

39

**MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

RAILWAY LANDS & LAND USE POLICY

**ESTIMATES COMMITTEE
1993-94**

TENTH LOK SABHA

**LOK SABHA SECRETARIAT
NEW DELHI**

THIRTY-NINTH REPORT

ESTIMATES COMMITTEE
(1993-94)

(TENTH LOK SABHA)

MINISTRY OF RAILWAYS
(RAILWAY BOARD)

RAILWAY LANDS & LAND USE POLICY

[Action Taken by Government on the recommendations contained in the Twenty-Ninth Report of Estimates Committee (Tenth Lok Sabha) on Ministry of Railways (Railway Board) — Railway Lands and Land Use Policy]

Presented to Lok Sabha on 26 April, 1994



LOK SABHA SECRETARIAT
NEW DELHI

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CORRIGENDA

TO

THE THIRTY-NINTH REPORT OF ESTIMATES COMMITTEE (TENTH
LOK SABHA) ON MINISTRY OF RAILWAYS (RAILWAY BOARD) -
RAILWAY LANDS AND LAND USE POLICY

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**COMPOSITION OF THE ESTIMATES COMMITTEE
(1993-94)**

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Dr. Krupasindhu Bhoi

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| 2. Shri Murari Lal | —Joint Secretary |
| 3. Smt. P.K. Sandhu | —Deputy Secretary |
| 4. Shri K.L. Narang | —Under Secretary |

INTRODUCTION

I, the Chairman of the Estimates Committee having been authorised by the Committee to Submit the Report on their behalf, present this Thirty-Ninth Report on action taken by Government on the recommendations contained in the Twenty-Ninth Report of Estimate Committee (Tenth Lok Sabha) on the Ministry of Railways (Railway Board) Railway Lands and Land Use Policy.

2. The Twentieth-Ninth Report was presented to Lok Sabha on 29th April, 1993. Government furnished their replies indicating action taken on the recommendations contained in that Report on 26th October 1993. The Draft Report was considered and adopted by the Estimates Committee (1993-94) at their sitting held on 7th April, 1994. The Committee authorised the Chairman to finalize the report.

3. The Report has been divided into the following chapters:—

- I. Report
- II. Recommendations/Observations which have been accepted by Government.
- III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply.
- IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee.
- V. Recommendations/Observations in respect of which final replies of Government are still awaited.

4. An Analysis of action taken by Government on the recommendations contained in the Thirty-Ninth Report of Estimates Committee (Tenth Lok Sabha) is given in Appendix-I. It would be observed there from that out of 39 recommendations made in the Report, 22 recommendations i.e. 56.41% have been accepted by the Government and the Committee do not desire to pursue 15 recommendations i.e. 38.46% in view of Government's replies. Final replies of Government in respect of 2 recommendations i.e. 5.13% are still awaited.

NEW DELHI;
April 11, 1994

DR. KRUPASINDHU BHOI,
CHAIRMAN,
ESTIMATES COMMITTEE.

Chaitra 21, 1916 (S)

CHAPTER I

REPORT

1.1 The Report of the Estimates Committee deals with action taken by Government on the recommendations/observations contained in their Twenty-Ninth Report (Tenth Lok Sabha) on the Ministry of Railways (Railway Board)—Railway Lands and Land Use Policy.

1.2 The Report was presented to Lok Sabha on 29th April, 1993. It contained 39 recommendations/observations. Action Taken Notes have been received in respect of all the 39 recommendations/observations contained in the Report.

1.3 The Action Taken Notes on the recommendations of the Committee have been categorised as follows:—

- (i) Recommendations/Observations which have been accepted by Government

Sl. Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 30 and 31.

(Total 22, Chapter II)

- (ii) Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply

Sl. Nos. 4, 5, 12, 23, 26, 27, 28, 29, 33, 34, 35, 36, 37, 38 and 39.

(Total 15, Chapter III)

- (iii) Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee

(Total Nil, Chapter IV)

- (iv) Recommendations/Observations in respect of which final replies of Government are awaited

Sl. Nos. 14 and 32

(Total 2, Chapter V)

1.4 The Committee will now deal with action taken by Government on some of the recommendations/observations.

Land Data

Recommendation (S. No. 1, Para 1.61)

1.5 The Committee in their original Report observed that the most notable feature of land management in the Railways over the years has been the very absence of basic land related data including land records as also that of a system to compile, keep and update such data. There also

exists little evidence of cohesive apparatus either for purposeful analysis of such data or for its effective use in the planning process. It is also obvious that land asset of Railways, under such circumstances, cannot but be used much below its optimum potential. The Committee desire that Ministry of Railways to fully grasp the centrality of this unwholesome situation in the entire problem of land management in the Railways and remodel their relevant policy, organisation and related systems accordingly.

1.6 The Ministry in their reply stated:

"A major part of land owned by Railways has already been put to optimum use in connection with Railway operations and related amenities such as tracks and structures, stations, yards, circulating areas, workshops, staff colonies, etc. Out of the unused land, a large part consists of land strips on both sides of the track, which would be required for future developmental works like doublings, gauge conversions, expansion of yards and circulating areas commensurate with development of traffic, construction of additional staff quarters, etc. There can be little or very limited scope for making any alternate use of these lands. Intermediate use of such land is already being done by way of afforestation, stacking of permanent way material/ ballast, temporary licensing for stacking/storing of goods moved by Rail, staff amenities like schools, etc.

Land management is an integral part of the duties of officers and staff belonging to the Engineering Department on the Railways. These include preparation and maintenance of land plans, prevention of encroachment and removal of existing encroachments, monitoring of land licences and afforestation. There are established systems and procedures for carrying out these duties and for supervision to ensure that these are adhered to. Land plans for a major part of the railway land are already available and maintained in zonal and divisional headquarters. Basic information relating to land utilisation, vacant land, encroachments, etc. is also available.

1.7 An Expert Committee on Land Management has been constituted by this Ministry to go into the whole gamut of land management practices and to make recommendations. The recommendations of the Estimates Committee for more systematic collection and compilation of land data and its analysis, and strengthening of the land management organisation to cope with the changing needs are presently under examination by the Committee. The tenure of the Committee as extended is upto 31-12-1993 (further extended upto 30-6-94).

1.8 The Committee note that an Expert Committee on Land Management has been constituted by the Ministry of Railways (Railway Board) to go into the whole gamut of land management practices and organisational requirement for effective land management and to make recommendations. The recommendations of the Estimates Committee for more systematic collection

and compilation of the land data and its analysis and strengthening of the land management organisation to cope with the changing needs are presently under examination by the Expert Committee whose tenure was reported to have been extended upto 31.12.1993 and further extended upto 30.6.1994.

1.9 The Committee attach great importance to the implementation of recommendations made in their Report after a great deal of labour, consideration and deliberation on all aspects.

1.10 The Committee, therefore, desire that the Ministry of Railways (Railway Board) should take an early decision and implement their recommendations in the light of the suggestions made by the Expert Committee for effecting improvement in the relevant policies and existing organisational system.

Certified Land Records

Recommendation (Sl. No. 2, Para 2.62)

1.11 The Committee had been informed by the Ministry that they had record for 80% of the land available with the Railways which is duly certified by the Revenue Authorities and efforts are on to conduct surveys and verify the revenue records for the remaining 20% of the land which belongs to railways. The Committee were, however, sceptical of this claim in view of the fact that complete land records duly certified by the Revenue Authorities are not available with the Railways.

1.12 The Ministry in their reply stated that certified land plans for about 80% of the land holding of the Railways are already available. The Railway-wise position may be seen in the statement given below:

Railway	Total No./Km. of Land Plans	Total No./km. certified by Rev. Authorities
Central	6,932 Nos.	5,512 Nos.
Eastern	8,859 "	7,035 "
Northern	7,248 "	4,918 "
N.E.	3,090 "	2,507 "
N.F.	3,582 Kms.	3,184 Kms.
Southern	6,924 "	3,953 "
S.C.	7,249 "	4,812 "
S.E.	6,322 Nos.	6,225 Nos.
Western	9,845 Kms.	9,081 Kms.
Total	32,351 Nos. 27,600 Kms.	26,197 Nos. 21,030 Kms.

1.13 According to the Ministry of Railways (Railway Board), Certified land plans of about 80 per cent of the land holdings of the Railways are already available. From the statement giving Railway-wise position, the Committee, however, are unhappy to note that position of land plans duly certified by the Revenue authorities in terms of route kilometrage/ number-wise in Northern, Southern and South Central Railways is unsatisfactory. In South Central Railway out of 7249 kms. of land, certified land plans are for 4812 kms. i.e. 66 percent. In Southern Railway position is still worse. Out of 6,924 kms. of Railway land, certified land plans for 3953 kms. are available i.e. 57 percent only.

1.14 The Committee would like the Ministry to impress upon the Zonal Railways, Northern, South Central and Southern Railways in particular, to strengthen their land management organisation and get the land plans duly certified by the State Government Revenue authorities.

Recommendation (S. No. 3, Para 1.63)

1.15 The Committee were extremely unhappy over the fact that despite over 40 years existence of Indian Railways as a unified entity a vital infrastructural asset like land was not given due attention as much as even basic information about its location and magnitude is hazy. While the Committee realise that it is a stupendous task to accomplish, they cannot undermine its importance. The Committee therefore desired that the Railways should ensure that all the authorities concerned accelerate the process of finalising land surveys in their respective zones in a time bound manner i.e. within a period of one year supported by certificate by the appropriate Revenue Authorities (not below the rank of a Class I).

1.16 The Ministry in their reply stated:

"Initially the Railway lines were laid by Company Railways and Princely State Railways, who obtained lands from the concerned provincial/State Governments till the Land Acquisition Act, 1894 came into force and acquisition of land began to be done under this Act. After independence, various Railway systems were integrated and reorganized into Indian Railways, who inherited the lands alongwith other assets previously owned by Company/State Railways. At the time of such handing over, the complete land records were either not made over or were not available. Adequate organisation was also not available to undertake the enormous task of survey and demarcation of land, preparation of land plans, etc. With this background, efforts have been made to get the land plans certified and at present we have achieved a progress of about 80%. It may also be mentioned that out of 4.19 lakh hectare land holding, only 5,669 hectares of land is disputed. Out of the disputed land, 5,580 hectares of land pertain to Jodhpur and Bikaner Divisions of Northern Railway, wherein the land belonging to the erstwhile Princely State Railway has been transferred by the

State Government in their own name. The issue is being vigorously chased with the State Government of Rajasthan.

Instructions have already been issued vide Board's letter no. 93/LM(L)/11/1 dated 3.2.1993 asking the Zonal Railways to make a systematic and organized effort to achieve cent percent certification and microfilming of land plans in the next three years i.e. by 31.12.1995. It may be mentioned that for finalisation and certification of land plans, the co-operation of the local revenue authorities under the State Governments is essential and timely completion of this work depends on the response of the State Governments. However, an all out effort to finalise and get certified records presently incomplete has been launched."

1.17 The Committee note that the Ministry of Railways (Railway Board) have achieved a progress of about 80% in demarcation of land, preparation of land plans and their certification by the Revenue authorities of the State Govts. The Committee further note that the Ministry have issued instructions on 3rd February, 1993 asking the Zonal Railways to make a systematic and organised effort to achieve cent percent certification and microfilming of land plans in the next three years i.e., by 31.12.1995. The Ministry have also submitted that for finalisation and certification of land plans, the cooperation of the State revenue authorities is essential and timely completion of this work depends upon the response of the State Govts. The Committee desire the Ministry of Railways (Railway Board) to monitor periodically, preferably half yearly, the progress achieved by the Zonal Railways in certification of land plans.

1.18 In order to get full cooperation of local revenue authorities under the State Governments for timely completion of certification of land plans; the Ministry of Railways (Railway Board) should first identify the State Govts. from whom the requisite cooperation was not forthcoming and thereafter the matter may be taken up by the Chairman, Railway Board with the Secretary (Revenue) of the respective State Govt. and if necessary, also at the level of the Minister in order to ensure the completion of work by the stipulated date.

Licence Fee

Recommendation (Sl. No. 6 Para 1.66)

1.19 The Committee had noted that the Railway have given a large part of land surplus to the immediate requirements to public including Railway employees for various commercial and non-commercial purposes which *inter alia*, includes cultivation of crops. While initially land was given on lease thereafter the policy has been to merely give land on licence subject to recovery of lease rent or of licence fee as the case may be from the allottees. The Committee, however, had noted that there have always been problems in regard to the recovery of rent licence fees, revision of licence fee, review or renewal of agreements and also in taking back the

possession of land from existing licenses. The arrears on account of licence fee as on 31.3.92 in all the Zonal Railways were stated to be to the tune of Rs. 4219.96 lakhs. In the view of the Committee, this was a highly unsatisfactory state of affairs and serious efforts were required to be made recovery of the amount particularly when Railways were facing a serious resource crunch.

1.20 The Ministry in their reply state:

“Instructions have been issued to all Railways from time to time to effect recoveries of all dues on account of land licence fee and the progress in this regard is being monitored. However, the arrears have accumulated mainly because of several licencees resorting to litigation to avoid paying licence fee at revised rates. There have also been some delays in revision of licence fee, which is based on updated market value of land, as revenue authorities do not furnish the required valuation in time. However, the Committee’s recommendations are noted and all out efforts would be made to liquidate the arrears of licence fee.”

1.21 The Committee are not at all happy with the accumulation of arrears of licence fee in all Zonal Railways to the tune of Rs. 42.20 crores as on 31.3.1992. In response to the recommendation made by the Committee that “serious efforts were required to be made for recovery of the amount particularly when Railway were facing a serious resource crunch”, the Ministry of Railways have stated that “all out efforts would be made to liquidate the arrears of licence fee”.

The Committee would like the Ministry to be apprised of the details of efforts made alongwith the arrears of licence fee recovered during the year 1993-94.

Land Management Organisation

Recommendation (Sl. No. 8, Para 1.68)

1.22 The Committee had been informed by the Ministry that there is a Directorate of Land Management which came into existence as late as in 1982. However, it is functioning with a very meagre staff strength. The officials of this Directorate in addition to holding the charge of land management have been given the other responsibilities/duties too. At Zonal level also there is hardly any staff provided exclusively for the task of land management except a land cell in the General Manager’s office. Even these cells are, often, not adequately staffed. Even the Chairman, Railway Board agreed with the Committee that the land management organisation in the Indian Railways was very weak particularly at the field level where there was hardly any staff worth the mention.

1.23 The Ministry in their reply state:

“The Committee’s observations are noted. It may be mentioned that the Zonal Railways have already been asked to strengthen the Land Management organisation on the Railways to the extent possible by reorganizing from within the existing staff strength. The Expert Committee on Land Management constituted by this Ministry has also been asked to go into the organisational requirement for effective land management. Strengthening of the Directorate of Land Management in Board’s office is also under consideration.”

Recommendation (Sl. No. 9, Para No. 1.69)

1.24 The Committee had thus come to the inevitable conclusion that land management has not received the attention of the Railway authorities to the extent it deserved as is evident from the fact that the land management organisation is not at all commensurate with the task involved; particularly so in view of large and growing scale of encroachments on Railway lands. In this context, they were disinclined to accept argument advanced by the Ministry that due to the ban for creation of new posts they have not been able to strengthen the land management in the Railways. The Committee were of the specific view that a precious asset like Railway land cannot be allowed to be encroached on such technical grounds.

1.25 The Ministry in their reply stated:

“The Committee’s observations are noted. It may be mentioned that the Zonal Railways have already been asked to strengthen the Land Management organisation on the railways to the extent possible by reorganizing from within the existing staff strength. The Expert Committee on Land Management constituted by this Ministry has also been asked to go into the organisational requirement for effective land management. Strengthening of the Directorate of Land Management in Board’s office is also under consideration.”

Recommendations (Sl. No. 10, Para No. 1.70)

1.26 The Committee had taken serious note of the fact that the Railways have been ignoring this very vital aspect of land management as much as neither at the central level nor at the zonal level there exists a tangible set up for dealing with various problems arising out of licensing of land, recovery of licence fee and arrears and removal of encroachers in a well planned and coordinated manner.

1.27 The Ministry in their reply stated:

“The Committee’s observations are noted. It may be mentioned that the Zonal Railways have already been asked to strengthen the Land Management organisation on the Railways to the extent possible by reorganising from within the existing staff strength. The Expert

Committee on Land Management constituted by this Ministry has also been asked to go into the organisational requirement for effective land management. Strengthening of the Directorate of Land Management in Board's office is also under consideration."

Recommendation (Sl. No. 11, Para No. 1.71)

1.28 The Committee had strongly recommended for the creation of adequate machinery at both Board as well as zonal levels to deal with all aspects of land management. In doing so, special attention should be given to metropolitan cities where problem of encroachment is of a high order.

1.29 The Ministry in their reply stated:—

"The Committee's observations are noted. It may be mentioned that the Zonal Railways have already been asked to strengthen the Land Management organisation on the Railways to the extent possible by reorganizing from within the existing staff strength. The Expert Committee on Land Management constituted by this Ministry has also been asked to go into the organisational requirement for effective land management. Strengthening of the Directorate of Land Management in Boards's office is also under consideration."

Arrears of Licence Fee

Recommendation (S. No. 15, Para No. 1.75)

1.30 The Committee had recommended that all out efforts should be made to liquidate the arrears of licence fees etc, in various Railways and officers of the senior level should be involved for the purpose to effect recoveries in a time bound manner.

1.31 The Ministry in their reply stated:—

"Instructions have been issued to all Railways from time to time to effect recoveries of all dues on account of land licence fee and the progress in this regard is being monitored. However, the arrears have accumulated mainly because of several licencees resorting to litigation to avoid paying licence fee at revised rates. There have also been some delays in revision of licence fee, which is based on updated market value of land, as revenue authorities do not furnish the required valuation in time. The Zonal Railways have been asked to pursue the matter at appropriate level with a view to liquidate the arrears as early as possible."

Land Management Organisation

1.32 In regard to observations/recommendations of the Committee on land management organisation on the Zonal Railways as also in Board's office to deal with all aspects i.e., management of land, repossession of the land leased, licensing of land, recovery of licence fee, liquidation of arrears, removal of encroachment, etc. as contained in paras 1.68, 1.69, 1.70, 1.71 and 1.75 of the Report, the Committee have been informed that the Zonal

Railways have already been asked to strengthen the Land Management organisation on the Railways to the extent possible by reorganizing from within the existing staff strength. The Expert Committee on Land Management constituted by this Ministry has also been asked to go into the organisational requirement for effective land management. Strengthening of the Directorate of Land Management in Board's office is also under consideration.

1.33 In this connection, pending recommendations of the Expert Committee and its implementation by the Railway Board, the Committee would like the Ministry of Railways to ask the Zonal Railways in pursuance of their instructions to furnish their assessment of the quantum of work relating to land management in all aspects, the requirement of staff to cope with the work and the proposed deployment of staff on the land management organisation to the extent possible within the existing staff strength. Railway-wise position in this regard and also the steps taken towards strengthening of the Directorate of Land Management in Railway Board may be intimated to the Committee within a period of three months. The Ministry should also intimate the recommendations made by the Expert Committee and action taken by Government thereon for information of the Estimates Committee.

Return of land

Recommendation (S. No. 19, Para No. 2.57)

1.34 The Committee had strongly urged the Ministry to accord to the matter the priority it deserves and to deal with the various State Governments at the highest possible level so as to expedite the return of land still under possession. What was most shocking is the failure of the Railways to take back land from their own employees. The Committee aver that the Railways ought to show greater determination to pursue their own decisions.

1.35 The Ministry in their reply stated as follows:—

“The Committee's recommendations have been noted. Instructions have been issued to the Railways accordingly.”

Recovery of Dues

Recommendation (S.No. 20, Para No. 2.58)

1.36 The Committee had also found that as on 31.3.91 about Rupees 57 lakhs was outstanding from State Govts./outsiders as also the Railway employees on account of dues in regard to land given to them under GMF scheme. In this connection, Railways had referred to various measures taken to effect recoveries. However, the candid admission by the Chairman, Railway Board before the Committee that recovery of dues from State Governments and outsiders was a difficult proposition, is a cause for grave concern as his statement that it involves lot of manpower who will have to go to the villages, catch the persons to effect the recoveries

underlines the need to find ways and means to effect recoveries. The Committee are convinced that if the Railways show determination and effect recoveries from the relatively influential and resourceful licenses/lessees others would in all probability, follow suit. They would go as far as recommending exempting those lessees/licences who possess very small Strack of land unless they derive substantial advantage out of it.

1.37 The Ministry in their reply state:—

“The Committee’s recommendations have been noted. Instructions have been issued to the Railways accordingly.”

1.38. The Committee note that instructions have been issued by the Ministry of Railways to the Zonal Railways to show greater determination for seeking return of land from the State Governments as well as the Railways employees and recovery of dues in regard to land leased under Grow More Food scheme. The Committee would like to be apprised of land returned by the State Governments, other persons and Railway employees and recovery of dues during the year 1993-94, Zonal Railway-wise, in pursuance of the above instructions within a period of three months.

Implementation of Recommendations

1.39 The Committee would like to emphasise that the greatest importance has to be attached to the implementation of the recommendations by Government. They therefore, expect that Government would implement such recommendation expeditiously. In case it is not possible to implement any recommendation in letter and spirit for any reasons, the matter should be reported to the Committee in time with reasons for non-implementation.

1.40 The Committee also desire that final replies in respect of the recommendations contained in Chapter-V of this Report may be furnished to the Committee expeditiously.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation (S. No. 1, Para No. 1.61)

2.1 The Committee find that the most notable feature of land management in the Railways over the years has been the very absence of basic land related data including land records as also that of a system to compile, keep and update such data. There also exists little evidence of cohesive apparatus either for purposeful analysis of such data or for its effective use in the planning process. It is also obvious that land asset of Railways, under such circumstances, cannot but be used much below its optimum potential. The Committee desire that Ministry of Railways to fully grasp the centrality of this unwholesome situation in the entire problem of land management in the Railways and remodel their relevant policy, organisation and related systems accordingly.

Reply of Government

2.2 A major part of land owned by Railways has already been put to optimum use in connection with Railway operations and related amenities such as tracks & structures, stations, yards, circulating areas, workshops, staff colonies, etc. Out of the unused land, a large part consists of land strips on both sides of the track, which would be required for future developmental works like doublings, gauge conversions, expansion of yards and circulating areas commensurate with development of traffic, construction of additional staff quarters, etc. There can be little or very limited scope for making any alternate use of these lands. Intermediate use of such land is already being done by way of afforestation, stacking of permanent way material/ballast, temporary licensing for stacking/storing of goods moved by Rail, staff amenities like schools, etc.

Land management is an integral part of the duties of officers and staff belonging to the Engineering Department on the Railways. These include preparation and maintenance of land plans, prevention of encroachment and removal of existing encroachments, monitoring of land licences and afforestation. There are established systems and procedures for carrying out these duties and for supervision to ensure that these are adhered to. Land plans for a major part of the railway land are already available and maintained in zonal and divisional headquarters. Basic information relating to land utilisation, vacant land, encroachments, etc. is also available.

An Expert Committee on Land Management has been constituted by this Ministry to go into the whole gamut of land management practices and to make recommendations. The recommendations of the Estimates Committee for more systematic collection and compilation of land data and its analysis, and strengthening of the land management organisation to cope with the changing needs are presently under examination by the Committee. The tenure of the Committee as extended is upto 31.12.1993.

Recommendation (S. No. 2, Para No. 1.62)

Land Records

2.3 According to the Ministry they have records for 80% of the land available with the Railways which is duly certified by the Revenue Authorities and efforts are on to conduct surveys and to verify the revenue records for the 20% of the land which belongs to Railways. The Committee are, however, sceptical of this claim in view of the fact that complete land records duly certified by the Revenue Authorities are not available with the Railways.

Reply of Government

2.4 Certified land plans for about 80% of the land holding of the Railways are already available. The Railway-wise position may be seen in the statement given below:—

Railway	Total No./RKm. of Land Plans	Total No./RKm. certified by Rev. authorities
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Western	9,845 Kms.	9,081 Kms.
Total	32,351 Nos. 27,600 Kms.	26,197 Nos. 21,030 Kms.

Recommendation (S. No. 3, Para No. 1.63)

2.5 The Committee are extremely unhappy over the fact that despite over 40 years existence of Indian Railways as a unified entity a vital infrastructural asset like land was not given due attention as much as even basic information about its location and magnitude is hazy. While the

Committee realise that it is a stupendous task to accomplish, they cannot undermine its importance. The Committee therefore desire that the Railways should ensure that all the authorities concerned accelerate the process of finalising land surveys in their respective zones in a time bound manner i.e. within a period of one year supported by certificate by the appropriate Revenue Authorities (not below the rank of a Class I).

Reply of Government

2.6 Initially the Railway lines were laid by Company Railways and Princely State Railways, who obtained lands from the concerned provincial/State Governments till the Land Acquisition Act, 1894 came into force and acquisition of land began to be done under this Act. After Independence, various Railway systems were integrated and reorganized into Indian Railways, who inherited the lands alongwith other assets previously owned by Company/State Railways. At the time of such handing over, the complete land records were either not made over or were not available. Adequate organization was also not available to undertake the enormous task of survey and demarcation of land, preparation of land plans, etc. With this background, efforts have been made to get the land plans certified and at present we have achieved a progress of about 80%. It may also be mentioned that out of 4.19 lakh hectare land holding, only 5,669 hectares of land is disputed. Out of the disputed land, 5,500 hectares of land pertain to Jodhpur and Bikaner Divisions of Northern Railway, wherein the land belonging to the erstwhile Princely State Railways has been transferred by the State Government in their own name. The issue is being vigorously chased with the State Government of Rajasthan.

Instructions have already been issued vide Board's letter No. 93/LM(L-11/1 dated 3.2.1993 asking the Zonal Railways to make a systematic and organized effort to achieve cent per cent certification and microfilming of land plans in the next three years i.e.e by 31.12.1995. It may be mentioned that for finalisation and certification of land plans, the co-operation of the local revenue authorities under the State Governments is essential and timely completion of this work depends on the response of the State Governments. However, an all out effort to finalize and get certified records presently incomplete has been launched.

Recommendation (S. No. 6, Para No. 1.66)

2.7. The Committee note that the Railways have given a large part of land surplus to its immediate requirements to public including Railway employees for various commercial and non-commercial purposes which, *inter alia*, includes cultivation of crops. While initially land was given on lease thereafter the policy has been to merely give land on licence subject to recovery of lease rent or of licence fee as the case may be from the allottees. The Committee, however, note that there have always been problems in regard to the recovery of rent/licence fees, revision of licence fee, review or renewal of agreements and also in taking back the possession of land from existing licenses. The arrears on account of licence

fee as on 31.3.92 in all the Zonal Railways are stated to be to the tune of Rs. 4219.96 lakhs. In the view of the Committee, this is a highly unsatisfactory state of affairs and serious efforts are required to be made for recovery of the amount particularly when Railways are facing a serious resource crunch.

Reply of Government

2.8. Instructions have been issued to all Railways from time to time to effect recoveries of all dues on account of land licence fee and the progress in this regard is being monitored. However, the arrears have accumulated mainly because of several licencees resorting to litigation to avoid paying licence fee at revised rates. There have also been some delays in revision of licence fee, which is based on updated market value of land, as revenue authorities do not furnish the required valuation in time. However, the Committee's recommendations are noted and all out efforts would be made to liquidate the arrears of licence fee.

Recommendation (S. No. 7, Para No. 1.67)

Encroachment

2.9. A more serious problem with regard to railway land are encroachments on such lands, particularly in the metropolitan cities. According to the Railways about 1717.83 hectares of land is at present (June, 1992) under encroachment in different Zonal Railways. The Committee are informed that action is taken by the Railways to remove encroachments on railway land under the provision of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 in cooperation with the civil and police authorities. The Committee have also observed during their study tours that there are large pockets of encroachment in the form of slums near the railway yards as also alongside railway tracks, particularly in the metropolitan cities. They are further informed that in the absence rehabilitation programme by the concerned State Governments the Railways have been showing restraint in enforcing eviction apprehending problems relating to law and order. The factors such as prevalent socio-economic conditions, industrialisation, urbanisation and spiralling growth in population are stated to be responsible for growing trend of encroachments on public land.

Reply of Government

2.10. The Committee's observations are noted.

Recommendation (S. No. 8, Para No. 1.68)

2.11 The Committee are informed that in the Ministry there is a Directorate of Land Management which came into existence as late as in 1982. However, it is functioning with a very meagre staff strength. The officials of this Directorate in addition to holding the charge of land management have been given the other responsibilities/duties too. At zonal level also there is hardly any staff provided exclusively for the task of

land management except a land cell in the General Manager's office. Even these cells are, often, not adequately staffed. Even the Chairman, Railway Board agreed with the Committee that the land management organisation in the Indian Railways was very weak particularly at the field level where there was hardly any staff worth the mention.

Reply of Government

2.12 The Committee's observations are noted. It may be mentioned that the Zonal Railways have already been asked to strengthen the Land Management organization on the Railways to the extent possible by reorganizing from within the existing staff strength. The Expert Committee on Land Management constituted by this Ministry has also been asked to go into the organisational requirement for effective land management. Strengthening of the Directorate of Land Management in Board's office is also under consideration.

Recommendation (S. No. 9, Para No. 1.69)

2.13 The Committee have thus come to the inevitable conclusion that land management has not received the attention of the Railway authorities to the extent it deserved as is evident from the fact that the land management organisation is not at all commensurate with the task involved; particularly so in view of large and growing scale of encroachments on Railway lands. In this context, they are disinclined to accept argument advanced by the Ministry that due to the ban for creation of new posts they have not been able to strengthen the land management in the Railways. The Committee are of the specific view that a precious asset like Railway land cannot be allowed to be encroached on such technical grounds.

Reply of Government

2.14 The Committee's observations are noted. It may be mentioned that the Zonal Railways have already been asked to strengthen the Land Management organization on the Railways to the extent possible by reorganizing from within the existing staff strength. The Expert Committee on Land Management constituted by this Ministry has also been asked to go into the organisational requirement for effective land management. Strengthening of the Directorate of Land Management in Board's office is also under consideration.

Recommendation (S.No. 10, Para No. 1.70)

2.15 The Committee take serious note of the fact that the Railways have been ignoring this very vital aspect of land management as much as neither at the Central level nor at the zonal level there exists a tangible set up for dealing with various problems arising out of licensing of land, recovery of licence fee and arrears and removal of encroachers in a well planned and coordinated manner.

Reply of Government

2.16 The Committee's observations are noted. It may be mentioned that the Zonal Railways have already been asked to strengthen the Land Management organization on the Railways to the extent possible by reorganizing from within the existing staff strength. The Expert Committee on Land Management constituted by this Ministry has also been asked to go into the organisational requirement for effective land management. Strengthening of the Directorate of Land Management in Board's office is also under consideration.

Recommendation (S. No. 11, Para No. 1.71)

2.17 The Committee strongly recommend the creation of adequate machinery at both Board as well as zonal levels to deal with all aspects of land management. In doing so, special attention should be given to metropolitan cities where problem of encroachment is of a high order.

Reply of Government

2.18 The Committee's observations are noted. It may be mentioned that the Zonal Railways have already been asked to strengthen the Land Management organization on the Railways to the extent possible by reorganizing from within the existing staff strength. The Expert Committee on Land Management constituted by this Ministry has also been asked to go into the organisational requirement for effective land management. Strengthening of the Directorate of Land Management in Board's office is also under consideration.

Recommendation (S. No. 13, Para No. 1.73)

2.19 Appropriate plans should be drawn and executed for enclosing/guarding vacant railway lands particularly in urban areas. For this purpose urban areas registering rapid growth and consequential influx of population should be identified and prioritized.

Reply of Government

2.20 Instructions are already in force for taking up, on high priority, the construction of boundary walls and fencing along railway land boundary at locations where habitations have come up or are coming up, which may make railway land prone to encroachment. Railways have been asked to take up this work from 'Revenue', which would ensure that the necessary funds for this work will be readily available. The progress in this regard is being monitored at Board's level.

Recommendation (S. No. 15, Para No. 1.75)

2.21 All out efforts should be made to liquidate the arrears of licence fees etc. in various Railways and officers of the senior level should be involved for the purpose to effect recoveries in a time bound manner.

Reply of Government

2.22 Instructions have been issued to all Railways from time to time to

effect recoveries of all dues on account of land licence fee and the progress in this regard is being monitored. However, the arrears have accumulated mainly because of several licencees resorting to litigation to avoid paying licence fee at revised rates. There have also been some delays in revision of licence fee, which is based on updated market value of land, as revenue authorities do not furnish the required valuation in time. The Zonal Railways have been asked to pursue the matter at appropriate level with a view to liquidate the arrears as early as possible.

Recommendation (S. No. 16, Para No. 2.54)

2.23 The Committee note that as a result of series of examinations by various Committees including PAC and RCC on Grow More Food scheme under which land alongside the tracks has been licensed or leased to State Governments/Railway employees or general public for cultivation of agricultural crops, the Railways reviewed the policy in this regard. They further note that there has been near unanimity amongst all the bodies which have examined the issue that no further land should be given on lease or licence and land should be taken back.

Reply of Government

2.24 Fresh licensing of railway land for GMF scheme has been stopped since 1984. The railway land already licensed for GMF prior to this period is being taken back gradually, depending upon the Railways' requirement of the land for developmental works including for undertaking tree plantation on such land. As per extant instruction, priority is being given to taking back the land from outsiders before the land is taken back from railway employees. Where land has been licensed out through the State Governments, they are being pursued for early return of the land to the Railways.

Recommendation (S. No. 17, Para No. 2.55)

2.25 The Committee, however, find that despite various measures taken by the Railways to take back land given under GMF scheme to the cultivators through various State Governments, outsiders and their own employees, roughly 9000 hectares of land is still with the Railway employees, 6000 hectares with the State Governments, and 4000 hectares with outsiders. Moreover, due to reluctance of the State Governments to return such lands the Railways are confronted with a difficult situation.

Reply of Government

2.26 The railway land already licensed for GMF prior to 1984 is being taken back gradually, depending upon the Railways' requirement of the land and their preparedness for undertaking tree plantation on such land. As per extant instructions, priority is being given to taking back the land from outsiders before the land is taken back from Railway employees. Where land has been licensed out through the State Governments, they are being pursued for early return of the land to the Railways.

Recommendation (S. No. 18, Para No. 2.56)

2.27 The Committee, however, are not satisfied with the measures taken so far by the Railways to retrieve these lands, even from their own employees during the last 10 years that have elapsed after the decision to abandon the GMF scheme.

Reply of Government

2.28 The Committee's recommendations have been noted. Instructions have been issued to the Railways accordingly.

Recommendation (S. No. 19, Para No. 2.57)

2.29 The Committee strongly urge the Ministry to accord to the matter the priority it deserves and to deal with the various State Governments at the highest possible level so as to expedite the return of land still under their possession. What is most shocking is the failure of the Railways to take back land from their own employees. The Committee aver that the Railways ought to show greater determination to pursue their own decisions.

Reply of Government

2.30 The Committee's recommendations have been noted. Instructions have been issued to the Railways accordingly.

Recommendation (S. No. 20, Para No. 2.58)

2.31 The Committee also find that as on 31.3.91 about Rupees 57 lakhs is outstanding from State Governments/outside as also the Railway employees on account of dues in regard to land given to them under GMF scheme. In this connection Railways have referred to various measures taken to effect recoveries. However the candid admission by the Chairman, Railway Board before the Committee that recovery of dues from State Governments and outsiders was a difficult proposition, is a cause for grave concern as his statement that it involves lot of manpower who will have to go to the villages, catch the persons to effect the recoveries underlines the need to find ways and means to effect recoveries. The Committee are convinced that if the Railways show determination and effect recoveries from the relatively influential and resourceful licensees/lessees others would in all probability, follow suit. They would go as far as recommending exempting those lessees/licenses who possess very small track of land unless they derive substantial advantage out of it.

Reply of Government

2.32 The Committee's recommendations have been noted. Instructions have been issued to the Railways accordingly.

Recommendation (S. No. 21, Para No. 2.59)

2.33 The Committee note that after abandoning the GMF Scheme, the vacant land and the land on both sides of railway tracks was used for afforestation/tree plantation etc. for certain vital objectives like environ-

mental improvement, reduction in noise pollution and prevention of encroachments. However, they find that no proper strategy has been evolved by the Railways for exploitation of tree wealth for economic benefits even though while planting trees, the forest Departments of the concerned States are consulted. The Committee are surprised to note that species of trees are selected on the basis of availability of funds. The measure also works as a deterrent to encroachments.

Reply of Government

2.34 The Committee's recommendations have been noted.

Recommendation (S. No. 22, Para No. 2.60)

2.35 The Committee find that presently about 35000 hectares of Railway land is under afforestation which is about 8.5% of the total land holdings of the Railways. They appreciate the basic tenet of this scheme as a measure of putting vacant railway land to purposeful transitory use. But according to the information supplied to the Committee on various aspects of this scheme they find that the degree of effort required for successful execution of the scheme has not been made. For example, even though considerable amount of revenue is stated to be expected from disposal of matured trees. The Railways have not planned any financial benefit out of this programme. Similarly, financial and budgeting aspect of the scheme have also not been taken care of in right perspective. The Committee are of the view that if the execution of the scheme is planned with a proper perspective and due stress laid on its financial viability, it can apart from serving the basic environmental objectives be a source of substantial revenue to the Railways. The Committee would, therefore, desire the Railways that in each zonal Railway should draw appropriate plans for the purpose of executing a financially self-supporting afforestation programme.

Reply of Government

2.36 The primary purpose of acquiring the land by Railways is to develop railway network on it. Accordingly, out of the total land holding of 4.19 lakh hectare, 2.97 lakh hectare are under track, bridges, building and other structures. Out of the remaining land (1.21 lakh hectare), 35,000 hectares (about 30%) are under afforestation. However, the Committee's recommendations have been noted.

Recommendation (S. No. 24, Para No. 2.62)

2.37 The Railways are also advised to provide adequate funds for the scheme so that the scheme becomes financially viable and a source of regular income to them.

Reply of Government

2.38 The Committee's recommendations have been noted.

Recommendation (S. No. 25, Para No. 2.63)

2.39 The Committee find that the surplus land with the Railways which cannot be made use for developmental purposes of the Railways is

relinquished in favour of Central Govt./State Govts. if the same is needed by them. In cases where the Central/State Governments are not interested in such a surplus land it is disposed of to private parties through open auctions so as to obtain the best possible price for the same comparable to the market value assessed by the local revenue authorities.

Reply of Government

2.40 The Committee's recommendation is in conformity with the extant instructions, which are being followed by Railways.

Recommendation (S. No. 30, Para No. 2.68)

2.41 In this context, the Committee take note of the observation of the Expert Committee on Commercial Exploitation of Railway Land that if the Railways have to meet demands of expansion of railway network at a faster pace, they would have to plan out the infrastructure capacity much in advance.

Reply of Government

2.42 The Committee's observation has been noted.

Recommendation (S. No. 31, Para No. 3.37)

2.43 The Committee observe that the guidelines for assessment of licence fee to be charged for lands given to private parties by commercial licensing have been reviewed and modified from time to time in order to ensure that the rate of licence fee more or less reflects the market rate of such lands. The revised guidelines were issued in April, 1984 as a consequence of which a ban was imposed on licence of land to private parties for the purpose other than connected with the Railway operations hence licensing of land under Grow More Food Scheme has been altogether stopped and lands already given away are being taken back.

Reply of Government

2.44 The Committee's observation is noted.

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT REPLIES

Recommendation (S. No. 4, Para No. 1.64)

Commercial Evaluation

3.1 The Committee are dismayed to note that sufficient importance is not being attached to commercial evaluation of Railways lands on the plea that most part of the land is either under use or, if, lying vacant, would be required for future developmental work of the Railways. Moreover, the process of evaluation by the Revenue Authorities itself is considered to be cumbersome and time consuming. In this connection, the Committee would like to draw the attention of the Ministry of Railways to the recommendation at para 16 of the First Report of the Railway Convention Committee on Rate of Dividend for 1992-93 and other ancillary matters wherein they have desired that in view of the escalation in cost of assets held by the Railways, the same must be reassessed and revalued by an Expert Committee and results submitted as early as possible. The Committee further note that a Working Group comprising of six Executive Directors of the Railway Board, drawn from various Railway Disciplines such as Finance, Accounts, Civil, Electrical, Mechanical, Signal and Telecommunication, Engineering has been constituted to reassess and revalue the cost of assets held by the Railways as on 1st April, 1992. The Working Group is expected to submit its report by June, 1993. In the light of the above recommendation of the Railway Convention Committee, the Committee are surprised by the stand taken by the Railways and infer that, perhaps in the Railway Board there is lack of coordination in their responses to different Parliamentary Committees on the same issue. They would like the Ministry to co-relate the efforts of the Land Management Authorities in Railways including the cells constituted in the Zonal Railways with the activities of the aforesaid Working Group so as to finalise the task of completion of land records as also updating its commercial value particularly the vacant land which is yet to be utilised by the Railways for their developmental works.

Reply of Government

3.2 The terms of reference of the Working Group of Executive Directors constituted by this Ministry to reassess the cost of assets do not include the

reassessment of 'land' as the Group has been constituted mainly to reassess and revalue the cost of such assets the reconstruction or replenishment of which is funded from Depreciation Reserve Fund (DRF). As earlier explained to the Estimates Committee, commercial evaluation of railway land already in use and which is not vacant would not be a fruitful exercise. A very large portion of the land presently lying vacant is in the form of narrow strips alongside the 62,000 route kilometres of track and is not proposed to be disposed off or commercially exploited. Making a commercial evaluation of such land also, therefore, would not lead to any gain for the Railways. Besides, collection of land valuation from the revenue authorities is a very laborious, time-consuming and difficult exercise particularly when the variation, even under the same Authority, is wide and dependent upon a host of factors which fluctuate heavily.

Recommendation (S. No. 5, Para No. 1.65)

3.3 The Committee do not appreciate the view expressed by the Ministry that maintaining category-wise record of Railway land use will not yield any definite advantage. The Committee are of the opinion that in the process of future development of railways need could arise for changes in land use from one to another purposes. They feel that in absence of such categorization as also commercial evaluation of land even the estimates of future construction plans as well as asset valuation for various purposes like calculation of licence fee would become unrealistic. The Committee, therefore desire the Ministry to apply their mind to this aspect and activate the concerned machinery to categorise, evaluate and update the value of land and maintain record thereof. They also desire that such data should be reviewed and updated at fixed periodical intervals.

Reply of Government

3.4 Most of the Railway land is already under Railways operational or related use. The extra land—mostly in the form of strips along the sides of track—is normally earmarked for expansion programmes which include gauge conversions, doublings, etc. During the interim period this land is put up to alternative uses *viz.* afforestation, etc. Some of this land is also required essentially to service the existing tracks and other infrastructure. For the purpose of licensing of railway land, only the market value of the specific plots involved need be ascertained since the area of land licensed by Railways constitutes only a very small percentage of the total land holding. In view of the foregoing, this Ministry is of the considered opinion that commercial evaluation of the entire land holding of the Railways, and periodical revision thereof, will be inadvisable.

Recommendation (S. No. 12, Para No. 1.72)

3.5 The Committee also feel that there is an imperative need to bring about amendment in the Railway Police Force Act so that the RPF

personnel are given more powers to remove encroachment on Railway land and to deal with the encroachers in an effective manner. For this purpose there should be adequate coordination between the RPF and the State police and civil authorities to oversee the problems arising out of removal of encroachers from the Railway land.

Reply of Government

3.6 The matter has since been re-examined in this Ministry and it has been decided that RPF personnel can be assigned greater responsibilities towards prevention for encroachment and enforcement of eviction orders, within the extant provisions of the RPF Act. Instructions have accordingly been issued to the RPF in all Zonal Railways to render all assistance to other Departments of Railways in the matter of prevention and removal of encroachments including co-ordination with State police authorities, when required.

Recommendation (S. No. 23, Para No. 2.61)

3.7 The Committee would also like the Land Management machinery to apply their mind on choice of trees to be planted keeping in view the cost effectiveness and financial benefit that may accrue out of it.

Reply of Government

3.8 Selection of species is being done mainly on the basis of their suitability to local conditions, watering facilities, interference from cattle, availability of maintenance and aftercare arrangements, etc. The saplings are mostly of hardy and fast-growing variety, requiring the least aftercare and protection.

Recommendation (S. No. 26, Para No. 2.64)

3.9 While examining the policy on disposal of surplus railway land, the Committee have observed that a major chunk of surplus railway land was relinquished to displaced persons from the erstwhile East Pakistan. Although it was a joint responsibility of the Government of West Bengal and the Ministry of Home Affairs in the Government of India to rehabilitate the refugees, the payment of the land so relinquished to the West Bengal Govt. is supposed to be made to Railways by the Govt. of West Bengal after funds are obtained from the Ministry of Home Affairs. The Ministry of Railways have informed the Committee that so far only an amount to the tune of Rs. 7,26,000 have been realised on this account from the Govt. of West Bengal. The Railways have not been able to satisfactorily answer as to how much was the exact balance amount due from the Govt. of West Bengal/Ministry of Home Affairs. The Committee have further been informed that for payment of the balance amount, the Railways are vigorously pursuing the matter with the Ministry of Home Affairs and the Govt. of West Bengal. The stalemate in this matter has affected the formal relinquishment of the land to the Govt. of West Bengal although the *de facto* position is that the refugees of erstwhile East Pakistan have already been settled there for the last 20 years. The

Committee aver that this is a very unhappy situation where Govt. to Govt. transactions have remained unsettled for such a long time.

Reply of Government

3.10 The delay in recovery of land cost is due to time being taken by the Revenue authorities of the State Government of West Bengal for assessment of the land value and in completing the procedural requirements. The State Government of West Bengal is being pursued to finalise the formalities for relinquishment of the land in question and to make payments. The matter has also been taken up with the Union Ministry of Home Affairs.

Recommendation (S. No. 27, Para No. 2.65)

3.11 The Committee further note that there are also some problems in regard to relinquishment of surplus land to the State Govts. in Maharashtra and Saurashtra for the construction of roads etc. Although the Railways are prepared to finalise the issues, due to one or the other technical snag the problems have remained unsolved. The Committee would like the Ministry of Railways to take a bold initiative at the highest level to resolve all these disputed matter without any further delay. Judging the situation from the point of view of escalation of price of land, the Committee feel that if such disputes continue, the matters would get further complicated. It is, therefore, in the interest of all concerned to finalise the matters at the earliest.

Reply of Government

3.12 It is presumed that the Committee's reference is to the issue of relinquishment of railway land at Jamnagar and Surendranagar to the State Government of Gujarat, who have been requesting for relinquishment of the land free of cost or at nominal rates. In accordance with the exeant rules, relinquishment of surplus railway land can be done only on payment of current market value of the land. This position has repeatedly been advised to the State Government and further action for finalisation of the matter will be taken on receipt of a favourable response from them.

Recommendation (S. No. 28, Para No. 2.66)

3.13 The Committee are informed that about 61,527 hectares of land acquired from time to time and earmarked for development of railway infrastructure is lying unutilised in different zonal railways. The Ministry have stated that utilization of land acquired ultimately depends upon various factors like availability of resources in the coming years, *inter se* priority of works, economic and demographic changes in each region etc. all of which are difficult to foresee. The Railways have expressed their inability to make any accurate assessment about the utilisation of vacant land at a future date as a consequence of which no perspective plan for actual utilisation of this land has been prepared.

The Committee, however, remain unimpressed by these arguments which are self-serving. In fact imaginative use of land asset in a planned manner itself could have generated the resources required for various programmes aimed at decongesting railway network through gauge conversions as well as opening of alternative routes for faster movement of traffic and opening of new lines particularly in backward sectors. In fact, this is adequately borne by the fact that during the last 40 years while China who has added over 31,000 RKM India has added only 8600 RKM during the same period.

Reply of Government

3.14 The railway land which is presently lying vacant and unutilised is located along the railway network and will be required for further development of railway facilities like doublings, expansion of yards and circulating areas, stations, staff colonies, etc. Such land, therefore, does not much scope for commercial or other alternative uses. The feasibility of commercial exploitation of air space over railway land, wherever feasible, to the extent excess to Railway's requirements, is being explored with the objective of generating additional resources for railway development.

Recommendation (S. No. 29, Para No. 2.67)

3.15 The Committee, therefore, desire the Ministry of Railways to take a holistic view of land utilization question and develop a perspective plan without further loss of time to dovetail it with over all development of Railway network as also to identify revenue generating potential on the entire network.

Reply of Government

3.16 In this connection, comments against Recommendation No. 29 is relevant. The Committee's recommendations have been referred to the Expert Committee on Land Management for further study and making suitable recommendations.

Recommendation (S. No. 33, Para No. 3.39)

3.17 The Committee also take note of the fact that enhancement of licence fee without an adequate legal and organisational support is nothing but an exercise on paper. They desire the Railways to expeditiously remove these impediment in successful enforcement of enhanced licence fee. The Committee also desire that Ministry should, without further loss of time, moot specific proposals for modifying Public Premises (Eviction of Unauthorised Occupants) Act, 1971 so as to facilitate quick implementation of the eviction orders passed by the Estate Officer.

Reply of Government

3.18 The organisational requirement for improving the land management is one of the terms of reference of the Expert Committee on Land Management constituted by this Ministry and based on their report, action will be taken to strengthen the organisation. This Ministry is also

approaching the Ministry of Urban Development, who is the nodal Ministry for Public Premises (Eviction of Unauthorised Occupants) Act, 1971, with suggestions for amending the Act to make the same more effective.

Recommendation (S. No. 34, Para No. 3.40)

3.19 The Committee are apprised that the air space above Railway lands particularly in urban areas has the potential of generating resources in the range of Rs. 20,000 to 25,000 crores. They also note that appropriate studies have already identified 70 locations for this purpose. Nevertheless, the Committee are concerned to note that despite dwindling budgetary support and general deficiency of resources for expansion and improvement of Railway operations, Railways have not moved fast enough in exploitation of air space above Railway lands and that a proposal in this regard for commercial exploitation of a plot of land in Bandra in Maharashtra has been under consideration for several years. The Committee, however, hope that with the Ministry of Law having thrown its weight behind the proposal Railways will lose no further time in concretising its plans. The Committee would like to be apprised to further progress in this regard.

Reply of Government

3.20 The Committee's recommendation have been noted. It may, however, be mentioned that as per the tentative estimates the potential for generating resources out of commercial exploitation of airspace over railway land is about Rs. 2,500 crores, provided all the schemes in this regard could materialise.

This Ministry had submitted a proposal in this regard to the Cabinet, which decided to defer the same. Subsequently, the matter has been referred to the Committee of Secretaries, to whom a Note has been submitted by this Ministry. The Ministry of Urban Development has been asked to prepare a policy note on the issue of commercial utilisation of government lands. The matter is presently under consideration of the Committee of Secretaries and is being vigorously followed up by this Ministry.

Recommendation (S. No. 35, Para No. 4.33)

3.21 The Committee are informed that the railways have to acquire land for expansion of railway network *e.g.* extension of existing tracks, conversion of metre gauge lines into broad gauge lines and doubling of lines etc. also development of connected infrastructure. They are, however, also apprised that often delays occur in acquisition of land due to the non-availability of full complement of the staff with the Land Acquisition Officers as also due to protracted correspondence amongst the L.A.O., State Government Secretariat and the Railways. Although the time limits prescribed for completing various process in the acquisition of land are

considered reasonable, due to 'procedural and legal complications adherence to these time limits become rather impracticable. What has particularly disturbed the Committee is the fact that in many cases, the procedure could not be completed within the stipulated time-limit with the result that the entire procedure had to be restarted resulting in loss of time as well as escalation in the amount of compensation.

Reply of Government

3.22 The Committee's observations have been noted.

Recommendation (S. No. 36, Para No. 4.34)

3.23 The Committee desire the Railways to take up with each of the State Governments proposals for effecting such procedural changes as would help in expediting overall process of land acquisition. They also would like the Railways to consider the usefulness of lending the services of their staff to the State Government for acquisition of land or alternatively paying a reasonable amount for deployment of such staff. In the opinion of the Committee this would be in the interest of the Railways by saving the manifold cost escalation that results from delays in conclusion of acquisition proceedings.

Reply of Government

3.24 The recommendations of the Committee have been noted. However, it is felt that the delays in land acquisition are mainly due to time taken by State Government in appointment of Land Acquisition Collector, valuation of land, litigation by land owners, etc., which can be attributed to a lack of diligence on the part of the authorities concerned and not to procedural lacune. The issue of streamlining the implementation of various provisions of the Land Acquisition is already under consideration of the Ministry of Rural Development, which is now the nodal Ministry for the Land Acquisition Act. The cases of land acquisition for various railway projects are vigorously chased up with the State Governments to eliminate any avoidable delays. The cost of the Land Acquisition establishment set up by the State Governments in connection with land acquisition for railway projects is already being borne by the Railways. It is, however, not considered feasible or desirable to lend the services of railway staff to the State Government.

Recommendation (S. No. 37, Para No. 4.35)

3.25 The problems that arise in relation to acquisition of land pertain to payment of compensation of the land owners, price escalation due to delay caused by procedural formalities and rehabilitation of the displaced land owners. The Committee also find that difference between the amount of compensation decided by the Revenue Authorities on the basis of registered sale transactions in the area and the existing market price which is usually demanded by the land owners leads to litigations at various judicial levels. In many cases the land owners are able to obtain stay at

one or the other stage of the legal battle that ensues. This naturally causes lot of delay not only in acquisition of land but in the overall completion of the project for which land is to be acquired with consequential escalation in estimated expenditure of the project. The net result of all these problems is greater financial burden on the Railways. The Committee feel that although all the concerned authorities are of the view that the provisions of Land Acquisition Act are adequate yet it will be worthwhile if an exercise is made to review this very old enactment to see whether there are some areas where small amendments may lead to simplification of procedures and avoidance of delays at all levels. The Committee would appreciate if the matters are negotiated with the land owners and rates of compensation demanded by them are settled in such a way that may obviate the need on the part of land owners to go in for formal legal proceedings. In this context, Committee would also like to draw attention to their 9th Report (1992) on Ministry of Defence on Defence Land and Land Use Policy.

Reply of Government

3.26 The issue of streamlining the implementation of various provisions of the Land Acquisition is already under consideration of the Ministry of Rural Development, which is now the nodal Ministry for the Land Acquisition Act. The Committee's recommendations are being brought to the attention of the Ministry of Rural Development for necessary action.

Recommendation (S. No. 38, Para No. 4.36)

3.27 The Committee find that the Railways move for acquisition of land needed for various projects only after such projects are virtually finalised. In Committee's view it would be advisable if the Railways proceed to initiate and conduct surveys for acquisition of land needed for a particular project while the project is in the process of being finalised. If there is a meaningful coordination between the authorities responsible for planning and finalising the project and the authorities responsible for acquisition of land and the matters move simultaneously, the land can be made available for the project, as soon as it is finalised.

Reply of Government

3.28 The land needed for Railway projects is generally notified for acquisition after the feasibility survey for the projects has been done and the justification for the project established. The actual acquisition proceedings can, however, commence only after the project is approved by the Planning Commission and funds are provided for the same. This sometimes take time as it depends on various factors such as availability of funds, inter-se priority of works, etc. and cannot be forecast much in advance.

Recommendation (S. No. 39, Para No. 4.37)

3.29 The Committee would also like the Railways to make it an integral part of future projects to rehabilitate land owners displaced due to

acquisition of their lands for Railways projects. The Committee have already recommended in their 9th Report (1991-92) on Ministry of Defence—Defence Lands and Land Use Policy, the Government should come out with an appropriate policy on rehabilitation of land owners displaced in this matter. The Committee would like the Railways to liaise with the Ministry of Defence, Urban Development and Rural Development so that a comprehensive policy is evolved in the matter.

Reply of Government

3.30 The Ministry of Rural Development, which is the nodal Ministry for Land Acquisition Act, is already engaged in formulating a comprehensive policy in regard to rehabilitation of land owners displaced by land acquisition for various projects. As far as Railways are concerned, it may be mentioned that the lands acquired by Railways is generally in the form of narrow strips, which does not cause displacement of loss of livelihood of families. As such, cash compensation is generally adequate. Where there has been displacement, the guidelines issued by Ministry of Rural Development will be followed.

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF GOVERNMENT ARE STILL AWAITED

Recommendation (S. No. 14, Para No. 1.74)

5.1 The Land Management Cell at the Board level should be strengthened by having on its staff legal experts to deal with and decide cases regarding lease agreements, recovery of licence fees, liquidation of the arrears and repossession of the land leased out. They recommend that cell should be placed under the supervision of a very senior officer who will monitor the entire activity relating to land management.

Reply of the Government

5.2 The strengthening of Land Management Cell in Board's office is under consideration. It may be mentioned that the Cell is already working under a senior officer *i.e.* the Executive Director, Land Management. The possibility of placing a senior officer to deal exclusively with land management is being examined.

Recommendation (S. No. 32, Para No. 3.38)

5.3 The Committee are constrained to point out that in regard to lasting asset like land the Railways have followed a more or less *ad hocist* approach the adverse consequences of which are evident from the fact that in 2632 cases of the market value adopted for charging enhanced licence fee has been disputed by the licencees. 372 suits including one in North Frontier Railway involving 450 cases are pending in courts. In 201 cases the courts have granted injunction in favour of private parties. The Committee are convinced that such disputes have arisen primarily because of absence of a farsighted and comprehensive approach on the part of the Railways. They, therefore, desire that in future a long term and consistent basis for assessing the licence fee should be adopted. They also desire that appropriate strategy should be adopted to settle the disputes particularly with small parties in an expeditious manner. If necessary the Railways could also explore the possibility of out of court settlements.

Reply of the Government

5.4 The Committee's recommendations have been taken note of Review of the extent policy on commercial licensing of railway land is under consideration of this Ministry.

NEW DELHI;

11 April, 1994

21, Chaitra 1916 (S)

DR. KRUPASINDHU BHOI,
Chairman,
Estimated Committee.

APPENDIX I

(Vide Introduction of the Report).

Analysis of Action Taken by Government on the 29th Report of Estimates Committee (Tenth Lok Sabha)

I	Total number of recommendations		39
II	Recommendations/Observations which have been accepted by Government (Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 30 and 31)	Total	22
	Percentage		56.41%
III	Recommendations/Observations which the Committee do not desire to pursue in view of Government replies (Nos. 4, 5, 12, 23, 26, 27, 28, 29, 33, 34, 35, 36, 37, 38 and 39)	Total	15
	Percentage		38.46%
IV	Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee (Nos. Nil)	Total	Nil
	Percentage		Nil
V	Recommendations/Observations in respect of which final replies of Government are still awaited (Nos. 14 and 32)	Total	2
	Percentage		5.13%

APPENDIX II

Minutes of the Sitting of the Estimates Committee Nineteenth Sitting

The Committee sat on Thursday, the 7th April, 1994 from 1500 hours to 1610 hours.

PRESENT

Dr. Krupasindhu Bhoi—*Chairman*

MEMBERS

2. Shri Chhitubhai Gamit
3. Shri Parshuram Gangwar
4. Shri S. K. Gangwar
5. Shri B. S. Hooda
6. Shri Dau Dayal Joshi
7. Smt. Sumitra Mahajan
8. Shri Hannan Mollah
9. Shri Kabindra Purkayastha
10. Shri Satya Deo Singh
11. Shri Arvind Trivedi
12. Shri Laeta Umbrey
13. Shri K. P. Reddaiah Yadav

SECRETARIAT

- | | |
|----------------------|---------------------------|
| 1. Shri Murari Lal | — <i>Joint Secretary</i> |
| 2. Smt. P. K. Sandhu | — <i>Deputy Secretary</i> |
| 3. Shri K. L. Narang | — <i>Under Secretary</i> |

The Committee considered the Draft Report on the Action Taken by Government on the recommendations contained in the 29th Report of the Estimates Committee (Tenth Lok Sabha) on the Ministry of Railways (Railway Board)—Railway Lands and Land use Policy and adopted the same with the following addition at the end of Para 1.33:

“The Ministry should also intimate the recommendations made by the Expert Committee an action taken by Government thereon for information of the Estimates Committee.”

* * * * *

2. The Committee authorised the Chairman to make verbal and other consequential changes arising out of factual verification by the respective Ministries and present the same to the House.

3. The Committee then adjourned to meet again on 8th April, 1994.