

COMMITTEE OF PRIVILEGES

THIRD REPORT

(THIRTEENTH LOK SABHA)

I Introduction and Procedure

1. I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their Third Report to the House on the question of privilege given notice of by Shri Jaswant Singh Bishnoi, member against railway officials for having cancelled his confirmed 1st class A/c railway reservation in 2461, Mandore Express from Delhi to Jodhpur on 11.8.2000.

2. The Committee held 5 sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 12 September, 2001, the Committee considered the matter. The Committee decided that Shri Jaswant Singh Bishnoi, member, be requested to appear before them on 24 September, 2001 for giving oral evidence.

4. At their second sitting held on 24 September, 2001, the Committee examined on oath Shri Jaswant Singh Bishnoi, MP.

The Committee also decided that Chief Commercial Manager (General), Northern Railway, Chief Commercial Manager, Northern Railway and General Manager, Northern Railway be asked to appear before them on 9 October, 2001 for oral evidence.

5. At their third sitting held on 9 October, 2001, the Committee examined on oath Sarvashri P.C. Sharma, Chief Commercial Manager (General), Northern Railway, I.J. Malhotra, Chief Commercial Manager, Northern Railway and S. Dasrathy, General Manager, Northern Railway.

The Committee also directed Shri Dasrathy to have the policy regarding allotment of Emergency Quota (EQ) for rail reservations reviewed by Railway Board within 15 days or such further time as they might require, to ensure that situations requiring change of Emergency Quota once released were avoided.

6. At their fourth sitting held on 18 June, 2002, the Committee examined on oath Shri I.I.M.S Rana, Chairman, Railway Board and Shri M.C. Srivastva, Member (Traffic), Railway Board.

7. At their fifth sitting held on 17 October, 2002, the Committee considered the draft Report and adopted it.

II Facts of the case

8. On 16 August, 2000, Shri Rajiv Pratap Rudy, MP raised the matter regarding cancellation of confirmed 1st class A/c railway reservation of Shri Jaswant Singh Bishnoi, MP in 2461 Mandore Express from Delhi to Jodhpur on 11 August, 2000 and requested that the matter be referred to the Committee of Privileges.

Several other members also expressed their displeasure over this incident. Minister of Parliamentary Affairs suggested that if the House so desired the matter could be referred to the Committee of Privileges.

9. The Deputy Speaker, who was in the Chair after taking sense of the House, referred the matter to the Committee of Privileges for examination, investigation and report.

10. Subsequently, on 16 August, 2000, Shri Jaswant Singh Bishnoi, MP gave a notice of question of privilege against the railway officials for having cancelled his confirmed 1st class A/C railway reservation in 2461 Mandore Express while proceeding to Jodhpur on 11 August, 2000.

11. The member in his notice of question of privilege *inter-alia*, stated as follows:-

(i) That he had given a requisition at Parliament House railway booking office for arranging 1st class A/c Coupe for his journey along with his spouse from Delhi to Jodhpur by 2461 Mandore Express leaving Delhi on 11.8.2000. The reservation was done on PNR No.242-3809896.

(ii) He was allotted a 1st class A/c Coupe out of the Emergency Quota of the railways.

(iii) After attending the House, when he along with his wife reached Delhi railway station, he and his wife occupied the coupe allotted to him. After some time, some railway officials came to him and informed that his reservation in 1st A/c has been cancelled and he has been allotted berth Nos.27 and 28 in a separate A/c 2 tier coach. He was also asked by the railway officials to alight from the said 1st class A/c coach.

(iv) He informed the railway officials that his reservation has been confirmed from the Emergency Quota and nobody has a right to cancel the reservation of a Member of Parliament after the same has been confirmed. He also requested them to allow him to travel in the 1st class A/c coach as he had to attend an important meeting at Jodhpur.

(v) Despite his requests he was made to detrain from the 1st class A/c coach. As the train left immediately thereafter he had to go to Jodhpur by air.

(vi) In the reserved 1st class A/C coach while about 12 people were traveling, only his reservation was cancelled.

(vii) The person who was provided reservation against his confirmed berth was to travel from Jaipur to Jodhpur.

(viii) The railway officials have intentionally insulted him and deprived him of his rights and privileges as a Member of Parliament.

The member contended that this amounted to a breach of his privileges/rights and sought action against the erring railway officials.

12. The Minister of State for Railways addressed a letter dated 1 September, 2000 to the Secretary-General, Lok Sabha stating that the matter had been investigated by the railway authorities and enclosed a copy of the departmental investigation report explaining the circumstances which led to the deletion of the name of Shri Jaswant Singh Bishnoi, MP.

The investigation report stated *inter-alia* as follows:-

(i) Enquiries have revealed that there is a partial 1st AC coach running by 2461 Mandore Express which leaves Delhi at 21.00 hrs. and passes Jaipur at 2.35 hrs. reaching Jodhpur at 08.00 hrs. The total number of berths available in this partial 1st AC coach are only ten. There are two cabins A & B with four berths each and a coupe C having two berths. Out of these ten berths, eight berths are booked on the counter and the remaining two berths are earmarked as Emergency Quota. On 11.8.200, all the eight berths available for booking across the counters were booked in favour of two families viz., Shri P. Gupta & family of four and Shri

J.K. Jain & family of four. Both these families were provided accommodation in cabins A & B respectively.

(ii) The Emergency Quota of two berths is jointly controlled by Northern Railway Headquarter and Ministry of Railways. The details of the Ministers/MPs who are booked in the PHBO (Parliament House Booking Office) are conveyed by the staff of PHBO to Northern Railway Headquarter for arranging reservations in their favour out of the EQ, etc. Similarly, the VIPs who book in the IRCA Reservation Office, their details are also conveyed by IRCA Reservation Office to N. Rly. Headquarter for providing reservation out of the Emergency Quota. Such requests received by Northern Rly. Headquarter are compiled by them and the VIPs including MPs are provided accommodation from the Emergency Quota or by attaching additional coach, if necessary.

(iii) On 11.8.2000, there was heavy rush for travel of VIPs including MPs on account of ensuing holidays for four days. In the various requests conveyed by PHBO to Northern Railway Headquarter giving details of the VIPs and MPs traveling by various trains, two of the requests were to provide 1st AC coupe in favour of Shri Jaswant Singh Bishnoi, MP and his spouse and Shri R.K. Verma, MP and spouse who were required to travel from Delhi to Jodhpur by 2461 Mandore Express of 11.8.2000. The Emergency Quota of two berths in 1st AC was released by Northern Rly. Headquarter in favour of Shri Jaswant Singh Bishnoi and his spouse. Shri R.K. Verma was given quota in AC 2 tier (However, he got his reservation cancelled before chart printing).

(iv) The two berths in 1st AC released in favour of the Honble MP and his spouse were consequently fed into the computer by the staff of charting cell of Northern Railway.

(v) After printing of the charts and during checking which is a normal practice so as to ensure that the quotas have been correctly fed into the computer and no VIPs are left out, it was detected by the staff of charting cell of Northern Rly., that Shri P.P. Naolekar, Honble Justice of High Court of Rajasthan who was booked to travel by the same train from Jaipur to Jodhpur in 1st AC was not provided any confirmed accommodation

(vi) Since the Honble Justice of High Court enjoys a higher position *vis--vis* the MP in the Warrant of Precedence issued by the President Secretariat, the staff of charting cell brought to the notice of the staff of Northern Railway Headquarter that the Honble Justice of High Court who was booked to travel by this train has not been provided any accommodation and sought their guidance in the matter.

(vii) Considering the status of the High Court Judge and his position in the Warrant of Precedence *vis--vis* the Member of Parliament, the staff of Northern Railway Headquarter informed their counterpart in the charting cell to provide 1st AC coupe to the Honble Judge by deleting the name of the Honble MP manually, if necessary. To enable the Honble MP to travel by the same train, two berths in AC sleeper coach (A-1 27 & 28) were, however, provided in his favour.

(viii) It would be seen from the facts, stated above, that due priority was given for providing accommodation to the Honble MP while releasing accommodation out of the Emergency Quota. The subsequent circumstances led to the manual deletion of his confirmed reservation allotted to him out of EQ. There was no *mala fide* intention and any intent to deprive him of his privilege.

(ix) If Honble MP was allowed to travel in 1st A/C, it would have led to an embarrassing and unseemly situation at Jaipur (when the train reaches after midnight), where Honble Justice was to board the train. To avoid this situation and meet the priorities laid down in Warrant of Precedence, last minute manual changes were resorted to and the Honble MP was politely requested by railway officials to shift to AC 2 tier coach where he has been provided the accommodation.

The Minister of State stated in his letter that although the incident was most unfortunate, the annoyance and resentment the incident had caused to the member was entirely unintentional.

The Minister also enclosed a copy of the letter addressed by the Minister for Railways to Shri Jaswant Singh Bishnoi, MP expressing deep regrets and indicating the circumstances which led to the incident.

13. The Minister of State for Railways also stated in his letter that :-

After this incident, Minister for Railways had directed the Senior Northern Railway officials to personally call on the Honble MP and convey sincere regrets on the unavoidable incident. I am informed that the General Manager along with Chief Commercial Manager and Divisional Railway Manager went to call on Honble MP at 9 AM on 24 August, 2000, with prior appointment at his residence to explain in detail the sequence of events which led to the unfortunate incident and express their regrets for the inconvenience caused to him. Unfortunately, the meeting did not materialize as the Honble MP was not available at his residence. I have now instructed the General Manager, Northern Railway to constitute a Committee of two senior officers which should go into the incident in detail and suggest/take remedial measures which should be taken to avoid recurrence of such incidents in future.

III Evidence

Evidence of Shri Jaswant Singh Bishnoi, MP

14. During his evidence before the Committee on 24 September, 2001 Shri Jaswant Singh Bishnoi, MP while intimating the Committee about the incident that took place on 11 August, 2001 when he along with his wife boarded the Mandore Express *inter-alia* stated as follows:-

When I was sitting in the cabin along with my wife, a couple of railway employees came and told me that our reservation was manually changed and that we had been accommodated in A/C 2nd class. They asked me to take our seats there. I told them that I had confirmed reservation, my name was there in the chart. I argued that my reservation could not be changed without my permission and without giving a notice to me to that effect. I, therefore, refused to alight from the coach. However, a few more railway employees approached me and repeating the same thing requested us to take our seats in A/C 2nd class. Nobody told me clearly the reason behind the changes in reservation. I, however, came to know that a judge travelling from Jaipur to Jodhpur was given reservation against my seat. Although he was to board the train from Jaipur but I was detained at Delhi itself. One of the names was illegible but the other name was that of P.P. Naolekar whose reservation was done against my seat. Some railway officers told me on the condition of anonymity that they were instructed by the higher officials of the railways to give reservation to them against my reservation and that is why they manually changed my reservation. I got down from the train and saw the chart. To my astonishment, our names were struck off and names of the two persons, who were to travel from Jaipur to Jodhpur, were included. I was told by the railway officials that they would not permit me to travel in that A/C 1st class coach. So, I got down from the train and came back to my residence. After coming to my residence, I informed the Honble Speaker, Lok Sabha and the Secretary-General, Lok Sabha regarding this matter.

15. When the member was asked whether any official contacted him when he informed the Speaker about the incident and raised this matter in the House, the member while replying in negative stated that he did receive a letter from the General Manager of Northern Railway apologizing for the incident. Member further added that he did apprise Kum. Mamata Banerjee, the then Minister of Railways of the entire episode.

16. When asked whether he was given the reasons behind the incident or the background that led to the incident, the member replied in negative.

17. When asked whether Kum. Mamata Banerjee, the then Minister of Railways wrote a letter to him in this regard, the member while replying in affirmative stated she had written everything in detail and also stated that she had talks with the railway officials and who felt sorry stating that the incident was unfortunate and apologised for the same.

18. On being asked whether any railway officer/official sought appointment from him, the member while replying in negative stated that the Minister of Railways told him that some railway officials would come to meet him along with the GM, Northern Railway but none of the railway officials either contacted him or sought any appointment from him.

19. When the member was informed that according to railway officials, they tried to meet him after the appointment had been fixed with him and reached his residence on 24 August, 2000 at 9 A.M. but he was not there, the member replied that he usually leaves home at 10.30 A.M. for Parliament as it takes only 7 or 8 minutes for him to reach the Parliament House. Nobody, however, contacted him on that day.

EVIDENCE OF SHRI P.C. SHARMA, CHIEF COMMERCIAL MANAGER(GENERAL), NORTHERN RAILWAY

20. During his evidence before the Committee on 9 October, 2001, Shri P.C. Sharma, Chief Commercial Manager(General), Northern Railway *inter-alia* stated as follows:-

Sir, at the outset, I on my behalf and on behalf of the Northern Railway, profusely apologize for the inconvenience caused to the Honble MP, Shri Jaswant Singh Bishnoi. Sir, Railways are bound by the Warrant of Precedence issued by the Presidents Secretariat while allotting berths from Emergency Quota. Members berths temporarily got confirmed in 1st AC and then was transferred to 2nd AC when the reservation staff at New Delhi learnt that Shri P.P. Naolekar, Honble Judge of Rajasthan High Court, who ranks higher in the Warrant of Precedence, was also in the same waiting list. When the Emergency Quota, available to the Railways, was allotted to the Honble member of Parliament in the chart that came out, confirmation status was not displayed and it was not public as yet. The moment the chart got printed, the name of the Honble Judge of the High Court came in the waiting list. The staff responsible for reservation, consulted the people in the Headquarters Office who look after the EQ and asked for guidance. We have an Assistant Commercial Manager in the Headquarters, the lowest officer who gives the specific orders for release of quota as well as attends to clarifications, changes, etc. required in the exigencies. Sir, the request from the High Court Judge was received at Jaipur Reservation Office at 1311 hours on 11.8.2000. The computer registered the time. The person in charge of printing the chart at New Delhi came to know about this after 1716 hours. The exact time was not logged because at that time that Supervisor was attending to the earlier train, Vaishali Express which leaves around 7 p.m.

21. On being asked whether the member was informed about the confirmation of his rail ticket, Shri Sharma replied in negative.

22. On being further asked as to why Shri Bishnoi was not informed about status of his ticket, as is the usual practice, Shri Sharma explaining the prevailing practice stated When the ticket was issued in the Parliament House reservation office, the ticket shows the Honble member is on waiting list. This waiting list remains on the computer system till the allotment is fed to the computer from Emergency Quota(EQ). There are two berths of EQ which were allotted to the Honble member.

23. On being asked whether the member was informed about the change of his reservation from 1st AC to 2nd AC, Shri Sharma replied in negative and while apologizing for the failure, stated that the change was made between 7 P.M. to 8P.M., whereas the departure time of the train was 9 P.M. and moreover, as the telephone number of the member which was written on the requisition slip was kept in the reservation office, same was not available with officials at the station.

24. When pointed out that in any case the member deserved the courtesy of being informed of their actions, Shri Sharma apologised for the lapse on the part of Railways in this regard.

25. When asked as to what was the cut off time for release of Emergency Quota of a train, Shri Sharma replied that it is generally 4 to 5 hours before the departure of the train. But in case of this particular train *i.e.* the Mandore Express, it was not followed only to ensure that all requests are compiled with.

26. When asked whether there was a separate Parliamentary Quota, he replied in negative. He also stated that since EQ is provided to the highest dignitaries on priority basis and sometimes VIPs have to travel at shorter notice, the railways have not been following very hard and fast time limit for VIPs and members as regards release of EQ reservations. As a matter of culture, it is drilled into railway men at every level particularly at the cutting edge level, to try to accommodate VIPs as far as possible.

27. On the Committees observation that there should be certain time limit for receipt of requests for EQ as it appeared that the Warrant of Precedence was being followed while allocating berths in EQ which implied that a VIP whose seat was once confirmed, may still feel unsure until the train left because anybody higher in the precedence, could come at the last moment and that berth would have to be allotted to him, Shri Sharma agreed with the Committee and sought their guidance in this regard. He further stated that a letter had been written to the Ministry of Railways suggesting different alternatives that could be considered as regards the question of release of EQ. He also stated that a copy of the letter with a copy of the views governing the process of exercise of powers, under the EQ, would be submitted to the Committee.

28. On being pointed out to him that the procedure for allotment of EQ stipulates that a time limit will be laid down for each train for the finalisation of the allotments against the Quota concerned and its release, Shri Sharma replied that up to the print command time if no requests are received for that day for the train for EQ, it goes to the waiting list. Time limits are laid down for all trains but in case of VIPs, the Railways have not been rigid in observing them as numerous problems are being faced while dealing with VIPs.

29. On being asked about the cut off time for EQ, he replied it is fixed at 2 O Clock for this train as the quota of this train is released by 4 O Clock and the chart was finalised around 5 O Clock. Explaining the position in the instant case Shri Sharma stated the name of the Honble Judge in the waiting list was observed only after the chart got printed. The time limit for this particular train was the time of print command which was at 5 O clock thereafter no request can be registered at the system. The time limit for the receipt of the request or for finalisation of request is to facilitate the evaluation of the request. In large number of cases, the charts get delayed because requests are made by VIPs at the last moment.

30. On being asked to explain as to why the confirmation given to the member was arbitrarily denied as the request of the Judge was received not only later than that of the member but also later than the time limit, he stated that in this case the system had received the request at 13.11 hrs. and the time of finalisation of Headquarter Quota was 16.00 hrs. It was the systems failure because these were received at two different places.

31. On being asked whether the reservation requested by the Judge was only for one berth, Shri Sharma replied that the request was for two berths and a letter from the Magistrate requesting for quota for the Honble Judge was received.

On being further questioned as to whether there was a separate quota for MPs within the EQ, Shri Sharma submitted that he was not aware of it.

32. On being asked whether any high officials of the Railways had met the member to explain to him the position and apologise as stated by the Minister of Railways, Shri Sharma replied that on 24 August, 2000, Shri S.P. Mehta, General Manager, Shri Jayanta Roy, Chief Commercial Manager, Shri I.J.Malhotra, Chief Commercial Manager (Passenger Marketing) and Shri V.K.Sharma, DRM, Delhi had gone to meet the member to apologise personally but they could not meet him as they were told that the member had just left.

He also stated that the Minister of Railways had also apologized to the member.

EVIDENCE OF SHRI I.J. MALHOTRA, CHIEF COMMERCIAL MANAGER(GENERAL), NORTHERN RAILWAY

33. During his evidence before the Committee on 9 October, 2001, Shri I.J. Malhotra, Chief Commercial Manager(General), Northern Railway *inter-alia* stated as follows:-

Sir, at that time I was Chief Commercial Manager (Passenger Marketing) and was in charge of making arrangements for reservations, making the computer installations and also booking arrangements for reservation. One of my functions was computerization of reservation system, installation and operation of computers at new locations, and also arranging quota distribution. On being asked whether he was a member of the team of officers that went to meet the honble member Shri Bishnoi at his residence, Shri Malhotra stated I was also accompanying the team which consisted of the then G.M., Shri Mehta, the Divisional Railway Manager, Shri Sharma, the then Chief Commercial Manager, Shri Jayant Ray and myself. We were told that a meeting has been fixed at that particular time. All of us actually reached there much before that time. Then, we waited downstairs at the ground floor. While we were waiting for the lift, we saw one person was going out of the lift with Rajasthani head-gear, etc. We did not recognize him. We also did not know that he is the MP. We went up the lift and we were there at his door five minutes before 9 O'clock. Then, his peon told us that the MP had just left. Then, we realized that the person we saw going out of the lift was actually the MP. We did try to fix another appointment. But I think, by then, our Honble Minister Shri O. Rajagopal had written to the Secretary-General of Lok Sabha and we were told that a Committee had been formed of two senior officers who will inquire into it and that they would submit the report.

34. On being asked as to who makes changes in the reservation of EQ and who had done the change in this case, Shri Malhotra replied that, I would like to explain a small technical procedure in the computer reservation. We have set apart the emergency quota, practically in all trains and in all classes. That is given in the form of a berth number, coach number, etc. They are all fixed and computerised in advance. When a request is received for emergency quota allotment, we just key in only the PNR number, then immediately the computer displays all the details with berth number, coach number, etc. When the operator says yes, then, it is allotted in favour of that passenger. The problem is that once it is allotted, the computer data gets updated and it cannot be changed. If we cancel that, then that berth goes to the wait-listed passenger. That is our technical problem. Once the berth has been allotted for a person A, it will remain for that person. If we try to cancel it, it cannot go to the person B, but to the wait-listed person. That is our limitation..

35. On being asked as to how many hours before the departure of the train the chart should be prepared, Shri Malhotra stated normally we feel that it should be four hours before the departure of the train. However, it is not followed rigidly. But our instructions are that chart must be printed before three hours of the train departure.

When asked whether Railway Board have issued any written instructions with regard to the rules for fixing up the time for receipt of requests from VIPs from the EQ, Shri Malhotra replied, the computer will accept the request upto three hours before the departure of the train. Actually it would accept such a request before the chart command is given.

When asked whether there is any specific rule in this regard, Shri Malhotra submitted that, there is no hard and fast rule, the print command is given three hours before the departure of the train. Such instructions are there.

36. On being asked about the time when the reservation was made by the honble Judge at Jaipur, Shri Malhotra replied that the request was made at Jaipur at 13.00 hours. He further submitted that the request was registered from Jaipur but it did not come to Delhi and that at Jaipur AC 2 tier berths have already been allotted to the honble Judge but the mistake was detected at Delhi that Honble Justice had requested for AC 1st class but was given AC 2nd class

and he actually had a higher precedence over the member.

37. On being asked whether the concerned official at Jaipur who committed the mistake of not communicating the request made at Jaipur by the Judge for Ac 1st class reservation, to Delhi, has been penalized, Shri Malhotra replied that, Jaipur comes under Western Railway. We have written to the Western Railway to take action about which the Regional Railway Manager, Jaipur is aware of.

38. On being questioned as to who had detected that something had gone wrong, Shri Malhotra replied that Smt. Suman Sahni, person incharge of chart operations detected it after 1900 hours on 11 August, 2000. On being further questioned as to whether the person who made the mistake had the right to correct the mistake after the time limit, he replied that, she did not correct it herself. She consulted the Headquarters. She consulted them as to what is to be done. Now, these people from Baroda House who were controlling the queue advised her that since the Justice ranked higher than the hon. M.P., Justice should be given the First A/C she should have detected it before giving the chart. Before making the final chart she should have prepared a test chart. The test chart would have shown her that there is a VIP and then she should have printed that. She failed to make a test chart.

39. When asked as to why the member was not apprised of the change, Shri Malhotra admitted that it was a mistake and the concerned staff who committed the mistake had been put under suspension. It was further stated that charges were framed and after consideration of her defence to the charges, she had been awarded the punishment of censure.

EVIDENCE OF SHRI S. DASRATHY, GENERAL MANAGER, NORTHERN RAILWAY

40. During his evidence before the Committee on 9 October, 2001 Shri S. Dasrathy, General Manager, Northern Railway inter-alia stated as follows:-

I took over as GM on 31 May, 2001 and came to know of this incident only about 15 days back. I was transferred to the Railway Board on 1 September, 2001 but I am also looking after the work of GM, Northern Railway. When I was in the Board these papers were brought to me and I had gone through the papers in great detail. I had also talked to my counterpart who is the Member (Traffic) who is an expert in commercial matters. He has also applied his mind. We will have to sit and find a solution as to how to ensure that this does not happen again. I have already found out four or five solutions as to how such things can be prevented. We are very sorry that this has happened. But this should not happen in future. I applied my mind in that direction. If the Committee permits, I can tell what we have done. In my view, this had happened because on 10 August, 2000, since both the Houses were suddenly adjourned for four days, there was a crowd which the Railways did not anticipate. They should have taken action to put some senior officers there to ensure that nobody had any problem. This is the mistake which we have made. Secondly, we should have kept some additional coaches. Now we have done that. During Parliament session, we are keeping a 1st class AC coach available. We have brought two AC coaches and two partial 1st class AC coaches. There are four additional coaches which we have brought in Northern Railway which we want to keep during Parliament session so that whenever the VIPs want to go, they are not inconvenienced. This is the thing which we should have done. Thirdly, the Mandore Express is a very popular train. We are taking action to ensure that this train's capacity is augmented by another two or three coaches so that this problem will not recur. We have also said that the telephone numbers of the MPs should be in our chart where we are finally allocating Emergency Quota so that in case of any change we can consult and take their advice. These are the things which we have done. As regards freezing the chart, I am not able to come to a conclusion. I talked to a number of commercial officers who have been doing this for ages in places where we close the chart four or five hours earlier. But in a place like Delhi where almost all the VIPs are there, if somebody goes and asks for a change in the last minute, it will be very difficult to make changes. But fixing a time for freezing the reservation is alright for people other than VIPs. For VIPs, we still keep the chart open. In other places, VIPs are limited in number, there it is easier to do it. On that particular day, we had allocated seats for about 363 VIPs. We have to find EQ berths for these people. This is a massive task.

41. On being asked as to what was the criteria for reservation in EQ among members, Shri Dasrathy replied that the correct thing to do is to give reservation to the member who had sent request earlier. When asked under what powers the withdrawal of EQ reservations once confirmed were made, Shri Dasrathy submitted that the person who is reserving berth on EQ has to deal with so many requests at the last minute. Based on the Warrant of Precedence, he is forced to make changes in the chart. Once the reservation chart is finalised and pasted on the train we cannot change.

42. On being confronted that the Railways have not been following their own procedure, Shri Dasrathy admitted that they make an exception in the case of every VIP as of date but a line needs to be drawn and there should be more transparency.

When further asked whether any action had been taken against anybody, he replied that the lady who failed to notice the insertion was charge-sheeted and censured.

On being asked to have the policy regarding allotment of Emergency Quota for rail reservations reviewed by Railway Board within fifteen days or such further time as they might require, to ensure that situation requiring change of Emergency Quota once released were avoided, Shri Dasrathy assured to do the needful.

EVIDENCES OF SHRI I.I.M.S. RANA, CHAIRMAN, RAILWAY BOARD AND SHRI M.C. SRIVASTAVA, MEMBER (TRAFFIC), RAILWAY BOARD

43. During their evidence before the Committee on 18 June, 2002, Shri I.I.M.S. Rana, Chairman, Railway Board and Shri M. C. Srivastava, Member (Traffic), Railway Board, at the outset Shri Rana *inter-alia* stated as follows:-

Sir, I have studied the whole case which relates to 11 August, 2000. On the basis of information available, it is amply clear that it was a mistake of Railways and we apologise for the same and it is an unqualified apology as Honble member had to suffer because of this. Railways have now reviewed the system thoroughly and issued instructions on 6.11.2001 that once the Emergency Quota has been fed into computer, it should not be changed manually. We have taken the action. Railways were at fault..I would like to elaborate it. We have informally instructed the staff that requisitions for the trains that depart between 4 PM to 5 PM viz six Rajdhani Expresses, specified by Railways and mail Trains that leave at 8.30 P.M., should be positively received till 11.00 o'clock. And the requisitions for the trains that depart after 8.00 P.M. and till 6.00 P.M. next day should come at 14.30. These local instructions have been conveyed to the whole staff. The trains which are scheduled to leave at 6.00 P.M. next day, requisition for those should also come till 02.30 P.M. because it is not possible to work at night. We will examine your suggestion about improving our functioning. Our system is so good that number of such complaints are very less. This was just one case in millions where we have tendered unqualified apology. As far as possible we try our best to give full honour to members of Parliament and try to accommodate them. When two MPs are travelling and quota is not available in AC first class, we try to accommodate them in AC sleeper in the same train. Our system is very tight and doing well.

On being enquired whether the Railways could think of some kind of sub quota for members of Parliament who travel more frequently than people senior to them in warrant of Precedence like High Court Judges and others Shri Rana replied this suggestion could be examined.

44. Shri M.C. Srivastava, Member (Traffic), Railway Board during his evidence *inter-alia* stated as follows:-

As the Chairman has said, on behalf of Railways and its employees for any act of omission and commission, I tender my unqualified apology. We have taken certain safeguards so that such an occasion does not recur. We have already ensured that in future there shall not be any correction in the reservation chart manually.

45. When asked as to why in the circular issued by the Railways the time by which a request should be made, by a VIP, was not indicated, Shri Srivastava stated that As per our internal instructions, the time between the preparation of chart and acceptance of reservation is about four to five hours. For example, if the train has to leave at 9.00 o'clock, further intake should be stopped at 4.00 or 4.30.PM. This is always not possible. During the time when Parliament is in session, at times we get requisitions later than four hours or five hours. If we enforce this thing, it will cause hardship to the people including the members of Parliament. That is why, as far as the office is concerned, we have laid down that up to 11.00 hrs. or up to 14.30 hrs., requisitions will be accepted and the same instructions are available in Parliament. But, Sir, in practice, it is a fact that we have been accepting requisitions and the requests for reservation even after the time or the ceiling limit of four to five hours also. That is why, purposely, we have not given anything four to five hours because it is likely to cause hardship. Once we log the three hours or five hours before the chart is prepared then it will not be possible for us to entertain and urgent request from anybody.

PART IV

FINDINGS AND CONCLUSIONS

46. The Committee note that there is no dispute on the fact that Shri Jaswant Singh Bishnoi reservation in 1st AC in 2461, Mandore Express from Delhi to Jodhpur on 11 August, 2000 was cancelled and he and his spouse were provided reservation in 2nd AC in the same train. Shri I.I.M.S. Rana, Chairman, Railway Board and other officers of Railway Board and the Ministry of Railways who appeared before the Committee for evidence, also conceded this fact.

47. The Committee further note that according to the railway officials, the cancellation of the confirmed reservation of Shri Bishnoi had to be resorted to in order to accommodate Justice P.P. Naolekar of Rajasthan High Court, who was booked to travel by the same train from Jaipur to Jodhpur in 1st AC, as the judges of High Court rank higher in the Warrant of Precedence *vis a vis* members of Parliament.

48. The Committee also note that the railway official responsible for the lapse which led to confirmation of berths in the name of Shri Jaswant Singh Bishnoi and his spouse in the first place, to which the Judge of Rajasthan High Court had prior claim as per Warrant of Precedence, and cancellation of the same subsequently, has already been awarded punishment by the Railway authorities.

49. The Committee note that Shri Jaswant Singh Bishnoi, MP came to know that his confirmed 1st class reservation was cancelled only after he along with his spouse boarded the Mandore Express on 11 August, 2000 and occupied their respective berths. The testimony of the witnesses bears out the fact that member had neither any prior knowledge about cancellation of his reservation nor any railway official informed him about the same before his boarding the train.

50. The Committee are of the view that even if 1st class AC reservation were to be made available to the High Court Judge by cancelling the reservation of the member and his spouse, had the issue been resolved in time, the member would have been spared of the inconvenience caused to him.

51. The Committee are of the firm view that the member deserved the courtesy of being informed well in time of the decision of Railways to cancel his reservation in 1st class AC and allocation of berths in 2nd AC. The Committee find that there has been laxity on the part of the Railway officials in not having informed the member about change in his reservation.

52. The Committee note that Shri S. Dasarathy, General Manager, Northern Railway during his testimony before the Committee submitted that steps are being taken to indicate telephone numbers of members on the reservation charts at the time of final allocation of Emergency Quota so as to enable railway authorities to consult members and take their advice in case of any change.

53. The Committee, while empathising with the member over the anguish and harassment caused to him by the last minute cancellation of his reservation owing to certain circumstances, strongly feel that it is grossly unfair to any passenger of Railways with confirmed reservations, be he an ordinary citizen of the country or an elected representative or any other VIP, to be informed at the moment he comes to board the train that his confirmed reservation stands cancelled. Cancellation of a passenger's confirmed ticket under such circumstances, apart from causing great inconvenience to him, also shakes his faith in the efficiency of Indian Railways.

54. The Committee note that the Chairman, Railway Board and other officers of Railway Board/Ministry of Railways who appeared before the Committee have tendered their unqualified apologies for the inconvenience caused to the member on cancellation of his reservation in 1st class AC and his not being informed in time about the same.

55. The attention of the Committee was invited during the evidence to the Circular No.98/TG.I/14/P dated 23 April, 1998 issued by the Ministry of Railways (Railway Board) laying down the detailed procedure for allotment of emergency quota. However, in view of the lapses that resulted in Shri Jaswant Singh Bishnois case, the Committee felt that there was a need for more specific instructions from Railway Board in this regard to avert such situations in future. The Committee, therefore, directed Shri S. Dasarathy, General Manager, Northern Railway to have the whole procedure regarding allotment of Emergency Quota for rail reservations reviewed by the Railway Board to ensure that situations requiring change of Emergency Quota once released were avoided.

56. The Committee note that the Ministry of Railways accordingly reviewed the policy and fresh instructions regarding allotment of Emergency Quota to VIPs were issued by the Railway Board *vide* their Commercial Circular No.76 of 2001 dated 6 November, 2001 to all the Chief Commercial Manager of all Zonal Railways.

In this revised instructions, it has been stipulated that The matter has been reviewed and it has been decided that once emergency quota has been fed into the computer, no manual correction should be resorted to. Zonal Railways should, however, ensure that before feeding the emergency quota, the list of VIPs would be invariably taken out at the train originating/chart preparation center and action should be taken to accommodate the VIPs as per their inter-se seniority in Warrant of Precedence.

57. The Committee hope that the above stipulations are adhered to scrupulously so that there would be no recurrence of such incidents.

58. The Committee feel strongly that at a time when the Indian Railways have completed hundred and fifty years of their existence, it should be the endeavour of the Railways to ensure that its passengers enjoy not only comfortable but also hassle free journey on this most preferred and affordable means of travel in this country.

V. RECOMMENDATIONS

59. The Committee recommend that in view of unconditional apologies tendered by the Chairman, Railway Board and other senior officers of Railway Board as well the revised circular issued by Railway Board regarding allotment of Emergency Quota to VIPs, no further action need be taken in the matter and it may be treated as closed.

60. The Committee, nevertheless, recommend that their observations (vide paras 57 and 58) be conveyed to the Chairman, Railway Board for necessary action.

S. JAIPAL REDDY,

Chairman, Committee of Privileges

NEW DELHI;

October, 2002 / Asvina , 1924 (Saka)___