

- (vii) Need to assess the damage caused by floods in Brahmaputra and its tributaries in Assam and draw up short/long term schemes to rehabilitate the affected people.

SHRI ABDUL HAMID (Dhubri) : Five consecutive devastating floods in river Brahmaputra and its tributaries have caused havoc in Assam. Several villages were washed away due to erosion, thousands of villages were badly damaged, crops worth crores of rupees were destroyed, thousands of domestic animals perished, thousands and thousands of people were rendered homeless and took shelter in temporary camps or embankments. The Government of India sanctioned 27 crores of rupees to meet the expenditure on relief operations. But the minorities who suffered most as they generally live in low lying flood prone areas did not get the benefit. During the rescue operations, the areas inhabited by the minorities were very much neglected as a result of which many lives could not be saved. It is, therefore, prayed to the Central Government to be kind enough to constitute a high powered Central Committee to assess the actual damages caused to the victims and to draw up and implement short and long term scheme for rehabilitation of the affected people.

- (viii) Need to declare birth day of Netaji, Subhash Chander Bose as a 'National Holiday'

KUMARI MAMATA BANERJEE : The Great Revolutionary **SUBHAS CHANDRA BOSE**, is known as 'NETAJI' the pride of INDIA. He with his INA fought the British to earn Independence for India. He was President of INDIAN NATIONAL CONGRESS twice. He was born on 23rd January, 1897 at Cuttack. He was conferred the honour 'NETAJI' by THE FATHER of the NATION, GANDHIJI. It is the longstanding demand of the people at India that his birthday be declared as National Holiday. I would request Government to consider this just demand of the people to honour this great son of the soil.

12.23 hrs.

RAILWAY CLAIMS TRIBUNAL BILL AND METRO RAILWAYS (CONSTRUCTION OF WORKS) AMENDMENT BILL CONTD.

[English]

MR. DEPUTY-SPEAKER . We will now take up Items Nos. 12 and 13 together as per the List of Business, that is further discussion of the motion moved by the Railway Minister, on the Railway Claims Tribunal Bill and also Metro Railways (Construction of Works) Amendment Bill. Now, Mr. Tanti, is to continue his speech. I think he is not here. Then Mr. Narain Choubey is also not here. Then, Mr. Piyus Tiraky to speak.

SHRI PIYUS TIRAKY (Alipurduars) . Sir, the Railway Minister has brought forward a Bill for the establishment of Railway Claims Tribunal for speedy adjudication of claims. Sir, it looks to be good but I do not think it will serve any better. There are already so many cases pending before the Claims Commissioner. The claimants are moving here and there and knocking at the doors of all without any use because of litigations. The same thing is happening in regard to the payment also. They will have to spend much more than what they will get as compensation.

Sir, the Tribunal will consist of one Chairman, one Vice-Chairman and 33 Members, if I rightly remember, and the powers and position and the service conditions of the Chairman and Members of the Claims Tribunal are defined in the Bill itself. But, Sir, the Bill says that there will be a Tribunal which works in 19 Benches in different parts of the country. I do not know what is the financial impact of it; whether in all these 19 Benches the Chairman will be present or a delegated Member of that Tribunal will go there or some other person will be posted in these 19 Benches. The Minister has not so far elaborated it. He speaks of the period of appeal as 19 days. And this Claims Tribunal is not equally constituted as the civil court. So, the Claims Tribunal tries to place all the proceedings and findings before the civil court. The claims Tribunal's judgement

should be treated as equivalent to the judgment of the civil court. Only then the claimant can go for an appeal afterwards if he likes.

Sir, there is no mention in the Bill of the persons of the Committee which will be formed in 19 Benches, whether they will be of railway employees who constitute that Tribunal in different Benches or the users of different social organisations, business community and other public organisations will constitute that Tribunal in different Benches and whether there will be Government employees in the same, that is also not mentioned.

Sir, parallel judiciary is going to be set up just to clear the claims of the individuals who met with accidents or otherwise in the railways. I think, Sir, this process will also be very lengthy because it is not clear whom to address; it is only an application, but whom to address, whether the claimant should address the Chairman or any member or the regional Benches which are going to be formed - it is also not clear.

Sir, I suggest that the railway committees which are already there, the DRUCC, ZRUCC, NRUCC should constitute the Benches. Here, I should like to know whether this Committee will also form as the claims Bench under the Tribunal because this Committee is represented by all societies and organisations of the people of India. This is something apprehended because we have our Government now, and if some reasonable thinking on the part of the railway management is forthcoming, there would not have been so many cases pending.

It is because, after all, when the case is decided, very often the management has to pay. But I do not think, there is any dearth of thinking in the Department itself. They could have realised the sufferings of the poor people and they could have decided immediately and in that case, there would not have been any cases at all. If there are some few cases to be decided, say, in consultation with the Law Department or the Law Department has to be asked or something else has to be done, you can also decide that. Naturally who ravelst in the

railways? Poor people are travelling in the railways. Those who cannot afford air journey or some speedier journey are forced to avail Railways. Internationally the Railway Department do not like to give any compensation at all. Unless they are forced by some-body, they do not pay. Only when the Railways are forced, they are ready to pay compensation. Therefore, it looks as if somebody else from outside India is ruling this Department and managing the Department without caring its own people. Why should the people wait for Tribunal or somebody who should come and intervene and then only they should get something. I suggest that Railways is our Department. Our people are travelling in the railways; they are mostly poor. If anything happens to them, whatever the rules say, that have to be given. They must give relief to help the people. Whatever damage has been done, they must be compensated. Then only, the number of cases can be reduced.

In every matter, whether it is Railways or other Department, weaker sections, those who have no money and the poor people are always harassed and oppressed. They are denied their right. Mr. Madhavrao Scindia is here. He is a young man and we expect some revolutionary action from him. Why should the people wait for such a long time. They are all our people. If that sympathy is there in the Department, in the railways management, the people would not be harassed and they would not be forced to go to the Tribunal at all. Then and there they can be compensated for the losses.

Though this Bill, as he has thought, is intended to speedily clear all the pending cases, perhaps it will not serve the purpose. Clause 24 speaks of transfer of pending of cases. As a Member of Parliament I have also had this experience. Even a small application going from one table to another, in the Rail Bhavan itself, takes months together and perhaps it takes years to get it finally cleared. Clause 24 speaks of transferring the pending cases. It means, the cases are already pending with the Claims Commissioner. To transfer a case, it will at least take 6 months and also to clear that one case it will take time. This is

the system that we are following. Transfer also takes its time. Clause 25 speaks of the Proceedings before Claims Tribunal to be judicial proceedings. Even the claimant has to wait for the judgement given by the Claims Tribunal which is to be of judicial proceedings and if he is not satisfied, then only he can go for higher courts.

This Bill is good. The hon. Minister so far thought that it will be good. But I object to the Bill because of the implications of money, time and transferring the case and the setting up of the regional tribunal in every place and the office, which are involved. From where are they to get the material and typewriters and whether the staff will be Government employees or railway employees and who will recruit them, is not clear. I should like to know everything clearly.

SHRI BRAJAMOHAN MOHANTY
(Puri) : Sir, I congratulate the Railway Minister that he has taken a bold step for attempting one moving the Bill for Railway Claims Tribunal. Since long there has been a demand for the establishment of such a tribunal and it has now been done at last for which we are all thankful to the hon. Minister.

So far as this Bill is concerned, I may be allowed to point out some of the deformities in the Bill itself. I would invite your attention to Section 6 Clause 2:

"6 (2) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, such one of the Vice-Chairmen as the Central Government may, by notification, authorise in this behalf, shall discharge the functions of the Chairman until the date on which the Chairman resumes his duties."

This is the deformity. In certain cases, the Central Government may be tempted to nominate the Technical Member as the Chairman which is not in keeping with the spirit of the Bill.

So far as the quasi-judicial element in this Tribunal is concerned, that will be lost if the Technical Member is appointed as

Chairman. That is why I would like as in Clause 10:

(b) a Vice-Chairman shall, subject to the other provisions of this Act, be eligible".

The other provision is that the Chairman shall be selected if he is, or has been, a Judge of a High Court.

In that background, I suggest that this should be brought in tune with the other sections of the Bill.

So far as the Tribunals are concerned, they are going to establish 19 benches. Some principle must be defined in the Bill itself where the benches will be established. I suggest that each Union Territory and each State Headquarter should have one bench so that it will be convenient for the people to ventilate their grievances in the Tribunal.

Insurance coverage must be given to the railway personnel. The Railway Convention Committee stated that the existing procedure of payment of compensation to railway accident victims or their heirs was very dilatory and also discriminatory. It was proposed that as automobiles were already being insured (against inter-alia Third Party Risks) by the public sector, General Insurance Corporation, so also railway passenger services could be insured. The Committee finds some merit in the proposal and they would like the Ministry of Railways to work out an insurance scheme and explore, in consultation with the Ministry of Finance, the possibility of its being entrusted to the General Insurance Corporation.

My submission is that in that respect some steps will have to be taken in this regard. So far as the compensation amount is concerned, this should be paid by the General Insurance Corporation and the Railways will be relieved much of the expenditure and that would be a sound step in that direction.

Another thing which I would like to submit is regarding the dispute between the Food Corporation of India and the Railways. This is a horrible thing. As a matter of fact, the Public Accounts Committee, in extense, examined the matter and

you will find that since 1967 onwards till 1983-84, it was found that 19716 wagons have been missing i.e. not traceable : 17352 wagons were unconnected and not located. This is the situation. In this connectinn. I would like to submit that there must be some improved mechanism to immediately trace out the missing and unconnected wagons.

Another thing relates to the transit loss of foodgrains. Since 1977 to 1985, transit loss in foodgrains - not missing wagons - comes to 20 lakh tonnes which is worth Rs. 500 crores, Sometimes, the wagons are diverted consciously to some other place and in that event there is the possibility of pilferage and it is easy also to do so. Therefore, this aspect should be taken care of.

About the claims, I would like to submit that from 1977 to 1985 - about a period of 8 years - the FCI had claimed about Rs. 43.70 crores against the Railways and a sum of Rs. 16.30 crores has been rejected. However, it does not mention that the Railways did not supervise the loading and unloading operations. The point is that both are Public Sector Undertakings. Unnecessary controversy is going on between them. That is way, I would suggest that some sort of a thing should be introduced so that this unnecessary controversy does not linger on and it will not arise again

I would like to submit to the hon. Minister here that although speedy disposal of the dispute is the purpose behind this Bill, the Government must take not of a number of disputes that may possibly come up in future. Besides, the Government should take note of the fact that the staff and the 19 Benches which have been proposed are not adequate. They must be substantially supported by the required number of staff.

Sir, in Paragraph 3 of the Financial Memorandum, the hon. Minister has given certain details regarding the pay of Chairman, Vice-Chairman and the Member. I do not know whether it will be given effect to or not. In that, he says that the Chairman's pay is Rs. 8000 fixed; the pay each of the Vice-Chairman and that of the Member is Rs. 7300-7600. Under the Bill, it is within

the rule-making power of the Central Government. I do not from where this figure of Rs. 8000 etc. come up. It may be a tentative figure, But that has not been stated here, My submission would be that so far as the Tribunals are concerned, they should not be treated poorly and everything needed for their effective functioning must be provided.

Thank you.

SHRI N. SOUNDARARAJAN (Sivakasi) : Mr. Deputy-Speaker, Sir, I support the two Bills which have been brought forward by the hon. Minister of Railways, Shri Madhavrao Scindia.

The Metro Railways (Construction of Works) Act, 1978, empowers the Government to quicken the process of land acquisition for the early completion of the Metro Circular Railway system. I happened to be in Calcutta and I had the opportunity of travelling in the underground metro railway system in Calcutta along with my colleagues in the Estimates Committee a few months back. The underground metro railway system in Calcutta is functioning well and it is maintained very well. The Railway Minister and the officials deserve our congratulations for this. We were accompanied by the Divisional Engineer who is in charge of that underground system and he explained to us how it was functioning and how they were maintaining the underground system. That underground system in Calcutta is itself a proof of the efficiency of our Indian railway people and also it is a proof that our Indian railway system is in no way inferior to any other railway system in the world.

Coming to Madras, in 1983 the Planning Commission had sanctioned the circular railway system in Madras from Beach to Luz. The original estimate of the cost of the Project was Rs. 53.46 crores and it is planned to be completed in four or five years. The anticipated cost of the project at the time of sanctioning was Rs. 65.45 crores.

But the estimate has been revised to Rs. 100 crores. In 1986-87 they had allotted only Rs. 8 crores and in 1986-87 they have allotted only Rs. 4 crores. So, they have allotted only a total of Rs. 12

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crores, but the cost has gone up to Rs. 100 crores. I am very sorry to point out that the Railway Ministry is taking up this project in a neglected manner. I want to ask the Railway Minister a specific question namely, when the Madras circular railway system is going to be completed. If the allotment of funds goes on like this, it will take decades to complete this project. I would urge upon the hon. Minister to take immediate steps for the completion of this project. Not only that, the Railway Minister has now taken a stand to ask the State Government to share the cost of this project on fifty-fifty basis. I do not find any reasonableness in asking the State Government to share the cost of this project. Railways come under the Central Subjects and I do not know why the Railway Ministry should ask the State Government to share the cost of this project. The Tamil Nadu Government has allotted land to the Railway Ministry worth about Rs.50 crores. I want to ask the Railway Minister what more they want from the State Government which has limited resources for the completion of this project. So, I urge upon the Railway Minister to take necessary steps for the completion of this project.

KUMARI MAMATA BANARJEE (Jadavpur). Sir I rise to support the two Bills brought forward by the hon. Minister of railways. I support the Metro Railway (Construction of Works) Amendment Bill because I am interested in seeing that the construction of metro railways in Calcutta is completed soon. While welcoming this Bill; I would like to put forth my views about the metro railways. In England when the city of London was having 2.82 million population, they constructed the metro railway and that was as long back as 1863. In America and other countries of Europe also the metro railways were started in the year 1935. Today nearly 75 countries all over the world are having metro railways. In our country the metro railways were started in 1973 in Calcutta. The population of Calcutta is 9.16 million according to the 1981 census. I must congratulate our Railway Minister and his Department also because as a Calcuttan I feel proud of the metro railways in Calcutta. It is one of the best efforts made by our Railway Ministry and everybody should appreciate

that. This is a unique success for the Railway Ministry. Everybody will appreciate the maintenance of the underground railway system in Calcutta. I remember, when some Mayors came to Calcutta to attend the Mayors' Conference, they travelled by the metro railways and they said, "The Calcutta people are lucky enough because they have got the metro railways". We need more metro railways in other parts of the country also, especially in Bombay. The Bombay population is 8.70 million, Delhi 6.4 million, and Bangalore is also a thickly populated city. We the Calcutta people are interested to see that not only for Calcutta but for other parts of the country also, we need more metro railways to solve the transport problem. It is a fact. I congratulate our Railway Ministry and metro railway authorities also that when my State Government was selling all the gardens, all the parks to the big industrialists at that time we have retained our greenery, our park and our garden by having metro railways. Therefore, I must thank you on behalf of West Bengal people.

Sir, I am sorry to point out one thing. I do not know when this Dum Dum to Tollygunge metro railway will be completed. There is some lacuna and there is some communication gap between the Central Government and State Government, as far as my knowledge goes. I am sorry to point out that actually in the beginning, my State Government opposed this project. Our Minister had written several letters to our Chief Minister, that is on 30th July, 1986, 3rd December, 1986, 27th January, 1984, 14th April, 1987, 7th May, 1987, 6th August, 1987 and lastly on 17th September, 1987. But I do not know whether any fruitful result will come out or not. I think, this is not a partisan matter or political matter. The Central Government and State Government should jointly see that the construction of metro railways is completed soon. I am really sorry to say that my State Government is not taking any interest. I do not know, when other parts of the country are interested to start this metro railway in their part of the country, why my State Government is not interested. This Dum Dum to Tollygunge metro railway project is delayed due to State Government. I want to request my

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Minister to take up this Damdam to Tollygunge metro railway project. In this connection, I met the Planning Commission several times to request that this line should be extended from Tollygunge to Gauria because it is a thickly populated area.

Recently, the Government of Japan has desired to provide financial assistance for the metro railways and construction of express-ways in West Bengal. I would like to request that if Government of Japan is interested, then our Government also should see that ... (Interruptions)

MR. DEPUTY-SPEAKER : There are many speakers who want to travel in the metro railways.

KUMARI MAMATA BANERJEE : But, Sir, I am from Calcutta and I know the experience of Calcutta.

There is some lacuna regarding rehabilitation, regarding compensation. It is true that for construction of metro railways, certain building and lands are required by the metro railway authorities. For this purpose, the acquisition procedure is to be initiated as per the Metro Railway Construction Act. I know under the law, the State Government will acquire all this land.

What happens is that the people who had constructed their buildings 70 to 80 years back, this railway authorities are telling that they would be given some compensation. This will affect the land-owners, shop-keepers and traders. They met several times the State Government officials, the railway authorities and even MPs. But we are not able to do anything for them. I am telling you that Ministry should be more sympathetic towards these people because these people have constructed their buildings 80 years back. I request you to please call a meeting where the Chief Minister or any other Minister from the State and the affected party can sit together and come for any amicable settlement. We have to see that these evicted people should not be put to any difficulty. Under the law, the State Government will acquire the land and take necessary action. But I do not know why my State Government is not taking any

interest, in this regard. If the State Government is not taking any interest, then the Central Government has some responsibilities to look after the people of my State. That is why I am requesting you to see the problems of these people also.

The State Government is not interested to acquire the land for the metro-railways. I am giving you one document. In April 1985-it came out in the Telegraph paper on 4th October 1987 - the then Union Minister for Railways, Shri Bansi Lal, wrote to the Chief Minister Shri Jyoti Basu with a similar complaint. The letter Number is 85/W-II/LM/14/22. He specially mentioned two cases of encroachment on railway land**.

He wrote that in both the cases the railway land has been unauthorisedly allocated by the local district administration for the construction of residential quarters. He suggested stern action against the officers who had resorted to unauthorised occupation of the railway land.

MR. DEPUTY SPEAKER : Please conclude.

KUMARI MAMATA BANERJEE : This is one of the allegations, I have to complete it.

Mr. Minister, I would like to know that when the State Government is not taking any interest to acquire the land for metro-railways, then how the State Government is Shri Bansi Lal had already written a letter to the Chief Minister; but there is no response. I will hand over this document to you. I would request you to please see this and try to make it clear that the railway land should not be unauthorisedly occupied by some particular people. Only for the people's interest at large can you keep this land, but not for the people who have vested interest.

MR. DEPUTY SPEAKER : No allegations against the State Government will go on record. The correspondence between the State and the Centre cannot be read out without permission in the House,

**Expunged as ordered by the Chair.

KUMARI MAMATA BANERJEE :
I have only mentioned the letter number.
This is not that type of an allegation.

(Interruptions)

SHRI INDRAJIT GUPTA (Basirhat) :
When she went on making allegations against
the State, you did not pull her up then. You
allowed her to say all that. She is only
politicalising the whole issue. We can also
respond like that.

MR. DEPUTY SPEAKER : I am saying
that if there are any allegations, I will
expunge them.

KUMARI MAMATA BANERJEE : I
have mentioned only the letter number.
Railway line is not a political issue; it is a
people's issue.

(Interruptions)

[Translation]

SHRI RAM NARAIN SINGH (Bhiwani)
Mr. Deputy Speaker. Sir, I welcome the
Railways Claims Tribunal Bill because it is
extremely essential for the nation.

Various claims in India are pending
decision and those looking after them are
unable to take a quick decision. Therefore,
the opinion of the hon. Minister is not
quite correct. I present a few shortcomings
in this Bill, which may kindly be viewed by
you and the necessary steps be taken.

There will be one Chairman and one
Vice Chairman of the Tribunal. There will
be lot of expenditure on the Chairman since
he is the top administrator. He should be
a retired judge of a High Court. He
should be a man of good status and a mem-
ber of the Judiciary. He should be a retired
session-judge at least. The Vice Chairman
should possess technical knowledge.

Sir, you have stated that there will be
19 Benches but this number is very small
for a vast country like ours and will result
in the increase in claims and it will be diffi-
cult to decide them. Therefore, there should
be 76 Benches in the country with one
bench allocated to every five districts. Each
Bench should consist of judicial officer of
the District-Session Judge level, and the

other technical member. So far as the
question of time limit is concerned there
will be summary trials. Being experienced
as a magistrate myself I am aware of the
fact that with the hearings going on it
takes 1-1/2 year to 2 years. to decide it
a case. The summary trial takes at the
most two days time. You should see to
it that the decision is taken on whatever
claim comes within six months. The rail-
way authorities should get the claim amount
deposited within a month, the failure of
which should result in this losing the right
to appeal similarly, the compensation against
death claims should be minimum Rs 50
thousand. There is negligence and corrup-
tion in the Railways which results in
accidents. This should be removed. The
public feels that expenditure is made on the
main lines and facilities are provided there
and no attention is paid to the Branch
lines. Therefore, this too should be consi-
dered and facilities increased on the Branch
lines.

13.01 hrs.

*The Lok Sabha adjourned for lunch till-
Fourteen of the clock*

*The Lok Sabha re-assembled after Lunch
at Four minutes past Fourteen of the Clock*

MR. DEPUTY SPEAKER *In the Chair*

**RAILWAY CLAIMS TRIBUNAL BILL
METRO RAILWAYS AND (CON-
STRUCTION OF WORKS) AMEND-
MENT BILL—CONTD.**

[English]

DR. PHULRENU GUHA (Contai) :
Sir, I rise to support the Metro Railways
(Construction of Works) Amendment Bill,
1987, The objects of the Bill are clearly
stated in the Statement of Objects and
Reasons. It is a fact that a lot of obstruc-
tions came in the way of acquisition of
land and property for the purpose of con-
struction of Metro Railways.

Three types of people are affected at
the time of acquisition of land and pro-
perty. It is true that for construction of
metro railways certain buildings and lands
have to be acquired by the metro authori-
ties. As a consequence of the acquisition
of land and building, three types of people
are affected.