

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 इक्कीसवां 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.

[Prof. Madhu Dandavate]

land on the surface are shifted to some other locations. Temporary accommodation is to be provided to such people and only when the tunnels are constructed and metro construction work is over, then only they can be brought back to the original site. Now, there is no provision in the existing legislations in which all these arrangements can be made and, therefore, for that also certain provisions are to be made. In addition to that there are certain difficulties in procedures. For instance, no doubt, certain changes have been made in the Constitution on the basis of which the word "compensation" has been eliminated and rightly eliminated from the statute. But at the same time when we acquire a certain piece of land and some amount is to be paid to the land owner, what exactly should be the quantum, what price is to be paid, if the dispute arises to whom it is to be referred, which is the final authority, these are the points that are to be undergone. Similarly in the co-ordination and construction work of the metro railways certain element of planning and Co-ordination is involved. On those points certain advices are to be given to the Government and to the Railway administration.

As far as Metro Railway is concerned, though at present we are undertaking the construction activity only in Calcutta, there can be other Metropolitan regions in which similar activities can be undertaken.

Keeping in view all these future prospects, we have to formulate a legislation. We have to define what is the competent authority before whom the claims can be preferred. Suppose there is some dispute, what is to be the arbitration machinery to which the matter could be referred to? All these have to be considered. As far as the Planning and Coordination is concerned, we should know what is to be the composition of the

Advisory Board, what are its powers, how they should function and so on. All these have to be spelt out.

This is a simple Bill which only tries to meet the requirements—the legal requirements—of the construction work that is already going on, in order to see that the construction work should not be delayed and to see that necessary funds are made available. It is only with this purpose that I place this Bill before the House. So, I commend this Bill for the consideration of the House. I move.

MR. SPEAKER: Motion moved:

"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."

Before we take up further discussion, I wish to point out that there are three amendments, Nos. 1, 7 and 8. The first amendment is by Shri Ram Kishan for circulation. He is not here. So, it is not moved. Amendment No. 7 is by Shri Vinayak Prasad Yadav. That is also for circulation. He is not here—so, it is not moved. Then, the next amendment is by Shri B. P. Mandal. He is also not here. So, they are not moved. Amendments on clauses will come up later. This is at the very threshold. They want the Bill to be circulated for consideration. They are absent. Therefore, they are not moved. Now, Shri Janardhana Poojary.

SHRI JANARDHANA POOJARY (Mangalore): I am not going to oppose the Bill. But, at the same time, I take into consideration the hurdles which the Government is going to have while constructing this underground railway.

But, at the same time, we must take into consideration certain other aspects.

We heard in this House a few minutes earlier as to how we are facing acute shortage of coal as well as energy. It is a matter of concern for us because there is acute shortage both of coal as well as electric energy. I am told that huge amount of these are going to be spent on the project. Without having sufficient stock of coal and provision for energy, is it profitable in the long run to have this scheme?

Further, as he knows, certain trains have been stopped for want of coal and for want of electricity. Running of the trains have been stopped not only in Maharashtra, but also in other parts of the country, including Karnataka.

We have received numerous telegrams from the people of Karnataka about the stopping of the running of the Mysore-Chamarajnagar train. We should know whether the Government is putting sufficient funds to complete this project. After taking into consideration all the provisions of the Bill, I feel that the House will be with him, so far as the removal of the hurdles are concerned. But, I may submit one thing. So many people will be affected; so many will have to be evicted from this area where the construction work is going to be undertaken. Now, in their case....  
(Interruptions)

**PROF. MADHU DANDAVATE:**  
Nobody is staying underground.

**MR. SPEAKER:** They will stop staying underground.

**SHRI JANARDHANA POOJARY:**  
The people who are residing in the surface will be affected. At least in some places these people will be affected. Under the circumstances, what provision is made by Government so far as their rehabilitation is concerned.

Further, as regards payment of compensation, I do not think that Government has made a proper pro-

vision. While considering payment of compensation, I want to know whether government is taking into consideration the market value of the land or whether it will be the discretion of the commission or any other authority appointed under this Bill.

If the authority is going to fix the compensation, then there would be the injustice? So far as the provisions of the Bill are concerned, I do not think that there is sufficient provision made or sufficient steps taken to give sufficient compensation to the people who are affected by this project. As far as another aspect of the matter is concerned, the authority in Calcutta Underground Railways has asked the public sector undertaking—the Electronics Corporation—to manufacture sophisticated equipment for their automatic train protection. Such an equipment is a feature to the underground railway. Instead of importing such an equipment at high cost, the railway authorities should approach the Electronics Corporation to do the needful. I ask the Government whether they would take into consideration this aspect of the project also. Further, as you know, due to monsoon rain, most of the roads are inundated and even in the middle of it the city gets paralysed. Now, the project is being undertaken in the city of Calcutta in order to remove the bottle-necks in traffic. May I ask the hon. Minister whether Government has taken sufficient steps to see that they have got sufficient funds and whether he has sought any help from the World Bank in order to see that the construction work is completed without any hurdle. I am told that the World Bank has not come forward and even they are not for any underground construction of railways in India. On the contrary, the World Bank has discouraged the underground railway construction. They have already asked the Government not to undertake any underground railway construction. In these circumstances, I want to know

[Shri Janardhana Poojary]

whether Government is going to complete this project within a specified time-limit. If so, what is the time limit or within what time is the Government going to complete this project?

**SHRI VAYALAR RAVI** (Chirayinkil): What has the World Bank got anything to do with this? Let them go to hell.

**MR. SPEAKER:** I do not think the World Bank is prepared for that.

This is merely an enabling Bill. Nothing more than that.

They are taking, some little power. (Interruptions)

**SHRI JANARDHANA POOJARY:** Even then, we must have sufficient funds to pay the compensation to the people who are affected.

This Bill I speaks about the removal of the hurdles which are coming in the way of implementation of the project. Under the circumstances, am I not justified in my submission that sufficient funds must be made available for the completion of the project?

Further I would ask the Minister one thing. He has taken up the project now. I am not against this. At the same time, there are so many projects being undertaken by the Railways. So far as Mangalore-Hasan line is concerned, as you know, under what phase it has gone. This project has already taken about ten to twelve years for the completion. If this is the rate of phase, then my submission would be this. How much time will this project take for the completion of this project? That is why unless there is sufficient fund it may not be completed. For that purpose I am asking whether any help was sought from the World Bank. While taking up the Hasan-Mangalore

railway line project the funds meant for that project were diverted to Northern India for some other project. Under these circumstances also, I am asking whether Government is seriously taking up this project. Is the Planning Commission going to provide sufficient funds in the coming years to complete this project.

**PROF. MADHU DANDAVATE:** Sir, the Bill is about railway's underground activities.

**SHRI JANARDHANA POOJARY:** You must undertake the underground activities very seriously otherwise they may meet the same fate as had happened in the case of Hasan-Mangalore railway line. Then we should not wait for the people of Calcutta to agitate against this project. In that context, I am submitting these facts.

Further, there are so many projects which have not been taken up. I am very particular about Mangalore-Merora railway line. I would like to know whether you have given any thought so far as these projects are concerned. I am not opposing this Bill but while supporting this Bill I would like to once again submit that this Bill should not become a hurdle so far as payment of compensation is concerned. People who are going to be affected must be suitably compensated and much damage should not be done to the properties which are going to be affected.

**SHRI BAPUSAHEB PARULEKAR** (Ratnagiri): Mr. Speaker, I rise to support this Bill which...

**MR. SPEAKER:** You may continue your speech after lunch break.

*The House stands adjourned to meet at 14.00 hrs. of the clock.*

**13.00 hrs.**

*The Lok Sabha adjourned for Lunch till Fourteen of the Clock.*

## METRO RAILWAYS (CONSTRUCTION OF WORKS) BILL—contd.

SHRI BAPUSAHEB PARULKAR: While supporting this Bill, I want to make a few suggestions, regarding the policy adopted by the hon. Railway Minister in laying down the procedure for the acquisition of properties necessary for the construction of the metropolitan railways. The said policy I find has been reflected in chapter IV. It is stated in the statement of objects and reasons that under the Railways Act there was no permission to construct any railway-line on private property unless it was acquired and it was to be acquired under the Land acquisition Act. In this Bill there are provisions made for acquisition and the Land Acquisition Act is to be made not applicable. A summary procedure has been laid down. The reasons given for this are not very happy. It has been stated that the procedure under the Land Acquisition Act is long drawn out and costly and the whole process involves time. The third and the main reason given is that the acquisition is merely the right of a user. The third ground given does not seem to be correct if we read the provisions of the Bill. In clause 21, there is a provision for demolition of a building standing on the land and for that purpose there is a provision for acquisition. This statement that this Bill provides only for the acquisition of right below the ground is not correct.

Coming to the question of long procedure, I may say that the provision laid down in this Bill is so complicated and clumsy that it does not cut short the long drawn out procedure. If we read the entire scheme, we find that a notification has to be issued by the Central Government and after issuing that notification, the person concerned is given an opportunity to be heard within 21 days. The competent authority will then refer the matter to the Central Government

and the Central Government will again issue a notification and after the issue of the notification the arbitrator will decide the compensation and after the compensation is determined the railway authority gets the right to take possession of this particular property. If we compare these provisions with the relevant provisions of the Land Acquisition Act, it would, prima facie, show that the procedure which is laid down in the Land Acquisition Act is more simpler and under that particular provision, the land could be acquired more easily and more quickly. Apart from this, there are provisions in the Land Acquisition Act under which the Emergency clause can also be applied and the possessions could be taken. But apart from that, my main grievance against the procedure which is laid down is mainly based on three grounds.

We find that in these days, there is a tendency of the Legislature to oust the jurisdiction of the Courts and we find that this tendency is on the increase. Sometimes we feel that the legislative bodies have developed an allergy for the courts and we find a clear reflection of that in this Bill. If we read this particular Bill, in more than one place, we find that the Court's jurisdiction in many cases has been ousted. If we read the first provision of Chapter III, we find that even if the notification is illegally issued or the notification is issued not following the procedure which is laid down, this particular clause lays down that the court shall have no jurisdiction to enquire and decide the issue.

With reference to compensation or value or the amount even in that case the jurisdiction of the courts has been ousted. But strangely enough, the jurisdiction to decide the apportionment between the two disputants is left to the Court. I do not understand the propriety of this discrimination. Apart from this, I really feel that the rights of the citizens of this country are being very lightly dealt

[Shri Bapusaheb Parulekar]

with in this Bill. I feel that nobody's property can be acquired so lightly and that too without giving him a reasonable notice in fact. If we read this particular Bill, we find that in fact no notice is provided to the persons, whose property is being acquired.

**SHRI SAUGATA ROY** (Barrack-pore): Ten days' notice.

**SHRI BAPUSAHEB PARULEKAR:** I said notice in fact and not notice in law. When publication is made in the Gazette we presume that he knows it because whatever comes in the Gazette, everybody is presumed to know that.

This particular clause mentions that the notice shall be published in the Central Gazette and then the subsection mentions that the substance of it shall be published subsequently; no time has been given. But the objections have to be given within 21 days from the publication in the Central Gazette that is published at Delhi. Let us take Mr. Saugata Roy or somebody who stays in a gully in Calcutta. Will he come to know of this from the Gazette published in Delhi within 21 days and if within that period, he is not in a position to give his objection, his rights are gone. I would like to know whether this will be proper.

As everybody knows, under equity and under common law, nobody's rights can be taken away so lightly. Therefore, I would request the hon. Minister to make a provision that the copy of the notification or copy of the substance of the notification shall be issued to the person concerned or to the persons having interest in the particular land which is going to be acquired and only then this period of 21 days should be made applicable.

There is another thing which I would like to mention. There is again a tendency of making a provision in every Act for some retired High Court Judges and it is being

done here also. I do not know why there is going to be appointment of arbitrators. Are the courts not competent enough to decide the quantum in this particular case...

**SHRI K. P. UNNIKRISHNAN** (Badagara): They are over-worked.

**SHRI BAPUSAHEB PARULEKAR:** They are over worked. But at the same time we find that the work of apportionment to decide the rights of the parties is left over to the courts of the original jurisdiction. The arbitrator who is to be appointed would be a retired High Court Judge. If a High Court Judge can decide the question of compensation, he can very well decide the question of apportionment. But this Bill makes this particular discrimination, I do not know why?

There is one more clause in this Bill. When we come to clause by clause consideration, I will make my submissions. There is a blanket clause that no civil Court shall have jurisdiction to grant an injunction.

I can very well understand that in cases of emergency such clauses are necessary provided the work which an officer is doing is under the provisions of the Act. But those particular words are absent here. Somebody would come and say "I am doing this work for the metro railway" and therefore, the court has no right to pass an injunction, kindly consider what will happen when such rights are given to the officers of a metro railway and the rights of the citizens are curtailed in this manner.

There is one more anomaly which I would like to bring to your notice. A provision has been made, not for compensation, but for amount. I do not know why the Railway Minister has not used the word 'adequate amount'. What is the meaning of 'amount' I fail to understand. We have to leave it to the discretion of the arbitrator. The clause says that the provisions of the Arbitration Act shall apply. So, when the award has

been given in arbitration, no appeal lies and the award is final and conclusive as far as this case is concerned.

About apportionment, there is one more anomaly. Clause 13 mentions that out of the total amount of compensation decided by the competent authority, 10 per cent of that amount will be given to the persons having a right in the property. That means 90 per cent will go to the owner and 10 per cent will go to the persons having a right. I do not know what rights is contemplated by the Minister. If we take into consideration a case where a building is acquired for demolition and its value is Rs. 1 lakh and if there are ten tenants in that particular property, as per this clause every tenant will get 10 per cent. So, the entire amount will be given to the ten tenants and the real owner will not get anything. It may be said that the reference is only to the user's right. But under sub-clause (2) that interpretation cannot be made. This is not the only anomaly. If you read the Bill clause by clause, in every sentence such anomalies are found and such difficulties will arise at the time of deciding the claim with reference to compensation.

Then, the railway administration is not entitled to get possession unless and until the amount of compensation is decided by the arbitrator. If all these points are raised before the arbitrator for decision and if he takes considerable time to give his decision on those particular issues, it may kindly be considered as to what would be the time that would be required for actually taking possession. Therefore, this condition, which is a condition precedent before taking possession from the person concerned would come in the way of the administration, especially when this Bill is being presented on the basis of urgency. If we compare it side by side with section 14 of the Land Acquisition Act, it says in cases of emergency—not that Emergency which we had for 19 months—Government

gets the right to take immediate possession without following any procedure. In view of the statements I have made, the Minister should consider whether the changes I had suggested could be made.

In the Statement of Objects and Reasons it is said in para 2:

"The metro alignment will pass mainly under public roads although in some portion, the alignment will pass under private properties."

This is probably to suggest that the act of acquisition will be applicable only to a few cases, but I want to know what is the total length of alignment as far as Calcutta Metro Railway is concerned and out of that, what is the length that actually passes under private properties. This would be necessary for the consideration of the amendments which I have given.

**SHRI DHIRENDRANATH BASU** (Katwa): Mr. Deputy Speaker, Sir this is a very important subject and I support the Bill of the hon. Railway Minister. I would like to point that acquisition of land in many cases could be avoided. The work of the survey was not properly done in Calcutta.

The tube railway works are now going on although very slowly. You will appreciate that out of Rs. 250 crores allotted for this project, only Rs. 10 or Rs. 15 crores are being allotted every year. So, it will take 25 years to complete this project. Now, the steel sheet pipes are very important on which foundation depends, and for want of steel sheet pipes work is being held up in Calcutta. Moreover what we have seen is, if the line would go through Chittaranjan Avenue or through the Circular Road, then in such cases acquisition of land could be avoided. There are many Government lands lying through which this line could go. So, Mr. Deputy Speaker, Sir, I would request the hon. Minister to please scrutinise the Survey Report and see that the-

[Shri Dhirendranath Basu]

work is not held up for acquisition of land. From Esplanade to Sham Bazar the line can run through the Chittaranjan Avenue. So the work can be started from there. What we have seen for the last 10 years is, some work has been done here and some work has been done there and there is no connection between this and that and that and this. This is the result.

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): This has no connection with the Bill.

SHRI DHIRENDRANATH BASU: The hon. Minister was pleased to visit this place and I thank him for that. But one point is to be made clear. The work is to be speeded up. You cannot keep it pending for years together, 25 or 30 years. The work should be completed within the next 5 or 7 years for which you have to provide sufficient funds. But it is unfortunate that in this Budget you have provided only scanty amount, Rs. 10 to Rs. 12 crores. That is nothing for the project. So, I would appeal to the hon. Minister through you to provide much more funds and see that the work is speeded up. The hon. Minister has inspected some of the spots, but he has not inspected all the spots. So, I would appeal to him that it would be better for the Survey Department to submit their report to you immediately to enable you to see that the line is extended from Esplanade to Sham Bazar, as the sufferings of the people due to transport difficulties in Calcutta are immense. The people cannot move from here to there because of the fact that some work has been started there and some work has been started there and so on. So, I would appeal to the hon. Minister to see that the first instalment of steel sheet pipes on which foundation depends is arranged immediately.

I understand that the Hindustan Steel viz., the Rourkela and the Boka-

ro steel plants cannot make such pipes. But the Durgapur Steel Plant can do it, but in a small quantity. Anyway, this has to be procured. If necessary, this should be imported. I would like to tell the hon. Minister that the Metropolitan Transport Project is a very important project, particularly in the city of Calcutta, because there are about a crore of people living there. The transport arrangement there is very bad. This is not a State programme. The Centre should come forward and spend money, and see that better facilities of transport are provided.

I do not want to exhaust your patience, Mr. Deputy Speaker. Sir but I want that the work must be speeded up. The General Manager has reported that they are short of so many things. If so, what are these people doing? I do not want to say that the hon. Minister will do everything. But the authorities of the project there, have to do it. They have to do it with earnestness, so that the work gets speeded up.

With these words, I conclude.

श्री पद्मनाभरज सावंतसिंहेरा (पुरी) :  
उपाध्यक्ष महोदय, जो यह बिल प्राया है, स्पीडी काम करने के लिए इस की जरूरत है। लेकिन इस में जो कम्प्लेक्सन के बारे में प्राविजन रखा गया है वह बहुत खराब है और उस में बहुत खतरे हैं। क्योंकि इस में जो लैंड ऐक्वीजिशन करेंगे उस के लिए प्रोसीजर क्या होगा यह कहीं नहीं दिया हुआ है। स्टेट गवर्नमेंट का लैंड ऐक्वीजिशन का प्रोसीजर बना हुआ है जिस में हर स्टेज पर उन को चांस है कि जब भी कोई गलती होगी तो वह किसके पास अपनी करेगे। लेकिन इस में ऐसा कोई प्रोसीजर नहीं रखा गया है कि जब लैंड ऐक्वीजिशन होगा या उस का नोटिस होगा तो उस के लिए यह प्रोसीजर होगा।



केवल यह है कि उस के लिए गजट नोटिफिकेशन होगा। लेकिन वह गजट कितने आवधिकों को माफूम हो पायेगा। मेरा सुझाव यह है कि जहां वह प्रोजेक्ट होगा, वहां एक साल पहले उनको पता फटा देना चाहिए कि आप की जमीन एक्वायर होगी और आपकी डिस्प्लेस होना पड़ेगा। यह ऐक्वीजेशन के बाद। फिर उस के बाद उन को कोई दूसरी कगह दी जानी चाहिए जहां वह रिट्टि-बिलिटेड हो सक। अगर उनको कोई दूसरी जगह रिट्टिबिलिटेड होने के लिए नहीं देंगे वह। आदमी बड़ जगह में पड़ जायेगे। इसलिए इस बारे में ध्यान देने की जरूरत है।

दूसरी बात कम्पेन्सेशन के बारे में है। आर्बिट्रेटर जब कम्पेन्सेशन तय करेंगे उस में कोई गलती करेंगे, वह उस से असंतुष्ट होंगे तो वह किस के पास जाएंगे? इस में जिजा है कि जब कोई असंतुष्ट होगा तो वह सिविल कोर्ट में जायेगा। लेकिन उन के पास क्या कगह होगा सिविल कोर्ट में जाने के लिए? वह तो डिस्प्लेस आदमी होंगे। वह सिविल कोर्ट में कैसे जा पाएंगे? मेरा सुझाव है कि आर्बिट्रेटर द्वारा कम्पेन्सेशन तय करने के बाद अगर कोई सैटिस्फाइड न हो तो उस के लिए वहीं प्रीलिटे कोर्ट होना चाहिए जहां वह अर्जल कर सके।

तीसरी बात है पनिशमेंट के बारे में। बिल में यह दिया हुआ है कि जो इस कानून का नहीं मानेंगे उन को 6 महीने या इम्प्रिजनमेंट और 1 हजार रुपया फाइन होगा। लेकिन यह किस बात के लिए होगा? वह नोटिस नहीं मानेंगे तब यह 6 महीने का इम्प्रिजनमेंट और 1 हजार का फाइन होगा या पोजेशन नहीं देंगे तब होगा? इस में इस के लिए कहीं प्राविजन नहीं किया

हुआ है कि नोटिस नहीं मानेंगे तब क्या पनिशमेंट होगा, पोजेशन नहीं दगे तब क्या पनिशमेंट होगा या फास्ट्रेशन को फावस्ट्रक्ट करेंगे तब क्या पनिशमेंट होगा। मेरा सुझाव है कि इस पनिशमेंट का क्लासिफिकेशन होना चाहिए। जो गरीब आदमी हैं उन को कोई रिपोर्ट कर देगा कि इन्होंने नोटिस नहीं ली तो उस को यह पनिशमेंट हो जायेगा। इस लिए इस में इस बीज को क्लीअर करना चाहिए कि इसका क्लासिफिकेशन होना चाहिए। अगर कम्पनी राइट टाइम पर कम्पेन्सेशन नहीं देती है और आर्बिट्रेशन ठीक तरह से विचार नहीं करता है तो उन के लिए पनिशमेंट का कोई प्राविजन नहीं है। अगर जानबूझ कर इंटेंशनल या वैसे ही कानून के मुताबिक काम नहीं करते हैं, ठीक टाइम पर नोटिस नहीं देते हैं या उचित कम्पेन्सेशन नहीं दिया जाता है तो उस के लिए भी पनिशमेंट का प्राविधान होना चाहिए। कोई डिस्प्लेस आदमी है, उन को अगर ठीक वल्यू से कम्पेन्सेशन नहीं दिया जाता है तो उस के लिए भी पनिशमेंट का प्राविधान रहना चाहिए। लैंड रेवेन्यू ऐक्ट में स्पेशल प्राविजंस हैं अगर कोई सैटिस्फाइड न हो तो उस का हर स्ट्रेज पर रियायत मांगने का अधिकार है लेकिन यहां पर कोई प्राविजन नहीं है। इस लिए यहां पर भी प्राविजन होना चाहिए कि अगर कोई सैटिस्फाइड नहीं होगा, किसी का न्याय नहीं मिलता है तो उसकी पाने के लिए वह डिपार्टमेंट में अर्जीब कर सकेगा।

जो लैण्ड ऐक्वीजेशन ऐक्ट है वह वह स्टेट गवर्नमेंट का है। जब कोई आदमी देहात में रहेगा तो उसकी जमीन एक्वायर करने के लिए अलग कानून होगा और जो लीज सिटी में या टाउन में रहेगे

[श्री पद्माचरण सामंतीसहैर]

उन के लिए भ्रमण कानून होगा। आपको यह सीगल प्वाइंट देखना चाहिए कि जब आप पब्लिक परंपरा के लिए जमीन लेने तो उनको उचित कम्पेंसेशन मिलना चाहिए, उनका बैल्युएशन अच्छा होना चाहिए।

इस के अलावा: आर्किट्रेज्शन एपारटिडो के बारे में कोई डेफ़ीनीशन नहीं है। कि आर्किट्रेज्शन एपारटिडो में कौन होगा और किस रेंज का ज़रूरत होगा। इस लिके एि भी इस में सफ़ाई होनी चाहिए। इसके साथ ही यह भी प्राविजन होना चाहिए कि पनिशमेंट कितना होगा और और कहाँ पर होगा ? इसके लिए सिविल कोर्ट में जायेंगे, हाईकोर्टमें जायेंगे या यहाँ पर पनिशमेंट दे देंगे। जिस प्रकार से इंडियन पीनल कोड के सैकशन में है कि इतना इतना पनिशमेंट होगा उसी तरह से यहाँ पर भी स्पेशल पावर होनी चाहिए कि इस तरह से विचार करके एनफोर्स करेंगे। अगर कोई कानून नहीं मानेगा मकान या जमीन का पोज़ेशन नहीं देगा, नोटिस जायेगी उसको अगर नहीं मानेगा तो उस के लिए भ्रमण भ्रमण स्पेसिफिक पनिशमेंट का प्राविजन होना चाहिए कि इस बात के लिए इतने महीने और इस बात के लिए इतने महीने को सजा का प्रावधान रहेगा। इसी तरह से कोई अफसर अगर कानून के हिसाब से काम नहीं करता है तो उस के लिए पनिशमेंट का प्रावधान रहना चाहिए।

दूसरी बात मुझे यह निवेदन करनी है कि आप के पास जो भी सर्प्लस लैंड हो, एक्वायर करने के बाद किस जमीन की आप को ज़रूरत न हो और जिसे आप डिस्पोज

करना चाहते हो, उसको पहले उन लोगों को देना चाहिए, जिन से एक्वायर की गई हो। वह जमीन आपने रेलवे के लिए या किसी कम्पनी के लिए एक्वायर की थी, जब उसकी ज़रूरत नहीं है, तो पहले उन को रिफरेंस देना चाहिये, जिन से वह जमीन ली गई है, यदि वे न लेना चाहें, तब उसको दूसरों को देना चाहिये।

प्राजेक्ट के स्पीडी डिस्पोजल के लिये ही स्पीडी डेवलपमेंट के लिये यह ज़रूरी है कि आप के कानून में सब कीयों के लिए प्राविजन हो। जैसे जमीन को एक्वायर किया जाता है, उस के बाद उसके कम्पेन्सेश डवलमेंट के लिए के लिये, सब बातों के लिये व्यवस्था हो, ताकि लोग को दिक्कत न हो।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

\*SHRI AJIT KUMAR SAHA (Vish-nupur): Mr. Deputy-Speaker, Sir, I extend my wholehearted support to the Bill because I feel that the work of the tube railway will be expedited as a result of this legislation and it is a helpful legislation for solving the growing traffic problems of the metro-pollia of Calcutta. I am sure that the various provisions contained in this Bill, would be able to solve many of the problems that are now being faced to execute the railway scheme which has been undertaken by the Government. Sir, for the tube railway a tunnel has to be dug and this will pass through the underground surface of the main roads of Calcutta. The tunnel in question would be 18 ft. deep and when trains actually start running through this tunnel it is likely to affect the houses which are within 5 kms. on either side of the line. Even though provisions are been made in this Bill for strengthening the foundations of such buildings I feel that some old houses are bound to be damaged or they may even collapse as the tunnelling work

even collapse as the tunneling work proceeds or when the trains start moving. I would therefore request the hon. Minister to ensure that in all such cases the persons who suffer such losses are paid compensation and suitable machinery should be evolved to ensure that it is done without much delay and causing least harassment to the effected persons because it is our experience that it takes a very long time before a compensation case is settled and it causes tremendous difficulties to the persons concerned. I am sure the hon. Minister would pay his personal attention to this aspect of the problem. I would also urge upon the Government that not only compensation should be paid early but all the uprooted persons should be rehabilitated in proper places.

Sir, the Bill has made a provision for an advisory body but I regret to say that there is no provision for representation of the State Government in this body. My friend Shri Saugata Roy has given many amendments to this Bill. He has suggested that the Mayor of the Corporation, the Chairman of the City Development Authority, MLAs or MPs should be represented in the advisory body. While I find some justification for the inclusion of the first two persons, in my opinion there is hardly any justification for the inclusion MLAs and MPs and I feel that in their place inclusion of technical person would be more appropriate.

Mr. Deputy Speaker Sir, a little while ago Dhiren Babu while describing the growing traffic problems of the city of Calcutta was saying that it is a place inhabited by no less than one crore people and there is a daily influx of ten to twelve lakh persons every day who come to earn their living in Calcutta and in this way the problem of transport in Calcutta is getting complicated day by day. Sir, the tube railway new under construction will run between Shyam Bazar

and Esplanade via the Central Avenue. By the time this is completed it would be very difficult job to control the traffic that will get into at the two ends and come out of them. In this connection, I would like to mention that the State Government have already appealed to the Central Government for circular railway which will go a long way to relieve the traffic problem of Calcutta. I would also like to give a suggestion for the consideration of the Railway Minister. The Port Authorities have their own railway links and if these routes are improved and reconstructed, they will help to expedite the creation of the circular railways.

I once again extend my support to this Bill and conclude.

SHRI CHITTA BASU (Barasat): I rise to support the Bill. While supporting the Bill, I want to express some of my apprehensions and I hope, those apprehensions will be cleared by the hon. Minister while replying to the debate.

It is generally accepted by the people of the country today that the Calcutta transport problem is to be immediately tackled if Calcutta is to survive. Of course, this underground railway project has also attracted certain criticisms from some quarters of our country. Some newspapers editorially commented that the underground railway project is nothing but an under farce. Some have gone to the length of saying that it is not prudent to have such a white elephant. Therefore, there are criticisms on this particular project. But in spite of these criticisms I am completely in agreement with the hon. Minister when he says—I think, he says that—that the problem of Calcutta transport is such a big that the only answer to that is to have an

[Shri Chitta Basu]

underground railway and for that purpose the Government has been pleased enough to have a project whose total estimated cost is Rs. 250 crores. I am inclined to say that the Government is serious and sincere to get it through and the proposed legislative measure is only enabling the Government to start the work in right earnest. But it is not only the question of enabling legislation but there are other factors also.

Before coming to that legislative part of the thing, I want to take advantage of this opportunity to mention some of the problems in relation to that. The original cost of this project was estimated to be Rs. 140 crores. Now, it has been raised to Rs. 250 crores. According to the Statement made by the Minister himself of this Rs. 250 crores only Rs. 35 crores have so far been spent.

PROF. MADHU DANDAVATE: This Bill has nothing to do with the financial aspect. It is related only to the technical aspect. Therefore, if we concentrate on that aspect, it will be better.

SHRI CHITTA BASU: I think, we should also explain our apprehensions. Uptill now, only 11 or 12 per cent of the work has been completed. Naturally, I think, as a Professor of Mathematics, he will understand that when only 11 per cent of the work has so far been completed, what tremendous effort is to be made to complete the work on schedule.

PROF. MADHU DANDAVATE: Old mathematics is changed into new mathematics.

SHRI CHITTA BASU: I agree, that the Bill relates only to technical things and it has nothing to do with financial aspect of the project. But again, you would see that this Bill provides for the acquisition of land and for that some amount is to be paid as compensation under the provisions of the Act.

Therefore, I have got an apprehension here. There has been no specific mention about the cost for the payment of compensation. I have gone into the financial memorandum. There is no mention about the cost to be paid towards compensation. You have given money in the financial memorandum for the General Manager. There is a mention for the arbitrators; there is a mention for so many things. I want to know from the hon. Minister whether the amount of compensation to be paid is included in the amount of Rs. 250 crores or whether some more amount would be needed for the payment of compensation. That has to be made clear. Somebody may say that it is the State Government who will have to pay the compensation. But that has to be made clear, whether the cost of compensation for the land to be acquired for this project is to be borne by the Central Government and, if so, whether that amount is included in the amount of Rs. 250 crores.

Secondly, it appears, the Government is willing to expedite the process of acquisition. But my complaint is that it has not really be expedited as some hon. members who preceded me have just mentioned. Although the Bill has taken a different mode of acquisition, other than that of the process of land acquisition, the process is not as quick as it should be. It will take quite an considerable time to complete the process of acquisition and possession of the land for the construction work. Therefore, I would request the hon. Minister to see that the process of acquisition is further expedited so that the purpose of the bill is not defeated.

There is also the question of tunnel digging. When you have taken the possession of the surface land the question of digging the tunnel will also be there. I want to know whether there will be the necessity of having that kind of acquisition of land for tunnel digging and, if so,

what is that, and whether the acquisition proceedings will also relate to tunnel digging. I am not clear about that legal aspect of the matter.

One very important aspect of the Bill is the formation of an advisory committee. As you know, the advisory committee has got a very wide function to perform. It says that the advisory committee would consist of only Government officers. I want to be clear as to whether the Government officers would mean the Government officers of the State. If it does not include the Government officers of the State, then my apprehension is that the State Government is excluded from giving appropriate advice to the relevant body. After all, it is the State Government which is very much concerned in the matter of diversion of traffic and in the matter of rehabilitating the people who may be affected by the construction of the project. Therefore, in the matter of deciding upon these details, the advice of the State Government is necessary.

Therefore, the Bill provides for advisory committees, but it does not provide for any representatives from the State Governments. I would request the hon. Minister at this stage to see whether the suggestion made by my hon. friend is accepted. The representative from the State Government of West Bengal should also be associated with the Board so that difficulties may not arise in future.

So far as compensation is concerned, there is a provision for that, but I want them to give us an assurance that whatever compensation might be decided upon either by the competent authority or by the arbitrator should be disbursed quickly, particularly to the middle class and lower strata of the society. The railways cannot take possession of the land unless they deposit money with the arbitrator or the competent authority. But even in that case, this matter should be expedited so that there are no further difficulties.

श्री अमल बबे (कच्छ): उपाध्यक्ष महोदय, जो यह बिल लाया गया है उसका मैं समर्थन करता हूँ, लेकिन चूंकि यह बिल जल्दी में लाया गया है इसलिये इसमें कुछ कमियां रह गई हैं, जैसा कि श्रीर सदस्यों ने भी बताया। मैंने भी इसमें संशोधन प्रस्ताव किया था लेकिन दुर्भाग्य से मैं उस समय यहाँ मौजूद नहीं था इसलिये उन नहीं कर सका। मेरा निवेदन है कि जो टेक्नीकल कमियां इसमें रह गई हैं उन को दूर करना चाहिये अगर ऐसा नहीं करेंगे तो काफ़ी दिक्कतें हमारे सामने आयेगी। इसलिये मैं कुछ सुझाव देना चाहता हूँ। कलकत्ता शहर में मेट्रो ट्रेन्स की जरूरत है, हमें यह भी सोचना चाहिये कि आबादी बढ़ती जा रही है, आज इंग्लैंड में भी 110 साल के बाद जो ग्रन्डर प्राउन्ड गाड़ियां चल रही हैं वह काफ़ी नहीं हैं। तो 1990 में जब की आबादी 14 मिलियन हो जायगी तो शायद हमें दूसरी ग्रन्डर प्राउन्ड रेलवे बिलो दिस ग्रन्डर प्राउन्ड रेलवे बनानी पड़े। तो यह परिस्थिति भी हमारे सामने होनी चाहिये और हमें सोचन होगा कि जो कार्यक्रम हम बनाने जा रहे हैं वह ठीक भी है या नहीं। वय इसके अलावा कोई दूसरा रास्ता भी है कि नहीं यह भी हमें सोचना चाहिये। इस बारे में मंत्री जी सोचेंगे ऐसा मैं मानता हूँ।

क्लाज 2(ई) में जो कम्पिटेंट अथोरिटी बताया है।

Competent authority means any person or authority authorised by the Central Government.

तो मैं यह कहना चाहता हूँ कि अभी भी हम सैन्ट्रल गवर्नमेंट को पावर्स न दें और यही लिखें कि सुप्रीमकोर्ट के दो जजेज ही को कम्पिटेंट अथोरिटी बना दें और ऐसा प्रोवीजन ऐक्ट में कर दें कि

### [श्री अनन्त शर्मा]

सुप्रीम कोर्ट के दो जजेज ही कम्प्लेंट अधीरिटो होंगे ताकि वह अपनी वाली दिक्कतों के बारे में अच्छी तरह से फैसला कर सकें। इसलिये मैं समझता हूँ कि दो जजेज को कम्प्लेंट अधीरिटो बनाना चाहिये।

क्लाज 7 में कहा गया है कि-

"Every notification under sub-section (1) shall give a brief description of the land, building, street, road or passage."

बीफ डिस्क्रिप्शन की जगह फुल डिस्क्रिप्शन होना चाहिये ताकि अगर किसी ी प्रापर्टी हो तो उसे मालूम पड़े कि इस तरह की प्रापर्टी है। अगर नोटिफिकेशन में फुल पटिकुलर्स लिखे जायेंगे तो उन को पता चलेगा कि ऐसे-ऐसे उनकी प्रापर्टी उस में है। 21 दिन का नोटिफिकेशन होगा, जब वह कलकत्ते में पहुँचेगा तब किसी को मालूम होगा कि उसकी प्रापर्टी है या नहीं। इसलिये जब नोटिफिकेशन बाहर धाता है तो उस में फुल डिस्क्रिप्शन होना चाहिये तभी किसी को मालूम होसकता है कि उसकी प्रापर्टी के लिये उस में लिखा है।

इसके अलावा कोर्ट का जूरिस्टिकशन इस में से ले लिया गया है। मेरा कहना यह है कि जनतापार्टी भी अगर यह बात सोचेगी और करेगी तो ठीक नहीं होगा। कोर्ट का जूरिस्टिकशन भी नहीं लिया जा सकता है और लेना भी नहीं चाहिये। मैं मंत्री महोदय से रिक्वस्ट करूंगा कि कोर्ट का जूरिस्टिकशन वैसे ही रखा जाए और जहाँ जहाँ भी इसे ले लिया गया है वहाँ उसे फिर ऐक्ट में वापिस कर दिया जाये, जिस से लोगों को अगर कहीं कोर्ट में जाना हो, अगर किसी के साथ अन्याय हो जाये

तो वह कोर्ट में जा सके और अपनी बात को मैं जाकर कह सके और वहाँ से जो फैसला हो वह माना जा सके। जनता पार्टी को कभी ऐसा स्टैप नहीं उठाना चाहिये कि कोर्ट में किसी भी धादनी को जाने के लिये मना करे।

किसी भी जगह पर कंपन्सेशन देने के बारे में जो प्राबिडेटर होगा, तो आबिड्रेशन और लैंड एक्वीजेशन ऐक्ट के लिये दो बातें होंगी। इस बिल में जो भी प्रासीजर तय होगा वह लागू होगा और लैंड एक्वीजेशन ऐक्ट के मुताबिक जो हांगा वह शार्ट होगा, तो वह प्रासीजर भी साथ ही साथ इस में देना चाहिये ताकि जो कुछ भी देना है, जल्द से जल्द दिया जा सके और उस के देने में देर न हो।

इसलिये जो तीन-चार सुझाव भेजे दिये हैं, वह मंत्री महोदय अपने प्रमैरुमेट में लाकर मानेंगे और कोर्ट का जूरिस्टिकशन लोगों को जरूर देंगे ऐसी में मंत्री महोदय से प्रार्थना करता हूँ।

SHRI A. BALA PAJANOR (Pondicherry): Mr. Deputy-Speaker, Sir, I take this opportunity to welcome the measure. Of course, I congratulate the hon. Minister of Railways for taking up the first city for introducing the metro railway. This metro railway is for the present, as the Schedule goes, only for Calcutta. Naturally the question arises why it should be introduced only in Calcutta. We are also seriously concerned with it because this concerns the 3 other cities also, including the Union territory of Delhi. I feel that this measure, as given in the Schedule here, gives a very complicated picture, and the complication is—I think, the hon. Minister will agree—because of the developed nature or the congestion that has already been

there in Calcutta. In order to relieve the congestion, they are introducing the metro railway first in Calcutta. There is no indication at all here whether they will start such kind of metre railway in other cities also like Madras, Bombay and Delhi.

So far as Bombay is concerned, I think, it is already congested. But Madras is not yet that congested. It is high time that they started this in Madras, so that the kind of complication that has been explained by the other hon. Members will not arise there. But if it is the policy of the Government to wait till such time when Madras also reaches the standard of Calcutta and then try to solve the problem, then I cannot argue with him.

15.00 hrs.

So, I would appeal to the Railway Minister through you to take up the case of Madras immediately, where he can have a better plan or a better scheme and where it can be implemented easily also. That can stand as a model for the other metro-cities that may come up because I think that in due course other States will also fight for metro-cities and metropolitan areas with Mayors and so on. We will make Madurai also a metro-city because a lot of attention is attracted to this city where election is going on: national interest is attracted to this place. So, this metro-rail is a matter of metro-cities and I am sure that this country will have a number of metro-cities. So, it is better to have a plan of execution at a city like Madras first, rather than at Calcutta.

I see that this entire Act deals with three categories, as explained by the Railway Minister. I think Mr. Sheo Narain will be concerned with the catering side....

**PROF. MADHU DANDAVATE:** So he will cater to the needs of the Madras city.

**SHRI A. BALA PAJANOR:** Yes, Madras will have a better catering system if Mr. Sheo Narain comes there.

But what I say is, it cannot be purely technical. It is simple on three counts. Firstly, it is for the Arbitrator to settle matters between the people who may suffer a loss—to arbitrate in regard to acquisition and other things. Secondly, about the management of the Advisory Board, I think that, as many Members from Bengal and others have suggested, it should be of a representative character because it goes into the jurisdiction of the city also. Some of us who live in the city know and you also know how pathetic the condition of the city administration is. Different Departments, for example, the Electricity Department first cuts the roads. Then—you visit Madras very often, and you will see it yourself—the drainage people from the Corporation come and dig and close the roads, and the next day the Electricity people come and dig. This perpetual nuisance will be there for the citizens of every city. So, it is high time that a co-ordinated Board is contemplated. Perhaps I have missed it: I shall be glad if the Hon. Minister can point out where the provision can be found for taking the State Governments into confidence or taking the Government representatives into the Board. Because, you will see from all these matters that it is a fight not only between Municipalities and Corporations but also between the State Governments. All the cities for which metro-rail is contemplated, are having Mayors. I think you should have taken representatives from the Corporations, preferably the Mayor, because he can also enjoy the benefit of the metro-rail first, or somebody from the Corporation who has interest in this matter. I think most of the sections impinge on the rights of the city fathers or on the properties coming under the custody of the city fathers. I do not know how you can adjust it later on or make some amendments later on—I do not want to go into the legalities—because the arbitrator's word is final and they

[Shri A. Bala Pajanor]

say that an appeal lies only to the Government. I do not know how far I am right in understanding it: if the Railway Minister is able to clarify the point, I will be happy. But when you read the financial statement, it is too vague. I can understand that they cannot spell out the possible damage that may be caused due to accident etc. in construction: certain things, they say, are not possible for them to determine. For example, let us take the compensation that ought to be given for properties that may be involved in this. As far as the present Schedule I is concerned, they have a blue-print, they have a plan, they have gone deep into it. I am not going into technical calculations, but they can state it at least approximately. Sections 18 and 19 speak about Rs. 250 crores for this particular project that is O.K. But, at least, we must have an idea as to whether it is worth the trouble because, as we progress faster economically and scientifically, we must also have a clear plan. I think that, in the financial statement, the Minister has not come out with any categorical statement, as far as Sections 18 and 19 are concerned—because, it is a bit vague. If I can get a clarification on this aspect, I can calculate how much will go to Madras: and I will not stop with that because I will think of something for Pondicherry also. The Hon. Minister has stopped the rail to my village town of Karikkal and also Taranquevar due to shortage of coal for the past so many months. Supposing you give an estimate, small Union Territories like Pondicherry will also benefit—because it will give a vision to Members of Parliament and they can tell the people what the metro-rails are doing.

This Janata Government after it came to power has been talking about going to villages. Shri George Fernandes has been very much vocal for going back to villages, he is, of course, busy elsewhere at this moment. The point is that we wanted to develop the small

towns and small places, people in this country should not blame the Janata Government that ultimately Shri Dandavate is thinking of city people only on this question. The expenses, as I see it, on this scheme—my arithmetic is very poor, because I stopped this at the college stage—it is quite a good expense. Once you have this metro railway in Calcutta, naturally we will have every right to fight for this for other cities and ask for it. I, of course agree that at this juncture this is a welcome measure, because the Bill speaks eloquently about the relief that this is going to give to the congestion of traffic. At the same time, I do not know about the other aspects, but the underground railways, as I saw in Sydney and a few other places is very good. My previous rulers, the French people, are having a beautiful system of metro railways in Paris. The hon. Minister for Railways must have visited Paris not as a Minister, but as a leader on the opposition benches and I hope, he will give some of us a chance also to see these and come and report to him finally later. You are not referring, this Bill to a Select Committee. In these days, it has become a fashion to refer these Bills to Select Committee so that the Members can study these Bills carefully and then report back to the House. Anyway, Shri Sheo Narain must be sent for this purpose, because he is helping the hon. Minister for Railways.

I welcome this Bill for the spirit of it, but at the same time, I think, the Minister will take into consideration these three aspects. First is the representation that has to be given for the local boards and the State Governments. Secondly, I feel that the arbitrations clauses and the provisions that you are making are arbitrary. I do not want to take much of the time of the House, as an Advocate I can see the point. You are only giving 21 days. Within these 21 days, if you do not wake up, you are out. You were saying about the Code of Civil Procedure, but you are not contemplating the provisions of the Limitation Act in it.



If there is a clause that the Limitation Act is applicable to this, then I can file a petition for excusing the delay and get it done. You may be going into the rights of the small people in all the small towns or the metro towns. It is easy for the Corporation to concede, it may be easy for the Government to concede, because it would be transfer from one Department to another and they may not think much about it. But, if you are going to put up a railway line in Madras, and it crosses Triplicane or an area like Nungambakkam, there are a number of small houses in these areas. If you give a plan in advance, the people will know about it and these people, middle class people and the small people will abstain from constructing houses in those areas. For them a sum of rupees twenty or thirty thousand may be like rupees twenty or thirty crores for Birlas and Tatas or big business people. It is, therefore, better for the Government to come forward with the entire plan in advance for all the four contemplated cities, that is, Madras, Bombay, Calcutta and Delhi. For Calcutta, you have already given the plan. Such kind of advance plans are also expected for other cities. It has been our experience these days and that is why we have amended the Constitution 44 times, that it has become a fashion to amend the Acts as and when we please and even we bring amendments to amendments. We are considering these things on day to day basis with only a perspective of day to day ideas, we do not think in long term perspective, for 40, 50 or 100 years. I would, therefore, request the hon. Minister for Railways who is noted for crudition in the subject to go deeper and have a plan for the future so that the citizens of these cities have the required benefit.

Finally, taking advantage of this Bill, I would request the hon. Minister to consider the pathetic position of Railways in our area. It is all right for you to think of big cities, and it is a good project, but you must also think of the pathetic conditions in the

small areas. Take for example my town Karaikal and the Thiruvettakudi village, where I am living. I cannot go by rail for 50-60 miles. You have stopped the rail to Karaikal you have stopped the rail to Tranquebar. The college students are suffering. Poor merchants are suffering. Poor people are suffering. Really your Janata are suffering. Please consider that because for Shri Sheo Narainji there is no work. We do not even get coffee that side. You are taking good idlies there in the Parliament House and nothing is provided. I request you to consider this at this juncture and I appeal through you to the hon. Minister to immediately make it so that my position is also a bit secured.

**श्री रीतलाल प्रसाद वर्मा (कोडरमा)**

माननीय सभापति जी, अभी जो बिल सदन के सामने विचारार्थ प्रस्तुत है मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ। फलकत्ता में भूमिगत रेल बिछाने का प्रश्न है। इस बीसवीं शताब्दी में नौग-प्राथमिक यातायात की व्यवस्था करने की दिशा में आगे बढ़ रहे हैं तो हम भी उस में पीछे क्यों रहें? जनता सरकार में माननीय मंत्री जी जोकि बहुत प्रगतिशील हैं, जल्दोनी भी इस दिशा में काफी जोर देकर इस योजना को लागू किया है लेकिन यह योजना जब से लागू हुई है तब से इस के निर्माण कार्य में जो अपेक्षित विकास होना चाहिए वह नहीं हुआ है। जैसा कि अभी मासूम हुआ, केवल दसवां काम ही अभी तक हुआ है।

इस बिल में मुख्यतया तीन बातें हैं— भूमि अर्जन, पदाधिकारियों का नियंत्रण और साथ साथ क्षतिपूर्ति—लेबिन इन में कई कमियाँ रह गई हैं। जो सलाहकार बोर्ड का निर्माण किया गया है वह भी एकपक्षीय है, उस में केवल अधिकारियों का ही बोलबाला है। इसी तरह से और भी कई बातें हैं जिन

[श्री रीतलाल प्रसाद वर्मा]

पर माननीय मंत्री जी को विस्तार-पूर्वक विचार करना चाहिए। इसमें भूमि अर्जन का जो प्रावधान है वह तो ठीक है लेकिन कलकत्ता में आप भूमि के मूल्य की जो स्थिति है उस में क्षतिपूर्ति का जो मूल्य हो सकता है उसका कोई प्रावधान नहीं है कि उस की कितनी क्षतिपूर्ति दी जायेगी। यदि इस बात को स्पष्ट नहीं किया जाता है तो इस परिस्थिति में वहां पर जो अधिकारी होंगे उनका पूरा हाथ होगा और भ्रष्टाचार अपना काम करेगा। इसके रहते वहां पर क्षतिग्रस्त लोगों की क्षतिपूर्ति नहीं हो सकेगी और एक तरह से वे लोग भूमिहीन बेरोजगार और बेकार होकर बैठ जायेंगे। ऐसी स्थिति में मंत्री महोदय को फिर से विचार करना होगा और यहां पर और कोई प्रावधान जोड़ना पड़ेगा क्योंकि अभी जो व्यवस्था है वह स्पष्ट नहीं है। भूमिगत रेल के लिए काफी जमीन प्राइवेट लोगों की लेनी पड़ेगी क्योंकि लाइन तो सीधे चलती है। इसके बनाने में बहुत से मकान हटेंगे, बहुत से नाले और सीवर खराब होंगे जिस के लिए बहुत सा व्यय करना पड़ेगा। ऐसी हालत में जिसका मकान लिया जायेगा उसको अगर सरकारी मूल्य पर क्षतिपूर्ति दी जायेगी उस से उसका कल्याण नहीं होगा बल्कि उसका विनाश हो जायेगा। इस लिए क्षतिपूर्ति के सम्बन्ध में एक रियलिस्टिक एग्जोब हूनी चाहिए। उन लोगों को पर्याप्त डंग से फिर से बसाने के लिए एक ब्यावहारिक दृष्टिकोण का अपनाना अपेक्षित है। सलाहकार समिति में 9 सदस्य होंगे जो कि अधिकारी होंगे। मैं समझता हूँ कलकत्ता महानगर के मेयर को भी इसका मेम्बर होना चाहिए। साथ ही साथ

वहां के संसदसदस्यों को भी इसका मेम्बर बनाया जाना चाहिए ताकि जनता की शिकायतों और उनकी भावों को वहां पर रखा जा सके और उस के लिए वे वहां पर लड़ सकें। यदि अधिकारियों को ही इस में रखा जायगा, तो काम ठीक तरह से नहीं होगा और जिस तरह की परम्परा अभी तक रही है, उसके अनुसार उचित न्याय मिलने की सम्भावना नहीं है।

जहां तक खर्च के प्रावधान का सम्बन्ध है—इस में 2 अरब 50 करोड़ रुपये के खर्च का प्रावधान है। भारत दुनिया के नकशों में एक पिछड़ा हुआ देश है, ऐसी स्थिति में इतना रुपया इस काम पर खर्च करना कुछ उचित नहीं लगता है। आज देश में बहुत से ऐसे पिछड़े इलाके हैं, जहां की जनता ने अभी तक रेल नहीं देखी है। मैं बिहार का ही एक उदाहरण देता हूँ—गिरीडीह से जमुआ होते हुए कोडरमा तथा कोडरमा से हजारी बाग। यह ऐसा क्षेत्र है जहां पर कोई रेल-लाइन नहीं है, बल्कि यह कमिश्नरी का हैड-क्वार्टर है। यहां के लोग ब्रेजूएट हो जाते हैं, लेकिन रेल नहीं देख पाते हैं। इस क्षेत्र में रेल लाइन डालने के लिये पिछले 10 वर्षों से प्रयास चल रहा है, उस क्षेत्र की प्राथमिक स्थिति बहुत खराब है—ऐसे क्षेत्र में रेल लाइन डालने के बजाय गहरों के ऊपर ज्यादा रुपया व्यय होता है। इस गरीब देश के गांवों में जहां रेल की व्यवस्था नहीं है, यातायात के साधन और सुविधा नहीं है—उस क्षेत्र में ये सुविधाएँ पहुँचाने पर विचार नहीं किया जाता, बल्कि बड़े-बड़े गहरों में ग्रण्डर-माउण्ड रेल डालने के बारे में विचार होता है। आप के ये कार्य देश की प्रगति के सूचक नहीं हैं। जिस देश की 72 प्रतिशत जनता गरीबी की रेखा के नीचे गुजर कर रही है, जहां गांवों में सड़कों की व्यवस्था नहीं है, दो-तीन हजार की

बस्ती में बलवाड़ी तक ले जाने की व्यवस्था नहीं है—उन की तरफ ध्यान न दे कर, बड़े-बड़े शहरों की तरफ ध्यान दिया जा रहा है, जहाँ पर पहले ही तमाम सुविधायें उपलब्ध हैं, वहाँ जहाँ-जहाँ के मार्ग हैं, सड़कें हैं, हर तरह के यातायात की व्यवस्था है। इन नगरों के लिये यदि आप को कुछ और ज्यादा बनाना था तो आप जापान की तरह की व्यवस्था कर सकते थे। जापान में दो-तीन तल्ले की रोड की व्यवस्था है, दूर जाने वाली गाड़ियों के लिये अलग व्यवस्था है और नजदीक जानेवाली गाड़ियों के लिये अलग व्यवस्था है—इस तरह की व्यवस्था यहाँ पर भी कम खर्च में की जा सकती थी। लेकिन यहाँ तो आप अण्डर-ग्राउंड रेल बनाने की योजना बना रहे हैं, जिस की अभी इस देश में जरूरत नहीं थी। आप को यह चाहिये था कि पहले आप गाँवों की स्थिति को सुधारते, उस के बाद इस तरह की योजना पर विचार करते।

इस लिये मैं मंत्री महोदय से निवेदन करना चाहता हूँ कि जो पिछड़े इलाके हैं, जहाँ अभी तक रेलों की व्यवस्था नहीं है, वहाँ पर पहले यह व्यवस्था होनी चाहिये। एक और बात भी विचार करने योग्य है—यह ठीक है कि आप की यह योजना इस समय ढाई अरब रुपये की है, लेकिन जब तक यह योजना पूरी होगी, यह पाँच अरब रुपये की हो जायगी, क्योंकि मंहगाई के बढ़ने से हर वर्ष योजना का प्राक्कलन रिबाइज होता रहता है। मेरा यह निवेदन है कि इसके पूरा करने में थोड़ी तत्परता बरती जानी चाहिये, जिस से कि यह काम जल्दी पूरा हो और हर बार मंहगाई बढ़ने के साथ साथ उसकी कास्ट बढ़ती न चली जाय।

मैं उम्मीद करता हूँ—मंत्री जी मेरे सुझावों पर ध्यान देंगे और इस सदन को उचित प्रावधान देंगे।

**SHRI B. C. KAMBLE** (Bombay South-Central): While I heartily welcome the main provision of the Bill, I would like to raise a few important questions with regard to the policy of this Government about compensation. It has been said in this Bill that the Land Acquisition Act will not be applicable. Now a straight question that I would like to ask the hon. Minister is whether Articles 31 and 31A are going to be applicable?

The salutary provisions which are made under Articles 31 and 31A appear to have been given a go by so far as the provision in this Bill is concerned. It appears that the policy of this Government appears to be drifting towards giving compensation by market value system. Is this Government going to adopt a policy as embodied in Articles 31 & 31A, that is to say to enunciate the principles of compensation and whether such compensation should be given either in cash or may not be given in cash? I want to know whether this principle will be followed or not and whether the Government is going to follow the principle of giving market value in terms of compensation.

**PROF. MADHU DANDAVATE:** Are you referring to the Articles of the Constitution?

**SHRI B. C. KAMBLE:** Yes. There is the provision which is made in the Bill for giving compensation as per market value. So far as Articles 31 and 31A are concerned, I would have raised a point of order, but I did not do it for the simple reason that the Minister has taken it for granted that the proposed 48th Constitution Amendment Bill is likely to be passed and he presumed that in that case Art. 31 will go. Therefore, I have serious objection to the principle of giving compensation in terms of the market value. When you give compensation my suggestion is this. Whatever compensation ultimately the Government may give, let the Government classify

[Shri B. C. Kamble]

the landowners, big and small. If you do not classify then you will be giving the same compensation to every landowner whether he is a small hutment dweller or a big landlord in the cities. Therefore my suggestion is that there should be a graded system of compensation. Let there be no flat rate of compensation at all. The hutment dweller and the small landlord should get more as compared to the big landlords who are owners of big buildings and so on. This is my suggestion. This is not a new thing, Sir. So far as this idea of graded compensation is concerned, the Bengal Government already appointed a commission called the Floud Commission during the British regime. That Commission had recommended graded compensation. Our hon. Minister is a Socialist Minister. If the British Government could implement the graded system of compensation, the present Government, with socialist outlook, should be able to do it more effectively. You should make suitable amendments in the Bill. This is my suggestion.

Then, my third suggestion is this. This is with regard to the disposal of surplus land. It is said that the land should be sold or disposed of according to the provisions of the Bill. The hon. Minister is a Socialist. He should see that the surplus land is neither sold nor disposed of as per the provisions of the Bill but that these lands should be utilised for rehabilitating either the hutment dwellers, slum dwellers or even the railway employees, in whatever method the Government may adopt in this regard.

Finally I wish to state that the Government should give out the broad details about the probable estimates of the amount of Rs. 250 crores. The House should know what is the likely expenditure on various items so far as this amount of Rs. 250 crores is concerned. If the Government wants to follow the same policy in regard to all

metropolitan cities, then, there should be a policy announcement by the Government as to how Government will deal with the remaining metropolitan cities, viz., Bombay, Delhi and Madras.

I hope the Minister will take into consideration all these suggestions which I have made. It is a general principle which is going to affect all future acquisition proceedings. If the principle of market value is accepted, then it will have serious repercussions and no property can be acquired by the Government even for good purposes. Therefore, I have made these suggestions and I hope the hon. Minister will consider them. With these words, I support the remaining provisions of the Bill.

डा० राजेशी सिंह (भागलपुर) :

कलकत्ता महानगर ही नहीं एक राष्ट्र के बराबर है। इसकी समस्याएं और आबादी दिन प्रति दिन बढ़ती जा रही है। 1961 में इसकी आबादी 63 लाख थी जो 1971 में बढ़ कर 83 लाख हो गई। जब तक यह मैट्रो लाइन पूरी होगी तब तक वहाँ की आबादी 1 करोड़ 23 लाख हो जाएगी। ऐसी स्थिति में कलकत्ता की यातायात की समस्या को हल करने के लिये कुछ व्यापक दृष्टि से विचार करना होगा। इस भूगर्भ रेलवे के विषय में 1969 से ही बातचीत चल रही थी। अब जनता सरकार को इसका यश मिलने वाला है, यह खुशी की बात है और यह एक शुभ सलण है।

इस में राष्ट्र की कितनी सम्पत्ति लगेगी इसका कुछ धाँकड़ा हमारे रीत लाल जी ने दिया है। उन्होंने बताया है कि ढाई अरब रुपये इसमें लग रहे हैं। उस में 36 हजार टन स्ट्रक्चरल स्टील लगेगा, 82 हजार टन माइल्ड राइज लगेगी, 28 हजार स्टील सिट्स 7 लाख क्यूबिक मीटर स्टोन चिप्स, 2 लाख 45 हजार क्यूबिक मीटर सैंड और 3 लाख 25 हजार टन सीमेंट, 12 हजार फास्ट फायरर लगेगा। कहने का मंशा केब तना ही है कि इसका

खर्च करके राष्ट्र के लिए हम क्या करने जा रहे हैं? प्रश्न प्रायोरिटोज का है। हमारे उद्योग मंत्री बैठे हुए हैं। उन्होंने जब कोका कोला को यहां से निर्वासित किया था तब उन्होंने कहा था कि क्या भारत में प्राथमिकता गांधी में पीने के पानी को देनी चाहिये या इस प्रकार के बल्गर जो आप बेल्थ को देनी चाहिये। मैं मानता हूँ कि कलकत्ता को यह समस्या हल होनी चाहिये। लेकिन आप यह भी देखें कि बंगाल के बहुत से गांधी में पक्को सड़कें तक नहीं हैं, बेल गाड़ियां उन पर चल नहीं सकती हैं। ऐसी स्थिति में वहां पर ढाई अरब रुपये इस चोज पर खर्च करना कहां तक न्यायसंगत होगा यह भी आपको सोचना होगा।

यह केवल गलत प्राथमिकता का ही प्रश्न नहीं है। यह साध्य ही नहीं है बल्कि प्रदूषण की दृष्टि से भी अगर हम देखें तो कलकत्ता में इतनी आबादी का इकट्ठा रहना और उसको इकट्ठा करना न केवल कलकत्ता के लिए बल्कि राष्ट्र के लिए भी ठीक नहीं है। इसका अर्थ यह नहीं है कि मैं कोई व्यवधान खड़ा करना चाहता हूँ। कल रेल मंत्री जी ने सायं कहा था कि उनका उन्साह भी अविध्य में मेट्रो रेलवे बनाने के लिए मन्द पड़ गया है और अब वह कोई और मेट्रो या अन्डर ग्राउंड रेलवे बनाने का बात नहीं करेंगे। इसलिये प्रश्न प्राथमिकता का है।

यहां तक इस विषयक का सम्बन्ध है मैं केवल दो तीन बातें कहना चाहता हूँ। आपने इसको मेट्रो रेलवे का नाम दिया है। हमारे सींगत राय जी ने ठीक ही कहा है कि भ्रूणभं रेलवे आप इसको नाम दे सकते थे। कोई और हिन्दुस्तानी नाम आप इसको दे सकते थे। आप इसको पाताल रेलवे या भ्रूणभं रेलवे कह सकते थे।

आप मेट्रो रेलवे के प्रशासन के लिए भी कुछ सोच रहे हैं। आज रेलवे का प्रशासन बड़ा भारी भरकम हो गया है। वह सम्भल नहीं पा रहा है। हमारे अपने इलाके में रेलवे में बहुत अस्त व्यस्तता है और कुछ पता नहीं चलता है। जनता सरकार ने आर्थिक विकेन्द्रीकरण की बात कही है। क्या मेट्रो रेलवे की एडमिनिस्ट्रेशन में आप नया प्रणाली आरम्भ नहीं कर सकते हैं? क्या आप एक आटोमोमस बोर्ड इसके लिए नहीं बना सकते हैं (अव्यवधान) यह बहुत अच्छी बात है कि रेल मंत्री जी कह रहे हैं कि आगे चल कर इसका आटोमोमस बोर्ड बनेगा...

प्रो० मधु बंबलते : ऐसा नहीं कहा। इंस्ट्रक्शन के बाद देखेंगे।

डा० रामजी सिंह : कम से कम आधा आस्वासन तो मिल ही गया है। मैं समझता हूँ कि इसको एक आटोमोमस बोर्ड के रूप में बनाया जाना चाहिये। और जो आपने 9 म्बेर इसके प्रशासन में रखे हैं, मैं यह नहीं कहता आप इसमें शामिल कर दें, लेकिन देखेंगे कि जो स्थानीय निर्वाचित प्रतिनिधि हैं चाहे संसद सदस्य हों, या विधान सभा सदस्य हों, या कुलपति हों, इंस्टीट्यूट आफ इंजीनियर्स के लोग हों, पब्लिक हेल्थ इंजीनियरिंग डिपार्टमेंट के और रेलवे के हों इनको तो रखें ही, साथ ही साथ उपभोक्ताओं के प्रतिनिधि को भी आप रखेंगे।

इसके सम्बन्ध में बड़ी बड़ी आपोचनार्थें हैं। कहा जाता है कि मेट्रो रेलवे is a blackhole of Calcutta; underground garbage-bin-cum-urinal or hide-out for anti-social elements.

और इन चोजों पर अभी से ध्यान नहीं देंगे तो नतीजा यह होगा, क्या करेंगे मुझे कलकत्ता निवासी, वहां कावाजी जी हैं इसलिये

[श्री० रामजी सिंह]

आवर है हमें, लेकिन सचमुच यह एक लाईस  
क्वॉइड सिटी कहलाता है और वहाँ पर  
इतनी भीड़ है कि वहाँ अगर मरू से इसकी  
सावधानी नहीं की जायगी तो राष्ट्र का  
इतना ज्यादा धन कहीं बरबाद न हो  
जाय। इमीलिये इसको जब तक श्रुस्त  
प्रशासन के अन्दर नहीं रख जायगा तब तक  
यह मुश्किल से सम्भल पायेगा।

जिन लोगों की सम्पत्ति जायगी उनको  
क्षतिपूर्ति देने का सबाल है तो हमको समाज-  
वादी प्रगतिशील माण्ड के अनुसार देनी  
चाहिये। यानी जिनके छोटे मकान हैं  
उनको क्षतिपूर्ति की रकम अधिक दे और  
अगर धनासेठों का जाती है तो जैसे सम्पत्ति  
का अधिकार हममें एवाप्त ही कर देते  
हैं, उनको क्षतिपूर्ति देने में उदारता न  
दिखाई जाय।

इन शब्दों के साथ मैं इस विधेयक  
का स्वागत करता हूँ कि धारो से इस प्रकार  
राष्ट्र का अर्थव्यवस्था दूसरी जगह मैट्रो रेल  
बनाने में न किया जाय।

**SHRI SAUGATA ROY** (Barrack-  
pore): Sir, I rise as a Calcuttan to wel-  
come this Bill which is a natural corollary  
of the progress that the metro rail has  
already made. The Metropolitan  
Transport Project after having com-  
pleted its work in the Maidan area  
will now have to work in the inhabited  
areas and it is for this purpose that a  
Bill of this sort has become necessary.

Sir, I am sorry that some lawyer  
friends in this House who do not  
understand the full implications of the  
Bill and the necessity of having such  
a Bill have raised some legal objec-  
tions. God save the country from  
such lawyers? The metro railway is  
not going to take away anybody's  
property. It would only dig under the  
property and for that purpose it is

asking for easement rights and it is not  
for taking away or acquiring property.

Mr. Deputy Speaker, Sir, I shall  
speak about the specific provisions of  
the Bill when I speak on the amend-  
ments moved by me. Though the  
Minister does not like it, I shall make  
my speech a general one in defence of  
the tube railway because it has been  
seen in the last one year....

**PROF. MADHU DANDAVATE:** May  
I make a suggestion? Those hon'ble  
Members who have given the amend-  
ments even if they can briefly mention  
in defence of their amendments at this  
stage it would be better so that at a  
later stage they may technically mo-  
their amendments.

**MR. DEPUTY-SPEAKER:** You can  
speak on the amendments also.

**SHRI SAUGATA ROY:** Sir, the  
metro rail has been talked about for  
the last one year from a certain section  
of the people in this country, particu-  
larly the strong ruralist lobby in  
Janata Party who thought that  
spending of so much money on under-  
ground project will be an utter waste  
and this money could be used better  
for the purpose of developing agricul-  
ture in this country. Let me tell this  
House, through you, that the metro  
rail has become a dire necessity for  
the city of Calcutta which will die  
without such a project. The metro  
rail project was mooted in 1949 and  
almost for 20 years it remained dor-  
mant and nothing was done about it  
and now I am very glad that Mr.  
Dandavate is the first Railway Minis-  
ter who has come forward with specifi-  
c construction work for the metro  
railways. In 1974-75, this metro rail  
construction work was started but  
sufficient funds were not available at  
that time and much progress could not  
be made. Now, Rs. 115 crores have  
been allocated for the metro rail pro-  
ject in the present plan and I hope  
that all this money can be spent and  
sufficient progress can be achieved.

But, Sir, there are certain problems regarding metro rail which needs to be mentioned here. This is with regard to different technical aspects. No. 1 is with regard to tunnelling which will have to be done from Sham Bazar to Chitpur Yard Section. For this tunnelling construction work, Russian tunnelling sheets had to be imported. I do not know whether there is some problem about getting these sheets. I hope this will be cleared very soon.

No. 2 is that I hear that there has been some dilly-dallying on the part of the Government in sanctioning air-conditioning system for this tube railway. All I can say is that a city like Calcutta has a very high humidity and especially during July-August, humidity will go up to 100 per cent. Without air-conditioning, the metro railway system cannot operate. In trying to save money, if air-conditioning is not undertaken now, this will ultimately lead to further cost, because ultimately this will have to be air-conditioned. Another point is that the proto-type coaches are due for trial run in 1981. I think there has been a delay in the placement of orders with the ICF. Originally the proto-type coaches were not manufactured by the ICF. But now the ICF has been entrusted with this job. I hope this will be done very fast. Now, there has been a substantial import substitution for this project, especially the automatic rail protection device which has been discovered by the Electronics Corporation of India Limited. That is a new thing. But may I say at this stage that now for this metro rail project once we have spent Rs. 35 crores, there cannot be any going back. As far as metro railways are concerned, we are hundred years behind compared to other countries. In London tunnelling for metro railway started in 1884. The Soviet Union has got tube rail even in small towns like Baku and Tashkent. They have got their own tube railways. In Leningrad and Moscow they had tubes earlier. In India this is the first tube

railway that we are going to have. Except Japan where over-head rail transport has developed to a great extent, all major cities of the world have got underground rail system. This system is the only means of mass communication. More so in Calcutta because in Calcutta the percentage of road area is very small. In Calcutta, the road area is 6 per cent compared to 12 per cent in Delhi and 15 per cent in Bombay. So, Calcutta road traffic after five years will not be able to hold any traffic and added to that there is atmospheric pollution of the diesel buses. The diesel buses run every day and they produce noxious gas.

It is only with an electrically operated system that this problem of both atmospheric pollution and conservation of our poor resources can really be resolved.

Now, the main problem is with regard to the digging work in Chittaranjan Avenue area. I have already made a reference to this effect in Parliament. The State Government is taking a plea that unless diversion route or a circular railway was sanctioned, work in the Chittaranjan Avenue area cannot be taken up.

I think this will be suicidal as you will not be able to spend the sanctioned amount of Rs. 115 crores. For diversion from Chittaranjan avenue, the CMDA had already widened the Strand road, for that purpose the Strand road should be immediately opened to traffic and the work in Chittaranjan Avenue should be started without any delay by the end of this year, so that by 1981 digging work in all these parts will be taken up. There is also misapprehension among the people and it is being deliberately spread by lawyers who may be eager to take injunction proceedings that the metro railway will harm buildings on both sides. It has been proved by seismic studies that when diaphragm wall is built there is no danger to buildings on both sides of the road even when you do digging, tunnelling

[Shri Saugata Roy]

work. For once the long drawn acquisition proceedings are cut short. In our country unfortunately whenever public utility services come up there had been a spate of injunctions and the courts have indulged in obstructive tactics. I am glad that Mr. Dandavate has chosen to cut short this red tape and delaying procedures through this Bill with which easement rights can be acquired easily.

I shall refer to my amendments. Firstly, I say that the name of the metro railway should be Bhoogarbh railway because metro railway is already the name in New York, Paris and Moscow in our country we should have our own name Bhoogarbh railway.

PROF. MADHU DANDAVATE: There might be miscarriage.

SHRI SAUGATA ROY: I do not doubt that but mothers have to take that risk. Why not then Mr. Dandavate whose baby this is? This Bill also talks about setting up an advisory board. I have suggested some members so that it has really a representative character. Of course the Minister may or may not accept. I feel that the people's representatives in the city must be adequately represented on the advisory board. About the compensation question I am not concerned whether big land lords get compensation or not, because we have not been able to bring in a ceiling on urban property and if in the pretext of metropolitan railway some urban properties of big land lords can be taken away it will be good for the city. I am concerned with smaller people who have got a small house in the city. When you are going to compensate them, their compensation should be made at market value. That is why I made the suggestion in respect of persons whose property is acquired and whose worth is below Rs. 6000 per annum. That is only for the purpose of smaller people. The bigger people who have big houses

will claim damages and will go to the arbitrator or court and you give an amount. This is for the good of the people of Calcutta I am happy that now at least the tube railway has reached a point from which there is no return. 1985 is supposed to be the scheduled date when it is to be opened. The Minister has laid the foundation for the future. From Dum Dum to Tollygunge is only one section of the railway, north-south section. Plans for the east-west section linking Howrah-Sealdah, two major railway terminals should also be taken up because, unless both sections, north-south and east-west, are taken up, the whole gamut of Calcutta traffic with its problem of increasing population—it will go up to 123 lakhs in 1986—could not be met. I am very happy that the Minister has been taking a lot of interest in this matter. Formerly, we had a Railway Minister Mr. Kamalapati Tripathi who used to get all his work done by his Minister of State, Shri Shafi Qureshi. Now we have a Railway Minister, Shri Madhu Dandavate, who does all the work himself and gives nothing to Shri Sheo Narain.. (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): I have given the best engineer.

AN HON. MEMBER: We want something to be given to you.

SHRI SAUGATA ROY: I support this Bill for acceptance and in conclusion, I would like to mention to the House a wonderful advertisement which the Metropolitan Transport Project has brought forward. It is stated in that: "We want to add that wing to the Calcutta whose name is speed." Let this Project bring speed to Calcutta.

MR. DEPUTY SPEAKER: We have already exhausted the time allotted for this Bill. I am allowing five minutes, each to Shri Durga Chand and Shri Balbir Singh.



श्री सुर्गा खंब (कांगड़ा) : उपाध्यक्ष महोदय, यह जो मेट्रो रेलवेज बिल है जिस पर यह बहस हो रही है, जहां तक इस कानून का ताल्लुक है मैं तो समझता हूं कि कांग्रेस के राज में 1949 से यह बात शुरू हुई थी और आज हमारे साथी जहां हमारे रेलवे मंत्री को इस के लिए मुबारकबाद और बधाई दे रहे हैं वहां साथ साथ यह भी कह रहे हैं कि जनता पार्टी में ऐसे भी लोग हैं जो इस तरीके से इतना पैसा खर्च करने का विरोध कर रहे हैं। लेकिन मैं समझता हूं कि यह एक ऐसा सबूत है हमारी पार्टी की तरफ से और हमारी सरकार की तरफ से कि जो काम तीस साल से पड़े हुए थे, उन को हम ने उठाया है और उन को पूरा करने की कोशिश की जा रही है। इस में कोई शक नहीं कि इस मेट्रो रेलवे के कांस्ट्रक्शन पर 250 करोड़ रुपये लगेंगे, इतना भारी खर्चा इस में है जब कि हमारे देश में और बड़ी बड़ी प्रोब्लम्स हैं जिन को हल करने की जरूरत है, लेकिन मैं समझता हूं कि कलकत्ता जैसे शहर, जिस में कि आबादी का इतना कंजेशन है, कि यातायात की कठिनाई को दूर करने के लिए अगर कोई योजना बनी है तो वह ठीक है। लेकिन जाने वाले वक्त में बम्बई और दूसरे शहरों से भी ऐसी ही मांग की जायेगी।

रेल मंत्रालय में राज्य मंत्री (श्री शिव नारायण) : नहीं, अब नहीं मांग रहे हैं।

श्री सुर्गा खंब : इस बिल में दो तीन क्लॉजेज हैं जिन के बारे में हमारे साथियों ने चिन्त किया है :

"The Central Government may constitute an Advisory Board for every metro railway for the purpose of assisting or advising that Government on the formulation and co-ordination of plans for the development of metro railway...."

मैं मंत्री महोदय से यह निवेदन करूंगा कि इस ऐडवाइसरी बोर्ड में लोकल लोगों का रीप्रेजेंटेशन ठीक तरीके से होना चाहिए ताकि सरकार को वह ठीक तरीके से ऐडवाइज कर सके और प्राक्टिटर का इस में प्राविजन किया गया है जो कम्पेन्सेशन का असेसमेंट करेगा और दूसरे काम करेगा। तो मैं समझता हूं कि इस के एप्वाइंटमेंट में भी सरकार को और रेलवे मंत्री जी को ठीक तरह से ध्यान देना चाहिए ताकि ठीक आदमी इस में कायम किए जायें।

मैं इतना ही कहते हुए इस बिल का समर्थन करता हूं और मैं चाहूंगा कि यह मेट्रो रेलवे कलकत्ता शहर की भीड़भाड़ को दूर करने के लिए कायम हो जाय।

श्रीधरी बलबीर सिंह (होशियार पुर) : उपाध्यक्ष महोदय, यह 250 करोड़ रुपये का प्रोजेक्ट जब खत्म होगा तो 5 ली करोड़ से ऊपर चला जायेगा क्योंकि आम तौर पर जब भी कोई ऐसी चीज सरकार पेश करती है जिस में ढाई सौ करोड़ वाली बात होती है तो खत्म होने पर वह उस से कई गुना ज्यादा हो जाती है। सवाल यह है कि आज क्या हम इस काबिल हो गए हैं कि कलकत्ता शहर का यातायात ठीक करने के लिए ढाई सौ करोड़ रुपये खर्च करना शुरू कर दें या इस देश में जिन लोगों को पानी नहीं मिलता उन के लिए पानी का इंतजाम करें, जिन लोगों के लिए सड़क का कोई इंतजाम नहीं है उन के लिए सड़क का इंतजाम करे या जिन के लिए खाने का इंतजाम नहीं है उन के लिए खाने का इंतजाम करें? क्या इससे बड़ा प्रोजेक्ट और कोई दूसरा हम शुरू नहीं कर सकते? हमने अपने सेनिफेस्टो में वादा किया है कि हम हर हाथ को काम देंगे इसलिए हम कोई ऐसा प्रोजेक्ट शुरू करें जिससे कि हर हाथ को काम मिल सके। हमें प्राथमिकताओं के आधार पर काम करना चाहिए।

### [बीछरी बलबीर सिंह]

शहर में यातायात की बोड़ी सी समुचित हो जाये उसके लिए हम इतनी बड़ी रकम खर्च करने जा रहे हैं जबकि प्राय ही कम्पनन भावर में श्री चांद राम जी ने कहा था, अपने जवाब में, कि नेशनल हाई वे की सड़कों को ठीक करने के लिए पैसा नहीं है। अगर 250 करोड़ रुपया हिन्दुस्तान की तमाम नेशनल हाईवेज को ठीक करने के लिए खर्च किया जाये और उससे इस देश का यातायात ठीक हो जाये और तब इस देश में प्रगति होने के बाद हम जो कमाई करेंगे उससे कलकत्ता और दूसरे शहरों में भूमिगत रेल बना देंगे। इस दृष्टि इस पर गौर करने की जरूरत है। अगर प्राय से दस साल पहले कांग्रेस सरकार ने एक काम शुरू कर दिया था और जनता पार्टी विरासत में उस काम को जारी रखे—यह कोई सड़ी बात नहीं होगी। जनता पार्टी की सरकार को ऐसी बातें करनी चाहिए और ऐसे काम करने चाहिए जिससे इस देश के करोड़ों लोगों को सुविधा मिल सके।

अगर यह रेल बननी ही है तो इस के बारे में मैं कुछ बातें कहना चाहूंगा। कम्पेंसेशन के बारे में कहा गया है कि प्रायटी अभीनर को 90 परसेंट मिलेगा और जो उस अभीनर पर बैठा हुआ है उस को केवल 10 परसेंट ही मिलेगा। एक भावमी जो प्रायटी का मालिक है वह तो सौ रुपया या पांच सौ रुपया लेता है हर महीने, जोकि स्लीपिंग पार्टनर है उस को तो 90 परसेंट कम्पेंसेशन मिलेगा लेकिन जो उस अभीनर पर बैठ कर काम करने वाला है, जिसकी कि वहां दूकान है या कोई कारोबार है उसको सिर्फ 10 परसेंट ही मिलेगा—यह कहाँ का समाजवाद है? समाजवाद को इस परिभाषा को हमें बदलना होगा और हमें देखना होगा कि वहां पर बैठ कर जो रोजी कमा रहा है उसको भी उस के मुताबिक पैसा मिल सके और जो उस को हम बेरीजगार कर रहे हैं

वह बाद में रोजगार का साधन बना सके। इसलिए 90 परसेंट और 10 परसेंट का जो प्राविजन रखा गया है उसको हमें बदलना चाहिए।

इसके अलावा हमें कम्पेंसेशन की कोई हद भी मुकर्रर करनी चाहिए कि किस हद तक कम्पेंसेशन दिया जायेगा। एक तरफ तो बड़ा शोर मचता है, प्राय पांचाब में साढ़े 17 एकड़ की एग््रीकल्चरल लैंड की सीलिंग है, कुछ और प्रदेशों में उस से भी कम सीलिंग होगी, कहा जाता है कि इससे ऊपर जो भी लैंड हो वह बगैर कम्पेंसेशन के ले ली जाये, इसी तरह से शहरों के लिये भी हमें कोई हद मुकर्रर करनी होगी कि इस हद के बाद कोई कम्पेंसेशन नहीं दिया जायेगा। इस के साथ ही इस बात को भी लाजमी तौर पर देखना होगा कि जो छोटे मालिक हैं, जो छोटे काम करने वाले हैं, जिन के हाथ से काम चला जायेगा उन को ज्यादा मुभाविजा दिया जाये और जो स्लीपिंग पार्टनर हैं, जो लैण्ड-लाई हैं, जिनका वहां कोई काम नहीं है उन के लिए हद मुकर्रर की जाये कि इससे ज्यादा कम्पेंसेशन उनको नहीं दिया जायेगा।

इसके अलावा एक बात यह है कि जो सरप्लस अभीनर होगी उसको गवर्नमेंट डिस्पोज भाफ करेगी तो इसके लिए एक हद मुकर्रर करनी चाहिए कि इतने हद तक जिनकी अभीनर ली गई है, अगर बाद में अभीनर सरप्लस होती है तो उन्हीं को वापिस दी जायेगी। इस बारे में कमिश्नर या कांफिडेंट अफाईटी, किसी को भी अधिकार नहीं होना चाहिए कि प्राविट्रेरी तौर पर फैसला कर सके कि वह अभीनर किसको दी जाये या इसको नीलाम कर बिचा जाये। यह फैसला होना चाहिए कि वह भावमी जो हद के अन्दर है, जिनकी जामखद बोड़ी है उन्हीं को सरप्लस होने पर वह अभीनर मिलनी चाहिए।

एक सुझाव है यह देना चाहता हूँ कि जो कर्नाट जमीन है, बचाव इस के उद्देश को देखें यह नीतिगत कर है, उस को इस्तेमाल में लाया जाना चाहिये। प्रायः बड़े-बड़े शहरों में—यह बड़े शहरों का बात है—हिन्दुस्तान को आबादी के लिये साथ-साथ ही जगहों लोभ बड़-बड़े शहरों में, कलकत्ता जैसे शहरों में भी, पटरियों पर बुले प्रवाधान के लिये लेटत हैं। इस लिये मैं चाहता हूँ कि उस जमीन को हिस्सीब भाग करने के बचाव उस पर छोटे-छोटे मकान बनाये जायें ताकि उन लोगों को स्थिर छपाने के लिये जगह मिल सके।

प्रायः जो बिजल यहाँ लाये हैं—यह पास तो होया ही, लेकिन प्रायः के लिये प्रायः इस तरह की योजनाओं को न चलायें। जगह जमीन हमारे पास दीलत भा जगहों, हिन्दुस्तान जमीन हो भायेगा, उस बात इस तरह की ऐयाशी हम कर सकते हैं, उन वक्त हम बड़े शहरों के यातायात को ठीक करने के लिये 250 या 500 करोड़ रुपया खर्च कर सकेंगे। लेकिन जब तक इन देश के लोगों को यह सरकार रोटी, कपड़ा और मकान नहीं दे सकती, तब तक इन तरह के ऐयाशी के कामों को बन्द कर के रोटी, कपड़ा और मकान के लिये प्राथमिकता दी जाये।

मैं उम्मीद करता हूँ—मन्त्री महोदय, इन सुझावों पर ध्यान करेंगे—जिन लोगों को कम्पेन्सेशन मिलना है, उन के लिये हद मुकरिर करेंगे, जिन को वहाँ से उखाड़ जा रहा है, अगर वह जमीन कालत साबित होती है तो वह उन को फिर से वापस मिल जायगी। समाजवादी विचार-धारा के श्रोग जनता पार्टी से भूह उम्मीद करत हैं कि वह समाजवाद की धारा को बढ़ायेगी, उस के प्रवाह को चलायेगी, ताकि इस देश के शरीर लोग कुछ राहत को प्राप्त ले सकें।

PROF. MADHU DANDAVATE: Mr. Deputy Speaker, I am very happy that from all sections of the House there has been unanimous support to this Bill.

AN HON. MEMBER: Except Mr. Balbir Singh.

PROF. MADHU DANDAVATE: No, no. All have supported it. My arithmetic is not bad.

Let me make it explicitly clear that this is purely an enabling Bill which is trying to overcome certain legal difficulties that are likely to come up in executing the project that is already there, and if such projects are there elsewhere also, we anticipated the same difficulties and that is why this enabling Bill is there.

Because the provisions of the Bill are very much non-controversial many hon. Members utilised this opportunity to project their views about metro system and the difficulties about the underground works in Calcutta. They also brought in financial aspects. But they are all extraneous to the main Bill.

Sir, I may be permitted to narrate a very interesting experience of mine. In my college days there was a student and during the 1942 movement, in the college whenever he was asked to answer any question, he used to bring in the words 'national revolution', Mahatma Gandhi and all such things. Once the Professor of English said: "How is it that in History paper, Administration paper and every other paper you bring in the name of national revolution?" That lady Professor once asked the student to write an essay on cow and that student started the essay stating that cow gives us milk but we want revolution, and he wrote an essay on revolution. That is how we got the 'revolution' into the picture. I must admit that the same thing has happened in this

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debate. A number of hon. Members—I do not blame them and in respect of the last among them, Mr. Balbir Singh, I respect his views and for what he has said. He is quite right and I am hundred per cent one with him that we do not want a repetition of such projects in the country. In that case, the rural development will suffer. We cannot afford to undertake such heavy capital intensive schemes at all and therefore, we have time to concentrate on a project which has already begun. If we limited to half way, there will be more loss. And, therefore, we must have to expedite the implementation of the scheme; and whatever difficulties we have envisaged, we are trying to put them forward through the Bill. We are told that the procedure that is there in the usual Land Acquisition Act would be quite all right. But it has been our experience, and particularly the pleasant experience of lawyers, that whenever legal proceedings proceed under the Land Acquisition Act, it takes a lot of time. Unnecessarily the work is hampered. That is why we are trying to simplify the procedure. The aspect which is basically involved is not so much of acquisition of land. No doubt some aspect of acquisition of land is there. But the more important aspect is the acquisition of the user's rights.

10.00 hrs.

I have made this clear in my introductory remark. Very often there is a surface on which certain constructions are already there and we want to have an underground tunnel. In that case, we feel that those rights below the surface of the land, are to be utilized. Under the present law, whenever somebody owns a piece of land, as I said, right from the Hell to the Heaven he has the ownership of that land. Therefore, we want that the user's rights should be available to us. And as a result, we have made certain provisions.

A lot of talk about 'compensation' was there. But many of my friends have forgotten—and at least those who have a progressive bent of mind must remember—that in the 5th Lok Sabha, many of us insisted that there must be an amendment of the Constitution, so that the right of property does not become an impediment in the path of socio-economic transformation of the country. And therefore, I was one among those in the 5th Lok Sabha, long prior to the Emergency, who supported a bill in which the word 'compensation' was dropped, and in its place the word 'amount' was introduced. It was the 25th Amendment. We felt that unless the clause of compensation was removed, it was likely to be interpreted in a particular way. And if the word 'compensation' is used, the direct meaning of that word is the just equivalent of the property acquired; and then the question of market value will come into the picture. We cannot afford to give the market value every time. For instance, when some schemes for the poor people in the country are to be undertaken, we cannot afford to acquire land at market value. And, therefore, deliberately the 5th Lok Sabha changed the old constitutional provisions, and the word 'compensation' was dropped. I was one among those who actively supported it. Now by back-door the Janata Party does not want to introduce the concept of 'compensation' at all, because that will come in the way of socio-economic reform for the poor people. Therefore, whatever provisions have been mentioned here, will be scrupulously gone through.

There has been a reference to the Competent Authority, Advisory Board and the Arbitrator. We have made it explicitly clear what exactly our definition of Competent Authority is; and what exactly we mean by Advisory Board, and by Arbitrator. The functions of these 3 authorities are altogether different. Competent Authority will be appointed by Gov-

ernment. And once it has been declared in the Gazette that the particular use of a particular land is to be made by the Government, i.e. made over to the Railways for a specific purpose, the objections sent by people can be scrutinised. If there is some dispute about the amount to be paid, the matter can go to the Arbitrator. As far as the Advisory Board is concerned, it is a body that is supposed to plan and coordinate the activities of the Metro Railways. And, therefore, though with the best of intentions a number of suggestions have been made viz. that the members of the local authorities—the Mayor of the Corporation and all of them—can be associated, those suggestions will be extraneous to the manner in which we want the Advisory Board to function. Therefore, we have kept a particular composition.

Here, a reference was made that we should be able to have the usual provisions of the Land Acquisition Act. But I must point out that if we try to go through the usual procedures, there are likely to be delays. For instance, my friend Shri Parulekar has raised a very significant question.

There is already provision for acquisition and demolition. Clause 21(1) (a) provides for demolition of buildings for the safety of Metro Railways. For that compensation is paid under clause 22. So, there are going to be many possibilities. In some cases, work would be going on below a particular surface and for that we would be using certain rights, which are not there with us by law now. In some cases, if we feel that from the point of view of safety, some people have to be moved to alternative place for a certain duration only and they are to be brought back after the work is over I want to assure the House that according to the Bill, whether rich or poor, whoever is shifted temporarily on grounds of safety, alternative accommodation will be provided by us and

they will not be responsible for having that particular arrangement. That I am making explicitly clear.

As far as other rights are concerned, like how much is the amount, it is better that we should leave them to the arbitrator. Suppose whatever has been decided by the competent authority is not acceptable, in that case, the matter can go to the arbitrator. We have also fixed the time limit. At the initial stage, it is 21 days and it is over, when it comes to the arbitrator. Even under the Arbitration Act the limit is four months. In that case, the entire thing can be expedited very easily and there will be no difficulty at all. That is the reason why all the formulations have been made in a particular manner.

The hon. Member, Shri Poojary, who initiated the debate, started with the rehabilitation of displaced persons. I have made that point explicitly clear. As far as the other parts of his speech are concerned, they are extraneous to the debate and I will not refer to them. For instance, he referred to the World Bank, from where we are going to get money. There is no question of participation from the World Bank, as far as this project is concerned. Anyway, that is extraneous to this particular question.

16.08 hrs.

[SHRI DHIRENDRANATH BASU in the Chair].

As far as my friend, Shri Parulekar, is concerned, I have already clarified that point. I can give a solemn assurance that there is no tendency on the part of the legislative bodies in the country to intrude into the arena of the court's authority and thereby make an encroachment on the court's authority. He said that during the Emergency we have found out what are the disastrous consequences. I can assure the hon. Member that only you cannot go to the

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lower courts but, as far as the inherent right of writ is concerned, it cannot be taken away at all, and so long as the Janata Party continues to be in power, that right will always remain inviolable. I can give that solemn assurance. But, as far as the other proceedings are concerned, they will unnecessarily delay the procedures. That is the reason why we have said that these matters should not be made justiciable, as far as lower courts are concerned. Otherwise, there would be more and more delay, as far as the execution of the project is concerned. I have already replied to his other points.

Our friend, Shri Basu, raised a number of points. They have nothing to do with the Bill.

AN HON. MEMBER: He is in the Chair now.

PROF. MADHU DANDAVATE: I am sorry. I did not notice that you are in the Chair. After all, I am a Professor and a professor is absent-minded. So, I forgot you are in the Chair. Sir, when you are in the Chair, I cannot say that you made irrelevant references. So, I must try to find relevance even in your irrelevant references. While sitting in that Chair, you would not be irrelevant, but while sitting on the other side, you may make certain remarks with the best intention of finding out what are the facts and figures.

Sir, you wanted to know what is the extent of this particular scheme. It is 18.3 k.m. You also wanted to know how much of it is private property. I am happy to say that it is only 3 k.m. which is private property. As far as the rest of the property is concerned, you need not be worried at all that a lot of complications would be created.

I can assure the House that this particular scheme will be expedited.

The various provisions we have already placed before you, without hiding anything. Whenever we have referred to any particular authority, competent authority, Board or arbitrator, we have specifically defined what exactly is meant by that, what exactly is the scope of the jurisdiction etc. Everything has been mentioned.

श्री जयन्त बसे : कोर्ट को जरूरत-  
डिक्शन के बारे में बही तो बताया गया है ।

PROF. MADHU DANDAVATE: Therefore, as I told you, as far as courts are concerned, the jurisdiction is not completely ruled out. The only thing is that we do not want all these matters to go to the lower courts and thereby create obstacles in the path of execution. That is the reason why we have brought provisions to that effect.

I thought that this Bill would be disposed of within half an hour or one hour. That was my confidence, but I found that because Members wanted to express their grievances on this issue, they went off the track. Anyway, I am very happy that that also helped me.

SHRI SAUGATA ROY: On a point of order. Is there any rule that when we are speaking on a Bill, we should not speak on the general principles of the Bill and we have to stick only to the provisions of the Bill?

PROF. MADHU DANDAVATE: I do not want to hurt the hon. Member, but let me say that the financial outlays of the Metro scheme are not at all connected with this enabling Bill which is purely of a legal nature. If I were in your place, in order to focus the attention of the country on the scheme, I would have done the same thing, but because I am a Minister, I cannot do it, but I can point out to you that it is extraneous to the actual content of the Bill.

I am very happy that unanimously all the sections of the House have supported the Bill. Some amendments are there. Those who wanted the Bill to be circulated to elicit public opinion have withdrawn their amendments by withdrawing themselves from the House. Therefore, those amendments have not come up. As far as the other amendments are concerned, I respect their spirit. I can assure Dr. Ramji Singh and others that some of the points that they have made regarding the conduct of the Metro Railways, once they are constructed, can be part of another Bill to be brought before the House. As far as this Bill is concerned, it is mainly concerned with acquisition proceedings and, therefore, let it remain restricted to that. Therefore, I would humbly request all the Members of the House who have tabled amendments to withdraw them, as they are not of a basic nature, and allow the Bill to be passed unanimously.

**MR. CHAIRMAN:** The question is:

"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."

*The motion was adopted.*

**MR. CHAIRMAN:** Clause 2. Shri Anant Dave.

**SHRI ANANT DAVE (Kutch):** Not moving.

**MR. CHAIRMAN:** The question is:

"That Clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**MR. CHAIRMAN:** The question is:

"That Clause 3 stand part of the Bill."

*The motion was adopted.*

*Clause 3 was added to the Bill.*

**MR. CHAIRMAN:** Clause 4. Shri Saugata Roy.

**SHRI SAUGATA ROY:** Not moving.

**MR. CHAIRMAN:** The question is:

"That Clauses 4 to 6 stand part of the Bill."

*The motion was adopted.*

*Clauses 4 to 6 were added to the Bill.*

**MR. CHAIRMAN:** The question is:

"That clause 7 stand part of the Bill."

*The motion was adopted.*

*Clause 7 was added to the Bill.*

*Clauses 8 to 38 were added to the Bill.*

**MR. CHAIRMAN:** Now clause 39 Mr. Parulekar, are you moving your amendment?

**SHRI BAPUSAHEB PARULEKAR (Ratnagiri):** Sir, though I am not moving my amendment, I want to make the position very clear. Now, you have mentioned in this clause that no suit or application for injunction shall lie in any court against the Central Government or the metro railway administration or any officer in respect of any work done by it. Suppose, tomorrow, somebody comes and starts digging in my land, I shall be debarred from going to the court under the provisions of this Act. Therefore, I request you to kindly consider this amendment. It will make the position very clear if you add these words which I have mentioned in my amendment.

**PROF. MADHU DANDAVATE:** Let me clarify this that it is only in pursuance of this Act.

MR. CHAIRMAN: The question is:

"That clause 39 stand part of the Bill."

*The motion was adopted.*

*Clause 39 was added to the Bill.*

*Clauses 40 to 45 were added to the Bill.*

MR. CHAIRMAN: Now, I take up the Schedule, the Clause 1, the Enacting Formula and the Title together.

SHRI SAUGATA ROY: I have an amendment to Clause 1. I only wanted to change the name of the Bill from "Metro" to "Bhugarbha". When I suggested that, the Minister said that there is a danger of miscarriage. I think, an Indian name would be more suited to Indian conditions.

PROF. MADHU DANDAVATE: I said it in a lighter mood. The fact is that this Bill concerns the project which will be principally underground but a part of the project, in some cases, can also be overground. We cannot call it partly "Bhugarbha" and partly overground. Therefore, it is better let it remain as it is.

MR. CHAIRMAN: The question is:

"That the Schedule, Clause 1, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

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

PROF. MADHU DANDAVATE: I move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

10.52 hrs.

### INDIAN EXPLOSIVES (AMENDMENT) BILL

MR. CHAIRMAN: The House will now take up the consideration of the Indian Explosives (Amendment) Bill. Shri George Fernandes.

THE MINISTER OF INDUSTRY (SHRI GEORGE FERNANDES): Mr. Chairman, Sir. I move:

"That the Bill further to amend the Indian Explosive Act, 1884, be taken into consideration."

This is an amending Bill which is of a technical nature. The amendments that are sought to be moved to the Indian Explosives Act of 1884 are based on the recommendations of a committee that was appointed in September, 1966 to study the working of the Indian Explosives Act and the rules framed under it. The committee was expected to submit its report in three months' time. It was a departmental committee, multi-disciplinary, and was expected to submit its report in three months. It took a year and three months to finally submit its report. Therefore, the Government took about a year and four months to go through the report and come to certain conclusions. Then, an officer was appointed to draft the Bill. But this appointment took place four years and two months after the Government had considered the recommendations of the Committee. The officer himself took two years and three months to draft the Bill which is of a technical nature and is based on the recommendations of a committee which had been accepted by the Government. All this has taken about ten years. Between September, 1966 and towards the end of 1976, the draft Bill was got ready to amend the Act in the light of the recommendations