

**COMMITTEE  
ON  
GOVERNMENT ASSURANCES  
(1995-96)**

**(TENTH LOK SABHA)**

**THIRTY-THIRD REPORT**

*(Presented on 25.8.1995)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

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COMPOSITION OF THE COMMITTEE ON GOVERNMENT  
ASSURANCES \*  
(1995-96)

CHAIRMAN

Shri Basudeb Acharia

MEMBERS

2. Shri Vishveshwar Bhagat
3. Shri Gurcharan Singh Dadhahoor
4. Shri Santosh Kumar Gangwar
5. Shri P.P. Kaliaperumal
6. Shri Prabhu Dayal Katheria
7. Shri Harpal Panwar
8. Smt. Suryakanta Patil
9. Shri Shashi Prakash
10. Shri V. Sreenivasa Prasad
11. Shri J. Chokka Rao
12. Shri Asht Bhuja Prasad Shukla
13. Shri Ummareddy Venkateswarlu
14. Shri V.S. Vijayraghavan
- \*\*15. Shri Shailendra Mahto

SECRETARIAT

1. Smt. Reva Nayyar — *Joint Secretary*
2. Shri P.D.T. Achary — *Director*
3. Shri Mange Ram — *Under Secretary.*

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\*The Committee was nominated by the Speaker w.e.f. 4 February, 1995 and as published *vide* para 3723 of Lok Sabha Bulletin Part-II dated 13.2.1995.

\*\*Nominated to the Committee on 9 August, 1995 as published *vide* para 4164 of Lok Sabha Bulletin Part II dated 9.8.1995.

## INTRODUCTION

I, the Chairman of the Committee on Government Assurances having been authorised by the Committee to submit the Report on their behalf, present this Thirty-third Report of the Committee on Government Assurances.

2. The Committee (1995-96) were constituted on February 4, 1995.

3. The Committee at their sitting held on June 22, 1995 took the oral evidence of the representatives of the Ministry of Railways in connection with the following two pending assurances :—

- (i) Assurance given during General Discussion on Railway Budget on July 25, 1991 in reply to a point raised regarding redeployment of contract workers in steam locomotives who handle coal and ash.
- (ii) Assurance given during the course of discussion on Private Members' Bill on May 7, 1993 on Railway Protection Force (Amendment) Bill—Permission to Railway Protection Force (RPF) to form an association/union to ventilate their grievances.

4. At their sitting held on August 23, 1995, the Committee considered and adopted the draft Thirty-third Report. The Minutes of the aforesaid sitting of the Committee form part of the Report.

5. The conclusions/observations of the Committee are contained in this report.

6. The Committee wish to express their thanks to the officials of the Ministry of Railways for their co-operation.

NEW DELHI;  
*August 23, 1995*

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*Bhadra 1, 1917 (Saka)*

BASUDEB ACHARIA,  
*Chairman,*  
*Committee on Government Assurances.*

## REPORT

### *A. Redeployment of Contract Labourers handling coal & ash*

On July 25, 1991 during the course of General Discussion on Railway Budget in the House, the Union Minister of Railways (Shri C.K. Jaffer Sharief) while replying to points raised by Shri Basudeb Acharia, MP made the following statement:—

“...I can assure you, there is no question of throwing them out of employment. We are not going to throw the workers on the street. We will get them redeployed somewhere by giving them necessary training.”

2. Shri Basudeb Acharia, MP had stressed the point regarding the redeployment of contract workers in steam locomotives who handle coal and ash. The Minister of Railways again made the following statement in the House on the same date:—

“Well, we have already said about the workers from steam locomotive. We will not send them out. We will use them somewhere by giving them necessary training.”

3. As the assurance remained pending for a long time even after their recommendations contained in para nos. 14 to 16 in the Eighteenth Report presented to the House on February 22, 1994, the Committee took oral evidence of the officials of the Ministry of Railways on May 26, 1994. During the evidence the witnesses requested the Committee not to treat the reply as assurance but the Committee decided not to change their recommendation.

4. Before the Committee presented their 25th Report to the Lok Sabha on December 7, 1994, the Committee also examined the officials of the Eastern and Southern Railways during Study Tour at Calcutta on October 4, 1994. The officials showed their inability to absorb the contractors' labourers and requested the Committee to drop the assurance on the ground that Railways were facing problem of redeployment of a large number of regular railway staff rendered surplus on account of closure of steam locomotive sheds and other modernisation activities. The witnesses also emphatically refused to own the responsibility for the contractors' labourers and submitted that the absorption might lead to other illegal claims from other contractors' labourers in the courts.

5. The Ministry of Railways, therefore, submitted a formal request to the Committee through the Ministry of Parliamentary Affairs *vide*

Ministry of Parliamentary Affairs U.O. Note No. I/Rly. (41) Gen. Dis-LS/91 dated November 28, 1994 for dropping the assurance on the following grounds:—

“Hon’ble Supreme Court, while considering a writ petition filed by these Contractors’ labour for their absorption in the Railways, had directed the Railways to examine this problem from humanitarian point of view. Railways, after examining the directions given by the Hon’ble Court in detail, filed an affidavit explaining the difficulties and stating Railways’ inability to provide any alternate employment to these contractors’ labour. Considering the humane aspect of the problem, Railways, however, offered that these contractors’ labour may form co-operative societies and participate in handling/other contracts awarded by the Railways from time to time and avail of the benefits available to such co-operative societies. This scheme of self employment has been accepted by the counsel of contractors’ labour before the Supreme Court. However, the final judgement is awaited and the case is still subjudice.

The deployment of contractors’ labour is not confined to coal and ash handling work only, such labour is also engaged by the contractors in civil engineering and S&T works, loading and unloading of goods, transshipment, catering and vending jobs etc. Absorption of contractors’ labour engaged in coal and ash handling work would affect the contract system of working on the Railways and would have far reaching implications as it would lead to demands from other similarly deployed contractors’ labour resulting in colossal problem of absorbing a vast private labour force which will lead to disruption of administrative and financial health of the Railways.

Railways are still grappling with the problem of redeployment of a large number of regular railway staff rendered surplus on account of closure of steam locomotive sheds and other modernisation activities. Even after redeploying about 11,500 surplus regular railway staff of steam sheds in last two years, 4,600 railways staff are still awaiting redeployment. The phasing out of steam locos is not yet complete and around 10,000 regular railway staff are further likely to be rendered surplus on closure of balance steam sheds and other modernisation activities viz. closure of marshalling and transshipment yards, rationalisation of C&W examination points etc. These staff also have to be redeployed after necessary training.

Railways are also saddled with the problem of absorption of about one lakh casual labour engaged on the Railways. Further, the Railways have a large number of ex-casual labour who are figuring on live registers and are to be re-engaged on availability of work.

Railways also have the responsibility to provide employment on compassionate grounds towards/relatives arising out of death or disability of Railway employees."

6. This request was placed before the Chairman, Committee on Government Assurances and it was again decided to call the officials of the Ministry of Railways for oral evidence on this issue alongwith another pending assurance at their sitting held on June 22, 1995.

7. During evidence, the Committee desired to know the difficulties and hurdles that were being faced by the Ministry of Railways in implementing the assurance regarding absorption of contract workers engaged in the coal and ash handlings who had become surplus on account of closure of the steam locosheds. In reply the Chairman, Railway Board stated:—

"With the permission of this Hon. Committee, I would like to mention that the Minister's assurance on the floor of the House was in the context of absorption of Railways staff who were declared surplus due to closure of steam locosheds. The staff working on the steam locosheds who were to be rendered surplus were to be redeployed and absorbed. But the issue here is about the absorption of the labour working under the contractors and engaged in coal and ash handling. They were never under the railway staff. The actual problem is that even if the Railways do take a decision to somehow absorb these people it is going to have much wider ramifications because the contract workers are not limited to coal and ash handling alone but many other areas also. For example, signalling work, catering, parcel loading and unloading etc. They would also demand for absorption.

Secondly, as it is due to closure of steam locomotives and other changes in technologies and working pattern, number of working staff has already become surplus. The Railways has the responsibility to absorb them because they are our own men, on our pay-roll. We have a very large number of casual labourers, numbering about 70,000 to 80,000 and some ex-casual labourers who were working with the Railways sometime ago but were retrenched due to shortage of work. They may also have a claim on Railway employment sooner or later. With all these problems, it will not be feasible to consider the absorption into the Railways of these contract labourers.

These people had also gone to the Supreme Court and the final judgement is still awaited. The Supreme Court gave an interim judgement that Railways should examine this problem on humanitarian grounds. Railways offered that this labour force can form a cooperative society which can then be considered for other contract work like handling of parcel, etc. because the coal and ash handlig work is being dwindled because of closure."

8. The Committee also asked why the interim direction of the Hon'ble Supreme Court has still not been implemented by the Zonal Railways as well as by Divisional Railways, the Chairman, Railway Board stated:—

“We shall issue instructions on these lines..... At the same time, I admit that the retrenched contractor's labour have to form cooperative societies so that they can be considered as and when works of this nature like handling, loading and unloading come up. We will advise them suitably that they have to form cooperative societies. As you said we shall issue instructions that these societies have to be given preference over contractors in awarding such works. Once they form cooperative society and register it, they would automatically get preferential treatment.”

9. The Committee asked the Railway Board to elaborate the points that if these retrenched workers were absorbed into the Railways, there would be wide ramifications as there were other workers like the contractors' labour engaged by the private contractors for civil work. The Chairman, Railway Board stated:—

“...there may be some difference in the type of contract work which is being undertaken by the contractor's labour engaged in civil works and the type of work the coal and ash handling labour were doing, still some similarity is there. Substantial similarity between the contractor's labour engaged in coal and ash handling and the workers engaged in civil works—is that periods of inactivity are there in their case also. Suppose there is a project where new track is being laid or gauge is being converted. Once that project is over, the contractor's labour becomes idle for some time till they move on to some other site. They too may demand absorption into Railways. Once we accept the principle that when regular work ceases in the Railways within contract time then the labour engaged in that activity should be absorbed into Railways and it should be Railways' liability to get them employed, then the liability may expand to other types of contractor's labour as well.”

10. The Committee explained that in the past, on the closing down of loco-sheds in South Eastern Railways workers engaged in those loco-shed were absorbed into Railways as regular workers, whereas it had not been done in the case of other such contractor's labourers. To this, the Chairman, Railway Board replied:—

“Another category similar to this will be transshipment workers who were engaged for loading purpose in transshipment of goods either from wagons or from parcel vans because that work also was of continuing nature. In some cases goods sheds were closed down. They also have been rendered surplus. They are very clearly similar to coal and ash handling workers. As far as the nature and work is concerned they may also demand absorption. Apart from the fact that they are contractor's labour who are engaged in long term projects, after passage of four years time, they may say “we have been working for four years now, we should be given absorption in a regular job in Railways”. One can not always escape from the responsibility very easily once we do it.



As far as the case of one or two loco-sheds of South Eastern Railways, we have to look into the circumstances under which those workers were absorbed into Indian Railways. Member (Mechanical) who is by my side and who may be aware of the two cases of the South Eastern Railways may like to comment on it".

11. The Member (Mechanical) Board Elaborated:—

"There were two instances of South Eastern Zone that happened 20 years ago. One case was of a coal and ash handling worker who was continuing in his job. It was in the case of closure of a steam loco-sheds which was hired by a contractor and possibly was not performing well which we decided to take over. At that point of time since surplus staff was not available with the Railways we decided to recruit these people. In the recruitment some of the existing contractors labourers were also taken in. In the other case also a further smaller number of labourers eight or ten, were regularised. These are two solitary instances where the work was of ongoing nature. Now even the work is not ongoing. The sheds are closed".

12. Thereafter when the Committee informed that in Anara workers were given alternative employment after the closure of some loco-sheds, in reply to it the Chairman, Railway Board explained as follows:—

"Probably at that point of time a large scale surplus of Railway's own workers had not been generated. It is because Anara sheds was closed in 1981. At that time, we did not have large scale surplus. But, for some other activities, the Railways may be requiring fresh hands or additional hands. So, they have taken those people through some selection process. Now, within the Railways itself, today, we have 15,000 people surplus who are awaiting redeployment".

13. The Committee, however, stressed that the assurance given for redeployment of contract workers dealing in coal and ash has to be implemented as it was a sort of direction of the Minister of Railways and that there was no question of examination. The Chairman, Railway Board explained:—

"It may appear that he has not made the distinction between the regular Railway workers and the contract labourers. From the wording, the distinction is not clear. But later on the Minister of Railways himself has clarified in subsequent letters that what he meant at that time was the regular railway staff and not contract labourers".

14. The Committee also pointed out that the Minister cannot give a different explanation to departmental officers for a statement made on the floor of the House and if any correction had to be carried out it had to be made on the floor of the House.

15. Thereafter the witness also made a fresh request to drop the assurance. To which, the Committee stated that the request for dropping cannot be acceded to and the Ministry of Parliamentary Affairs has also been informed.

16. The Committee also directed the representatives of the Ministry of Railways to seek extension of time, if required, to implement the pending assurance.

17. The Committee in their Eighteenth Report presented to the Lok Sabha on February 22, 1994 had recommended that the entire lot of 6345 Contractors' Labourers handling coal and ash and who were rendered jobless due to closure of steam loco sheds should be absorbed permanently in the respective Railway Zones as per the categorical assurance given by the Minister of Railways on the floor of the House while replying on Railway Budget on July 25, 1991. The Committee had also recommended that the Ministry of Railways should adopt a uniform policy in the matter of absorption of Contractors' Labourers engaged in coal and ash and fulfil the assurance within three months *i.e.* by May 22, 1994. The Ministry of Railways however, showed their inability to own the responsibility of contractors' labourers on the ground that they were not their own labourers and they were not being paid from the Railway Establishment. The Ministry of Railways, therefore, requested the Committee to drop the assurance on the grounds that (i) a case is pending in the Supreme Court (ii) the deployment of contractors' labourers is not confined to coal and ash handling work only and absorption of contractors' labourers engaged in coal and ash handling work would affect the contract system of working on the Railways and would have far reaching implications as it would lead to demands from other similarly deployed contractors' labour (iii) Railways are grappling with the system of redeployment of large number of regular and surplus railway staff (iv) the Railways are also saddled with the problem of absorption of a large number of ex-casual labour who are figuring on live registers and are to be re-engaged on availability of Railway work

(v) Railways are also owning the responsibility to provide re-employment on compassionate grounds to the relatives of the deceased or disabled Railway Employees. The request of the Ministry of Railways was, however, not acceded to and the Committee again examined the representatives of the Ministry of Railways. While examining the representatives, the Committee note that contractors' labourers were absorbed not only once but several times in the various zones in the past.

18. The Committee are unable to understand the reasons for not complying with the directions of the Minister. The Minister, while assuring the House, had simultaneously directed the officers to initiate action to train these contractors' labourers and redeploy them. The Committee are pained to learn that the directions of the Minister are yet to be carried out.

19. In spite of making their earnest efforts to absorb about 6345 contractors' labourers who have been rendered jobless on account of the closure of loco-sheds, the Ministry have tried to mix up the issue with other irrelevant issues like their casual labourers in the Railways etc.

20. The Committee therefore desire that the Ministry of Railways should not delay the matter by waiting for the final judgement from the Supreme Court. Rather it should act on the interim orders of the Supreme Court which require. The Railways to reconsider the cases of absorption of displaced contractors' labourers on humanitarian grounds. Process should be initiated at once to absorb all these labourers in the respective Railway Zones and avoid displeasure from this August Committee. The Committee hope that necessary directions shall be issued to the Head of the Railway Zones in this matter at the earliest.

*B. Permission to Railway Protection Force to form Association Union*

21. On August 30, 1991 Shri Basudeb Acharia, (M.P.) introduced the Railway Protection Force (Amendment) Bill, 1991, in the Lok Sabha with a view to making the Railway Protection Force (RPF) a more conducive force for the better protection of railway property by conferring on it legal powers of investigation and prosecution. In addition, the Bill also provided for restoration of the right of the Personnel of the Railway Protection Force to form association which had been abrogated by the amendment of the Act in 1985.

22. On May 7, 1993 while participating in the discussion on the Railway Protection Force (Amendment) Bill the Hon'ble Members pleaded that the Railway Protection Force should be allowed to form Association/Union.

23. In reply, the Minister of Railways (Shri C.K. Jaffer Sharief) *inter-alia* stated as under:—

"I assure the House that once the House is adjourned, I will sit with the Home Minister and, if necessary, I will take the Chief Ministers into confidence. I will work out some modalities and see how we can redress their grievances and make this an effective instrument either by giving some recognition to it. We will see which is the other method to do it. We will coolly think about this".

24. On this assurance, Shri Basudeb Acharia, M.P. had withdrawn the Bill introduced by him and the above reply was to be fulfilled within three months from the date of the assurance *i.e.* August 6, 1993.

25. The Committee reviewed all the pending assurances lying with the Ministry of Railways for fulfilment and took oral evidence of the Ministry at their sitting held on May 26, 1994. The Committee recommended that a meeting between the Ministers of Home Affairs and Railways be fixed up early and the issue is resolved once for all but not later than December 31, 1994 in any case.

26. As the assurance remained pending, the Committee took oral evidence of the representatives of the Ministry of Railways on June 22, 1995 alongwith another assurance.

27. The Ministry of Railways *vide* their O.M. No. 90&Sec. (Spl)10012 dated 19.6.95 informed the Committee that a meeting was fixed but had to be postponed for unavoidable reasons. It was informed however, that, a meeting might take place soon.

28. When the Committee enquired as to why the Minister of Railways had not yet discussed the subject matter of granting recognition to the Railway Protection Force Association with the Minister of Home Affairs as was assured by the former two years back, the representative of the Ministry of Railways, *inter-alia* replied:—

“Actually, the Minister of Railways was to have a meeting with the Home Minister. But that meeting has not taken place.... A meeting was held with Shri Vidyacharan Shukla. The Minister of Parliamentary Affairs, in which some Members of Parliament were also present. There it was brought out by the Special Secretary (Home), that the Ministry of Home Affairs was not thinking in terms of granting this right to the paramilitary forces under the Home Ministry”.

29. The representative further elaborated:—

“The RPF became an armed force of the Union sometime in 1985. From that time according to the rules they are not permitted to form a Union or an Association and that is in the line of practice prevalent in the other armed forces of the union like the police or paramilitary forces. In case we wish to grant them the right to form an association, then they have to be stripped of the other privileges, they enjoy as an armed force of the Union. As an armed force of the Union they enjoy some additional status and additional benefits which they will lose.

Secondly, we have already established machinery for the redressal of grievances in the RPF. Under that machinery we interact with them and find out the difficulties and grievances. Actually, the function which normally is performed by an association is being executed in that forum. So, we are able to manage the affairs of RPF staff grievances redressal in this manner”.

30. The Committee then pointed out that the initiative should have been taken by the Ministry of Railways to convene the meeting of the Minister of Railways and the Minister of Home Affairs. The Committee also reminded that the Minister of Railways had not rejected the proposals outright but had assured that some modalities would be worked out to see how their grievances could be redressed either by giving recognition or by some other method.

31. To this the representative stated:—

“The Home Minister was expected to attend the meeting which was held with the Minister of Parliamentary Affairs but he could not attend due to some other engagement. But in that meeting the Special Secretary of the Ministry of Home Affairs mentioned that the Home Ministry was not thinking in those terms.”

32. The Committee observe that a Private Member's Bill introduced in Lok Sabha in 1991 provided for restoring the rights of the employees of the Railway Protection Force (RPF) to form an association which had been abrogated by the Railway Protection Force (Amendment) Act, 1985. The Committee also observe that the Bill was withdrawn by the Member on the assurance of the Minister of Railways during discussions of the Bill in May, 1993 that a meeting would be arranged by him with the Minister of Home Affairs to work out some modalities for the redressal of grievances of the Railway Protection Force either by giving recognition or otherwise.

33. The Committee, however, take a serious view of the fact that the Ministry of Railways has not made any concerted efforts to arrange for a meeting between the Minister of Railways and the Minister of Home Affairs to work out some modalities to see how the grievances of the Railway Protection Force could be redressed either by giving recognition to their Association or in some other form. The Ministry of Railways has wasted more than two years in this simple work of convening a meeting despite the fact that the Minister had categorically assured in 1993 that he would sit with the Minister of Home Affairs and if need be, take the Chief Ministers in confidence.

34. The Committee express their displeasure that observations of the Committee (1993-94) on this matter contained in para nos. 21 to 23 in their Twenty Fifth Report presented to Lok Sabha on December 7, 1994 are also still pending for compliance.

35. The Committee deprecate the lackadaisical approach of the Ministry of Railways to arrange even for a meeting of the two Ministers as promised to thrash out the matter. Had the meeting been convened, some decision would have been taken by now in regard to giving recognition to the association. The Committee feel concerned that the Ministry of Railways is not at all serious about the matter and is engaged in dilatory tactics by not taking any initiative even in convening a meeting between the Minister of Railways and the Minister of Home Affairs.

36. The Committee also feel that by not honouring the promise made in the House till now, the Member was deprived of his right to pursue the matter further. The Committee, therefore, liked that their strong feelings should be conveyed both to the Minister of Railways and the Minister of Home Affairs who may sit together and take an early decision in this matter.

NEW DELHI;  
August 23, 1995

BASUDEB ACHARIA,  
Chairman,  
Committee on Government Assurances.

( Bhadra 1, 1917 (Saka)

## APPENDIX-I

### MINUTES

#### Eleventh Sitting

### MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES HELD ON JUNE 22, 1995 IN COMMITTEE ROOM 'D' PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee met on Thursday, June 22, 1995 from 15.00 hours to 16.15 hours.

#### PRESENT

Shri Basudeb Acharia — *Chairman*

#### MEMBERS

2. Shri Gurcharan Singh Dadhahoor
3. Shri Santosh Kumar Gangwar
4. Shri Prabhu Dayal Katheria
5. Shri Shashi Prakash
6. Shri Asht Bhuja Prasad Shukla
7. Shri Ummareddy Venkateswarlu

#### SECRETARIAT

1. Smt. Roli Srivastava — *Joint Secretary*
2. Shri R. K. Jain — *Under Secretary*

#### *Representatives of the Ministry of Railways*

1. Shri G. K. Khare, Chairman, Railway Board
2. Shri Masihuzzaman, Member/Mechanical
3. Shri J.P. Singh, Adviser/Mechanical
4. Shri Kalyanrudra, DG/RPF
5. Shri K. B. Shankaran, EDMF (Traction)
6. Shri J. L. Saddar, IG/RPF

The Committee took oral evidence of the representatives of the Ministry of Railways in connection with the non-implementation of the following two assurances:—

- (i) Assurances given during the General Discussion on Railway Budget on July 25, 1991 regarding redeployment of 'contractors' labourers dealing in coal and ash;

- (ii) Assurance given during discussion on Private Member's Bill on Railway Protection Force. (Amendment Bill, 1991 for giving permission to Railway Protection Force to form Association/ Union.

3. At the outset, the Chairman drew attention of the witnesses to direction 58 of the Directions by the Speaker and explained to them that their evidence was likely to be treated as public and liable to be published unless the witnesses specifically desired that all or any part of the evidence given by them was to be treated as confidential. It was also explained to them that even though the evidence was desired to be confidential, such evidence was liable to be made available to the Members of Parliament.

4. The Committee thereafter desired to know the difficulties and hurdles that were coming in the way of the Ministry of Railways in implementing the assurance regarding absorption of contract workers engaged in the coal and ash handlings who had become surplus on account of closure of the steam Loco sheds.

The Chairman, Railway Board deposed as under:—

“With the permission of this hon. Committee, I would like to mention that the Minister's assurance on the floor of the House was in the context of absorption of Railways staff who were declared surplus due to closure of steam loco sheds. The Staff working on the steam loco sheds who were to be rendered surplus were to be redeployed and absorbed. But the issue here is about the absorption of the labour working under the contractors and engaged in coal and ash handling. They were never under the Railways staff. The actual problem is that even if the Railways do take a decision to somehow absorb these people it is going to have much wider ramifications because the contract workers are not limited to coal and ash handling alone but many other areas also. For example, signalling work, catering, parcel loading and unloading etc. They would also demand for absorption.

Secondly, as it is due to closure of steam locomotives and other changes in technologies and working pattern, number of working staff has already become surplus. The Railways has the responsibility to absorb them because they are our own men, on our pay-roll. We have a very large number of casual labourers, numbering about 70,000 to 80,000 and some ex-casual labourers who were working with the Railways some time ago but were retrenched due to shortage of work. They may also have a claim on Railway for employment sooner or later. With all these problems, it will not be feasible to consider the absorption into the Railways of these contract labourers. These people had also gone to the Supreme Court and the final judgement is still awaited. The Supreme Court gave an interim judgement that Railways

should examine this problem on humanitarian grounds. Railways offered that this labour force can form co-operative societies which can then be considered for other contract work like handling of parcel, etc. because the coal and ash handling work is being dwindled because of closure."

5. When asked why the interim direction of the hon. Supreme Court has still not been implemented by the Zonal Railways as well as by the Divisional Railways, the Chairman, Railway Board stated:—

"We shall issue instructions on these lines....Sir, at the same time I admit that the retrenched contractor's labour have to form cooperative societies so that they can be considered as and when works of this nature like handling, loading and unloading come up. We will advise them suitably that they have to form cooperative societies. As you said we shall issue instructions that these societies have to be given preference over contractors in awarding such works. Once they form a co-operative society and get it registered, they would automatically get preferential treatment."

6. When the Committee pointed out that if these retrenched workers were absorbed into the Railways there would be wide ramifications as there were other workers like the contractors' labours engaged by the private contractors for civil work, the Chairman, Railway Board stated:—

"...there may be some difference in the type of contract work which is being undertaken by the contractor's labour engaged in civil works and the type of work the coal and ash handling labour were doing, still some similarity is there. Substantial similarity between the Contractor's labour engaged in coal and ash handling and the workers engaged in civil works is that periods of inactivity are there in their case also. Suppose there is a project where new track is being laid or gauge is being converted. Once that project is over, the contractor's labour becomes idle for some time till they move on to some other site. They too may demand absorption into Railways. Once we accept the principle that when regular contract work ceases in the Railways, then the labour engaged in that activity should be absorbed into Railways and it should be Railway's liability to get them employed, then the liability may expand to other types of contractor's labour as well."

7. The Committee enquired that in the past, on the closing down of loco-sheds in South Eastern Railway, workers engaged in those loco-sheds were absorbed into Railways as regular workers, whereas it had not been done in the case of other such contractor's labourers. To this, the Chairman, Railway Board replied:—

"Another category similar to this will be transshipment workers who were engaged for loading purpose in transshipment of goods either from wagons or from parcel vans because that work also was of



continuing nature. In some cases goods sheds were closed down. They also have been rendered surplus. They are very clearly similar to coal and ash handling workers. As far as the nature of work is concerned they may also demand absorption. Apart from the fact that they are contractor's labour who are engaged in long term projects, after passage of four years time, they may say 'We have been working for four years now, we, should be absorbed in a regular job in Railways'. One cannot always escape from the responsibility very easily once we do it.

As far as the case of one or two loco-sheds of South Eastern Railway is concerned we have to look into the circumstances under which those workers were absorbed into Indian Railways. Member (Mechanical) who is by my side and who may be aware of the two cases of the South Eastern Railway may like to comment on it".

8. The Member (Mechanical) Railway Board elaborated:—

"There were two instances of South Eastern Zone that happened 20 years ago. One case was of a coal and ash handling worker who was continuing in his job. It was in the case of closure of a steam loco-sheds which was hired by a contractor and possibly was not performing well which we decided to take over. At that point of time since surplus staff was not available with the Railways we decided to recruit these people. In the recruitment some of the existing contractors labourers were also taken in. In the other case also a further smaller number of labourers, eight or ten were regularised. These are two solitary instances where the work was of ongoing nature. Now even the work is not ongoing. The sheds are closed."

9. Thereafter the Committee informed that in Anara workers were given alternative employment after the closure of some loco-sheds. In reply to it, the Chairman, Railway Board explained as follows:—

"Probably at that point of time a large scale surplus of Railway's own workers had not been generated. It is because Anara shed was closed in 1981. At that time, we did not have large scale surplus. But, for some other activities, the Railways may be requiring fresh hands or additional hands. So, they have taken those people through some selection process. Now, within the Railways itself, today, we have 15,000 people surplus who are awaiting redeployment."

10. When asked the reason for surplus staff who are awaiting for the deployment he stated that it was because of change of traction, closure of marshalling yards, change in type of stock etc.

11. The Committee also brought to the notice of the witnesses that bogus co-operatives comprising one or two persons had been formed and all the works/jobs were being snatched away by them. When the

Committee desired that the cooperatives formed by these retrenched workers, in question, from the closed loco-sheds should be given preference so that these may not remain idle, the witnesses assured that necessary directions would be issued to all concerned in this regard.

12. The Committee, however, stressed that the assurance given for redeployment of contract workers dealing in coal and ash has to be implemented as it was a sort of direction of the Minister of Railways and that there was no question of examination. The Chairman, Railway Board explained:—

“It may appear that he has not made the distinction between the regular Railway workers and the contract labourers. From the wording, the distinction is not clear. But later on, the Minister of Railways himself has clarified in subsequent letters that what he meant at that time was the regular railway staff and not contract labourers.”

13. The Committee also pointed out that the Minister cannot give a different explanation to departmental officers for a statement made on the floor of the House and if any correction was to be made it had to be made on the floor of the House.

14. The witness also made a fresh request to drop the assurance. But the Committee stated that the request for dropping cannot be acceded to and the Ministry of Parliamentary Affairs has also been informed.

15. The Committee also directed the representatives of the Ministry of Railways that they can seek extension of time, if required, to implement the assurance and it would remain pending till it is implemented in true spirit.

16. The Committee thereafter took up the issue regarding grant of recognition to the Railway Protection Force (RPF) Employees Association as per assurance given by the Minister of Railways on May 7, 1993 during the course of the discussion on Private Member's Bill on the subject introduced by Shri Basudeb Acharia, M.P. and now Chairman, CGA.

17. When the Committee enquired as to why the Minister of Railways had not yet discussed the matter of granting recognition to the Railways Protection Force Employees Association with the Minister of Home Affairs as was assured by the latter two years back, the representative of the Ministry of Railway *inter alia* replied:—

“Actually, the Minister of Railways was to have a meeting with the Home Minister. But that meeting has not taken place...A meeting was held with Shri Vidyacharan Shukla, the Minister of Parliamentary Affairs, in which some Members of Parliament were also present. There it was brought out by the Special Secretary (Home), that the Ministry of Home Affairs was not thinking in terms of granting this right to the paramilitary forces under the Home Ministry.”

18. The witness further submitted as follows:—

“I would like to bring out two or three points in this connection. One is that the RPF became an armed force of the Union sometime in 1985. From that time according to the rules they are not permitted to form a union or an association and that is in the line of practice prevalent in the other armed forces of the Union like the Police or paramilitary forces. In case we wish to grant them the right to form an association, then they have to be stripped of the other privileges which they enjoy as an armed force of the union. As an armed force of the union, they enjoy some additional status and additional benefits which they will lose.

Secondly, we have already established machinery for the redressal of grievances in the RPF. Under that machinery we interact with them and find out the difficulties and grievances. Actually the function which normally is performed by an association is being executed in that forum. So, we are able to manage the affairs of RPF staff grievances redressal in this manner.”

19. The Committee then pointed out that the initiative should have been taken by the Ministry of Railways to convene the meeting of the Minister of Railways and the Minister of Home Affairs. The Committee also reminded that the Minister of Railways had not rejected the proposals outright but had assured for working out some modalities to see how their grievances could be redressed either by giving some recognition or otherwise.

20. To this the representative gave the following reply:—

“The Home Minister was expected to attend the meeting which was held with the Minister of Parliamentary Affairs but he could not attend due to some other engagement. But in that meeting the Special Secretary of the Ministry of Home Affairs mentioned that the Home Ministry was not thinking in those terms.”

21. The Committee thereafter desired that in order to fulfil the assurance, a meeting with the Home Minister should be convened and the modalities for redressal of grievances in the form of an association or in some other form be worked out within a month or so and that this feeling of the Committee be conveyed to the Minister of Railways.

22. *The Committee then adjourned.*

## APPENDIX-II

### MINUTES

#### Fourteenth Sitting

MINUTES OF THE SITTING OF THE COMMITTEE ON  
GOVERNMENT ASSURANCES HELD ON AUGUST 23, 1995 IN  
CHAIRMAN'S CHAMBER (ROOM NO. 143) PARLIAMENT HOUSE,  
NEW DELHI

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The Committee met on Wednesday, August 23, 1995 from 15.00 hours to 16.00 hours.

#### PRESENT

Shri Basudeb Acharia—*Chairman*

#### MEMBERS

2. Shri Santosh Kumar Gangwar
3. Shri P.P. Kaliaperumal
4. Shri Shashi Prakash
5. Shri Ummareddy Venkateswarlu

#### SECRETARIAT

1. Shri P.D.T. Achary — *Director*
2. Shri Mange Ram — *Under Secretary*
3. Km. J.C. Namchyo — *Committee Officer*

2. The Committee considered and adopted 32nd and 33rd Reports of the Committee on Government Assurances. The Committee adopted 33rd Report with some minor changes.

3. The Committee authorised the Chairman to present both the Reports in the House during the current Session of Parliament.

4. The Committee, decided to hold their next sitting on September 6, 1995 at 15.00 hours. The Committee also decided to undertake an on-the-spot visit to Dhanbad and Asansol in September.

5. The Committee then adjourned.

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