There was no provision for waiver of provident fund dues except the employees contribution for the pre-discovery period not recovered from their wages. It is found that there is no provision at present to waive the past dues payable by the establishment except the employees share of contribution for the pre-discovery period not recovered from their wages by the establishment.

There is no representation from any other establishment under Bidi industry run by a Co-operative Society praying for total exclusion from the provision of the employees; Provident Funds & Miscellaneous Provisions Act, 1952 as per available information."

1.7 The Chairman, Committee on Petitions, thereafter, directed to ascertain the position in this regard from Ministry of Labour. Accordingly the Ministry of Labour was requested *vide* this Secretariat O.M. dated 22 February, 1999 to furnish further information in the matter.

1.8 However, consequent, on dissolution of 12th Lok Sabha on 26 April, 1999 as per article 85 of the Constitution the matter lapsed.

1.9 On the request of the petitioner *vide* his letter dated 29 March 2000, the case was reopened in the present Lok Sabha.

1.10 The Ministry of Labour who were again requested to furnish the requisite information submitted *vide* their O.M. dated 17 October, 2000 their comments as follows:—.

"The matter has been considered in consultation with the EPF Organisation. The requisite information is as under:—

- |  |      |
|--|------|
| (i) Number of bidi manufacturing units in Co-operative Sector run and owned by workers | — 28 |
| (ii) Number of such bidi co-operative societies covered under the Act.                 | — 28 |



- (iii) It is not considered desirable to carry out amendment in EPF & MP Act so as to exclude Bidi Co-operative Societies from purview of the Act due to the following reasons:—
- (a) The EPF & MP Act provides for certain old age benefits in the form of Provident Fund, Pension, Family Pension and Deposit Linked Insurance. These are the minimum social security benefits needed by every wage earner. The workers in the bidi industry in most cases are "home workers" or "contract workers". These workers are unorganized and employed in hazardous employments. Therefore, they are in greater need of social security benefits provided under the EPF & MP Act. Under the Act, there is a provision for payment of Family Pension to the widow and children if the worker dies after making contribution to the fund just for one month. The suggestion to exclude bidi establishments run by co-operative societies from purview of the EPF & MP Act if accepted, would result in denial of family pension and insurance benefits to the family which has lost its bread-winner.
  - (b) The question of applicability of the EPF & MP Act in co-operative section handloom Papad making units etc. has been examined and also upheld by High Courts. The suggestion for exclusion of co-operative establishments from purview of the EPF & MP Act will have an effect of negating the judicial pronouncements in this regard.
  - (c) There is a demand for increasing coverage of the PF related schemes in organised as well as in unorganised sectors including bidi industry so as to achieve the ultimate objective of universal coverage in due course.
  - (d) The demand for exemption of bidi co-operative establishments if accepted, will have serious repercussions on other similar categories of establishments which are presently complying with the EPF & MP Act."

1.11. The Committee took oral evidence of the representatives of the Ministry of Labour on 31 May, 2001. During the course of evidence, the Committee pointed out to the witnesses that the main contention in the petition was that this co-operative society should not be treated at par with other bidi industries because here the workers were the owners of the Society. To this, Secretary, Ministry of Labour explained as under:—

"In 1987 the Supreme Court upheld the inclusion of bidi sector under this Act..... The Supreme Court did not go into this question whether the cooperative society in which workers are also owners whether Employees' Provident Fund would be applicable to them or not. This is not the point on which the Supreme Court applied itself. They went into the question whether the bidi industry and the way it is structured and the way home based workers are required to roll bidis the employer-employee relationship gets established or not. And whether it can be brought within the purview of this act. On that the Supreme Court has made it very clear that there are certain circumstances associated with the rolling of bidi and the way in

which it is purchased, the employer-employee relationship gets constituted. Therefore, there was no reason that it cannot be brought within the ambit of this Act."

1.12 When the Committee pointed out that the petitioners had desired exemption from payment of arrears of the share of Provident Fund from 1977 to 1987 and now the society was paying its up-to-date Provident fund dues; the secretary, Ministry of Labour stated as under:—

"I am told by my colleagues here that there are some precedents where the employees' share has been exempted. The organisation, for some reason, had not collected the Provident Fund arrears from their wage bill also. So, after a long lapse of time, when the matter was being decided by the court, they took a lenient view and said that seeing the hardship faced by the employees, they exempted the employees' share. The point is that the money would be deducted from the wage bill. But I have not heard of any exemption being given regarding the employers' share. The Central Provident Fund Commission is also telling me that there are precedents based on the decision of the Supreme Court that the employees' share can be waived as far arrears are concerned. But there are no precedents regarding employer's share. If that were to be invoked, perhaps it would set a very bad example. A lot of employers in the country, who have not paid the PF arrears, would take advantage of it."

1.13 In a subsequent written communication, the Ministry of Labour stated that once the establishment is excluded from the purview of the Act, there will not be any legal compulsion on the part of the employer to provide for Provident Fund benefits, pensionary benefits to the members and the widow and children in the event of the death of a member nor any insurance benefit as is provided under the Employees' Deposit Linked Insurance Scheme framed during the EPF & MP Act.

1.14. When the Committee desired to know the amount of Provident Fund arrears expected to be paid by the Bankura Bidi Shilpi Society from both the employer and employee, the representative of the Ministry of Labour stated as under:—

"As per the information available at present, their wage is running to about Rs. 5 lakh in a year. Twenty per cent is the Provident Fund contribution or the rate applicable for the bidi industry. It will come to roughly Rs. 1 lakh per year. It will be in the range of Rs. 9,000 to Rs. 10,000/- per month as the share of both the employer and the employee."

On a query regarding the total amount now payable by the Society towards EPF, the Ministry of Labour stated in a written reply:—

"For the period subsequent to November, 1988, no amount has yet been assessed because the said Society has filed a writ petition No. 6375 of 1991 before the Hon'ble High Court at Calcutta. Subsequently, on disposal of the said writ petition, another writ petition No. 11956 of 1996 has been filed by the establishment which is still pending before the High Court."

1.15. On the financial position of the Bankura Bidi Shilpi Society, the Secretary, Ministry of Labour stated during evidence:—

“Whatever information we have got, it is not running in profit, it will become even worse if they are to pay arrears. We appreciate the grassroot situation.”

On the question of the financial position of the similar bidi manufacturing *vis-a-vis* the financial position of Bankura Bidi Shilpi Society, the Ministry of Labour in a subsequent written communication informed that there are 4,625 establishments in the bidi industry in the country with a total membership of 1906787. The financial position in respect of all such establishments is not available. However, the statutory provision of the welfare legislation will be uniformly applicable to all establishments covered under the EPF & MP Act, 1952 irrespective of their financial position.

1.16. On being asked whether the Bankura Bidi Shilpi Society was making regular payments after 1987, the Secretary, Ministry of Labour stated during evidence:—

“For a small period of time, they paid it... They are not making even the currently payment. Our information is that even the current payments are also not being made they have taken the matter to the High Court of Kolkata. So, they are not paying any amount at the moment.”

On being insisted by the Committee that exemption from payment of the arrear amount of Provident Fund contribution should be allowed to this society, as it is a co-operative society which belonged to the bidi workers who themselves were the owners, the Secretary, Ministry of Labour assured as under:—

“We will have to examine the legal implications. Suppose a category is constituted where there is a cooperative society of workers. For some genuine or bona fide reason, the employer's share has not been given. In this context, we have to examine whether exemption can be given by some method. We will explore that possibility.”

#### Observations/Recommendations

1.17. The Committee note that the Employees' Provident Funds and Miscellaneous Provision Act, 1952 (EPF & MP Act, 1952) applies to factories/ establishments employing 20 or more persons. The act was extended to beedi establishments in 1977. The Bankura Bidi Shilpi Co-operative Society has been covered under the aforesaid Act w.e.f. 1.6.1977. However, the Ministry of Labour have informed that this establishment had failed to comply with the provision of the Act as it had not paid the assessed amount of about Rs. 14.75 lakhs towards Employees' Provident Fund for the period June, 1977 to November, 1988. But the establishment reported compliance to the Act and deposited the dues for the period December, 1988 to August, 1989.

1.18. One of the main demands of the petitioners is that the arrear amount of Provident Fund for the period June, 1977 to November, 1988 which is equivalent to Rs. 14,75,316.45 and liable to be paid by the Bankura Bidi Shilpi Society with retrospective effect should be waived by the Employees Provident Fund Organisation and Ministry of Labour. According to the petitioners, the total

working capital of this society is Rs. 1,41,29,1.30 and 'Building' is worth Rs. 6,06781.33 and it has total outstanding dues amounting to Rs. 20 lakhs. This society is facing tremendous competition and heavy loss especially in the event of the imposition of central excise duty on beedi industry. Hence, the society is not in a position to pay the arrear amount of the provident fund of Rs. 14,75,316.45 for the period June, 1977 to November 1988. The beedi workers, themselves are the members of the co-operative society and they should be exempted from compulsory deposit of provident fund amount.

1.19. According to the Ministry of Labour there is no provision at present for the waiver of provident fund dues payable by the Bankura Bidi Shilpi society except the employees' contribution for the pre-discovery period not recovered from the wages of the workers. There are 4,625 similar establishments in the beedi industry in the country with a total membership of 1906787. The statutory provision of the welfare legislation is uniformly applicable to all establishments covered under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 irrespective of their financial position.

1.20 The Committee do not disagree that the workers in the beedi industry are also in need for social security benefits provided under the EPF & MP Act, 1952. It is true that if the Society does not deposit the arrears, the workers themselves will get lesser benefits in the long run. But on the other hand if the Society is compelled to deposit the arrears, the Society itself may not be able to survive. They would like to point out that the Bankura Bidi Shilpi Co-operative Society is owned by the workers themselves. Therefore, it should not be treated at par with other bidi industries. The Committee, therefore, recommend that, as assured to them, the feasibility of exempting the Bankura Bidi Shilpi Society from payment of arrears towards EPF for the period 1977 to 1987 should be seriously explored by Government. However, the dues from the date of the Supreme Court judgement may be recovered from the Society in suitable instalments.

## CHAPTER II

### PETITION REGARDING CONSTRUCTION OF A NEW RAILWAY STATION AT NAHUR BETWEEN BHANDUP AND MULUND RAILWAY STATIONS IN MUMBAI

2.1 On 25 August, 2000 Shri Kirit Somaiya, M.P. presented to Lok Sabha a petition signed by Shri Madhu Kotian and others of 4/20 Vaikunth Co-operative Society, Nahur, Mumbai regarding construction of a new railway station at Nahur between Bhandup and Mulund railway stations in Mumbai (See Appendix II)

2.2. The petitioners in their petition submitted that they were the residents of Nahur village, which had considerably developed during the last 10 years. It comprised of Goregaon-Mulund Link Road, Sarvodaya Nagar, Bhandup Village, Amar Nagar, Ashok Nagar and Khindipada which were populated by about 25,000 people. Moreover, the construction of Mulund-Airoli bridge had brought the entire area of Airoli very near to Nahur (East) on the Central Railway Line. The commuters from all these areas had to use either Mulund or Bhandup railway stations for travelling either way between Chatrapati Shivaji Terminus and Kalyan. The distance to these stations being more than four kilometers, these commuters found it rather inconvenient and difficult to walk up and down and then to catch a local train to reach their destinations.

According to the petitioners the distance between Mulund and Bhandup stations was 4.5 kilometres as against the normal distance of one to three kilometers between any two local stations. Approximately one lac commuters travelled daily through Mulund railway station. Out of these about 25,000 commuters came from Nahur Village and surrounding areas. If a new station at Nahur was constructed, it would, on the one hand relieve the commuters from these areas of their hardships and on the other hand it would reduce the pressure at the Mulund railway station.

2.3. The petitioners, therefore, prayed to urge upon the Ministry of Railways to take an early decision to construct a railway station at Nahur.

2.4. The petition was referred to the Ministry of Railways (Railway Board) for furnishing their comments on the various points raised in the petition. In response, the Ministry of Railway (Railway Board) *vide* their communication dated 15 September, 2000 submitted as follows:

“The proposal for provision of a halt station at Nahur between Bhandup and Mulund stations has been examined and it is observed that this halt would be situated at a distance of just 2.24 kms. and 1.76 kms. from the adjacent Bhandup and Mulund Stations respectively. Opening of a new station at such close proximity would result in reduction in speeds of suburban trains on account of deceleration, acceleration and halting time.

Therefore, it is operationally not justified. The consequent impact on sectional capacity would militate against the scope for provision of additional suburban services which will be against the interest of the commuters of that area. The proposal has also not been found financially justified. In the circumstances and considering the severe resource constraints being faced by the Railway it is not feasible to agree to the proposal."

2.5. After perusing the comments furnished by the Ministry, the Committee took oral evidence of the representatives of the Ministry of Railways (Railway Board) on 8 November, 2000. Giving the background of the case, the Member Traffic, Railway Board stated as follows:-

"We have examined this proposal a number of times. The reason we have not agreed to this proposal is that it is located between Bhandup and Mulund Railway Stations. The proposed station is only 2.34 km in one direction and 1.76 km in the second direction. The present running time of suburban trains is five minutes. If any halt is given in between, then it will take seven minutes. The signals that we have provided on the slow corridors enable us to have three minutes frequency. If we increase the running time of any two stations, this three minutes reduces and as a result of that it has a multiplying effect. The net result of any increase in the running time of any section leads to cancellation of the last seven or eight trains. Our attempt is to see that we speed up this time. This is the technology that exists to reduce this headway gradually by higher speeds of the trains. We are also providing 5th and 6th corridors in this segment and if we have to provide a halt station, then remodeling of the station would be required. On account of operational considerations, on account of signaling aspects and also on account of engineering difficulties, we have not agreed to this proposal."

He added:—

I would like to bring to your kind notice the larger point and that is the population in the country is increasing. The new habitations are coming up all along the corridors. So in view of the increase in population, people want a halt station in this area. This can be an unending process. As population in suburban areas grows and as urbanisation grows there is no limit to the extent to which we shall require to have more and more stoppages. This is basically the reason why we are not agreeing to this because as it is, whatever number of trains we are running, they are running so badly packed up that if we have to reduce the number of trains on any account, then it will be counter-productive. These, by and large, are the reasons why we have not been agreeing to this."

2.6. When the Committee desired to know as to what extent the bridge between Mulund and Airoli had brought Airoli near to Nahur (East), the member (Traffic), Ministry of Railways (Railway Board) stated that as long as the speed of the train was concerned, it was the same, the bridge would not make any difference and that it did not make any impact as far as the running time was concerned.

2.7 In a subsequent written note dated 1.6.2001, the Ministry of Railways (Railway Board) stated that Airoli is already a station on Thane-Turbh rail line which is at present open for goods traffic and it is proposed for passenger traffic whenever decided by Centre for Industrial Development Corporation (CIDCO). The distance between Mulund and Airoli is about 6 kms. and from Nahur it would be about 8 kms.

2.8 When the Committee asked whether the Ministry had conducted any study of the average distance between stations in the suburban areas in India particularly in Mumbai, the witness stated:—

“In India the average distance is three kms. in Western and Central Railways. The Mumbai suburban also it is 3.41 kms. between Churchgate and Dahamu Road. There are 36 stations.”

2.9 Subsequently, in their written note, the Ministry of Railways (Railway Board) informed that the average distance between two local stations between Chattrapati Shivaji Terminus Mumbai (CSTM) and Mulund is 1.83 km. The inter-distance between station from CSTM to Thane is less than 4 kms. except Bhandup and Mulund which is 4 kms. The average distance between the local stations on Churchgate-Dahisar section is 1.65 kms.

2.10 As regards the actual distance between all suburban railway stations from CSTM to Thane, the Ministry of Railways (Railway Board) furnished the following position in their written note:—

Station	Distance from CSTM (Kms)	Station to station distance (Kms)
CSTM		
Masjid	1.22	1.22
Sandhurst Road	2.08	0.86
Byculla	4.04	1.96
Chinchpokli	5.33	1.29
Currey Road	6.07	0.74
Parel	7.65	1.58
Dadar	8.85	1.20
Matunga	10.12	1.27
Sion	12.71	2.59
Kurla	15.39	2.68
Vidhya Vihar	17.80	2.41
Ghatkopar	19.30	1.50
Vikhroli	22.85	3.55
Kanjur Marg	24.94	2.09
Bhandup	26.56	1.62
Mulund	30.56	4.00
Thane	33.02	2.46

2.11 On the question of scope of the diversion of passenger traffic from Bhandup and Mulund suburban railway Station on setting up the Nahur Station, the Ministry of Railways (Railway Board) in their written note stated that at present, the daily average number of passengers using Bhandup and Mulund Station is 1.06 lakhs and 1.41 lakhs, respectively. The population of people of these areas who have to use either Bhandup or Mulund Stations is about 2.25 lakhs. It is not possible to assess the diversion of passenger traffic, if any, as no data is available.

2.12 When the Committee desired to know about a survey being done to assess the needs of the suburban railway system of Mumbai, the witness stated:—

“We are doing this exercise in every Five Year Plan. The traffic growth is projected in that. We take into account the number of trains we have introduced and the additional stations etc.”

2.13 On a specific query regarding the details of any survey which has been carried out regarding traffic growth in suburban railways in Mumbai and introduction of additional Station during the last ten years, the Ministry of Railways (Railway Board) in their written note informed that no survey had been carried out. However, 14 new stations had been constructed during the last 10 years. Most of these new Stations were due to extension of rail links.

#### OBSERVATIONS/RECOMMENDATIONS

2.14 One of the main contentions of the petitioners is that the residents of Nahur area in Mumbai (Maharashtra) including Goregaon-Mulund Link Road, Sarvodaya Nagar, Bhandup Village, Amar Nagar, Ashok Nagar and Khindipada are facing inconvenience in catching the local suburban trains as the commuters from all these areas have to use Mulund or Bhandup railway stations for travelling between Chhatrapati Shivaji Terminus Mumbai (CSTM) and Kalyan. The distance between Mulund and Bhandup railway station is around 4 kms. and the commuters find it difficult to walk up and down so as to catch a local suburban train. By the construction of a new railway station at Nahur which is between Mulund and Bhandup, the commuters from these areas would be relieved of their hardships. Moreover, the construction of Mulund-Airoli bridge has brought the entire area of Airoli very near to Nahur (East) on the Central Railway line. Therefore, the passenger traffic pressure at Mulund railway station could be reduced upon the construction of Nahur railway halt station.

2.15 According to the Ministry of Railways (Railway Board) a halt station at Nahur if constructed, would be situated at a distance of 2.24 kms. and 1.76 kms. from the adjacent Bhandup and Mulund Stations respectively. The opening of a new Station in Nahur at such close proximity with its adjacent Stations would result in reduction in speeds of suburban trains on account of deceleration, acceleration and halting time. The consequent impact on sectional capacity would militate against the scope of additional suburban services which will be against the interest of the commuters of Nahur and adjacent areas in Mumbai. However, the Committee do not agree with the contention of the Ministry. They would like to point out that the inter-distance between all stations from Chhatrapati



Shivaji Terminus to Thane is less than 4 km. except between Bhandup and Mulund which is 4km. In fact the average distance between two local stations between CSTM and Mulund is 1.83 km. At a couple of places the distance between two stations is less than even one kilometer. Moreover, 14 new stations have been constructed during the last 10 years without any survey being carried out.

2.16 The Committee are, therefore, of the firm view that there is need for construction of a new station at Nahur between Bhandup and Mulund stations. This would not only benefit the commuters from Nahur, Bhandup, Mulund and adjacent areas but would also benefit the entire area of Airoli with the construction of Mulund-Airoli bridge. Besides, it would also ease pressure on Bhandup and Mulund railway stations. The Committee, therefore, recommend that the provision of a halt station at Nahur between Bhandup and Mulund Stations may be examined afresh and a new railway station constructed at Nahur for the convenience of people residing in this area of Mumbai.

### CHAPTER III

#### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR SEVENTH REPORT (THIRTEENTH LOK SABHA) ON THE REPRESENTATION REGARDING RESUMPTION OF RAILWAY SERVICE AT AHAMADPUR-KATWA SECTION.

3.1 The Committee on Petitions in their Seventh Report (Thirteenth Lok Sabha) presented to Lok Sabha on 23 March, 2001 had dealt with a representation regarding resumption of railway service at Ahamadpur-Katwa section of Eastern Railway.

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

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

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

3.5 In paragraph 3.17 of the Report, the Committee recommended as follows:—

“The Committee deeply regret to observe that the train service on the Ahamadpur-Katwa Section of Eastern Railway which were discontinued in September, 2000 due to breaches in track have not been resumed so far. In fact the damaged track itself has not been repaired. Although the Ahamadpur-Katwa line belongs to a private company viz. Ahamadpur-Katwa Railway Company Ltd., the Committee wish to point out that it was being operated by the Indian Railways under an agreement entered into with the private company in 1967. The Railways cannot, therefore, abdicate their moral and social responsibility towards the commuters to get the track repaired. The Committee, are, however, happy to note that after their suggestion, a decision has been taken that the expenditure (about Rs. 10 lakhs) would be immediately met by Eastern Railway who would recover the same from the company owning the Railway line in due course. They desire that the work should now be taken up without any further delay under intimation to the Committee and it should be completed in a time bound manner. As assured to the Committee, the facilities at the Labpur Station should also be improved and the station should be upgraded.”

3.6 In their action taken note, the Ministry of Railways (Railway Board) have stated that *vide* the Ministry of Railways letter No. 2001/CE/1/BR-1/02 dated 12.4.2001, the General Manager, Eastern Railway was authorized to spend Rs. 8.3 lakh (Rupees eight lakh thirty thousand only) for restoration of Ahamadpur-Katwa Narrow Gauge section damaged due to floods in Sept., 2000 pending its realisation from M/s. Ahamadpur-Katwa Railway Co. Ltd. The restoration work has since been

completed and train services have started from 01.06.2001. As assured to the Committee, with a view to provide upgraded passenger amenities at the station, Labpur Station has been selected for development as one of the model stations.

### **Observations/Recommendations**

**3.7** The Committee note with satisfaction that with their intervention the restoration work of the Ahamadpur-Katwa narrow gauge section which was damaged due to floods in September, 2000 has been completed and the train services have started on this section from 1.6.2001 onwards.

**3.8** The Committee express their happiness over the fact that with a view to provide upgraded passenger amenities at Labpur Station, the station has been selected for development as one of the model stations. The Committee desire that the development work at Labpur Station should be completed within a specific time frame.

**3.9** In paragraph 3.18 of their Seventh Report, the Committee observed as follows:—

“The Committee have been informed that the Reconnaissance Engineering-cum-Traffic Survey for gauge conversion of Burddhaman-Katwa narrow gauge line into broad gauge has been completed recently and the cost involved for the conversion has been estimated to be Rs. 111.18 cr. They do not, however, agree with the Government's contention that there is no operational need for gauge conversion of this section as two routes are already available between North Bengal and South Bengal. The Committee urge that the gauge conversion of Burddhaman-Katwa should also be taken up with a view to provide an alternative corridor. They also desire that the feasibility of converting the Ahamadpur-Katwa narrow gauge line into broad gauge should also be examined and work executed.”

**3.10** In their action taken note, the Ministry of Railways (Railway Board) have stated that a Reconnaissance Engg.-cum-Traffic Survey for gauge conversion of Burddhaman-Katwa narrow gauge rail line into broad gauge line has been completed recently. The results of the survey have revealed that the cost of conversion of this 51.52 km. long line would be Rs. 111.88 cr. with a negative rate of return. The survey report is presently under examination in consultation with the Zonal Railway. Further consideration of the project would be possible once the results of the survey are finalised.

The Ministry of Railways (Railway Board) have further stated that Ahamadpur-Katwa is a privately owned Railway line which is being operated by Eastern Railway in terms of a contract entered into with the owning company. The question of conversion of this into broad gauge can, therefore, be considered only after the line is taken over by the Government. The option to purchase this line becomes available to the Government every ten years and the option next falls due for exercise in 2008.

### Observations/Recommendations

3.11. The Committee regret to note that the survey report in respect of gauge conversion of Burddhaman-Katwa narrow gauge line into broad gauge is still under examination. The Committee desire that the results of the survey should be finalised expeditiously and the conversion work of the Burddhaman-Katwa narrow gauge rail line into broad gauge should be taken up without any further delay to provide an alternative corridor. The Committee may also be apprised of the progress in this regard.

3.12. On the question of converting the Ahamadpur-Katwa narrow gauge line into broad gauge, the Committee have been informed that since this line is owned by a private company viz. Ahamadpur-Katwa Railway Co. Ltd., the conversion of this rail line could be considered only after it is taken over by the Government. The option to purchase this rail line becomes available to the Government only in the year 2008. The Committee desire that Government should explore the feasibility of conversion of the Ahamadpur-Katwa narrow gauge line into broad gauge soon, may be initially on cost sharing basis with the private company and later recovering its share. The Committee also recommend that appropriate steps may be taken for the purchase of this rail line by Government even before the option to purchase becomes due.

NEW DELHI;  
28 August, 2001  

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6 Bhadrapada, 1923 (Saka)

BASUDEB ACHARIA,  
Chairman,  
Committee on Petitions.

**LOK SABHA**  
**PETITION NO. 1**

[Presented to Lok Sabha on 3.6.98]

To

Lok Sabha,  
New Delhi.

The humble petition of Shri Kinkar Posak, Bankura Bidi Shilpi Co-operative Society Limited, Rabindra Sarani, Bankura and others.

**SHEWETH**

We the undersigned members and workers of Bankura Bidi Shilpi Co-operative Society Ltd., beg to submit following few points for kind consideration of Petition Committee, Lok Sabha.

The workers of above mentioned co-operative have formed co-operative society in the year 1956 and workers are owners of the co-operative society.

The Hon'ble Supreme Court of India has passed Judgement in regard to compulsory contribution of provident fund from employees of Bidi Workers in retrospective effect.

The Provident Fund Commissioners, Calcutta Region has ordered to deposit the provident fund amount with retrospective effect. Total amount is Rupees 14,75,316.45 on June 1977 to November 1988.

The total working capital of the society is Rs. 1,41,291.30 and Building Rupees 6,06,781.33 and the total outstanding being Rupees 20,00,000.00. As such, the society is not in a position to clear that outstanding amount.

As the Bidi Workers themselves are the members of the Co-operative Society, this Co-operative Society should be exempted from compulsory deposit of provident fund amount.

Accordingly your petitioners pray :-

To make necessary amendment in the provision of Workers Provident Fund and Pension Act so as to provide exemption to the Bidi Workers Co-operative Societies.

And your petitioners as in duty bound shall ever pray.

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Name of Petitioner	Address	Signature or thumb impression
Kinkar Posak and others	Bankura Bidi Shilpi Co-operative Society Ltd., Rabindra Sarani, Bankura.	-Sd-

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Countersigned by Shri Basudeb Acharia, M.P.

**LOK SABHA**  
**PETITION NO. 10**  
(Presented to Lok Sabha on 25.8.2000)

To

Lok Sabha,  
New Delhi.

The humble petition of Shri Madhu Kotian and Shri Bhaskar Malshe, Mulund Railway Pravasi Sangh, 4/20, Vailunth Co-operative Society, Nahur, Mumbai-400 080.

**SHEWETH**

We are the residents of Nahur Village, which has considerably developed during the last 10 years. It comprises of Goregaon - Mulund Link Road, Sarvodaya Nagar, Bhandup Village, Amar Nagar, Ashok Nagar & Khindipada, which are populated by about 25,000 people. Moreover, the construction of Mulund-Airovali bridge has brought the entire area of Airoli very near to Nahur (East) on the Central Railway line.

At present, the commuters from all these areas have to use either Mulund or Bhandup Railway Station, for travelling either way between Chhatrapati Shivaji Terminus and Kalyan. The distance to these stations being more than four kilometres, these commuters find it rather inconvenient and difficult to walk up and down and then to catch a local train to reach their destinations.

We humbly wish to point out that the distance between Mulund and Bhandup stations is 4.5 kilometres as against the normal distance of One to Three kilometres between any two local stations.

We have further humbly to point out that at present approximately one Lac commuters travel daily through Mulund Railway Station. Out of these about 25,000 commuters come from Nahur Village and surrounding areas. If a new station at Nahur is constructed, it will, on one hand relieve the commuters from these areas of their hardships and on the other it will reduce the pressure at the Mulund Railway Station.

We therefore submit this petition before you with an earnest request to urge upon the Railway Ministry to take an early decision to construct a Railway Station at Nahur and relieve the people of their inconvenience.

And your petitioners as in duty bound shall every pray.

Name	Address	Signature
Shri Madhu Kotian	4/20, Vaikunth Co-operative Society, Nahur, Mumbai-400 080	Sd/-
Shri Bhaskar Malshe	Chintamani Co-operative Society, 2nd Floor, Mithagar Road, Mulund (East), Mumbai-400 081.	Sd/-

Counter Signed by Shri Kirit Somaiya, M.P.