

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.

One is the land owner or the building owner. Another group affected is the small traders or shopkeepers and third group is the tenants. The first group, that is the building owner or the land owner do get adequate compensation and I feel that they are getting much more than what they have invested at the time of construction of the building or for buying the land. The tenants who have been using this space for their small business are given very little compensation. Apart from that, it is difficult for them to get proper place to start their business against. So, they are in great difficulties. We must know that it is very difficult for the residential tenants also to get accommodation. For their own survival, sometimes they go to the court. Government must consider the rate of compensation for the business people and tenants most sympathetically and pay them the money straightway and not to force them to wait for a long time to get that compensation. I request the hon. Minister to ask the department concerned to pay the compensation straightway and not to make them wait for months and years together. In this connection, I would request that it will be better if the Government can plan to get some place for the small business men for their business. When they are evicted from their place, they become really perplexed and they do not know what to do. I support this Bill because I am very much interested to see that the construction of the metro-railways is completed as soon as possible. I am sorry to say that the work of the metro-railways started in 1978. I will be happy if it will be completed soon and people will get better communication system. The Act had been passed in 1978 and several amendments were brought in 1973 as well. So, even after 15 years, it has not been completed. Delay means increase of expenditure and suffering of the common people. Anybody who have gone to Calcutta must have noticed that a number of main roads are in a horrible condition. The construction started but could not proceed. In most of the cases, it is because of the stay order from the High Court. The result is that not only the local people suffer but majority of people of Calcutta and the people who come to Calcutta are suffering. I understand the difficulty of the metro-railways authorities that the delay is because of the stay order of the High

Court but I hope that after passing the present amendments, the project will be completed within the scheduled time.

My last request to the Minister and to the Metros Authority is that the Metro railways should be extended up to Gauria on the one side and beyond Dumdum on the other side. With these words I support the Bill.

SHRI N. V. N. SOMU (Madras North) :
Mr. Deputy Speaker, Sir, the work on the Metros Rapid Transit system for Madras is much delayed. I need not describe the disastrous traffic hazards in the Madras city. The sufferings experienced by the city passengers is beyond description. Too many accidents daily in Madras city takes away the life of the Madras city people. The MRTS gave some hopes to the Madras people but the extraordinary delay in the execution of schemes now poses a disappointment. It seems that the Railway Minister is insistent on Tamil Nadu meeting the two third cost of the project. Sir, it is the Railway project and when the Railway is spending crores and crores of rupees on many other items, why the Railway is so adamant on the share of the State I want to raise this point. The Railway's control is absolutely by the Central Government. In such a case its primary duty is to provide the MTRS for Madras which is an ancient city. Secondly, there can be no question of State sharing the cost because I understand that was not the concept in 1983-84 when the Railways cleared it. The concept of Railways funding scheme of 67.33 in the State Government for all metropolitan suburban scheme is of recent origin and should not be thought of retrospectively for a project which the Railway has undertaken to execute.

Sir, the MTRS was cleared in 1983-84 and now we are in 1987 but still the project is not yet completed. While it was estimated at Rs. 53 crores some four years back, now, due to escalation it is estimated at about Rs. 105 crores. In four years the cost is doubled. If the Government further delays it, I am afraid the estimation may shoot up to any level. Some months back our Prime Minister has granted Rs. 100 crores for Bombay City development. I welcome this and also appreciate the

gesture. I request the Prime Minister through you, Sir, and through the Railway Minister to show the same gesture to the Madras city also by funding the MTRS. It is an urgent and essential problem. MRTS is a Sixth Plan project to which the Railways and the Planning Commission are already committed. Therefore, the question of sharing the cost does not arise at all. Secondly, even if the Central Government wanted the State Government to share the amount, the ruling party here and the ruling party there are in a consortium mood. I request the Hon. Minister to use his good office to convince the State Government by hook or crook, I request the Minister to expedite the MTRS plan and complete it as soon as possible.

THE MINISTER OF STATE OF THE
MINISTRY OF RAILWAYS (SHRI
MADHAVRAO SCINDIA) : Not by crook
only by hook.

SHRI N.V.N. SOMU : I do agree with you and that is our anxiety too. It is pending for a long time. Sir, the project was supposed to be completed by 1991. But now it is very doubtful whether it could be completed in the expected time. Now it is going at the snail's speed. But at the same time I must appreciate the Railway authorities. They are spending the amount in a useful manner and in a quick manner. They are using the fund in an appreciable manner. If they are allotted the required fund, I think the MRTS will soon be materialised.

With regard to the providing a road under bridge at Rayapuram Railway Station at Madras North, I have raised this issue in this august House several times and also at the zonal Consultative Committee meeting. The Minister of State for Railways, Shri Madhavrao Scindia, was kind enough to concede my request and wrote to me on 30 April, 1986, stating that and I quote :

"During the meeting of Informal Consultative Committee of M.Ps. for Southern Railway Zone held on 9.8.85, you had raised the matter of providing an over bridge at Rayapuram.

You will be glad to know that after finalizing the details with the Tamil Nadu

State Government, the Railway has included the work of providing road under bridge in lieu of Special Class level crossing No.5 at Km.2/3-4 on Monager Choultry Road between Washermanpet and Rayapuram Stations in Madras area in their 1986-87 annual programme. The construction of road over bridge is estimated to cost Rs.1.75 crores and Railways' share is Rs.98 lakhs. The work on the bridge proper will be done by the Railway and the work on road approaches will be carried out by the State Government. The detailed plans and estimates for this work are being finalized in consultation with the State Government."

I am really thankful to the Minister, Shri Scindia for having accepted this request. On behalf of the people of Madras North also, I express my thanks. But exactly 19 months have gone by and the scheme did not see the light of the day. There is a perennial traffic problem and people who have to go to the Government Stanley Hospital at Rayapuram have to wait four or five hours because the level crossings are closed. I have described the difficulty of the patients who have to wait patiently at the level crossing before they could enter the hospital for treatment. This road under the bridge is estimated at a cost of Rs. 1.75 crores. The hon. Minister had written to me that the work on the bridge proper would be done by the Railways and the work on road approaches would be carried out by the State Government. Though one and a half years have since passed, the scheme is still not executed and completed I request the Minister to immediately intervene and see that the scheme is completed immediately.

Time and again, I have been requesting about the level crossing at Korukuppet in North Madras area. Here, the level crossings are closed for six to seven hours resulting in heavy traffic problems. Madras North is the area where many factories, more particularly even public sector factories are situated. Therefore it is hightime that the railways should provide a subway near Korukuppet Railways Station.

On 7th November, the Tamilnadu Express met with an accident near Nagpur. The Railway Minister told the Rajya Sabha on 9th November that there were clear indications of sabotage.

MR. DEPUTY-SPEAKER : No reference to Rajya Sabha please.

SHRI N. V. N. SOMU . The accident was caused due to damage of the railway track. this was what the hon. Minister stated. The investigations of the Commissioner of Railway Safety and the civil authorities have shown that track keys for about 210 metres at the site were missing. But on the very next day itself, GRP Superintendent had stated in a press statement that there was no sabotage. I think, the hon. Minister alone can clarify the situation.

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA) : Sir, the Commissioner of Railway Safety has just submitted his preliminary report. The Commission of Railway Safety is an independent authority which comes under the Ministry of Civil Aviation. It is not under us. In his preliminary findings, he has also said that the indication were clear that it was a sabotage.

SHRI N. V. N. SOMU Well, I relied on the statement made by the hon. Minister in the Rajya Sabha.

SHRI MADHAVRAO SCINDIA : I am talking about the latest position. We got it just before a day or two.

SHRI N.V.N. SOMU : Of course, the very next day it was refuted by one of the railway officials also.

To sum up, I request the hon Minister to speed up the work on MRTS as well as the Rayapuram road underbridge. Thank you.

[*Translation*]

SHRI KAMMODILAL JATAV (Morena) : Mr. Deputy Speaker, Sir, I support the Railway Claims Tribunal Bill presented by hon. Railway Minister. Along-with it I also support the Metro Railways (construction of work) Amendment Bill. These amendments will bring a reduction in the cases involving the pilferage of the traders' goods which resulted in a lot of problems and losses to them. Now these

difficulties will be removed to some extent. I, therefore, congratulate Shri Scindia.

I want to bring a point to notice of the hon. Minister. The traders getting the delivery of their goods late by trains do not face as much problems as are faced by those traders who take their cattle by train. in the event of its getting late. The latter definitely faces heavy losses and difficulties. I, therefore, request the hon. Minister to make some such arrangement that these problems may be avoided. In this connection, I would like to give the example of passengers travelling by air who are provided free hotel accomodation and food by the concerned authorities in case the flight gets late. A similar arrangement should be made for the traders carrying cattle to far off places like Calcutta and Bombay and the expenses made due to the late arrival of train should be borne by the Railway Department.

I submit that no work has started on the railway line to be constructed in Guna and Etawah for the last three years. I have no knowledge regarding the money already spent on this and the amount allocated for it. A bridge is to be constructed near Etawah which will take a lot of time, but the construction has not even started yet. I request that Etawah and Guna railway line should be constructed at the earliest.

Besides, the godown in the Morena area is very small. Wheat and mustard are sent to Bombay and Calcutta from our side and during rains the foodgrains get wet which results in heavy losses to the traders. We want that a huge godown should be built there so that the goods of traders can be stored there.

I also want that a godown should be built in Sheopur kalan too since there is a big market there.

Arrangements for atleast water etc. should be made at Morena station where traders and labourers work day and night. One more platform too should be constructed there since the present platform where goods are loaded, is inadequate.

With these words, I thank you for the time given to me.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): Since Mr. Somu has raised this point, I would just like to tell the House that a Report from the Commissioner (Railway Safety) was received by the G. M. (Central Railway) on 30th November; i.e. yesterday. "Provisional finding of CRS, Central Circle into the derailment of 122 Down New Delhi-Madras Tamil Nadu Express on 7.11.1987 between Katol and Metpanjara stations of Nagpur Division of Central Railway—he says, again, I would like to stress that he is an independent authority not under the Ministry of Railways—After careful consideration of the actual material and circumstantial evidences available, I have come to the conclusion that the derailment of 122 Down New Delhi-Madras Central, Tamil Nadu Express between Katol and Metpanjara stations on the Aml-aNagpur single line BG non-electrified section of Central Railway's Nagpur Division at 13.33 hours on 7.11.87 was due to tampering with fish plated joint.

This accident is classified under the category SABOTAGE."

SHRI ASUTOSH LAW (Dum Dum): Mr. Deputy Speaker, Sir, may I congratulate hon. Minister of State for Railways for presenting this Railway Claims Tribunal Bill, 1987. I think this enactment should have come earlier in any event, the present Bill will definitely bring relief to the people whose claims are pending before the Railways. I would just like to indicate few suggestion's, I feel should have been incorporated in this Bill. Only these points I would like to mention because the time is very short. I find the purpose, of the present Bill is really good. It has two fold purpose i.e. forinquiring into and also for determining the case. The cases of non-delivery of the animals or goods which are carried by the Railways or for the refund of the charges or assets, these things will come under the jurisdiction of the tribunal. One of the learned Members has already mentioned and I personally think also what relief and or compensation one will get in case a train gets delayed. Suppose some one is taking a patient from Calcutta to Delhi. The train gets delayed for three hours.

The patient suffers. In the circumstance he will suffer since he is not covered by this Bill. He cannot go and file claim before the Tribunal. Equally, in a train some life-saving drugs are being carried—somebody may be carrying them. I am not blaming the Indian Railways. It has definitely improved, thanks to the Minister. But this happens—it is immaterial or is not very relevant to mention for the purpose of this present discussion—but this happens in the case of the Rajdhani Express between Howrah and Delhi. It is late every day at least by 2 or 3 hours. Usually, in the case of any urgent case, patient is carried and/or travelled by the fast train, to get him admitted, or get the patient admitted in proper time. Who is going to pay the compensation? This should be considered. Where is such provision?

There are many clauses. I do not want to go clause by clause. But I find 2 or 3 things. I find that the present Bill has been kept outside the purview of the Civil Procedure Code. It is very good. Thanks are due to the hon. Minister otherwise there will be protracted litigation. It is done for the speedy disposal of claims. I can understand it. But why not have the time specified—At least some time should be specified in the Bill itself, viz. that the Tribunal must dispose of the claims petition within such time. You give sufficient allowance. I know it is very difficult. But when it is kept outside the purview of the CPC, it is not like other civil cases. I do not think there is any difficulty in imposing a time limit for the disposal of claims petitions. Otherwise by the time claims petition is disposed of, the claimant might not survive in this world. This is our very common experience.

Now about clause 7. I find that the terms of the office of the Chairman and of the Vice Chairman are five years each. I feel that this is a very short period. Suppose some case is pending before one Chairman. His tenure is five years, which is very short. It is quite likely that within these five years the claims petition will not be disposed of. Then the other Chairman will take it up; and the entire matter has to be DE NOVO heard by the new man. So this five-year term is a very short period. The Minister may be pleased to consider this point.

Regarding pending cases, I find that clause 15 of the Bill provides :

"On and from the appointed day, no court or other authority shall have, or be entitled to, exercise any jurisdiction, powers or authority in relation to the matters referred to in sub-section (1) of section 13."

Suppose various cases are now pending in various courts. After the appointed day, if it is the intention of the legislation that the entire pending cases will also be transferred, giving them retrospective effect, then again the same problem will arise. Affluent people can afford to incur further expenses—whatever expenses they will incur for further litigation before the Tribunal. But what about poor people, whose small claims petitions are now pending before the small court, or High Court or before any other forum under the Railways Act? They will have to come before the Tribunal again. So, there should be some guidelines. Those pending cases should not be transferred immediately.

Apart from this, in respect of Metro Railway, I will make only 2 or 3 suggestions. I fully support this amendment Bill and I congratulate the hon. Minister again for bringing in this Bill. The whole purpose of the Metro was to provide a rapid transit system. It has already been delayed. So, may I request the hon. Minister to see that at least the Calcutta Metro is completed within the targeted time, viz. 1992? Secondly, according to the existing plan, the Metro is to be extended upto Dnm Dum. It can be extended beyond Dum Dum. If it is done then the area purpose of Metro will be served, because the purpose of the Calcutta Metro is to provide a rapid transit system, for all sections of people.

So, those people, who are coming from outside of Calcutta should get benefit. In Calcutta we are having floating people. Every day more than 40 lakh people come to Calcutta from the suburbs. If the metro railway can be connected upto Belghoria, then the entire north 24 Parganas can get benefit of Metro.

In Calcutta, the other part of Calcutta is totally deprived of the benefit of metro

railway; that has to be considered. Let it be considered by the hon. Minister whether metro railway can be further extended to the east of Calcutta or not.

Regarding compensation, various things have been said before this House. While I do appreciate the view that the compensation should not be given to the landlords only; it should have been given to the tenants only. But those tenants who enjoy certain property by way of residential purpose, they should be given preference, not the businessmen always. Metro Railways people have to be careful at the time of giving compensation; more compensation should be given to the people who have been evicted from their residential houses and then the tenants. Now-a-days it is very difficult to get alternative accommodation. So, they should be given more compensation and also the small traders be compensated. I am not advocating the case of the big business people who have been thrown out of their business place.

Secondly, since 1970 and till today, the Calcutta roads are totally congested and it has become a total mess with the result the traffic gets jammed practically quite often due to various reasons; and one of the reasons definitely is the metro railway not completing their works within the scheduled time. So, once again, I request the hon. Minister—though it is not the subject matter of the present Bill—to see that it should be completed within the targeted date, that is 1992.

With these words, I again congratulate the hon. Minister for bringing forward this amendment Bill for the purpose of removing the lacuna which is existing in the present Act.

[*Translation*]

SHRI RAM BAHADUR SINGH (Chapra) : Sir, I support this Amendment Bill because this project has already started and crores of rupees have already been spent. Otherwise my view is that in future the hon. Minister should not undertake such massive projects for some time. This money can be saved, and used for expanding the rail network in those areas where the people do not have a rail line even 40 years after

independence. This will lead to an all-rounds development of the country. It will also stop the continuous flow of people migrating to big cities in search of livelihood. Hazaribagh, in my area, is such an example. For the last 40 years, there has been a demand to expand the rail network in Hazaribagh but the Government has paid no attention towards it. Similarly, there has been a long standing demand to construct a railway bridge between Pahleja and Digha Ghats on river Ganga. Here too, the hon. Minister seems to have no interest. When such subjects are raised he says that there is lack of funds in the treasury and when funds are available the matter will be Considered. He does not say that when funds are available the work will be done or he will get it done but when funds are available he will think over it.

Metro railway project is being completed because he says he has a commitment. I would like to ask him as to whether there is no commitment to construct a railway bridge on Chikoni Ghat? Is there no commitment for gauge conversion on the Samastipur-Darbhanga route, or is there no commitment to make a railway crossing at the Chapra Kachheri junction? There is a commitment. But it is not a question of whether there is or is not a commitment. You have funds only for those areas in which you have an interest. You don't have funds for those areas in which you have no interest and against whose people you want to discriminate. Therefore, I would like to request you to leave aside matters of commitment or non-commitment, and spend money wherever there is a need for expansion of rail network. I said so because wherever you have an interest or desire you get the work started at places where there is no propriety to get that done. You have decided that some model stations would be developed in the country. You have set down certain norms as to where these model stations would be made. But you throw away these norms to the winds and start buiding model stations wherever you desire.

In my area there is a station called Siwan in the Varanasi division. This place generates the maximum income in the whole division. All the railway authorities wrote that Siwan should be made a model station but you ignored it and made Allahabad

city as a model station. That is why I say that you work only where you have an interest. Seeing this, the people of Bihar think you are discriminating against them. Bihar is a backward state. If you discriminate against Bihar, a feeling of discontentment will spread in the State. And we know the consequences of discontentment.

The bill that you have presented today was enacted in 1978. Five years later, in 1983, it was amended. Now after 4 years, in 1987, again we are going to amend it. This means that when proposals are made, the people who make proposals do not do it with any seriousness or far-sightedness. Had they drafted these proposals seriously and with a far-sighted vision, there wouldn't have been a need to amend it time and again. The bad effect of amending an Act again and again is that projects are not completed within stipulated time. Alongwith increase in the expenditure by the Government, the debating over the issue by the hon. Members also costs the exchequer a lot. In conclusion, I would request you to expand the rail network in the backward areas I have discussed.

I would also request you that whenever you present a Bill in future, kindly do so after serious thought so that no need arises to amend that after some time.

SHRI C. JANGA REDDY (Hanamkonda): Respected Mr. Chairman, Sir, in the present Metro Rail Bill, provision for more time has been made instead of one year. This has to be supported. I also support it since you are not able to do it quickly.

What does the Land Acquisition Officer do? He issues a notification but does not pay compensation within one year. Then people go to court. You should change the Land Acquisition Act and make provision for as least two years instead of one. The provision not being so, people go to court for their small or large houses and buildings and try to protect their houses. They want that whatever house or land they have should not slip out of their hands. These types of feelings exist in their minds.

You should also keep in mind whether the compensation you pay after taking their land, house or shop is sufficient or not. We

will have to think on these lines. If we do not consider these things, then generally whoever loses his land goes to court. In the Land Acquisition Act, for if one person loses, then two persons gain also. From this view point, it seems alright. But the Government should compensate for the losses suffered by the poor and low-salaried people.

Just now our friend mentioned that some thing is done only in those places where the Government has some interest. Hyderabad needs a circular railway. The condition in Delhi is such that 15 minutes are needed to reach one road from another. So greatly has the traffic increased. Therefore, there is a need for Metro Rail here, which in turn needs money. This is also needed in Bombay. Alongwith this, Hyderabad also needs a circular train system. For this purpose, you should do the needful at the earliest.

I would like to tell you that there is a railway station called Adilabad in Andhra Pradesh. But nobody can go there by rail from Hyderabad. It is situated at a distance of 700 kms from Hyderabad and it takes 24 hours to reach there as it is away from the main line. Hence it is very necessary to bring it on the Delhi-Kezipet or Delhi-Madras main line.

Work on Bibinagar Nargudi railway line has not yet been completed. I would like to know by what time it will be completed. Besides this, I would also like to know as to how many railway lines have been laid in Andhra Pradesh after we achieved independence and how many narrow gauge lines have been converted into broad gauge lines. So far as compensation is concerned, I would like to say that when the train reaches late, the passengers have to bear considerable loss. The people bring touratoes and other vegetables from Andhra Pradesh to Nagpur for selling but it gets damaged due to the late running of trains. As a result of it, they suffer losses. For this, they should be given compensation. The Government should take action in the respect without delay.

Some persons have illegally occupied and sold more than 100 acres of land near Allahabad Railway line. I have written three

letters to the department during the last three years and I have drawn the attention of the hon. Minister under Rule 377 but neither investigation has been made into it and nor I have received any reply. What I have to say is that whenever encroachment takes place, efforts should be made to get it removed. Similarly, there should be provision to check the pilferage from the wagons and to give compensation for it.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): Mr. Deputy-Speaker Sir, I am extremely grateful to all sections of the House for having very generously and enthusiastically supported both the Bills which we have presented before the House. I do not think I really need to spend much time therefore on explaining the objectives we hope to achieve, because obviously they are very well understood and generally in principle, they have been welcomed by all sections of the House. So, I would just restrict myself to answering a few queries that have been put regarding these two Bills.

At the outset, Sir, I would like to mention that our objective obviously is for speedy disposal of all the claims which are preferred on the Railways. This is in furtherance of the objective of giving greater facilities to rail users, whether they be users of our coaches in our passenger trains or whether they be users of freight facilities. In any case, we have been thinking about this measure for the last one and a half years and pending this Bill, we had already, right from the time of Shri Bansi Lal, issued instructions that claims should be speedily disposed of. I am happy to tell the House that we are not only trying to expeditiously dispose of all the claims pending with us, but also we are trying to take sympathetic view right at the outset, so that the new claims which are preferred should also diminish in quantum. I would like to inform the House that in the year 1984-85, 4.55 lakh new claims have been preferred. In 1985-86, there was a drop of 6.8 per cent. In 1986-87, there was a drop of 8.3 per cent. In the first six months of this year compared to first six months of the last year, there has been a further drop in number of claims preferred by 20.3 per cent.

Measures have also been taken to expedite the settlement of claims. The total number of claims pending for settlement at the end of the period 1984-85 was 84,919. In 1985-86, we brought it down to 41,000, that is reduced by 51 per cent. Fifty one per cent of the new claims were disposed of in the year 1985-86.

In 1986-87 we have further reduced the pending claims by 30 per cent. The figure now stands at 28,865. As a result of expeditious and proper settlement by Railways, litigation has also reduced. The number of suits instituted in 1984-85 was 29,000 and odd. In 1985-86 there was a reduction of 10.5 per cent. In 1986-87 there was a further reduction of 19.7 per cent. And in the five-month period this year compared to five month period last year, there has been a reduction, in the number of suits instituted by a large figure of 35.3 per cent. But suits pending in courts are still quite large in number. And without the help of this Bill we could not have tackled this aspect of the matter. That is why this Bill has been brought forward. Suits pending in courts are as much as 58,500, of which those which are more than 3 years old, are 25,000. This is the target area which this Bill aims at so that this can also be expeditiously disposed of.

We have also been paying compensation for those claims which were preferred and which were found justified. The amount of compensation has gone up because of the increase in traffic. The gross amount has gone up but the percentage of net amount paid to freight earning the traffic has gone up by a very very large amount-has come down to as low a figure as 0.51%, which, of course, we are also trying to reduce still further. This has meant a reduction in the last two years of approximately 32 to 35%.

Another area which will be looked after by the passing of the Bill, if the hon House so desires, would be expeditious settlement of accident claims. On an average it is taking one to one-and-a-half years to settle accident claims. It is most unfortunate that the Railways have to, in most cases, repeatedly keep reminding the State Governments to kindly give the names of adhoc claims commissioners. This morning

when I was reading the SUO MOTU statement on the recent fire accident in Rajasthan, hon. Members, Shri Nawal Kishore Sharma and Shri Girdhari Lal Vyas, were saying that only Rs. 50 000 has been given to accident victims, this is much too little and the Railways should be told to increase this amount. I have repeatedly said this - I do not know how many times in the last three years on the floor of this House and on the floor of Rajya Sabha that this ex-gratia amount should not be confused with the compensation amount.

[Translation]

SHRI GIRDHARI LAL VYAS : We are not getting confused. Instead of Rs. 5 thousand, the amount should be fixed at Rs. 50 thousand.

SHRI MADHAVRAO SCINDIA .
Kindly listen to me.

[English]

An amount of Rs. 5000/- is given for immediate expenses. We want to give an amount which should cover up for immediate requirement. I stand to be corrected. I think, about a year-and-a-half ago this amount used to be only Rs. 2000/- and we have increased it to Rs. 5000/-. I do not want to go beyond this it becomes some sort of a quasi-judicial matter. The ad-hoc claims commissioner has to decide who the successor is and the compensation amount will then be paid to the successor. If the Railways go and pay a large amount to a person who may not turn out to be a successor in future, we will end in a litigation. Therefore, the amount is paid for immediate expenses and then the ad hoc claims commissioner is appointed in consultation with the State Government. After the ad hoc claims commissioner gives his verdict that the successor of this particular deceased is this person, then the amount of compensation which is Rs. 1 lakh in the case of those dead, is given to the successor as per the decision of the ad hoc claims commissioner so as to avoid any litigation. That is the purpose of this.

PROF. MADHU DANDAVATE : Rs. 5000/- is not compensation.

SHRI MADHAVRAO SCINDIA : That is an ex-gratia amount. The compensation, as hon. Dandavate knows very well, is a hundred thousand rupees. That has also been increased, I think, about two or three years... .. (*Interruptions*)

SHRI VIRDHI CHANDER JAIN : Mr. Vyas Ji is worried because these cases are not decided immediately.

SHRI MADHAVRAO SCINDIA : Sir, as far as the EX GRATIA amounts are concerned, they are paid immediately. In fact, to those who were identified in yesterday's accident, the amount has been paid immediately. As far as the compensation amount is concerned, there is unfortunately this delay because, as I said, constantly we keep reminding the State Governments in a very large number of cases and until we get a proper response from them, until the Ad Hoc Claims Commissioner sits down and decides the cases, there is nothing we can do about it. That is why this Bill is there. That is the object of this Bill. The object of the Bill is to speedily dispose of cases because our sympathy must be evident in our attitudes not just at the time of accident but in our attitudes that follow. After all, the bereaved families have suffered. It is our endeavour to try and show our sympathy, not merely in spirit but also in action and that is why this Bill will take care of those delays that take place.

I will now just come to some queries that were raised by hon. Members. Lot of valuable suggestions also were presented by them. The object of the present Bill is to provide a specialised forum to mitigate the hardship caused to the railway users on account of delays. This does not alter the substantive legal provision of the Railways Bill and, therefore, it does not require a detailed scrutiny by the Joint Committee, as one or two Members had suggested. Besides, it may take a lot of time for the Joint Committee to present its Report. Even after this particular Bill, if it is passed-as the hon. Members seem to have made up their mind to pass it - the constituting of these Claims Tribunals is going to take something between six and eight months.

Administratively it will take us at least that much time. If we wait for the Joint Committee, which may take anything from

six months to a year and a half, it means we delay this whole process by two years. That is why we are presenting this Bill separately. But later on if the hon. Members feel so, it can always be merged. The provisions of that particular Bill can always be merged with this Bill.

Regarding the number of Benches that are being put up, we are thinking, as I said, of about 19 Benches. But the Bill provides for any number that is required and we will see depending on the load of work. At present, about three to four Divisions will get one Bench. These Benches will also be mobile. So, we will see from the experience. If we feel that 19 is too many, then we may reduce the number, and if we feel that 19 is too few, then it is up to the Government to increase the number also. So, that option has been left open in this Bill.

No fee will be charged in regard to accident claim cases. In respect of claims for loss and damage of goods and for refund of fares and freights, AD VALOREM fee will be charged, but the same will not be more than the court fee now being paid by the litigants. So, it will in one way make preferring one's claim probably cheaper. The composition of the Bench, as has been enumerated in the Bill, is of a Judicial Member and a Technical Member. Some hon. Members felt that may be a Technical Member is not necessary; he may be biased. But this is exactly as per the composition of the Customs and Excise and Gold Appellate Tribunal and the Income-tax Appellate Tribunal. I think a Technical Member is very helpful in these matters and would help speedily dispose of cases because of his technical knowledge and technical experience.

I think I have answered most of the points which have been raised by hon. Member Shri Sharad Dighe. We are going to try and see that the Tribunals speedily dispose of these cases. There was some mention of having a time limit. It is not really proper for us to try and to place any time limit on the operation and the working and functioning of the Tribunal. I am sure that the Tribunal will help greatly in expediting the claims that are preferred.

Mr. Krishna Iyer also mentioned this. Then, he went on to talk about the accidents

Bill & Metro Rly.

Amdt. Bill

in the Indian Railways which have been very high. It is our endeavour to constantly reduce the number of accidents. In the first year, they went down by 11% and then 10% and this year I am glad to inform the House that Railway accidents as compared to the last year which was a record, low in the Railways. This year there is a year is further a 20% improvement on the railway accident figures. However, this does not mean that we are in any way complacent or we are in any way satisfied. We will keep on endeavouring to improve in this area. He also mentioned about the number of accidents which are due to failure of railway staff. This has come down from 67% to 01%. But in a railway system which is very largely dependent on manual operations still in many areas of working, this is bound to be there. We have brought in a lot of training programmes, a lot of refresher courses and they are having an effect on this course and the railway men have put their shoulder to the task and have responded magnificently. However, we will also try to improve in this matter.

Mr. Krishna Iyer also said that the compensation paid in 1981-82 was only 46 lakhs of rupees whereas the persons who lost their lives are 460 and those injured are 717. He talked about 1981-82 figures and he said that the compensation is not commensurate with the number of those who lost their lives in that particular year. Sir, the amount of compensation paid in a particular year has really got no relationship with the number of casualties in that particular year as it relates to number of cases settled for which payment could be made only in that particular year. There may be a large backlog.

I think that basically all the points that have been raised by the hon. Members, substantive points, have been covered by me and I think that we have taken care of.

Now, we can go on to the Calcutta Metro Railway. A lot of people talked about certain delays that have taken place in Calcutta Metro. I would like to point out that this project was conceived in 1972. But the fact of the matter is that major allotments were only made in this particular project, I think, from 1980- and onwards and we have been allotting, on an average, for the last three years, something like between Rs.

75 and Rs. 85 crore and we have completed all the targets set after 1980-81 and we did complete that section of the metro on time. Our target now is to complete the metro's last section left between Belgachia and Esplanade in 1990-91. But this will be dependent very much on the cooperation of the State Government. Kumari Mamata Banerjee mentioned about this point. I have been writing several letters to the Chief Minister of West Bengal. In fact, I have written to him on six occasions requesting him to try and expedite handing over of 22 plots which are critical to the particular section that we are working on. Of these 22, 10 plots have been handed over but 12 plots remain to be handed over and I would request the hon. Members from West Bengal, from all sides of the House, to try and impress upon the West Bengal Government and the Chief Minister to expeditiously give us plots so that we can meet our targets.

As far as the compensation amounts are concerned, these are decided by the Land Acquisition Officer and if the compensation is too little, as some hon. Members have said, it is up to him to decide and we pay the full amount. There is no delay in payment. Some money is already deposited with him. So, I feel that complaints should be addressed more to the Land Acquisition Officer and the appeal should also be addressed to him. I would, on this occasion, like to thank the hon. Members for having complimented the working of the metro.

But I would very much like to express my appreciation to the officers and staff of the Calcutta Metro who have done a magnificent job. But I am very very clear in my mind, Sir, that we would not have been successful in our task if it had not been for the magnificent cooperation we have received from the people of Calcutta. They have taken great pride in their Metro and it is only with their full cooperation that we have managed to maintain it and run it in the way that it is and. While we back in the glory of the compliments, I would very much very clearly like to emphasise that as much, if not more, is due to the people of Calcutta in making the Metro project a success.

PROF. MADHU DANDAVATE :
Especially in underground activities :

(Interruptions)

SHRI V. S. KRISHNA IYER : What is the capacity utilisation of the Metro—Is it one per cent?

SHRI MADHAVRAO SCINDIA : About the utilisation of the Metro, because the section between Belgachia and Esplanade is not ready, therefore, we are running services fully meeting the requirements. I cannot give you the exact figure, but we are fully meeting the requirements. Once that Esplanade to Balgachia section is complete, it is then only that the full benefit of the Metro will be felt by the people of Calcutta, and we have also programmes to meet that particular target date and see that there is no shortage of rolling stock also to meet the requirements as of 1990-91 depending on how soon Mr. Jyoti Basu and the West Bengal Government succeed in handing us over those 12 critical plots of land that have still not been given to us. So, I would like to assure the hon. Members that as far as Calcutta Metro is concerned, it is certainly a prestigious project for us, we understand the requirements of the people of Calcutta, not only the people of Calcutta, but the people of metropolitan towns and cities all over the country and it is because of this that we feel that they should not just remain a matter of debate or a matter in which two sides try to score debating points, but we should both get together and try and do something so that we can give a new convenience to cities like Madras, like Delhi like Bangalore. like Secunderabad and like Lucknow, places which are developing very fast. But, for this we do require the operation of the State Governments.

Sir, I would like to point out here that the nodal Ministry for the suburban transport will be the Urban Development Ministry and nowhere in the world does the railways of that country have the sole responsibility of running or of financing these suburban railway projects and therefore, I have been appealing to various State Governments and various other Ministries to adopt a consortium approach to this not because we want to be miserly with our money, we do have

resource constraints and within those resource constraints I fear very much whether we will be able to allot the amount which the suburban transport deserves in the country. That is why I am looking for a way to meet this very very urgent requirement in our country and that is why I have appealed to the State Governments and other Ministries, to join this consortium approach and I am very glad to say that the first State Government to come forward in a very positive manner was the Maharashtra Government and we are jointly implementing the Mankhurd Belapur link which is going to be a very important outlet as far as congestion in Bombay is concerned. Similarly, the Delhi Administration had also shown a very very positive outlook as far as light right railway transport in Delhi is concerned and a Task Force was set up by the Urban Development Ministry, the Task Force has also submitted its report and there have been certain proposals also for financing the Delhi suburban system in the report of the Task Force which is now under scrutiny, under examination and under dialogue. Similarly, Sir, I have also addressed several letters to the Honourable Chief Minister of Tamil Nadu because some hon. Members raised the Madras traffic transit system problem and we do want ...

SHRI P. KOLANDAIVELU : With regard to Madras Rapid Transport system, even the original cost has come to Rs. 50 crores. Now it has been revised to Rs. 107 crores. It has already been mentioned in Rajya Sabha also. You want some share from the State Government. But actually, in the original estimate, it was not so.

SHRI MADHAVRAO SCINDIA : As I said, there is no point in trying to throw the ball in the other Party court. I can also go on saying, Okay, I will take up the responsibility I can say that. But where do we go from this ?

SHRI P. KOLANDAIVELU : This sub-urban transport budget is completely under the Railway Department. Even in Maharashtra, which you have mentioned, our Prime Minister has given Rs. 100 crores for the development of urban city. I would like to know whether such an amount would be given to Madras now.

SHRI UTTAM RATHOD : It is not for the city. It is for the development of the State.

SHRI N.V.N. SOMU : Why does the Prime Minister not show the same gesture to Tamil Nadu? (*Interruptions*)

MR. DEPUTY SPEAKER : Please Order.

SHRI MADHAVRAO SCINDIA : I have got an important point to make. But we are going back from it. What we are expecting is that the State Government also should come forward with a positive response to share the project cost. We have increased the allocation for Madras from about Rs. 4 or 5 crores which we have given originally, as we have added another Rs. 4 crores, I think, to it. So, a total of Rs. 9 crores, we have given this year. But if we really have to make a substantial progress in this, I think, it has to be on the cooperative approach and a cooperative stand has to be adopted and consortium approach should be taken so that State speedily the project can be implemented. This is only my appeal to the Governments. I am sure, they would certainly reflect on my appeal and consider it.

I would like to thank all the hon. Members for having participated in the discussion on both the Railway Claims Tribunal Bill and the Metro Railways (Construction of Works) Amendment Bill and for making good points.

Thank you, very much.

SHRI N.V.N. SOMU : I want to know, what is the reaction of the Tamil Nadu Government.

SHRI P. KOLANDAIVELU : We are short of funds.

MR. DEPUTY-SPEAKER : Now, we are taking up Railway Claims Tribunal Bill, 1987.

The question is :

“That the Bill to provide for the establishment of a Railway Claims Tribunal for inquiring into and determining claims against a railway administration for loss, destruction, damage, deterioration or

non-delivery of animals or goods entrusted to be carried by railway or for the refund of fares or freight to it or for compensation for death or injury to passengers occurring as a result of railway accidents and for matters connected therewith or incidental thereto, be taken into consideration.”

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

“That clauses 2 to 38 stand part of the Bill”.

The motion was adopted.

Clauses 2 to 38 were added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 1, Enacting Formula and the Title stand part of the Bill.”

The motion was adopted.

Clause 1. Enacting Formula and the

Title were added to the Bill.

MR. DEPUTY-SPEAKER : The Minister may now move that the Bill be passed.

SHRI MADHAVRAO SCINDIA : I beg to move.

“That the Bill be passed.”

MR. DEPUTY-SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

MR. DEPUTY-SPEAKER : We will take up the next Bill, i.e. Metro Railways (Construction of Works) Amendment Bill.

The question is :

“That the Bill further to amend the Metro Railways (construction of Works)

Act, 1978, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : The House will now take up clause-by-clause consideration of the Bill.

The question is :

"The clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That clause 1, Enacting Formula and the Title stand part of the Bil."

The motion was adopted.

Clause 1, Enacting Formula and the Title were added to the Bill.

MR. DEPUTY SPEAKER : The Minister may now move that the Bill be passed.

SHRI MADHAVRAO SCINDIA : I beg move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

15.10 hrs.

DISCUSSION RE : SITUATION ARISING OUT OF NATURAL CALAMITIES, WITH PARTICULAR REFERENCE TO DROUGHT, FLOODS AND CYCLONE—

Contd.

[*English*]

MR. DEPUTY-SPEAKER : We will go to next item, i.e. Further Discussion on

the situation arising out of the Natural Calamities, with particular reference to drought, floods and cyclone, raised by Shri Dinesh Goswami on the 24th November, 1987.

Shri Vijay Kumar Yadav, you can continue.

SHRI DINESH GOSWAMI : When is the Minister going to reply ? We have some Committee meetings.

MR. DEPUTY-SPEAKER : Around 5-30 p.m., the Minister may reply. I request the Members to the very brief taking 5 minutes each.

[*Translation*]

SHRI VIJAY KUMAR YADAV (Nalanda) : Mr. Deputy Speaker, Sir this year the severity of floods and drought has broken all previous records. There have been floods and drought in large parts of the country which have adversely affected the economy of the whole country. It is very difficult to calculate the damage caused by it. The floods in Bihar and Assam have caused considerable damage and this damage has relegated the country far behind in the matter of development.

15.11 hrs.

[**SHRI ZAINUL BASHER** *in the Chair*]

Whatever schemes the Government had announced in regard to the agriculture and economic achievements have all now gone away. The situation which has arisen due to the floods and drought the point that the claims made by the Government in this regard were hollow, since the floods and the drought that are prevailing in the country for the last one year have compelled the Government to import foodgrains from other countries whereas the Government used to claim that the stocks of foodgrains in the country was sufficient. That is a separate thing that the Government still claims that it will not let a single person die of hunger. The floods and drought for the last one year have posed a big problem before the Government in the matter of taking up new schemes. Now it is being said that new schemes will