

CB-I NO. 315 VOL. XXIII

COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

TWENTY THIRD REPORT

(Presented to Lok Sabha on 19 December, 2002)



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

December, 2002/Agrahayana, 1924 (Saka)

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Published under Rule 382 of the Rules of Procedure and Conduct of Bussiness in Lok Sabha (Tenth Edition) and printed by the Manager, Government of India Press, Minto Road, New Delhi.

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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Ramakant Angle
3. Shri S. Bangarappa
4. Shri Ambati Brahmaniah
5. Shri Anant Gudhe*
6. Shri Babubhai K. Katara
7. Shri P.R. Khunte
8. Shri P.R. Kyndiah
9. Shri G. Mallikarjunappa
10. Shri Sadashivrao Dadoba Mandlik
11. Shri Sis Ram Ola
12. Shri Sundar Lal Patwa
13. Dr. Bikram Sarkar
14. Shri C. Sreenivasan**
15. Shri Chandra Bhushan Singh

SECRETARIAT

1. Shri John Joseph — *Additional Secretary*
2. Shri S.C. Rastogi — *Joint Secretary*
3. Shri C.S. Joon — *Deputy Secretary*
4. Shri J.S. Chauhan — *Under Secretary*
5. Smt. Neera Singh — *Assistant Director*

*Nominated w.e.f. 28 August, 2002 *vide* Bulletin Part-II dated 28 August, 2002 Para No. 3164 *vice* Shri Anant Gangaram Geete ceased to be a member of the Committee on his appointment as Minister.

**Nominated w.e.f. 27 March, 2002 *vide* Bulletin Part-II dated 27 March, 2002 Para No. 2778 *vice* Dr. K. Malaisamy, M.P. resigned.

TWENTY THIRD

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Twenty-third Report of the Committee on the following matters to the House.

- (i) Representation requesting for regularisation of services of Ayurvedic & Homeopathic Doctors in Indian Railway Medical Services (IRMS).
 - (ii) Representation regarding to give ownership rights and to pay compensation to villagers whose land was acquired in Gaon Mochi Bagh, Nanakpura, New Delhi.
2. The Committee considered and adopted the draft Twenty-third Report at their sitting held on 17 December, 2002.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;
17 December, 2002
26 Agrahayana, 1924 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Petitions.

CHAPTER I

REPRESENTATION REQUESTING FOR REGULARISATION OF SERVICES OF AYURVEDIC AND HOMEOPATHIC DOCTORS IN INDIAN RAILWAY MEDICAL SERVICES (IRMS)

Dr. Bipradas Mitra, Secretary, Railway Ayurvedic and Homeopathic Doctor's Association, Kolkata on 9 April, 2002 submitted a representation regarding regularisation of services of Ayurvedic and Homeopathic Doctor's in Indian Railway Medical Services (IRMS).

1.2 On behalf of Railway Ayurvedic and Homeopathic Doctor's, the petitioner put forth and following main points:

- (i) Ayurvedic and Homeopathic treatment is an indigenous system of medicine which is becoming popular in India and abroad. It is highly efficacious and also less expensive than allopathic;
- (ii) Shri Phani Dhar, Ex DG(RHS) has stressed the necessity to enhance this existing system of medicine prevailing in Railways *vide* letter No. 96/H/15/2 dated 13.5.2000 to all CMD/Indian Railways;
- (iii) State like Andhra Pradesh is practising this system with great success and serving doctors are getting full benefit (*vide* order 60, M.S. 417 dated 29.10.1996);
- (iv) At present, approximately 150 Ayurvedic and Homeopathic Doctors are catering to Indian Railways, including managing Railway disasters like accidents since 1966;
- (v) In spite of existing full effort of professional skill, we are surviving with meagre honorarium of Rs. 2500/- per month (Rs. 83/- per day) and devoid of all privileges of Railways; and
- (vi) Grievances have been highlighted to several former Railway Ministers from time to time but no tangible action has been taken.

1.3 The petitioner, therefore, requested to examine the matter thoroughly and provide justice to the destitute members of this organization.

1.4 The representation was forwarded to the Ministry of Railways (Railway Board) for furnishing their comments on the points raised in the representation. The Ministry of Railways (Railway Board) *vide* their communication dated 12 June, 2002, furnished their comments.

1.5 On the question of the necessity to enhance Ayurvedic and

Homeopathic system of medicine in Railways as highlighted by Shri Phani Dhar, Ex. Director-General (RHS) *vide* his letter No. 96/H/15/2 dated 3.5.2000 addressed to all CMD/Indian Railways, the Ministry of Railways (Railway Board) replied as follows:

“Yes, a letter was issued by Health Directorate on 3 May, 2002 to General Manager seeking action on a few matters such as:

- (a) Research in ISM&H.
- (b) Recognition of some ISM&H Institutions, if they have any.
- (c) Yoga & its applicability which are of exploratory nature duly acknowledging the role of ISM&H in health care.

The informal feedback received from the zones indicate that a few places, part time Ayurvedic/Homeopathic dispensaries are run in Railway Hospital premises and they are manned by Honorary Homeopathic and Ayurvedic Physicians engaged by respective Staff Benefit Fund Committee. However, there is no demand for further strengthening of the services as the patronisation has been poor and some of the patients, who come to Railway Hospitals taking advantage of availability of dispensary, seek the services of Ayurvedic/Homeopathic physicians, occasionally.”

1.6 Regarding, practicing the Ayurvedic and Homeopathic system with great success and giving serving doctors full benefits in the State of Andhra Pradesh (*vide* order 60, M.S. 417 dated 29.10.1996), the Ministry of Railways (Railway Board) stated that:—

“The State Government of Andhra Pradesh has recognised the system of this ISM&H with great success. The comparison between the State Government of Andhra Pradesh and Railways is not apt. It is pertinent to state that these Doctors are engaged in Honorary capacity only and are not engaged by Railways. Therefore, they are not Railway employees.”

1.7 The Ministry further added that:—

“Railways are providing comprehensive health care facilities through a net work of 584 health units, 124 Hospitals (including 9 Zonal Hospitals & 5 Super-speciality hospitals). At a few places, to meet the aspirations of local people, Ayurvedic/Homeopathic systems of treatment facilities are made available through Homeopathic/Ayurvedic dispensaries (an aggregate of 154 part time Homeo/Ayurveda dispensaries exist) by engaging the services of local practitioners. These facilities are being run by the Staff Benefit Fund Committees and Honorariums are paid from their resources only. At the time of engaging these doctors, it was not considered necessary to screen them with regard to their age, health status or qualifications, may be because they were merely engaged on part time basis and only honorarium is to be paid. Railways are primarily a transport

organisation and health care and its development are a secondary priority.”

1.8 As regards catering to Indian Railways by Managing Railway Disasters like accident etc. since 1966 by these Ayurvedic and Homeopathic Doctors, the Ministry stated that:—

“The services of ‘doctors’ working in the Homeopathic/Ayurvedic dispensaries are not utilised in emergency services. Their work is for fixed hours (2/4 hours) only and thereafter, they are free to do practice. Many of them have their own private clinics. In fact, these ‘doctors’ are locals, whose services were sought for part time work only with a clear understanding that it is a part time work.”

1.9 Regarding surviving with meager honorarium of Rs. 2500/- per month (Rs. 83/- per day) and being devoid of all privileges of Railways despite their existing full effort of professional skill, the Ministry of Railways (Railway Board) stated that:—

“The Homeopathic/Ayurvedic doctors are engaged by Staff Benefit Fund Committees on fixed honorarium. They are not Railway employees and are not screened through UPSC. Even in the event of intergrating such a system into Railway Health Services, the existing ‘practitioners’ will have to make room for UPSC selected candidates as only UPSC is empowered to select Railway Medical Officers and these ‘practitioners’ were not screened.”

1.10 As regards taking no tangible action on various representations sent by petitioners from time to time, the Ministry of Railways (Railway Board) stated that:—

“The representations from ISM&H practitioners and others have been received in the past also. Railway Administration have put forth the facts and stated their inability to accede to their demands regarding regularisation of their services and provision of facilities at par with Railway Employees as they are not Railway Employees. Railways are already having a comprehensive health care system (Allopathy) and any further expansion in the form of ISM&H in their fold is not fessible due to huge cost outlay. Which is not sustainable in the present scenario.”

1.11 After perusing the comments furnished by the Ministry, the Committee undertook then an on-the-spot study visit to Kolkata on 23 September, 2002 to discuss the matter with the petitioners.

1.12 During the on-the-spot study visit the petitioners informed the Committee that, though there are well developed and fully equipped allopathic hospitals and health units in the Indian Railways but there is considerable demand and need for alternative medicines in the Indian Railways. The entry of Ayurvedic and Homeopathic Doctors into the Railway had been at the instance of members of the organized labour who

are members of PREM (Participation of Railway Employees and Management). These Doctors are being paid from the SBF (Staff Benefit Fund). All these Doctors working in the Railway Hospitals had been selected by competent committees nominated by SBF committees consisting of official from Railway medical department, personnel department and non Railway Ayurvedic and Homeopathic officials from respective State Governments to assess the technical and know how of Homeopathic and Ayurvedic Doctors who had been tested both in written and oral tests.

1.13 The petitioner's had further stated that they are demanding for regularisation on following grounds:

- “(i) Demand for regularisation is based on the analogy of the Central Government Departments such as CGHS, Ministry of Labour, Armed forces, Department of Coal, E.S.I. etc. and all the State Governments are appointing Ayurvedic/Homeopathic Doctors in regular Scales (At par with Allopathic) as on approved system of therapy and treatment then what are the constraints with the Railways not to appoint Railway working Ayurvedic/Homeopathic Doctors of Andhra Pradesh and Uttar Pradesh in regular scale instead of keeping them as bounded labour on Rs. 2500/- per month without any allowances and facilities applicable to other Railway Staff.
- (ii) We have been accepted by the Railways as Quasi Railway Organisations Staff. But Railways are having separate treatment among the employees of Quasi Railway Organisation such as Ayurvedic/Homeopathic dispensors/Helpers, Cooperative Stores/Canteens/Handicraft Centre etc. The employees of these departments have been appointed in regular service of Railways then why the doctors are being treated as untouchable.
- (iii) Railways started these system of treatment on the recommendation of Railways Reforms Committee (via No. 69). Railway Reforms Committee gave their recommendation when Government of India accepted this as integral part of country's Health care programme.
- (iv) Director General Railways Health Services also agree that there is a need to further enhance the availability of these system on the Indian Railways and possibly integrate them with the Railway Health Services.
- (v) Earlier in 1977 Railway Board also circulated a letter (Railway Board) letter No. 77/H/15/4 dated 21.3.1977 to introduction of Indigenous System of Medicine in Railways in group 'B' Cadre and these posts can be found by the Health Department or any other department.

1.14 The Committee, thereafter, took oral evidence of the representatives of the Ministry of Railways (Railway Board) on 10 October, 2002 in the matter.

1.15 When the Committee asked about the number of Homeopathic and Ayurvedic Doctors who are employed in the Indian Railway Hospitals, the Member (Staff), Railway Board stated that they have got 138 Homeopathic Doctors and 18 Ayurvedic Doctors. The total is 156.

1.16 When the Committee desired to know if they had Homeopathic and Ayurvedic doctors in each hospital, the Member (Staff) replied in negative.

1.17 On being asked about the criteria, adopted for appointing these Doctors in a hospital, the Member (Staff), Ministry of Railways (Railway Board) stated as follows:—

“We have got the Staff Benefit Fund Committee. Actually, Homeopathic and Ayurvedic doctors are not employed by the Railways. For the welfare of the staff, the Staff Benefit Fund Committee appoints Homeopathic and Ayurvedic doctors. They are actually selected by them and Railways do not employ them directly at all. As you know, the appointments in Railways are done by UPSC selection.”

1.18 When asked as to why these doctors were not appointed by UPSC, Member (Staff) replied:—

“It is not a service. Basically, in the Railways, medical service is not a core activity. Allopathic system of medicine is the main thing. In addition, we are doing down-sizing of our staff also. Even presently, some of the health units are not popular and the number of beds in the hospitals are reducing. In fact, we started this as a welfare measure only about 30-40 years back.”

1.19 The Committee then pointed out to the witnesses that the Government of India is giving importance to Indian systems of medicine in various Government hospitals, in district hospitals, sub-division hospitals, rural hospitals etc. Even in the Primary Health Centres, there is either one Ayurvedic or Homeopathic doctor and their pay scales are at par with Allopathic doctors and the Railways also have Divisional Hospitals, Health Centres, Zonal Hospitals and Specialised Hospital. The Committee desired to know as to why there is a differentiation in Railway Hospital. To this, Member (Staff) replied that basically it is a non-core activity and Railways is a transport organisation. Also, they do not want to expand more because it is a non-core activity and it is only a secondary activity.

1.20 Subsequently, in a written note the Ministry of Railways (Railway Board) informed that Allopathic medical system of medicine was developed to meet the needs of Railway population including emergency care, Rescue and Relief at the time of accidents etc. in the past. But with the development of medical care infrastructure facilities outside the

Railways, new institutions facilities are not added as a matter of routine as Railways can have wider choice and options if these services are outsourced. Further there is not much demand for ISM&H facilities from railway employees, both in service as well as from those who retired from service. It is reported that approx. 2% patients out of total OPD attendance in a hospital attend these clinics. It is not feasible to have full time Homeopathic/Ayurvedic doctors along with Allopathic (modern) medical service. It is also not financially feasible to add medical services especially when such facilities are easily available outside.

1.21 When the Committee pointed out to the witnesses that the Railways are providing less finances for the Ayurvedic and Homeopathic doctors from the Staff Benefit Fund, the Member (Staff) stated that basically, it is an honorarium of Rs. 3,000 which is paid for 6 hours and Rs. 2,500 to a part time doctor for 2 to 4 hours.

1.22 The Committee when desired to know if they are aware of the circular No. 77/H/1514, dated 21 May, 1977 issued by the Railway Board giving directional instructions to appoint Ayurvedic and Homeopathic doctors in the Railways to function, simultaneously, along with Allopathic doctors in the scale of Rs. 650-1200 which is equivalent to the present scale of Rs. 8,000-13,500; the Executive Director (Health), Railway Board, replied in affirmative and stated that there was a circular and some Ayurvedic doctors and some Homeopathic doctors were appointed.

1.23 When asked about the number of such appointments made, the Director (Health), Railway Board, stated "We do not have the figures readily available."

1.24 On being asked if any doctor had been appointed after issuance of the aforesaid circular, the Director (Health) replied in affirmative and stated that the appointments were at the GM's level and not through the UPSC.

1.25 Subsequently, the Ministry in their latest written note informed that the letter was of exploratory nature seeking proposals, if any, for appointing indigenous and Homeopathic medical practioners. No proposals were received from the zones and the matter was not pursued.

1.26 When the Committee pointed out to the witnesses that alongwith Allopathic treatment in the Railway hospitals, there should also be Ayurvedic and Homeopathic treatment; the Director (Health) replied as follows:—

"In the present scenario, probably, we are not able to afford any addition to any other discipline because the Ayurvedic and Homeopathic doctors cannot be entrusted. I mean, the medical examination cannot be entrusted to them. The medical certification cannot be entrusted to them. Most important is the emergency of the Railway Health Services. Every hospital has got 'Emergency'.

So, they cannot be of any help there. These are the constraints. We feel that their presence will not make much difference. The patronisation in the ISM dispensaries is not that encouraging. It is rather low.”

1:27 When asked if the Railways have full-time doctors, the witness replied in negative. The Committee then desired to know as to how they could say that the indigenous systems of medicine were not patronised. In response, Director (Health) replied that, in the Railway scenario, they have got the dispensaries of Homeopathy and Ayurvedic, but the patronisation is not that encouraging.

1.28 When asked as to why the Railways cannot trust these Doctors and entrust them with any job; Director (Health) stated as follows:—

“Sir, these doctors cannot be entrusted with the jobs of medical examination and emergency. They cannot be manned by these doctors. It has got a very important role to play in the Indian Railways. Take the example of fitness of employees.”

1.29 When asked if treatment through the Indian System of Medicines is not possible, the Director (Health) stated:—

“It is difficult for me to comment on this. The Railways have got hospitals where we have to attend to emergency cases. We have to attend to railway accidents.”

1.30 When asked if it will be a burden on the Railways, if one doctor is appointed in one Divisional Hospital; Director (Health) replied as follows:—

“One thing we are trying for the Railway beneficiaries is to enter into some kind of arrangement with the Central Government Health Services dispensaries. By paying *per capita* cost we are trying to provide ISM facilities for Railway beneficiaries. For that, we are making correspondence with the Ministry of Health, and ISM Directorate.”

1.31 The Committee then pointed out to the witnesses that Dr. Phani Dhar who was the ex-Director had recommended for strengthening the Indian System of Medicines and Homeopathy on 13.5.2000 to all the CMDs of Indian Railways. The Prime Minister, Shri Atal Bihari Vajpayee called Health day 2000. The Director General of Health Services, and Shri Nitish Kumar, the Railway Minister also addressed all the HODs and desired to know the reasons as to why Railways were not following their directions. In response Member (Staff), Ministry of Railways (Railway Board) stated as follows:—

“Dr. Phani Dhar’s letter was of May, 2000. Afterwards, a Board meeting was held in August, 2000 to discuss this, and patronisation of dispensaries that are already working. Then, it was recorded there only that we may examine, by paying *per capita* charges to the Ministry of Health and making use of their CGHS facilities for ISM

medicines. So, instead of opening out again, the facilities that are already available in the CGHS, may be utilised."

1.32 Subsequently, the Ministry of Railways (Railway Board) in their written note furnished after evidence submitted that Dr. Phani Dhar, Ex.DG(RHS), Railway Board issued a letter on 3rd May, 2000 regarding few aspects of ISM&H viz., research in ISM&H, recognition of some institutions, Yoga, its applicability etc. The informal feed back received from zones indicated that there is no demand for further strengthening of the services as patronisation is poor. Information gathered shows that on an average on 2% patients attend Homeo/Ayurvedic clinic out of total OPD attendance. These 2% patients also do not depend solely on Homeopathic/Ayurvedic medicines for their treatment but visit allopathic clinics also.

1.33 When asked where CGHS dispensaries are not available at the Divisional Headquarters' level, then in those cases where would the patients go? In response; Member (Staff) stated:—

"There is a welfare measure. Our staff is already there. They will continue to remain there. In addition, where it is not available, we can use them, instead of our developing again as a parallel system."

1.34 The Committee then pointed out that the Doctors who are getting only Rs. 2500, pending their regularisation or pending their appointment as full time doctors, in their case the Ministry should consider enhancement of their allowances at least. In response Member (Staff) stated:—

"They were working as homeopathic and ayurvedic doctors. Otherwise, they are practising separately. Here they are working as part time doctors. It is not only their source of income, and they have other sources also. We will definitely consider, as you said, for enhancement, and also for appointment of full time doctors.

Observations/Recommendations

1.35 The Committee note from the submissions made by the petitioner that the Ayurvedic and Homeopathic treatment is an indigenous system of medicine which is becoming popular in India and abroad. It is highly efficacious and also less expensive than allopathic. Shri Phani Dhar, ex. Director General (Railway Health Services) had also stressed the necessity to enhance these Indian Systems of Medicine and Homeopathy (ISM&H) prevailing in Railways vide letter No. 96/H/15/2 dated 3.5.2000 to all CMD/Indian Railways.

1.36 One of the main demand of the petitioners is that the Homeopathic and Ayurvedic Doctors are practicing this (ISM&H) system with great success in many states and are also getting full benefits. However, inspite of existing full effort of professional skill, the Doctors who are catering to Railways are surviving with meagre honorarium of Rs.2500/-per month (Rs. 83/- per day) and are devoid of all privileges of Railways.

1.37 The Committee note from the submissions made by the Ministry of Railways (Railway Board) that in Railways, medical service is not a core activity, it is only a secondary activity because of which they do not want to expand more. Also, the Homeopathic and Ayurvedic Doctors are appointed by Staff Benefit Fund (SBF) Committee and the Railways do not employ them directly because appointments in Railways are done by UPSC selection and these doctors are not appointed by UPSC.

1.38 The Committee also note that the Railway Board had issued a circular No. 77/H/1514 dated 21 May, 1977 giving directional instructions to appoint Ayurvedic and Homeopathic doctors in the Railways to function simultaneously, alongwith Allopathic doctors in the scale of Rs.650-1200 which is equivalent to the present scale of Rs.8000-13500.

1.39 During evidence the Committee have been informed that after issuance of this circular some Ayurvedic and Homeopathic doctors were appointed through GM level and not UPSC.

1.40 However, the Ministry of Railways (Railway Board) in their subsequent written reply have informed the Committee that the letter issued was of exploratory nature seeking proposals, if any, for appointing indigenous and homeopathic medical practitioners. No proposals were received from the zones and the matter was not pursued.

1.41 While taking a serious view of the contradictory submissions made by the Ministry of Railways (Railway Board), the Committee wish to point out that ISM&H system is working with great success in many states and the Doctors are getting full benefits. The Committee, therefore, recommend that the Ministry should review the scope for appointing indigenous and homeopathic medical practitioners, afresh for the benefit of the Railway employees.

1.42 The Committee are also of the opinion that in view of the services being rendered by these part time Homeopathic and Ayurvedic Doctors, the honorarium of Rs. 2500/- to Rs. 3000/- which they are getting at present is meagre. The Committee, therefore, are of the firm view that pending regularisation or appointment of these doctors as full time doctors, the Ministry should consider enhancement of the allowances/honorarium of Ayurvedic and Homeopathic doctors. The Committee expect that earnest efforts would be made by the Ministry with a positive perspective in this regard. The Committee would also like to be apprised of the action taken in this regard within 1 month of the presentation of the report of the Committee.

1.43 In respect of strengthening of ISM&H system, the Committee note from the submissions made by the Ministry of Railways (Railway Board) that a letter was issued by the Health Directorate on 3 May, 2002 to General Managers seeking action on a few matters like research in ISM&H, recognition of some ISM&H institution and yoga and its applicability duly

acknowledging the role of ISM&H in health care. The informal feedback received from the zones indicated that at few places, part time Ayurvedic/ Homeopathic dispensaries are being run in Railway Hospital Premises and they are manned by Honorary Homeopathic and Ayurvedic Physicians engaged by respective Staff Benefit Fund (SBF) Committees and Honorariums of Rs. 3000 for 6 hours and Rs. 2500 for 2-4 hours are paid from their resources only. These doctors are not Railway employees and are not screened/selected by/through UPSC.

1.44 The Committee have been informed that Railways are providing comprehensive health care facilities through a net work of 584 health units, 124 Hospitals (including 9 zonal Hospitals and 5 super-speciality hospitals) and any further expansion in the form of ISM&H is not feasible due to huge cost outlay. Also, in case of emergency the Ayurvedic and Homeopathic doctors cannot be entrusted with medical examination certification. The patronisation in the ISM&H dispensaries is also not encouraging.

1.45 The Committee have also been informed that on an average only 2% patients attend Homeo/Ayurvedic Clinic out of total OPD attendance and these 2% patients also do not depend solely on Homeopathic/Ayurvedic medicines for their treatment but visit allopathic clinics also. To provide ISM facilities to Railway beneficiaries an arrangement is being made with Central Government Health Services (CGHS) by paying per capita cost.

1.46 The Committee cannot but express their deep discontent over the fact that inspite of a comprehensive health care system in Railways, an arrangement for ISM facilities has been sought from the CGHS. On the other hand, the Railways have posed that due to huge cost outlay and poor patronisation; ISM&H facilities to Railway beneficiaries is not encouraging. The Committee are, therefore, of the firm view that instead of seeking services from CGHS, the Railway Medical services should be expanded with a ratio of permanent arrangement of Ayurvedic and homeopathic treatment dispensaries. The Committee recommend that the Ayurvedic and homeopathic doctors may be appointed on regular basis by Railways in a permanent capacity for benefit of the patients.

CHAPTER II

REPRESENTATION REQUESTING TO GIVE OWNERSHIP RIGHTS AND TO PAY COMPENSATION TO VILLAGERS WHOSE LAND IS ACQUIRED IN GAON MOCHI BAGH, NANAK PURA, NEW DELHI

Shri Asha Ram, President, Gaon Jan Chetna Manch, Village Mochi Bagh, Nanak Pura, New Delhi on 21 June, 2001 submitted a representation requesting to give ownership rights and to pay compensation to villagers whose land is acquired in Gaon Mochi Bagh, Nanakpura, New Delhi.

2.2. On behalf of the aggrieved residents of Gaon Mochi Bagh, the petitioner submitted that in 1911 the Britishers had demarcated Mochi Village and had imposed Chullah Tax. This tax was paid by their ancestors, but till date the villagers from the weaker section have not got ownership rights of their land. Whereas, other farmers belonging to upper caste got ownership rights and also good compensation for their land. Moreover, even after passage of 90 years of demarcation neither the DDA, nor the administration have given the limit of Lal Dora of Mochi Village.

2.3. The petitioners have, therefore, requested to give them ownership rights of their land and compensation for their land taken under Lal Dora and used by different authorities.

2.4. The representation was forwarded to the Ministry of Urban Development and Poverty Alleviation on 3 August, 2001 for furnishing their comments on the issues raised in the representation. In response, the Ministry of Urban Development and Poverty Alleviation *vide* their communication dated 19 September, 2002 stated as follows:—

“The Delhi Development Authority has reported that there are number of encroachments both thick and narrow construction in the village Mochi Bagh. As such the identification of individual property as per the plan is not possible at the present situation. Now, DDA has decided that the villagers are to get the plot/site plan of their individual property prepared under their possession and submit the same to DDA along with substantial proof of their being chullah tax payee or their decedents. On receipt of the documents, the site plan will be identified in the approved plan and after verification of document, lease deed papers will be issued to the villagers.”

2.5. After persuing the comments furnished by the Ministry of Urban Development and Poverty Alleviation, the Committee took oral evidence

of the representatives of the Ministry of Urban Development and Poverty Alleviation on 10 October, 2002. When the Committee desired to know about the owner of the land and in whose name the land stands, the Vice-Chairman, Delhi Development Authority stated as follows:—

“Initially, 85 plots were carved out because lands were not to be used immediately. There was a permissive position allowed to the people on payment of, what is known as, *Chullah Tax*. Then there has been a group of people called *Balmiki* who were allowed to stay there without paying the *Chullha Tax*. In total it was 85. This matter continued like this in many areas of Delhi. For one reason or the other, people were allotted licence and temporary use of land was allowed. Not in all cases regularisation takes place and leases are not given in all the cases. But the sovereign Government around 1976 decided that these people having stayed there for a long time and having acquired certain historical character, it should be considered for giving lease. So, a set of directions were issued. These are not DDA acquired lands. These lands came by way of succession to DDA. These guidelines were again revived in 1983. Unfortunately, in Delhi there is no periodic settlement and there is no periodic updating of land records as it is done in other States. It is because of the urban nature of development, quite a bit of records have become haphazard. In this particular case, with the passage of time, 85 properties have proliferated into 300 properties today. Not all the titles are clear. Demarcation of the property also has become difficult because people have spilled over from the original allotted land into the public area, roadside or right-of-way. So, measuring of properties also takes time. A lot of people have misplaced the documents or are not able to produce the documents. Some documents have been transferred by way of purchase or power of attorney or things that go on in Delhi for transfer of properties. All this have created a problem for doing authentic documentation rights as accrued from 1911 onwards to these people as acknowledged by the Government in 1976 and in 1983. Today, even if the properties are enumerated and we are trying to settle it with them, inhabitants have certain aspirations and grievances. Their numbers have proliferated. One original allottee has several heirs today. All these heirs expect to be accommodated. They are not willing to go back to the original layout and remain confined to the plot. They want as-is-where-is lease. There is also cross current amongst them. Some of them are saying that the other person is not *bona fide* tax payer. So, it takes quite a bit of effort to verify old records, trace it back, link it back and also see old electoral roll and ration card to establish the legal heir issue. All this is taking time.”

He added:—

“In spite of this, I respectfully submit that once the Government gave an order in 1983, we should have made concerted effort. In another village, we have gone ahead in similar circumstances. Today, we were discussing in the Department under the leadership of our Secretary that it is a public task, a task which will settle long-pestering issues. We seek your indulgence and we submit before you respectfully to give us some more time and we will work it out. We have found out a methodology. Almost all these issues have been answered at policy level by the Government. Some issues will still remain, like what to do with the encroachers who are there since more than fifty years and what happens to the encroachments in the right of way. It is because we have to have some modicum of reasonable road network and service network. We have issued an advertisement in the papers seeking help and cooperation from them to solve their problems.”

2.6 When pointed out that there might be some cases of adverse possessions because it has a long history dating back to 1911 and presently nobody knows exactly as to who was the owner at that time, the witness replied:—

“The hon. Member talked about ownership complexity. I am talking of structural complexity. These properties have been created without any approved plan. They have been constructed in a haphazard manner. Some of them project into the road. Six-metre road has become two-metre road. Anybody would expect that DDA should settle it in semi-civilised manner, if not in a fully civilised manner... In these colonies there is no lay out, and there is no infrastructure development except some *ad-hoc* arrangements made by the municipality. So, once a land mass goes into this kind of land use, it becomes very difficult. But we are sanguine that we will complete it. Here we have to see who has got the right, how to improve the road network, how to collect money from them and how to give them properly executed lease. These are our tasks. These are the tasks before us. But we do concede that they are good tasks to be achieved in the interest of the poorer people. Some sales or repurchases have taken place. There are about 53 such cases. We will have to see what view the Government would take in terms of unearned income tax etc. because nobody likes to pay the unearned income tax.”

2.7 The Ministry in their subsequent written reply further stated that DDA has prepared the layout plan of the area. However, as per the ground situation, the properties do not match with the layout plan. There are no plot numbers. Road width is shown as 6 metres in layout plans while at site it is considerably less. Thus it was not possible to carry out survey. To ensure that only genuine inhabitants get relief, site plan, documentation proof would also be required which would be duly verified

with all records of DDA, hence decreasing the possibility of forged plans and documents. Keeping in view the dense nature of construction in the area the onus of submitting site plans has been given to the applicant so that survey work could be limited to such applicants.

2.8 When asked if the *Balmikis* had been classified as Scheduled Caste people, the witness stated:—

“I am going back to the history of it. About 85 *Balmiki* families were settled. At that time, 29 families were *Balmikis*. They had been exempted from paying the *Chulla* tax in those days. So, they were not paying that.”

He further added that:—

“Actually, in 1984, a survey was made. One of the shortcomings of the survey was that the caste was not properly recorded. That is why, another survey was undertaken in 1988. We will submit to you the exact number of *Balmiki* families.”

2.9 When the Committee desired to know the year in which these people had approached the DDA and the action DDA took to redress their grievances, the witness replied:—

“What I see from the records and discussions with me is—many of my colleagues are no more there—that surveys were carried out, layout plan was accepted and the lay-out plan was obtained. This lay-out plan underwent some changes. For example, the roads etc. have all undergone changes. Then re-survey was carried out. Some allottees or claimants cooperated, some did not. Then, some people changed in the DDA.”

He further stated:—

“In this process, all these things have been going on. It is there since 1993. Every year, some work has been done. What we are proposing to do today is that we have issued an advertisement as in the case of the other village. We are successful in getting a good response. Let them describe what their property is so that that becomes the benchmark. I was submitting to the Secretary that instead of going in for a routine lay out, we will have to resolve it on “as is where is” basis keeping some parameters intact. If we are too theoretical and if we go for a very idealistic lay out, we will never be able to solve it because people will not cooperate.”

2.10 The Committee then pointed out that the Indian Limitation Act is applicable to both private and the government property and if

one is there beyond the limitation period, he has no right, and if he is possessing that, he is having ownership right. So, it is not idealistic but realistic. In response, the Vice-Chairman, DDA stated:

“It is quite right. Your view is right. It has to be applied to that particular case taking the Government orders. The *Chullah Tax* issue is to be settled.”

2.11 To a query as to why some villagers were given ownership, but at the same time some villagers in the same village were denied, the Vice-Chairman, DDA replied as follows:—

“There is no such thing. The guidelines prescribe certain way of identification. It says that there must be *chullah* tax payment receipts, the person must figure in the electoral roll of the area, he must have a ration card, he must not be occupying land in an unauthorised manner in the right of way, he must be willing to pay and he must be a legal heir etc. It is a process. There could be allegations and that is the reason why it is taking a little more time. I would like to submit that at the senior level we would see that such discrimination and mischief does not creep in. As I have submitted, we will start with Balmiki brothers so that there is a belief in the process that it is not meant for a particular rich group and it is meant for all.”

2.12 The Ministry of Urban Development & Poverty Alleviation in their subsequent written note have informed that besides the *chullah* tax the eligibility and identification of original allottees or their descendants who are in occupation of land is to be determined with reference to the electoral rolls and the ration cards issued. In this connection, Guidelines have been issued by the Ministry *vide* its letter No. J-20011/6/97-LII dated 18.7.1983 (Annexure).

2.13 To a point that, even when a special cell is created, there has to be a time frame for this cell to complete the work, the Secretary, Ministry of Urban Development and Poverty Alleviation stated:—

“In fact, when this scrutiny started, of these 269 applicants, 70+6 persons submitted their claims. After a Committee has been set up to look into these claims, 11 persons were found to be eligible. They had things like ration card, electoral roll registration etc. Then we issued a notice on 8.9.02 asking all others to give their claims within 30 days. Now, a number of applicants have said that they want a further period of 90 days to submit this. So, keeping that in view, if you would kindly consider giving us a little more time, it would be better.”

2.14 Secretary, Ministry of Urban Development and Poverty Alleviation further assured that:—

“My only submission is, it will be three months from 8.9.02. So, if you give us a total of six months, we will be able to give you something more specific than by saying that so many applications have been received by us.”

2.15 The Ministry in their subsequent note have stated that the exercise would involve preparation of documents, site plans in the form of ration cards and Chullah tax receipts of the persons and verification as well as survey by the DDA in coordination with other authorities which is likely to take some time as it involves giving perpetual lease hold right and also has huge financial implications. Hence the entire process is likely to take one year's time. However, the Committee had directed that the entire work be completed in six months after which it would review the progress made by the DDA in this regard. Accordingly, DDA has been asked by this Ministry to take up the matter on priority basis by creation of a Cell dedicated to this work so that timely completion could be ensured.

2.16 As regards petitioners demand for payment of compensation to them for their land taken under Lal Dora, the Ministry in their subsequent written reply dated 24 October, 2002 have stated that:—

“There is no Lal Dora in this village. There are 5 such villages which have no Lal Dora because these revenue estates were established by temporarily rehabilitating the various villagers whose lands and houses were acquired for development of the capital and Chullah tax was being charged from them.”

2.17 The Ministry further stated that it is necessary to give Lal Dora limit before acquiring land of any village, but in case of five villages namely, Nangli Razapur, Arakpur Bagh Mochi, Dasghara, Todapur and Jhilmil-Tahirpur, the entire land along with houses was acquired in 1911-12 against payment of compensation. Since the land was not utilised immediately, the villagers were allowed to stay on payment of chullah tax @ one Anna per family per month.

Observations/Recommendations

2.18 The Committee note that the land of Gaon Mochi Bagh was acquired by the Government of India in 1911 and it was decided to allow the villagers to stay on payment of Chullah Tax @ one anna per family per month as the land was not utilised immediately. However, Balmikis were exempted from paying this Chullah Tax. In 1976 the Government decided that, since the people having stayed there for a long time and having acquired certain historical character, the lease hold right for the land in their occupation may be given. Accordingly, a set of directions were issued. These guidelines were again revised in 1983 and it was decided that those who were continually paying Chullah Tax for the past be given perpetual lease hold

right for the land in their occupation subject to certain conditions. Initially 85 plots were carved out.

2.19 The Committee further note with concern that with the passage of time, these 85 properties have proliferated into 300 properties, today. All the titles are not clear because of which demarcation of the property has become difficult. Many people have misplaced the documents and some documents have been transferred by way of purchase or power of attorney, etc. One original allottee has several heirs today and all the heirs expect to be accommodated. Encroachments have taken place because of which the properties do not match with the layout plan. There are no plot numbers.

2.20 The Committee take a serious note of the lackadaisical approach taken by the Government and are of the firm view that had the Government made concerted efforts in 1976, when a decision was taken to give lease hold rights on the land, the confusion over records and encroachment of land could have been avoided. Such serious lapses on the part of the Government should not be allowed to recur in future.

2.21 The Committee further note from the submissions made by the Ministry that now the DDA has prepared the lay out plan of the area and keeping in view the dense nature of construction in the area, the onus of submitting site plans has been given to the applicant so that survey work could be limited to such applicants.

2.22 The Committee also note that in 1984 a survey was made where Caste was not properly recorded and then another survey was undertaken in 1988. The Committee are shocked to note that after carrying out two surveys, the Ministry could not give the exact number of Balmiki families settled in the Mochi Gaon. The Committee take serious note of the fact that the Ministry have only burdened the exchequer by conducting surveys and not taking any concrete follow up action on the findings of the survey, thereby, making it outdated with the passage of time.

2.23 The Committee, therefore, strongly recommend that the Ministry should take up the matter on top priority and finalise the eligibility and identification of original allottees or their descendants who are in occupation of the land. The number of Balmiki families should also be ascertained. The Committee would like to stress that no legal heir including Balmikis should be deprived of his ownership right for want of Chullah Tax receipts as they were exempted from payment of the same.

2.24 The Committee note with satisfaction that the Ministry have asked DDA to take up the matter on priority by creation of a Cell dedicated to the verification work so that timely completion can be ensured of giving the perpetual lease hold right to the eligible occupants of the land. The Committee desire that action in this regard may be taken expeditiously and the progress made may be intimated to the Committee within three months.

2.25 As regards payment of compensation to the villagers for their land under Lal Dora, the Committee note that there is no Lal Dora in their village and other 5 such villages as the entire land along with houses was acquired in 1911-12 against payment of compensation. While agreeing with the fact that there is no Lal Dora, the Committee would like the Ministry to look into the matter judiciously and pay compensation to those genuine claimants, whose houses were acquired in 1911-12 if not already paid. The Committee would like to be apprised of the outcome of the same.

NEW DELHI;
17 December, 2002
26 Agrahayana, 1924 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Petitions,
Lok Sabha.

ANNEXURE

[See para 2.12 of the Report]

**No. J-20011/6/75-LII
Government of India
Ministry of Works & Housing
(Land Division)**

New Delhi, the 18th July, 1983

Office Memorandum

Subject : Grant of perpetual lease hold rights to the residents of village Nangli Razapur, Arakpur Bagh Mochi, Dasghara, Todapur and Jhilmil Tahirpur.

The question of grant of lease hold rights to the residents of village Nangli, Razapur, Arakpur Bagh Mochi, Dasghara, Todapur and Jhilmil Tahirpur who have been in occupation of land acquired by Govt. in the beginning of the century and paying Chullah Tax for the same, has been under consideration of the Govt. for some time past and in the background of resolution No. 114 dated 16.9.75 in respect of village Nangli Razapur and resolution No. 23 dated 20.4.76 in respect of village Arakpur Bagh Mochi of the DDA and under similar situation occurring in villages of Dasghara, Todapur and Jhilmil-Tahirpur, it has now been decided to grant the perpetual lease hold rights of the land in their occupation to the residents of these 5 villages subject to the following conditions:—

(i) A family may be allotted land on lease hold basis to the extent in occupation of each family but limited to 200 sq.yd./167 sq.mts. only, from out of the land available after providing for development schemes.

(ii) In the case of Nangli Razapur, as the villagers had been originally allotted 267 sq.yds. plots each, it may be reasonable to allot land upto a maximum extent of 267 sq.yds. per family in that village after making provision for development schemes.

(iii) The eligibility and identification of the original allottee on their descendants who are in occupation of land in these villages will be determined by reference to be electoral rolls and the ration cards issued.

(iv) It may be equitable to charge in the case of all these villages a rate of Rs. 15/- per sq.yd. as premium which represents the current cost of acquisition of undeveloped land and in addition the development charges already incurred by the DDA in respect of these villages may be charged together with the usual ground rent @ 2½% of the premium.

(v) In cases where the land presently under occupation by a family is more than the limit of 200 sq.yds./167 sq.mts. and the area in excess is desired to be retained, predetermined market rate prevalent in 1975 as decided by Government may be charged for the area of land in excess.

(vi) The Balmikis who are the original inhabitants of these villages may be including in the list of inhabitants eligible for allotment, even though they were exempted from payment of Chullah Tax.

(vii) It would be one of the conditions of allotment that in the event of sale of plot by the allottees, 75% of the unearned increase in the value of the land will be recoverable by Government.

(viii) Unauthorised squatters on Govt. land in these villages may be dealt with according to the existing policy of the Govt.

(ix) The other usual terms and conditions governing lease hold properties will also be applicable.

2. In view of the above decision DDA may take further action for making necessary allotment to the residents of these villages on the terms and conditions given above, under intimation to this Ministry.

Sd/-
(M. Shankar)
Director (Lands)

To

1. The Vice-Chairman, DDA.
2. Delhi Division.