

# COMMITTEE ON PETITIONS

(ELEVENTH LOK SABHA)

## THIRD REPORT



(Presented to Lok Sabha on 14 May 1997)

LOK SABHA SECRETARIAT  
NEW DELHI

May, 1997/17 Vaisakha, 1919 (Saka)

Price: Rs. 15

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COMPOSITION OF THE COMMITTEE ON PETITIONS  
(1996-97)

Shri Dileep Sanghani — *Chairman*

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3. Shri Ramesh Bais
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5. Shri M.O.H. Farook
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SECRETARIAT

- Dr. A.K. Pandey — *Additional Secretary*  
Shri J.P. Ratnesh — *Joint Secretary*  
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Smt. Veena Sharma — *Assistant Director*

# THIRD REPORT OF THE COMMITTEE ON PETITIONS

(ELEVENTH LOK SABHA)

## INTRODUCTION

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

- (i) Representation from Smt. Narsamma, Bidar, Karnataka, regarding delay in grant of Swatantrata Sainik Samman Pension.
- (ii) Action taken by the Government on the recommendations made by the Committee on Petitions (Tenth Lok Sabha) in their Seventeenth Report on representation from Handloom and Textile Employees Association regarding financial assistance to Handloom Sector.
- (iii) Action taken by the Government on the recommendations of the Committee on Petitions (Tenth Lok Sabha) made in their Twenty Third Report on the representation from temporary technical staff of Railway Electrification Organisation, South Central Railway, Secunderabad for regularisation of the Grade of Rs. 1400—2300.
- (iv) Action taken by the Government on the recommendations of the Committee on Petitions (Tenth Lok Sabha) contained in their Twenty Fifth Report on the Petition No. 38 regarding nationalisation and upgradation of the Bankura Damodar River Railway, West Bengal.

2. The Committee considered the draft Report at their sitting held on 7 May, 1997 and adopted it.

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

NEW DELHI;  
7 May, 1997

DILEEP SANGHANI,  
*Chairman,*  
*Committee on petitions.*

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17 Vaisakha, 1919 (Saka)

## I

### REPRESENTATION FROM SMT. NARSAMMA, BIDAR, KARNATAKA, REGARDING DELAY IN GRANT OF SWATANTRATA SAINIK SAMMAN PENSION

1.1 Smt. Narsamma, widow of late Shri Tukaram, a Freedom Fighter, resident of Bidar, Karnataka submitted a representation dated 17 February, 1994 stating *inter-alia* that her case for grant of Swatantrata Sainik Samman Pension was pending with the Ministry of Home Affairs for the last 15 years despite having fulfilled all the required formalities. She stated that her husband “struggled life and death due to negligence of Government of India and expired in 1981”, and that since then she also has been making all efforts for grant of Swatantrata Sainik Samman Pension with retrospective effect. She added that she was above 80 years of age, bed ridden and starving for lack of finance. She prayed for intervention of the Committee to get her the pension applied for and save her life.

1.2 The representation was referred to the Ministry of Home Affairs on 16 May, 1994 for furnishing their comments on the points raised therein. In their reply the Ministry of Home Affairs, *vide* endorsement copy of their letter dated 23 June, 1994 addressed to the Prime Minister’s office, stated as under:—

“The case of Smt. Narsamma has been reconsidered and it has been decided with the approval of MOS(ST) to grant her Samman Pension as a special case. She will be sanctioned pension on receipt of identification documents called from her.”

1.3 A copy of the Ministry’s reply was forwarded to the petitioner. Smt. Narsamma, however, again sent a telegraphic message stating that the case of grant of freedom fighter’s pension to her had already been approved and only orders had to be passed in this regard. She requested for issue of directions to the Ministry of Home Affairs for necessary action. The fresh representation was also referred to the Ministry of Home Affairs on 23 August, 1994 for furnishing their comments.

1.4 The Ministry of Home Affairs *vide* their communication dated 3 April, 1995 stated as under:—

“In this connection it may be stated that her application was received through the State Government only in August, 1993. Her claim had not been supported by documentary evidence from official records. However, she has been sanctioned pension as a special case by MOS

(ST) on the basis of the recommendations of the State Government by relaxing the norms of the Scheme. She is, therefore, not eligible for arrears of the pension. However, the State Government has been requested to confirm the date of receipt of her late husband's application in the State Government. She has also been requested to produce a proof of submission of application of her late husband in 1981 to consider her request for grant of arrears of pension."

1.5 The petitioner, meanwhile again sent a telegraphic message requesting for issue of suitable instructions to the Chief Secretary, Government of Karnataka for sending a reply to the Government of India and expedite positive action in the matter.

1.6 In their various communications as also in their latest communication dated 21 November, 1996, the Ministry of Home Affairs stated as under:—

"Her application was received through the State Government only in August, 1993. Her claim had not been supported by documentary evidence. However, she was sanctioned pension as a special case by MOS (ST) on the basis of the recommendations of the State Government by relaxing the norms of the scheme. She is, therefore, as per the policy not eligible for arrears of pension. However, her case has been referred to the State Government to confirm the date of receipt of her late husband's application in the State Government. The report of the State Government is still awaited. The case will be decided on receipt of the requisite report from the State Government."

1.7 Since the case was pending with the Committee for more than two and a half years, and the Ministry was repeatedly intimating that a report from the State Government was awaited and the State Government was being reminded to expedite the necessary reports, it was decided to take oral evidence of the representatives of the Ministry of Home Affairs. The Committee took oral evidence of the Ministry of Home Affairs on 10 December, 1996.

1.8 During evidence the Committee asked the representatives of the Ministry of Home Affairs to explain in brief the main demands of the petitioner and the action that had been taken by the Ministry to meet those demands. The representatives of the Ministry explained:—

"Shrimati Narsamma had claimed that her late husband, Shri Tukaram had participated in the Hyderabad Liberation Movement during 1947-48 and that he was in jail for more than four months, and that after release from jail, he remained underground for around 18 months. Shri Tukaram died on 15th September, 1981. After that Shrimati Narsamma moved an application after 12 years in July, 1993 for grant of widow pension. This was recommended and forwarded by the Government of Karnataka to the Central Government on 4th August, 1993. It was stated that both late Shri Tukaram and Shrimati

Narsamma belong to Scheduled Caste category. Now, in such cases, the minimum suffering in jail which would qualify for grant of Central pension is three months where as in other cases, we insist for at least six months suffering in jail. Moreover, Shrimati Narsamma is also in receipt of State pension of around Rs. 500 per month from the Government of Karnataka.

But that does not debar her from getting Central Government pension. Both this pensions can also be given simultaneously. Now, the papers that were sent by the State Government in 1993 were carefully examined by the Central Government. Shrimati Narsamma was not able to produce the jail records. She did not have any jail records to show that her husband was in jail for four months and wherever the jail records are not available, we ask the Deputy Commissioner of the concerned district to give a certificate to that effect. In this case, the Deputy Commissioner of Bidar give a non-availability certificate saying that the jail records are not available. In such cases, we come to secondary evidence which is a co-prisoner's certificate. Even this co-prisoner's certificate was not forthcoming."

He further stated:—

"Then, they produced a certificate from the Camp in-charge saying that Shri Tukaram had participated in the Hyderabad Liberation Movement launched by Hyderabad Congress Committee and he was sent to jail in that struggle. It also stated that he stayed underground for some time after his release. Despite the fact that full evidence was not forthcoming in respect of Shri Tukaram, the Central Government took a very sympathetic view and we granted her pension as a special case with the approval of Shri P.M. Sayeed, the then Minister of State for Home Affairs. He gave the approval on 10 May, 1994. So, the pension was released to her from that date, despite the fact that she did not fulfil all the requirements."

He further stated as under:—

"She is getting Rs. 1500/- per month as pension from the Central Government and Rs. 500/- per month as pension from the State Government. In total she is received a sum of Rs. 2000/- per month. What she is wanting now is arrears of pension since her husband moved the application originally in June, 1981 before he died in September, 1981. We have an open mind and said that if the State Government could sent us a copy of his original application then we would consider it from that date. So, we wrote to the Government of Karnataka asking them to send us a copy of the original application moved by Shri Tukaram so that we can antedate the pension. We have not received any reply from the Government of Karnataka.

Secondly, there is a Supreme Court Order in the case of Mukund Bihari Bhandari which says that the pension should be granted from



the date of receipt of application. The application that we got from her in 1993 and the Minister gave his approval in 1994. But I am prepared to give her pension from the date of receipt of her application in 1993. If the State Government could send us a copy of her husband's original application or gives a certificate to the effect that he had applied, we can give the pension. There is no problem in it. All we need is a certificate from the State Government."

1.9 When asked whether the State Government of Karnataka was giving her pension without any documentary evidence, the witness stated that the Karnataka Government was giving her pension under their own scheme. That scheme was not under the Central Government. The State Government had given her pension since 1981. The Central Government was also ready to pay since 1981 if the evidence was produced by the petitioner.

1.10 When asked whether the evidence of the State Government was not sufficient to grant pension since 1981, the witness stated that if the State Government certified the original application then they would grant the pension from 1981.

1.11 When the Committee asked on what date the Central Government had written to the State Government in this regard, the witness stated that they had been continuously reminding them and the last reminder was issued on 21 June, 1996. He stated that if pension was granted from back date then thousands of cases might come with similar requests.

1.12 When the Committee desired that the Central Government could write to the Government of Karnataka and get the reply pursued, the witness stated:—

"It seems the Karnataka Government does not have this application and, that is why, they are not replying. This is the general problem which they are facing."

1.13 The Committee desired to know from which year the pension had been sanctioned to her by the Central Government. The representatives of the Ministry stated that it was sanctioned in 1994. When asked as to why the pension had not been released to the petitioner so far, the representatives of the Ministry stated that she was being paid pension at the rate of Rs. 1500/- p.m. The issue which came before the Committee was of payment of arrears.

1.14 The Committee desired that the issue of arrears of pension should also be settled immediately.

1.15 The representatives of the Ministry assured the Committee to pursue the matter with the State Government at the Chief Secretary level and settle it within a month.

1.16 The Committee desired to know how many similar cases were pending with the Ministry. The representative of the Ministry replied as under:—

“We have only 14 fresh cases. All genuine freedom fighters have been given pension. There are 15,000 review cases where representations had been rejected. They are not pending. These are cases which have been repeatedly rejected. When we started the Scheme, we got about five lakh applications. We sanctioned in 1.3 lakh cases. Six lakh applications have been rejected. They keep on coming again and again without any proof. There are bogus cases. We have cancelled about 3,000 cases. There are all kinds of people who keep coming for getting pension. We cannot give pension to all and sundry. We have to examine cases particularly from Andhra Pradesh and West Bengal.

He further stated that a special audit team had been constituted taking two representatives from the All India Freedom Fighters Organisation. That team had been given the task of seeing whether any genuine freedom fighters' case had been left out or not. All the facts were made available to them and that team would complete the task by the end of this month. On the event of the 50th Anniversary of our Independence, they did not want any genuine freedom fighter to say that he had not got the pension.

1.17 In this context, the Committee suggested that there should be a high level Committee who should visit from State to State and sort out the problem by going to the field. The witness assured to consider the suggestion.

1.18 Subsequently, pursuant to assurance given to the Committee, the Ministry of Home Affairs in their communication dated 17 February, 1997 intimated as follows:—

“As per the assurance given to the Committee on Petitions on 10.12.1996, the case of Smt. Narsamma has been finalised and the arrears of freedom fighter's pension sanctioned to her w.e.f. 25.6.1991 subject to review on receipt of the clarification report from the State Government *vide* this Ministry's sanction letter dated 10.2.1997.

#### Observations of the Committee

1.19 The Committee note that with the intervention of the Committee, the long delayed case of Smt. Narsamma for grant of pension and the arrears claimed by her has been finalised by the Ministry of Home Affairs. Since the petitioner is stated to be above 80 years of age, bed ridden and in need for funds, the settlement of the case would relieve her of the financial stringency and provide her the desired succour.

**1.20 The Committee expect that in our welfare state the concerned Department would attune themselves to the needs and genuine demands of the common man and mitigate their hardships in a reasonable span of time and such hard cases are attended to with compassion, diligence and promptitude.**

**1.21 The Committee also hope that the large no. of similar cases still pending with the Department should be looked into expeditiously and finalised without further loss of time. Such cases of freedom fighters deserve special attention especially when our country is already in the fiftieth year of Independence and those suffered for the cause of the country should be taken care of to the possible extent within the permissible framework.**

## II

### ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (TENTH LOK SABHA) IN THEIR SEVENTEENTH REPORT ON REPRESENTATION FROM HANDLOOM AND TEXTILE EMPLOYEES ASSOCIATION REGARDING FINANCIAL ASSISTANCE TO HANDLOOM SECTOR

2.1 The Committee on Petitions (Tenth Lok Sabha) in their Seventeenth Report presented to Lok Sabha on 23 December, 1994 dealt with the representation from Handloom and Textile Employees Association, West Bengal, regarding misuse of financial Assistance to Handloom Sector, corruption in production of Janata Cloth and violation of Handloom Reservation Act.

2.2 Action taken notes have been received from the Government in respect of recommendations contained in the Report. The recommendations made by the Committee and the replies thereto furnished by the Government are given in Appendix-I and II.

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

#### **Recommendation (Para No. 2.25)**

The Committee was informed that many societies did not have the required number of the handlooms for producing the allotted quantity of Janata Cloth. Production in respect of these societies was inflated.

2.4 The Committee felt that there should be an adequate machinery with the Government through which they should monitor the scheme of allotment and production of Janata Cloth constantly with a view to ensure its effective implementation. Rather than relying only upon the complaints received from the aggrieved Societies/individuals, they must conduct survey/raids on their own at regular intervals and keep a constant vigil to detect bogus cases.

#### **Reply of the Government**

2.5 The Government in their reply have stated that, action has been taken to monitor the Janata Cloth Scheme constantly with a view to ensuring its effective implementation. The Implementing agencies are not allowed to accept items produced by the societies of the Procurement Centre without formal allotment order being issued every quarter from this Directorate and without checking and stamping under supervision of the field officers of this Directorate. Operation of the Scheme is also reviewed

by the State Level Janata Cloth Scheme Implementation Committee (SLIC) at regular intervals. The Implementing Agencies are not allowed to despatch stocks received at the Procurement Centre within the month of receipt of such stocks so that they are kept open for inspection for the entire month. However, under emergent situation the authorised officers are allowed to despatch such stocks from the Procurement Centre for reasons to be recorded in writing by such authorised officer and with prior approval of Managing Director or Incharge Officer at the H.O. of the Implementing Agency. Due to the effective monitoring and constant vigilance, bogus Janata Cloth Production in this State has come to a halt.

**2.6 The Committee note with satisfaction the steps taken by the Ministry of Textiles (office of the Development Commissioner for Handlooms) to monitor the Janata Cloth Scheme Constantly with a view to ensure its effective implementation. The Committee need not emphasise again that all the steps taken in this regard should be followed/implemented by the concerned officers/staff scrupulously and also monitored periodically by Senior Officers to prevent recurrence of bogus Janata Cloth Production.**

#### **Recommendation (Para No. 2.27 & 2.28)**

**2.7 The Committee desired that suitable action may be taken with a view to ensure that the area of operation for powerlooms is clearly delineated and sufficient number of articles are reserved for exclusive production in the handloom sector which would provide adequate support to the millions of handloom weavers.**

**2.8 The Committee recommended that the Enforcement Machinery sought to be created at State Level for detecting cases of violation of the Handloom Reservation Act should be created without further loss of time and the existing machinery at the Centre be activated and strengthened further so as to carry out regular inspections and initiate stringent action against powerloom owners, who violate the provisions of the Act, in order to protect the interests of the handloom weavers.**

#### **Reply of the Government**

**2.9 In their action taken replies dated 27.9.1995 and 31.12.1996 the Government have stated that, consequent to the judgement of the Hon'ble Supreme Court, upholding the validity of the Handlooms (Reservation of Articles for Production) Act 1985, directions to the implementing agencies have been issued from time to time. As a result, State of West Bengal have inspected 1207 powerlooms and 3 cases have been detected by the State Level Enforcement Machinery who have violated the validity of the Handloom (Reservation of Articles for Production) Act, 1989 and FIRs have been filed against them in the Police Station concerned.**

An Advisory Committee has been constituted to review the list of 22 textile articles, presently reserved for exclusive production of Handlooms. Advisory Committee includes, representatives of Powerloom and Mill sector.

The Ministry in their latest communication dated 31 December, 1996 have stated that the Govt. of India after examining the recommendations of the Advisory Committee have notified the reservation Order on August, 7, 1996, reserving 11 textile articles for exclusive production by Handlooms.

2.10 The Government have in their reply also stated that, the Central Government has already released a fund of Rs. 7.47 lakh for setting up of Enforcement Machinery at State Level and the post required for setting up of the Enforcement Machinery have been created by the State Government and action has been initiated to fill up the posts. One Dy. Director has already joined and taken over charge of the Enforcement Wing. The proposed office of the new Enforcement Machinery has been earmarked. This office will be located at HEMANTA BHAVAN, 2, B.B.D. Bag (East), Cal.-700001. Action has been taken to erect partition wall, purchase furniture, vehicle etc, so that the new office can start functioning. The existing machinery is also functioning without waiting for setting up of the new machinery which may require another 1/2 months time. During the period April, 1996 to October, 1996 the existing machinery inspected 1387 powerloom units. Reports are being sent to the Government of India every month showing number of inspections, number of samples ceased and number of F.I.R. lodged. With the setting up of the new Enforcement Machinery the situation is expected to improve further.

2.11 The Committee are happy to note that on the recommendations of the Advisory Committee constituted to review the list of 22 textile articles, presently reserved for exclusive production of Handlooms, the Govt. of India have notified the Reservation order in the Gazette of India dated August 7, 1996, reserving 11 textile articles for exclusive production by Handlooms. The Committee also note that for effective implementation of the Act, Central Assistance to the tune of Rs. 7,47,200/- has been released to the State Government of West Bengal for setting up their own enforcement machinery. The Committee trust that the Reservation order would be enforced strictly so that the articles reserved for exclusive production by Handlooms are not allowed to be produced by powerlooms, so that justice is done to million of handloom weavers by delineating the area of operation for powerlooms and Handlooms.

2.12 The Committee find that with the Central Government assistance, released for setting up of Enforcement Machinery at State Level, action has been taken by the State Government for setting up of the Enforcement Machinery and it has been partially set up. The existing Enforcement Machinery have also inspected 1387 powerlooms during the period

**April, 96 to October, 96. The Committee hope that the Machinery would have already started functioning fully by now.**

**Recommendation (Para Nos. 2.29 & 2.32)**

2.13 The Committee desired that the available funds under NABARD Scheme and other subsidies which have been allocated only for handloom sector should be properly channelised through the proper agencies to further the interests of the weavers of handloom sector and to obviate the chances of these funds finding their way to powerlooms in the name of handloom.

2.14 The Committee desired the Government to strengthen their own machinery to enable regular field visits to inspect and ensure that the guidelines issued by them are strictly followed. The release of grant/subsidy should also be made after proper verification of the cases so that the primary object of protecting interests of the handloom weavers is better achieved.

**Reply of the Government**

2.15 The societies are having their case credit limit operated with the active help and cooperation of the officers of this Directorate. In case it is found that some societies have acted in any irresponsible manner and not according to NABARD norms necessary actions are taken against such societies. Credit flow to handloom sector is reviewed by a State Level Committee constituted with Government officials, banks, NABARD and representatives of primary weavers coop. societies at regular intervals. Corrective actions are advised first so that the societies may act in responsible manner and according to NABARD norms. In case it is found that corrective action is not possible then necessary action as per West Bengal Coop. Societies Act and Rules is taken against erring societies. Financial assistances to these societies are as such withheld. It may be stated that 1400 and odd active societies are now running in this State. Inspection is carried out in respect of the societies by the Handloom Development Officers and other field level officers of this Directorate at regular intervals to ensure proper utilisation of the fund of the Government and loans from Banks. Every year some societies get sick. The reasons include differences and divisions amongst the elected members of the societies, rise in price of raw materials specially cotton yarn, absence of proper marketing arrangement for products of the societies, non receipt of payment from the purchasers including Apax Society and the Corporation in time, lack of adequate working capital and delayed flow of cash credit from financing banks. The reasons in each case are examined and necessary corrective steps are attempted so that the societies may run smoothly. However, last but not least the handloom sector of this State is facing a formidable challenge from the powerloom and Mill Sector because of relatively higher cost of production of handloom items caused by the obvious technological and organisational constraints inherent in its existing

method of production. The marketing problems of the societies are mounting day by day and this is likely to aggravate in the coming days with increasing liberalisation of the economy. Diversification of handloom products, export orientation and similar other measures may bring benefits to a very limited segment of handloom weavers. But the Handloom Industry as a whole which has a high capital employment ratio cannot be regulated through these measures along. Under the present scheme of things it is difficult for this sector to survive unless there is substantial improvement in the existing package of assistance to this sector both qualitatively and quantitatively.

In their latest communication dated 31.12.1996, the Ministry of Textiles have stated that guidelines of the scheme "setting up of Enforcement Machinery in the States/Union Territories" have been modified such that the assistance during the current plan would be 100% while during the Ninth Plan, the assistance would be tapered.

**2.16 The Committee note with satisfaction that the Government have taken steps to ensure that the guidelines issued by Central Govt. are strictly followed and the grant under NABARD Scheme and other subsidies allocated only for handloom sector are also made after proper verification so that the funds don't find their way to powerlooms in the name of handloom and in cases where societies do not act according to NABARD norms, necessary action are taken against such erring societies.**

**2.17 The Committee trust that these steps would be strictly implemented to eliminate the problems of handloom weavers. The Committee need not emphasis again that in order to ensure effective implementation of the scheme periodical checking of the cases/societies may be conducted and prompt and suitable corrective action taken to rectify the deficiencies/inadequacy, if any, in the instruction and also the lapses on the part of implementing agencies.**

**2.18 The Committee also hope that the Government would initiate steps in letter and spirit to ensure improvement in the existing package of assistance to handloom sector thereby improving its working. They would also encourage the societies too to come forth with positive suggestions for improvement of the working of handloom sector.**



### III

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (TENTH LOK SABHA) IN THEIR TWENTY THIRD REPORT ON THE REPRESENTATION FROM TEMPORARY TECHNICAL STAFF OF RAILWAY ELECTRIFICATION ORGANISATION, SOUTH CENTRAL RAILWAY, SECUNDERABAD FOR REGULARISATION IN THE GRADE OF Rs. 1400—2300.

3.1 The Committee on Petitions in their Twenty third Report (Tenth Lok Sabha) presented to the House on 7 December, 1995 dealt with the aforesaid representation regarding regularisation of the temporary technical staff of Railway Electrification Organisation, South Central Railway, Secunderabad in the grade of Rs. 1400—2300.

3.2 Action taken notes have been received from Government in respect of the recommendations contained in the Report. The recommendations made by the Committee and action taken replies thereto furnished by The Ministry of Railways (Railway Board) are give in *Appendix-III*.

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

#### **Recommendation (Para 1.21)**

The Committee was of the opinion that inspite of special circumstances prevailing in the case of Metro Railways, there appeared to be an element of irregularity in the special consideration in regularising the Metro Staff in the grade of Rs. 1400—2300 (IOW) in view of the fact that there was no such permanent post in the Metro Railway and also the CAT, Calcutta, had not earlier agreed to their prayer for the same. The Committee felt that discretionary powers were exercised in an arbitrary manner while treating staff case as a special case.

The Government in their reply have stated that since the decision to absorb the Central Work Ministries of MTP/Calcutta was taken in 1993 and the persons concerned had already been regularised and no further action is perhaps called for at this stage on the Committee's recommendation in this respect, which may be noted for future guidance.

### **Recommendation (Para 1.23)**

The Committee have recommended that the Railway Administration should undertake a thorough review of the rules regarding recruitment and conditions of service of their staff and make amendments/improvements wherever necessary with a view to uneliminate as far as possible the scope for arbitrary exercise of discretionary powers in service matters which often lead to misgiving among the staff leading to litigation in many cases.

The Government in their reply have stated that the Recruitment Rules are contained in the Indian Railway Estt. Manual (IREM). The review of the Recruitment Rules is a continuous process and the instructions relating to various categories are revised from time to time keeping in view the changing needs and the revisions so made are embodied in the IREM by way of correction slips. In addition to this policy circulars are also issued to Zonal Railways for their guidance. Every care is taken to ensure that there is no scope for arbitrary exercise of discretionary powers in service matters.

### **Recommendation (Para 1.24)**

The Committee also recommended that the Railway Administration may give effective opportunity upto the age of 45 years to all similarly placed staff in all the Zones to appear before R.R.B. for their selection to the posts suitable to their qualifications.

The Government have stated in their reply that as per the extant instructions the Casual Labour in question are eligible for age relaxation to the extent of their Railway service for appearing in the R.R.B. examinations in accordance with their suitability and qualifications upto the age of 40 years in the case of General Categories and 45 years in the case of SC/ST candidates. The decision to allow an opportunity to appear in the R.R.B. examinations without any age restriction was mainly intended to help those who could not avail of the chance as per extant instructions as stated above. Therefore it may not be desirable to restrict the relaxation in the upper age upto 45 years as recommended by the Committee as the existing provision may be allowed to Continue.

### **Observations of the Committee**

**3.3 The Committee note with satisfaction the action taken replies furnished by the Ministry of Railway on their recommendations. While the Committee feel convinced with the reasoning of the Ministry regarding the review of the Recruitment Rules, they feel that the question of age limited for appearing in the RRB examinations as provided under the extant instruction of Railways needs to be reviewed and relaxed upto the age of 45 years for general categories also in line with the Supreme Court Judgement and also the CAT directions in the case of staff of Central Railway.**

## IV

### **ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (TENTH LOK SABHA) CONTAINED IN THEIR TWENTY FIFTH REPORT ON THE PETITION NO. 38 REGARDING NATIONALISATION AND UPGRADATION OF THE BANKURA DAMODAR RIVER RAILWAY, WEST BENGAL**

4.1 The Committee on Petitions (Tenth Lok Sabha) in their Twenty Fifth Report presented to Lok Sabha on 31 March, 1995 dealt with the Petition No. 38, presented to Lok Sabha on 22 December, 1995 Shri Basudeb Acharia, M.P. (Signed by Shri Chandi Mukherjee, President, Bankura Damodar River Railway Paribahan Sangram Samiti, School Danga, P.O. and District Bankura, West Bengal and others) regarding nationalisation and upgradation of the Bankura Damodar River Railway, West Bengal.

4.2 The Action Taken notes in respect of the recommendations contained in the Report have been received from the Ministry of Railways and are given in the *Appendix-IV*.

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

4.4 The Committee had recommended that the Ministry should immediately undertake a comprehensive field technical/financial survey of the BDR line with a view to assessing the scope of its passenger and goods traffic potential, in case of its upgradation in all respects and extension to Tarkeshwar and also the investments required for purchase, conversion of the gauge and extension to the line before option to purchase the line comes up for ten-yearly review in 1997. Based on the conclusion of the survey, the Ministry must place the matter before the Union Cabinet for taking a final decision regarding the purchase and upgradation of BDR Railway to serve the needs of the people of the region. The Committee strongly felt that if the train services are regularised and running time is reduced, there is scope for improvement in regard to financial viability. The Committee, therefore, recommended that the Ministry of Railways should take immediate steps in regard to improvement of train services in the Section.

The Government in their reply have stated that South Eastern Railway have been instructed to prepare, as a preliminary step, an estimate of the proposed comprehensive field technical/financial survey of the BDR line as per the recommendations made by the Committee on Petitions. Action on the recommendation regarding improvement in train services has also been initiated. As this involves heavy capital expenditure which, in terms

of the contract, is to be borne by the owning Company, their Managing Agents, M/s. Mcleod & Company have been approached by South Eastern Railway, for their consent to provide the necessary funds.

#### Observations of the Committee

4.5 The Committee note that in pursuance to their recommendations, the Ministry of Railways have issued the necessary instruction to the South Eastern Railway to prepare an estimate of the project comprehensive field technical/financial survey of the BDR. According to the reply of the Ministry, action to improve the train services has also been initiated.

4.6 The Committee note with satisfaction the steps taken by the Ministry of Railways and hope that final action regarding upgradation of BDR Railway will be taken soon and action initiated to improve the train services will also be finalised at the earliest to meet the genuine needs of the people of the region.

NEW DELHI;  
7 May, 1997

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7 Vaisakha, 1919 (*Saka*)

DILEEP SANGHANI,  
*Chairman*  
Committee on Petitions.

## APPENDIX I

(See Para 2.2 of the Report)

REPLIES FURNISHED BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS IN THEIR SEVENTEENTH REPORT (TENTH LOK SABHA ON REPRESENTATION FROM HANDLOOM AND TEXTILE EMPLOYEES' ASSOCIATION REGARDING FINANCIAL ASSISTANCE TO HANDLOOM SECTOR.

### Observations/Recommendations (Paras 2.24 & 2.25)

One of the main complaints of the petitioners—the Handloom and Textile Employees' Association, West Bengal—is that there is irregularity and corruption in the production of Janata Cloth. The Ministry have refuted the allegation stating that whenever there is a complaint, their field formations are sent to conduct detailed inspections. They, however, have admitted that a lot of complaints were found to be true. An inquiry by the officers of D.G. (Handlooms) revealed that many Societies did not have the required number of Handlooms for producing the allotted quantity of Janata Cloth and most of them were facades for master weavers. Production in respect of these Societies was inflated. Subsequently corrective measures were taken to withhold subsidy to the defaulter/bogus Societies.

While the Committee appreciate the action taken by the Central Government to enquire into the incidents of irregularities in the production of Janata Cloth and the tangible and corrective action taken by the State Government subsequently to discontinue procurement of Janata Cloth from the inflated Societies and to make allotment of Janata Cloth to Societies for production on the basis of physical verification, they feel that there should be an adequate machinery with the Government through which they should monitor the Scheme constantly with a view to ensure its effective implementation. Rather than relying only upon the complaints received from the aggrieved Societies/individuals, they must conduct survey/raids on their own in regular intervals and keep a constant vigil to detect bogus cases.

### Reply of Government

(a) Action has been taken to monitor the Janata Cloth Scheme constantly with a view to ensuring its effective implementation the Implementing Agencies are not allowed to accept items produced by the societies of the Procurement Centre without formal allotment order being issued every quarter from this Directorate and without checking and stamping under supervision of the field officers of this Directorate. Operation of the Scheme is also reviewed by the State Level Janata Cloth

Scheme Implementation Committee (SLIC) at regular intervals. (b) The Implementing Agencies are not allowed to despatch stocks received at the Procurement Centre within the month of receipt of such stocks. In other words the stock being received at the Procurement Centres of the Implementation Agencies are kept open for inspection for the entire month. However, under emergent situation the authorised officer are allowed to despatch such stocks from the Procurement Centre for reasons to be recorded in writing by such authorised officer and with prior approval of Managing Director or Incharge Officer at the H.O. of the Implementing Agency. (c) Due to effective monitoring and constant vigilance, bogus Janata Cloth production in this State has come to a halt. The comparative statement for the past three years as shown below reveals a downward trend in production which is a testimony to our contention that inflated production is strictly under control.

#### **Observations/Recommendations (Paras 2.26 & 2.27)**

The Committee find that certain articles have been reserved for exclusive production in the handloom sector under the Handloom (Reservation of Articles for Production) act, 1985. However, a number of such items are being produced on powerlooms in violation of the above Act. This has been confirmed by the Enforcement Wing of the Development Commissioner (Handlooms) in the Ministry of Textiles on the basis of field visits. The Committee noted that an Advisory Committee has also been constituted under the act to go into the list of items reserved for handloom sector.

The Committee desired that suitable action may be taken with a view to ensure that the area of operation for powerlooms is clearly delineated and sufficient number of articles are reserved for exclusive production in the handloom sector which would provide adequate support to the millions of handloom weavers.

#### **Reply of the Government**

Consequent to the judgement of the Hon'ble Supreme Court, upholding the validity of the Handlooms (Reservation of Articles for Production) Act 1985, directions to the implementing agencies have been issued from time to time. As a result, State of West Bengal have inspected 1207 powerlooms & filed one FIR till July, 1995.

An Advisory Committee has been constituted to review the list of 22 textile articles, presently reserved for exclusive production by Handlooms. Advisory Committee includes, representatives of Powerloom and Mill sector. After receipt of recommendations of the Advisory Committee the Government shall after due consideration notify the list of textile articles to be exclusively reserved for production by Handlooms.

For effective implementation of the Act, Central Assistance to the tune of Rs. 7,47,200 has been released in August, 1994 to the State of West Bengal for setting up of their own enforcement machinery.

#### **Observations/Recommendations (Para 2.28)**

The Enforcement machinery sought to be created at State level for detecting cases of violation of the Handloom Reservation Act should be created without further loss of time and the existing machinery at the Centre be activated and strengthened further so as to carry out regular inspections and initiate stringent action against powerloom owners, who violate the provisions of the Act, in order to protect the interests of the handloom weavers.

#### **Reply of the Government**

Regarding setting up of Enforcement Machinery at State level and strengthening of the existing machinery:

(a) The Central Govt. has already released a fund fo Rs. 7.47 lakh. (b) The post required for setting up of the Enforcement Machinery have been created by the State Govt. and action has been initiated to fill up the posts. Dy. Director has already joined and taken over charge of the Enforcement Wing. (c) The proposed office of the new Enforcement Machinery has been earmarked. This office will be located at HEMANTA BHAVAN, 2, B.B.D. Bag. (East), Calcutta-700001. (d) Action has been taken to erect partition wall, etc. so that the new office can start functioning. (e) Action has been taken to purchase furniture needed to set up the said office. (f) Action has been initiated to purchase the vehicle required to run the office. (g) The existing machinery is also functioning without waiting for setting up of the new machinery which may require another 1/2 months time. (h) During 1994-95 the existing machinery inspected Powerloom units. Reports are being sent to the Govt. of India every month showing number of inspections, number of samples ceased and number of F.I.R. lodged. (i) With the setting up of the new Enforcement Machinery the situation is expected to improve further.

#### **Observations/Recommendations (Paras 2.29, 2.30, 2.31 & 2.32)**

The Committee desire that the available funds under NABARD Scheme and other subsidies which have been allocated only for handloom sector should be properly channalised through the proper agencies to further the interests of the weavers of handloom sector and to obviate the chances of these funds finding their way to powerlooms in the name of handloom.

The Committee have been informed by the petitioners that the Directorate of Handloom & Textiles were misusing financial assistance in the name of handloom development. They have quoted the examples of a few handloom Societies in whose case financial assistance was delayed/ stopped or who were given the assistance in an irregular manner.

In this connection, the Committee were informed during evidence of the Ministry of Textiles that the complaint actually related to the Schemes of

the State Government involving their money. In such cases they did not interfere. As regards the extent to which the Central Government participated in the implementation of schemes of financial assistance sponsored by the Central Government, the Committee were informed that the Central Government formulated the Schemes, issued guidelines and the funding pattern and released the grant. The implementation and enforcement of the schemes was done entirely through the State Government machinery. But when complaints were received, the Development Commissioner did send his team of officers to investigate the complaints. However, he admitted that the Central machinery was not adequate for carrying out inspections for implementation of schemes.

The Committee desire the Government to strengthen their own machinery to enable regular field visits to inspect and enquire that the guidelines issued by them are strictly followed. The release of grant/subsidy should also be made after proper verification of the cases so that the primary object of protecting interests of the handloom weavers is better achieved.

#### **Reply of the Government**

NABARD guidelines are being strictly followed in this State. The officers of the Coop. Banks and this Directorate are taking steps to ensure that the eligible societies get the coverage under NABARD Scheme of handloom finance. At the same time the banks are very strict to allow the societies who are not eligible to be covered under the NABARD Scheme of handloom finance.

The Societies are having their cash credit limit operated with the active help and cooperation of the officers of this Directorate. In case it is found that some societies have acted in any irresponsible manner and not according to NABARD norms necessary actions are taken against such societies. Credit flow to handloom sector is reviewed by State Level Committee constituted with Govt. officials, banks, NABARD and representatives of primary weavers coop. societies at regular intervals. Corrective actions are advised first so that the societies may act in responsible manner and according to NABARD norms. In case it is found that corrective action is not possible then necessary action as per West Bengal Coop. Societies Act and Rules is taken against erring societies. Financial assistances to these societies are as such withheld. It may be stated that 1400 and odd active societies are now running in this State. Inspection is carried out in respect of the societies by the Handloom Development Officers and other field level officers of this Directorate at regular intervals to ensure proper utilisation of the fund of the Govt. and loans from Banks. Every year some societies get sick. The reasons include differences and divisions amongst the elected members of the societies, rise in price of raw materials specially cotton yarn, absence of proper marketing arrangement for products of the societies, non receipt of



payment from the purchasers including Apex Society and the Corporation in time, lack of adequate working capital and delayed flow of cash credit from financing banks. The reasons in each case are examined and necessary corrective steps are attempted so that the societies may run smoothly. However, last but not least the handloom sector of this State is facing a formidable challenge from Powerloom and Mill Sector because of relatively higher cost of production of handloom items caused by the obvious technological and organisational constraints inherent in its existing method of production. The marketing problems of the societies are mounting day by day and this is likely to aggravate in the coming days with increasing liberalisation of the economy. Diversification of handloom products, export orientation and similar other measures may bring benefits to a very limited segment of handloom weavers. But the Handloom Industry as a whole which has a high capital-employment ratio cannot be regulated through these measures alone. Under the present scheme of things it is difficult for this sector to survive unless there is substantial improvement in the existing package of assistance to this sector both qualitatively and quantitatively.

## APPENDIX II

(See Para 2.2 of the Report)

POINTS ON WHICH FURTHER INFORMATION HAVE BEEN CALLED FROM THE MINISTRY OF TEXTILES *vide* THIS SECRETARIAT O.M. DATED 2 DECEMBER, 1996.

- (i) Total Number of cases detected by State level Enforcement Machinery, who have violated the validity of the Handloom (Reservation of Articles for Production) Act 1989, and action taken against them.
- (ii) Whether recommendations of the Advisory Committee set up to review the list of textile articles have since been received? If so, whether the notification of list of Textile articles to be exclusively reserved for production by Handlooms Sector has been issued. If so, on what date? Please furnish a copy of the notification.
- (iii) Setting up and functioning of Enforcement Machinery at State level for detecting cases of violation of the Handloom Reservation Act.
- (iv) Steps taken by the Ministry to improve the existing package of assistance to handloom sector for its survival.

*Reply furnished by the Ministry of Textiles vide their O.M. No. 1(6)/95-DCH(PARL.) dated 31 December, 1996 on the above points.*

- (i) 3 cases have been detected by the State level Enforcement Machinery and FIRs have been filed in the Police Station concerned.
- (ii) Government of India, after examining the recommendations of the Advisory Committee have notified the Reservation Order, reserving 11 textile articles for exclusive production by Handlooms. The order has been notified on August 7, 1996. A copy of the order is enclosed.
- (iii) Central assistance under the Scheme "Setting up of Enforcement Machinery in the States/Union Territories" has been released. The Enforcement Machinery has been partially set up. During the period April, 1996 to October, 1996, 1387 Powerlooms have been inspected by the State level Enforcement Machinery.
- (iv) Guidelines of the scheme "Setting up of Enforcement Machinery in the States/Union Territories have been modified such that the assistance during the current plan would be 100% while during the Ninth Plan, the assistance would be tapered. Earlier, as per the guidelines of the Scheme, the assistance was provided on 100% basis in the Seventh Plan while the assistance was to be tapered at the rate of 20% during the Eighth Five Year Plan.

## APPENDIX III

(See para 3.2 of the Report)

### ACTION TAKEN REPLIES FURNISHED BY THE MINISTRY OF RAILWAYS ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (10TH LOK SABHA) IN THEIR TWENTY THIRD REPORT AT PARAS 1.16 TO 1.24

#### Observations/Recommendations of the Committee (Para Nos. 1.16 to 1.20)

The Committee note from the information furnished by the Ministry of Railways (Railway Board) that the case of Casual Works Supervising Mistries holding diploma in Civil Engineering in the Metro Railway, Calcutta, is different from the case of Casual Highly Skilled Technical Mates of South Central Railway. The Metro Railway is a temporary organisation having no cadre of its own even today. With the commencement of Metro Railway Construction in the 70s, there had been a bulk requirement of works mistries for Civil Engineering Department which, however, could not be met by induction from the Zonal Rlys. despite best of their efforts. Therefore, in the above special circumstances the method of recruiting Work Mistries on casual basis apart from *promoting those class IV staff, after necessary screening, who had gained experience in the field*, was adopted. The casual staff promoted as Works Mistry were not regularised as Khallasis in grade Rs. 750-940 (RPS) before giving them promotion as Works Mistries as there was no regular post of Group D in that scale in Metro Railway at that time. This was then purely a construction project. The Central Administrative Tribunal (CAT), Calcutta did not agree to the prayer of some of these Casual Works Supervising Mistries for their regularisation in grade Rs. 1400-2300. The CAT had reuled in their case that Railway Administration should not force the applicants to be regularised in Class IV unless they volunteer for the same. But the Ministry of Railways after fully considering their case agreed that their services be regularised against the posts of S.E. Railway on Humanitarian scale of Rs. 1400-2300 against 75% direct recruitment quota in view of the fact that these employees had already advanced to and worked in that grade for a long period when the proposal for their regularisation came up. A total of 29 casual W&M Grade were got covered by the special dispensation.

#### Para 1.17

The Ministry informed the Committee that the case of S.C. Railway was decided in accordance with extant rules and also directions given by the Supreme Court in its judgement dated 3.5.89 in a similar case from the Central Railway. The South Central Railway staff had advanced to the

grade of Rs. 950-1500 or related intermediate grades only. As per rules, they are required to attained temporary status in that grade. They have not advanced to the grade of Rs. 1400-2300 so far.

**Para 1.18**

The Committee note that the Supreme Court directed the Central Railways to give an opportunity to the Staff of Central Railways to appear before Railway Recruitment Board for their selection to the posts suitable to their qualifications and experience without age bar before they were retrenched. The CAT, Jabalpur Bench, in the same case, subsequently felt that the petitioners were not given an effective opportunity as ordered by the apex court and directed in their orders dated 27.7.94 and 5.1.95 the Railway Administration to comply with the order of the apex court.

**Para 1.19**

The Committee further note from the reply of the Ministry of Railways dated 13.7.95 that they have advised the RRB, Bombay, to give the said relaxation in age for giving effective opportunity to the petitioners in Central Railways.

**Para 1.20**

The Committee note from the Ministry's reply dated 8.2.95 that a decision was taken to give a similar opportunity to the S.C. Railway staff.

**Reply of the Government**

“No action needs to be taken in para 1.16 to 1.20.”

**Recommendation of the Committee (Para No. 1.21)**

After considering the facts of the case, the Committee are of the opinion that inspite of special circumstances prevailing in the case of Metro Railways, there appears to be an element of irregularity in the special consideration in regularising the Metro Staff in the grade of Rs.1400-2300 (IOW) in view of the fact that there was no such permanent post in the Metro Railway and also the CAT, Calcutta, had not earlier agreed to their prayer for the same. The Committee feel that discretionary powers were exercised in an arbitrary manner while treating staff case as a special case.

**Reply of the Government**

“Since the decision to absorb the Central Work Mistries of MTP/ Calcutta was taken in 1993 and the persons concerned have already been regularised, no further action is perhaps called for at this stage on the Committee's recommendation in this respect, which may be noted for future guidance.”

### **Recommendation of the Committee (Para No. 1.22)**

The Committee, however, agree with the Ministry of Railways (Railway Board) that after finalising the Central Railway case in line with the Supreme Court decision, all the subsequent cases of similar type have to be dealt with on the lines of Central Railway case. The precedent of Metro Staff case cannot be generalised and applied to S.C. Railway staff or staff in other zones as it may cause a dilution of the grade of Inspector of Works and emergence of similar demands from other categories of staff leading to serious administrative and financial problems for the Railways.

### **Reply of the Government**

No action needs to be taken.

### **Recommendation of the Committee (Para No. 1.23)**

The Committee, however, recommend that the Railway Administration should undertake a through review of the rules regarding recruitment and conditions of the service of their staff and make amendments/improvements wherever necessary with a view to eliminate as far as possible the scope for arbitrary exercise of discretionary powers in service matters which often lead to misgiving among the staff leading to litigation in many cases.

### **Reply of the Government**

“The Recruitment rules are contained in the Indian Railway Estt. Manual (IREM). The review of the Recruitment Rules is a continuous process and the instructions relating to various categories are revised from time to time keeping in view the changing needs and the revisions so made are embodied in the IREM by way of correction slips. In addition to this, policy circulars are also issued to Zonal Rlys. for their guidance. Every care is taken to ensure that there is no scope for arbitrary exercise of discretionary powers in service matters.”

### **Recommendation of Committee (Para No. 1.24)**

The Committee also recommend that the Railway Administration may give effective opportunity upto the age of 45 years to all similarly placed staff in all the zones to appear before RRB for their selection to the posts suitable to their qualification.

### **Reply of the Government**

As per the extant instructions, the Casual Labour in question are eligible for age relaxation to the extent of their Railway service for appearing in the RRB examinations in accordance with their suitability and qualifications upto the age of 40 years in the case of General categories and 45 years in the case of SC/ST candidates. The decision to allow an opportunity to appear in the RRB examinations without any age restriction was mainly intended to help those who could not avail of the chance as per extant instruction as stated above. Therefore it may not be desirable to restrict the relaxation in the upper age upto 45 years as recommended by the Committee and the existing provision may be allowed to continue.

## **APPENDIX IV**

(See para 4.2 of the Report)

### **Recommendations of the Committee (Para No. 2.33)**

After considering the submission made by the petitioners and the Ministry of Railway in the matter the Committee agree with the Ministry of Railway, that they have a resource constraint and it is difficult for them to make huge investments on BDR line after purchasing it by paying initial compensation. But the Committee fail to understand how the Ministry had allowed the working of BDR Railway to drift and deteriorate in such a manner over the last 27 years while the working losses incurred on it ranged above 1 crore every year and the service provided had been reduced to negligible. The total loss incurred over the year on the working of the line had run into several crores. Had this amount been invested on the line after purchasing it and making necessary upgradation of the line, the BDR line must have become a viable entity by now.

### **Recommendations of the Committee (Para No. 2.34)**

The Committee, therefore, recommend that the Ministry should immediately undertake a comprehensive field technical/financial survey of the BDR line with a view to assessing the scope of its passenger and goods traffic potential, in case of its upgradation in all respects and extension to Tarakeswar and also the investments required for purchase, conversion of the gauge and extension of the line before the option to purchase the line comes up for ten-yearly review in 1997. Based on the conclusions of the survey, the Ministry must place the matter before the Union Cabinet for taking a final decision regarding the purchase and upgradation of BDR Railway to serve the needs of the people of the region. The Committee strongly feels that if the train services are regularised and the running time is reduced, there is scope for improvement in regard to financial viability. The Committee, therefore, recommend that the Ministry of Railways should take immediate step in regard to improvement to train services in the Section.

### **Reply of the Ministry of Railways**

South Eastern Railway have been instructed to prepare, as a preliminary step, an estimate of the proposed comprehensive field technical/financial survey of the BDR line as per the recommendation made by the Committee on Petitions. Action on the recommendations regarding improvement in train services has also been initiated. As this involves heavy capital expenditure which, in terms of the contract, is to be borne by the owning Company, their Managing Agents, M/s Mcleod & Company have been approached by South Eastern Railway, for their consent to provide the necessary funds.