

12.40 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TWENTY-FIRST REPORT

श्री बन्धुदेव प्रसाद वर्मा (झारा) :
अध्यक्ष महोदय, मैं गैर-सरकारी सदस्यों के विधेयकों तथा संकल्पों संबंधी समिति का इन्कीसवां प्रतिवेदन प्रस्तुत करता हूँ ।

12.40½ hrs.

METRO RAILWAYS (CONSTRUCTION OF WORKS) BILL

THE MINISTER OF RAILWAYS
(PROF. MADHU DANDAVATE): I beg to move*

"That the Bill to provide for the construction of works relating to metro railways in the metropolitan cities and for matters connected therewith, be taken into consideration."

Since the Railways found that the surface transport facilities are inadequate to meet the requirements of some of the metropolitan cities, it was found necessary that we should go ahead with the metro railway scheme and beginning has already been made in Calcutta.

When the scheme was taken up, it was a new experiment and it was not envisaged that certain legal difficulties would arise.

There is already in existence a legislation which provides for the acquisition of lands for purposes of railway projects and so many other projects but certain provisions of Act of 1894 are not adequate to meet with the requirements of construction of metro railway in places like Calcutta. For instance one of the main difficulties is

that according to the present acquisition laws, if any land owner has a particular piece of land and if he wants to undertake any construction activity, he can dig the land to any depth. He can make the construction upto any floor. When he owns a piece of land he owns it from hell to heaven subject to the Town Planning laws and other laws.

SHRI JYOTIRMOY BOSU (Diamond Harbour): What about minerals?

PROF. MADHU DANDAVATE: That is a different thing. These are extreme factors.

One who owns a piece of land can go upto heaven. Therefore it was found necessary that a new legislation should be brought in which certain aspects of the metro railway construction be taken note of. For instance one of the difficulties of the Railways is that when we want to construct underground railway, it is not necessary for us to have surface use of the piece of land but we want to use only the land below that piece. There is no legislation today which gives to the Railways or to any other Department of the Government exclusive right of the use of land below a particular piece of land.

There is another difficulty. We are also guided by the Railway Act and according to Section 7 of the Railway Act if we want to undertake any construction activity and if any other immovable property is actually involved, unless we are able to go through the legal proceedings, it is not possible for us to go ahead with the construction activities and, there we have to take recourse to the legislation that exists to day. They are not adequate to meet the requirements. Sometimes when the underground railway construction work is going on, it is very necessary from the point of view of safety and security that some of the occupants of

*Moved with the recommendation of the President.