

COMMITTEE ON PAPERS LAID ON THE TABLE
(2019-2020)

SEVENTEENTH LOK SABHA

26

TWENTY SIXTH REPORT

**Report on delay in laying of the Annual Reports of the
Commission of Railway Safety, Lucknow**

(Presented on 23 September, 2020)



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI
SEPTEMBER, 2020/ASVINA, 1942(SAKA)**

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INTRODUCTION

I, Chairperson of the Committee on Papers Laid on the Table of the House (2019-2020), have been authorized by the Committee to present this Report on their behalf, present this Twenty Sixth Report in respect of delay in laying of the Annual Reports of the Commission of Railway Safety, Lucknow, Uttar Pradesh.

2. In terms of the recommendations of the Committee on Papers Laid on the Table in its First Report, Second Report (05th Lok Sabha) and Second Report (06th Lok Sabha) presented to the House on 08th March, 1976; 12th May, 1976 and 22nd December, 1977 respectively, the Annual Report and Audited Accounts of the Organisation / company are required to be laid on the Table of the House within nine months of the closure of accounting year.

3. The Committee considered the matter of delays in laying of the Annual Reports of the Commission of Railway Safety, Lucknow, Uttar Pradesh and took oral evidence of the representatives of the Ministry of Civil Aviation and the Commission at their sitting held on 27th December, 2016.

4. The Committee considered and adopted this Report at their sitting held on 22 September, 2020.

5. The Committee wish to express their thanks to the officers of the Ministry of Civil Aviation and the Commission of Railway Safety, Lucknow for furnishing the written replies, other material/information and for placing their views in the matter before the Committee.

6. The Observations / Recommendations of the Committee have been printed in bold letters at the end of the Report.

New Delhi
22 September, 2020
31 Bhadrapada, 1942(Saka)

Shyam Singh Yadav
Chairperson
Committee on Papers Laid on the Table
Lok Sabha

REPORT

Delay in laying of the Annual Reports of the Commission of Railway Safety, Lucknow, Uttar Pradesh.

The Commission of Railway Safety working under the administrative control of the Ministry of Civil Aviation, deals with the matters pertaining to safety of rail travel and train operation, and is charged with certain statutory functions laid down in the Railways Act, 1989. These functions (in relation to railway) are inspectorial, investigatory and advisory in nature. The Commission functions according to certain rules framed under the Railways Act and executive instructions issued from time to time. The status of funds released to Railway Safety Lucknow, Uttar Pradesh for the last four years is given at Annexure-I.

2. In term of recommendations of the Committee on Papers Laid on the Table contained in Paras 1.16 and 3.5 of its First Report (5th Lok Sabha), Paras 4.16 and 4.18 of Second Reports of 5th Lok Sabha and Paras 1.12 and 3.6 to 3.8 of Second Report of 6th Lok Sabha presented to the House on 08.03.1976, 12.05.1976 and 22.12.1977 respectively, the Annual Report and Audited Accounts together along-with Review Statement of the Institutes/Organizations (Statutory/Autonomous Organization, Public Undertakings, corporations, Joint ventures, Societies etc.) are required to be laid within 09 months of the closer of the respective Accounting Year. To comply with this requirement proper time schedule should be laid down for compilation of Annual Report and Accounts and their auditing.

3. The Ministry of Civil Aviation have informed in their written submission dated 22nd December, 2016 that as per the provisions of Section 10 of the Railway Act, 1989 and Section 12 of the Metro Railways (O&M) Act, 2002, the Chief Commissioner of Railway Safety is required to prepare an Annual Report giving full account of activities of the Commissioners of Railways Safety and Commissioners of Metro Railway Safety during the financial year.

4. The Committee note that the Annual Report of the Commission of Railway Safety, Lucknow for the year 2012-2013 was laid on the Table of the House on 03.08.2015 with delay 19 months and for the year 2013-2014 was laid on the Table on 09th February, 2017 with delay ranging from two years and one month. For the year 2014-15 were laid with a delay of one year one month. (Annexure-II).

5. The Ministry in its written reply have stated that the reasons for delay in laying the Annual Report of the Commission of Railway Safety, Lucknow, Uttar Pradesh for the year 2012-13 to till date is as under :-

“The delay in the compilation of the Annual Report of the Commission of Railway Safety has been due to completion of procedural formalities, as the Report analyzes and comments on the working and functioning of the Indian Railways. The views / comments of Ministry of Railways were to be sought and incorporated in some, Chapters of the Report. In this regard, inter-ministerial correspondence and re-conciliation thus becomes inescapable. on account of this, delay in compiling the Annual Report of the Commission of Railway Safety is unavoidable. Also, the stipulated time for submitting the Final Accident Inquiry Report is six month from the date of the accident, some of which gets even further delayed due to certain constraints like police cases, legal issues, court cases etc. After the Accident reports are finalised the same is forwarded to Ministry of Railway for their comments and Action Taken Report which takes some time. The Accident occurred in a particular financial year is to be reflected in the Annual Report of that financial year, hence the delay.”

6. On being asked for not laying the audited accounts of the Commission, the Ministry the Ministry in its written note stated as under :-

“There are no provisions for laying of the Audited Accounts of the Commission under the stipulated provisions of the Railway Act, 1989 and the Metro Railways (O&M) Act, 2002.”

7. On being asked about the mechanism in the Ministry to ensure timely laying of the documents in future, the Ministry stated as under :-

“Through Monthly Reports / MCDO and Monthly Review Meeting of the Secretary, Civil Aviation the Ministry monitored the progress of work in this regard.”

8. As regards to any remedial measures to ensure timely laying of the documents in Parliament in future, the Ministry in written note submitted that a Quarterly / Half yearly review meeting with the Ministry of Railways / Railway Board has been proposed for regular monitoring and review of the acceptance of report and reconciliation of other statistics of the figures.

9. The Committee considered the matters of delay in laying of Annual Report and Annual Accounts of the Commission of Railway Safety, Lucknow for year 2012-13 to 2014-15 and took oral evidence of the representatives of the Ministry of Civil Aviation on 27.12.2016.

10. Elaborating further the reasons for delay in laying of the Annual Reports and Audited Accounts of the NCERT, the Secretary of the Ministry during the evidence explained before the Committee as under:

“सभापति महोदय और माननीय सदस्यों को दो चीजें मैं अपने स्तर से कहना चाहूंगा कि निश्चित रूप से हम क्षमाप्रार्थी हैं कि 2012-13, 2013-14 और 2014-15 का विवरण अभी तक नहीं गया है। उसमें हम लोगों का यह कमिटेमैन्ट है कि संसद का जो आगामी बजट सत्र होगा, उसमें हम तीनों सालों की रिपोर्ट प्रस्तुत कर देंगे।

देरी होने के पीछे जो मुख्य कारण होता था, वह यह था कि जब भी कमिश्नर, रेलवे सेफ्टी किसी एक वित्त वर्ष के लिए अपना लेखा-जोखा संसद के समक्ष प्रस्तुत करते हैं तो अभी तक इनकी कोशिश यह रही है कि उस वित्तीय वर्ष में जितने भी एक्सिडेंट्स हुए हों, पहले उन एक्सिडेंट्स की वह जांच पूरी करें और जांच पूरी करने की प्रक्रिया में रेलवे बोर्ड से दो बार कंसल्टेशंस करनी होती हैं। प्रथम जांच के दौरान करना होता है, उसके बाद जब यह जांच पूरी कर लेते हैं तो इनकी जो फाइंडिंग्स बनती हैं, इनके समक्ष जो उसके कारण निकलकर आते हैं, वह ड्राफ्ट पहले रेलवे बोर्ड को भेजते हैं, फिर वहां से डिविजनल लैवल और जोनल लैवल के जो लोग हैं, उनसे कंसल्ट करके फिर अपने कमिटेन्ट्स देते हैं। उसके बाद उन कमिटेन्ट्स पर अपने विचार व्यक्त करते हुए तब उस पर्टीकुलर एक्सिडेंट की रिपोर्ट फाइनलाइज करते हैं। इस पूरी प्रक्रिया में ही करीब-करीब साल, डेढ़ साल लग जाता था, क्योंकि वह कंसल्ट करते रहना पड़ता है और जब तक उस वित्तीय वर्ष के सभी एक्सिडेंट्स का पूरा हालचाल पता नहीं चल जाता था, तब तक यह अपनी एनुअल रिपोर्ट संसद के समक्ष प्रस्तुत नहीं करते हैं। इसमें हम लोगों ने एक फेरबदल करने का सोचा है कि एक साल के काम का जो लेखा-जोखा है, उसमें कुछ चीजें ऐसी होंगी जो पूरी हो गई होंगी, कुछ ऐसे इन्वेस्टिगेशंस हैं, जो पूरे हो गये हैं, कुछ ऐसी इन्वेस्टिगेशंस हैं, जिनमें इन्वेस्टिगेशन का काम चल रहा है। बजाय इसके कि वह पूरी इन्क्वायरी खत्म न हो जाए, उसमें कहीं साल, डेढ़ या दो साल भी लग सकते हैं, क्योंकि सिर्फ इन्क्वायरी के खत्म होने की बात नहीं है। हमारी यह कोशिश है कि जैसा आपका निर्देश है कि नौ महीने के भीतर हम लोग अपनी रिपोर्ट संसद के समक्ष दे दें। उसमें अगर कुछ ऐसा हो कि अभी कार्रवाई पूरी नहीं हुई है तो यही इंगित करते हुए, यही लिखते हुए हम संसद के समक्ष रिपोर्ट प्रस्तुत करेंगे, ताकि जब वह कम्प्लीट होगा तो अगले साल का जो वार्षिक प्रतिवेदन संसद के समक्ष जायेगा, उसमें वह कवर हो जायेगा, बजाय इसके कि हम लोग उसे डिले करते चलें।”

(English version -"Chairperson Sir and Hon'ble Members, two things I would like to say to the from my level that we are certainly apologetic that the details of 2012-13, 2013-14 and 2014-15 have not yet gone. In this, we people have a commitment that we will submit three years' report in the upcoming budget session of Parliament. The main reason behind the delay was that whenever the Commissioners, Railway Safety, presented their accounts for one financial year before the Parliament, so far their efforts have been that as many as in that financial year, if there are accidents, first of those accidents, they should complete the investigation and in the process of completing the investigation, they have to consult the Railway Board twice. Have to do during the first investigation, after that when it completes this investigation, the findings that are made of them, which come out due to them, they send the draft to the railway board first, then divisional level and zonal level from there. After consulting those who are, they give their comments. After that, expressing his views on those comments, he then finalizes the report of that particular accident. This whole process used to take about a year and a half, because it has to be consulted and until all the accidents of that financial year were not fully known, till they do not present its Annual Report to the Parliament. In this, we have thought of making a reshuffle that in the accounting of a year's work, there will be some things which have been completed, there are some investments, which have been completed, there are some such investments, in which Investigation work is going on. Instead, that the entire inquiry does not end, it may take a year, a year and a half or two, because it is not just a matter of ending the inquiry. Our effort is that as you are instructed that within nine months, we should submit our report before Parliament. If there is something in it that the action has not been completed, then we will submit the report before Parliament, while writing the same, indicating that when it is complete, the next year's annual report will go before the Parliament, it should be covered. Instead, we will continue to delay it.")

11. The Committee, however, subsequently noted that the Annual Reports for the years 2015-16, 2016-17 and 2017-18 were laid on the Table of the House on 09th February, 2017, 04th January, 2018 and 25th July, 2019 with delays 01 month, 03 days and 07 months respectively. However, the Annual Reports and Audited Account for the year 2018-2019 were not been laid on the Table of the House yet. (see Annexure-II)

Observations / Recommendations

12. The Committee were apprised that the reasons for delay of laying of Annual Reports of the Commission of Railway Safety, Lucknow for the years from 2012-13 to 2014-15 were mainly due to delay in the compilation of the Annual Report of the Commission of Railway Safety and completion of procedural formalities, viz., the Report analyzes and comments on the working and functioning of the Indian Railways, the views / comments of Ministry of Railways were to be sought and incorporated in some Chapters of the Report. The Committee further note that inter-ministerial correspondence and re-conciliation becomes inescapable. The stipulated time for submitting the Final Accident Inquiry Report is six months from the date of the accident, some of which gets even further delay due to certain constraints like police cases, legal issues, court cases etc. After the Accident Reports are finalised the same are forwarded to Ministry of Railways for their comments and Action Taken Report which takes some time. Further, the accident occurred in a particular financial year is to be reflected in the Annual Report of that financial year, hence caused the delay. The Committee recommends that the Ministry of Civil Aviation and the Commission of Railway Safety, Lucknow need to evolve an effective monitoring mechanism to overcome the procedural delay of laying of the documents.

13. The Committee note that the Ministry of Civil Aviation and the Commission of Railway Safety, Lucknow have not adhered to the provisions of Section 10 of the Railway Act, 1989 and Section 12, of the Metro Railways (O&M) Act, 2002. The Committee note that the Annual Report for the year 2012-13 was laid on the Table of the House on 03.08.2015 with delay of 19 months. The Committee also note that after the evidence of the Ministry of Civil Aviation held on 27th December, 2016, the Annual Reports of the Commission of Railway Safety, Lucknow for the years from 2013-2014, 2014-2015 and 2015-2016 were laid on the Table on 09th February, 2017 with a delay of about 25 months, 13 months and 01 months respectively. Further in the Annual Report of 2016-2017 was laid on the Table of the House on 04.01.2018, with delay of 03 days and the Annual Report for the year 2017-2018 was laid on 25.07.2019 with delay of 07 months. However, the Annual Reports and Audited Accounts for the year 2018-19 have not been laid on the Table of the House yet.

14. The Committee was apprised that there is no specific provision in the Commission Railway Safety, Lucknow regarding laying of Audited Accounts on the table of the House. The Committee consider it desirable that a suitable provision is incorporated in the parent Act to lay the Annual Reports and Audited Accounts together, within 9 months of closure of the financial year.

15. The Committee also impress upon the Ministry that if due to unavoidable reasons, the Annual Reports and Audited Accounts of the Commission Railway Safety, Lucknow could not be laid on the Table of the House within the stipulated time; a statement explaining the reasons as to why the requisite documents could not be laid within prescribed period should be laid on the Table of the House within 30 days or as soon as the House meets, whichever is later.

New Delhi
22 September, 2020
31 Bhadrapada, 1942(Saka)

Shyam Singh Yadav
Chairperson
Committee on Papers Laid on the Table
Lok Sabha

ANNEXURE-I

Statement showing the year wise fund allocation to the Commission of Railway Safety, Lucknow for the year 2012-13 to 2015-16 is as under :-

| S. No. | Year | Budgetary Allocation (in crore) |
|---------------|-------------|--|
| 1. | 2012-13 | 6.95 RE |
| 2. | 2013-14 | 7.38 RE |
| 3. | 2014-15 | 9.00 RE |
| 4. | 2015-16 | 9.32 RE |

ANNEXURE-II
(vide Paras 4 & 10)

**Statement showing the dates of laying of the Annual Reports of
Commission of Railway Safety, Lucknow
for the year 2012-13 to 2017-18 vide Bulletin Part-I.**

| Year(s) | Date by which required to the laid | Date of laying of Annual Report | Extent of delay |
|----------------|---|--|------------------------|
| 2012-13 | 31-012-2013 | 03-08-2015 | 19 months |
| 2013-14 | 31-12-2014 | 09-02-2017 | 25 month |
| 2014-15 | 31-12-2015 | 09-02-2017 | 13 month |
| 2015-16 | 31-12-2016 | 09-02-2017 | 01 month |
| 2016-17 | 31-12-2017 | 04-01-2018 | 03 days |
| 2017-18 | 31-12-2018 | 25-07-2019 | 07 months |
| 2018-19 | 31.12.2019 | Not laid | - |

APPENDIX-I

**EXTRACTS OF THE MINUTES OF THE 5th SITTING OF THE
COMMITTEE ON PAPERS LAID ON THE TABLE (2016-2017)**

The Committee sat on Tuesday, 27 December, 2016 from 15:00 hrs to 16:45 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Chandrakant Khaire - **Chairperson**

MEMBERS

2. Shri Dushyant Chautala
3. Shri P.C. Gaddigoudar
4. Shri Laxman Giluwa
5. Shri Choudhury Mohan Jatua
6. Shri Bheemrao B. Patil
7. Shri Virendra Singh
8. Shri P.R. Sundaram
9. Shri Manohar Untwal

SECRETARIAT

1. Shri U.B.S. Negi - Joint Secretary
2. Smt. Rita Jaikhani - Director
3. Smt. Maya Lingi - Additional Director

REPRESENTATIVES OF THE MINISTRY OF CIVIL AVIATION

1. Shri R.N. Choubey Secretary
2. Shri Anil Shrivastava Joint Secretary

**REPRESENTATIVES OF THE COMMISSION FOR RAILWAY SAFETY,
LUCKNOW**

1. Shri Sudarson Nayak Chief Commissioner of Railway Safety
xx xx xx
xx xx xx

At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

2. The Committee then called the representatives of the Ministry of Civil Aviation and the Commission for Railways Safety, Lucknow.

3. The Chairperson welcomed the representatives of the Ministry and the Commission to the sitting of the Committee and explained the purpose of convening the meeting. The Chairperson also explained to the witnesses the provisions of Direction 58 of Directions issued by the Speaker, Lok Sabha regarding confidentiality of the proceedings.

4. On being asked by the Committee about the genesis/functions and achievements of the Commission, the Secretary apprised the Committee that the Commission has been working since November 1961 from its Head Office at Lucknow and 09 other circle Offices at different States of the Country. It consists of 143 official along-with 09 Commissioners and 14 Deputy Commissioners. The main work of the Commission is to inspect new railway lines with a view to determine whether they are fit to be opened for the public carriage of passengers and to report thereon to the Central Government and to make inquiry into the cause of any accident in Railways. On being asked by the Committee to state the reasons for delay in laying of the Annual Reports on the Commission, the Secretary apprised the Committee that as per past practice, the Report of the Commission incorporate the facts, inquiries and decisions which were met during the financial year and it took near about 01 and 1 1/2 year to complete all these formalities. The Secretary further stated that they were planning to lay the Report within nine months by incorporating the fact, figures and investigation which had already completed during this period and rest of the investigations would be incorporated in succeeding year of the Report. The Secretary assured the Committee that the Annual Reports of the Commission for the years 2013-2014 and 2014-2015 will be laid on the Table of the House during next Session of the House.

5. Thereafter, the Hon'ble Chairperson thanked the representatives of the Ministry and the Commission for the useful discussion and requested to respond to the queries raised by the Members - in connection with examination of the subject.

The witnesses then withdrew.

6. to 9 xx xx xx

10. A copy of the verbatim proceedings of the sitting of the Committee has been kept on record.

The Committee then adjourned.

**THE EXTRACTS OF THE MINUTES OF THE SITTING OF THE COMMITTEE HELD
ON 22 SEPTEMBER, 2020**

The Committee sat on Tuesday, 22th September, 2020 from 11:00 hrs to 13:00 hrs. in Committee Room 'B', Parliament House Annexe Building, New Delhi.

PRESENT

Shri Shyam Singh Yadav - **Chairperson**

MEMBERS

2. Shri Shafiqur Rahman Barq
3. Shri Raja Amareshwar Naik
4. Smt. Aparupa Poddar
5. Shri T. N. Prathapan

SECRETARIAT

1. Smt. Suman Arora - Joint Secretary
2. Smt. B.Visala - Director
3. Shri R.K.Chaudhary - Under Secretary

X X X X X

X X X X X

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee and explained the purpose of convening the meeting.

3. XX XX XX XX

4. The Committee then took up for consideration Eight Draft Reports (Original) regarding delay in laying of the Annual Reports and Audited Accounts of the :-

- (i) The Agricultural and Processed Food Products Export Development Authority (APEDA), New Delhi;
- (ii) The Maulana Azad Education Foundation, New Delhi;
- (iii) The Commission of Railway Safety, Lucknow, Uttar Pradesh;
- (iv) The National Legal Services Authority (NALSA), New Delhi;

- (v) The National Institute of Pharmaceutical Education and Research, Raebareli, U.P;
- (vi) The Ujala Society, Jammu;
- (vii) The Port Blair Municipal Council (PBMC), Port Blair; and
- (viii) The National Commission for Scheduled Tribes, New Delhi.

After deliberations, the Committee adopted these Eight Reports (Original) without modifications.

5. The Committee then took up for consideration draft Report regarding Action taken by Government on the recommendations/Observations made by the Committee in their 21st Report (16th Lok Sabha) in respect of delay in laying of the Annual Reports and Audited Accounts of the All India Institute of Medical Sciences, New Delhi.

After deliberations, the Committee adopted the Draft Action Taken Report without modifications.

6. The Committee authorized the Hon'ble Chairperson to present both the Original Reports and the Action Taken Report to the Parliament.

X X X X X

The Committee then adjourned.
