

STATEMENT BY MINISTER

Conference of Foreign Ministers of
Non-Aligned Countries held in
Belgrade

THE MINISTER OF EXTERNAL
AFFAIRS (SHRI ATAL BIHARI
VAJPAYEE): Sir, I beg to lay on the Table a
copy of my Statement regarding the recent
Conference of Foreign Ministers of Non-
Aligned Countries, held in Belgrade from
25—29 July, 1978. [Placed in Library. See
No. LT-2604/78].

THE METRO RAILWAYS (CON-
STRUCTION OF WORKS) BILL,
1978—Contd.

DR. RAFIQ ZAKARIA (Maharashtra): Mr.
Deputy Chairman, Sir, at the outset, I would
like to make it clear that I welcome this
measure. It will certainly do away with many
of the obstacles which have come in the way
of the completion of the metro projects. In
many ways, this is a measure which, I am
sure, will help in the process of completing
the only metro railway project that we have in
this country, and that is the Calcutta metro
project. Why Calcutta should have been
singled out for this purpose, I do not know.
Neither do I want to be provincial minded or
appear to have a feeling that I have any
particular grudge against the facilities that the
people of Calcutta are going to get.

SHRI KALYAN ROY (West Bengal): You
can take away all the underground railway and
give us the affluence of Bombay.

DR. RAFIQ ZAKARIA: I only envy them.
The project should have been completed years
ago but due to the hesitancy and lack of
determination which we should not have in
undertaking any such radical projects, it could
not be completed. My good friend, Prof.
Dandavate, "deserves our congratulations as
far as that aspect

is concerned. I really admire his courage in
trying to do something, to which in principle
he is opposed to. He thinks that the remedy
which is suitable for Calcutta is not suitable
for other places and the reason that he gave
was that since some funds have already been
spent on the Calcutta project, so let us
complete it. I did not expect a man like Prof.
Dandavate, with his deep insight into human
affairs, to come forward with a statement like
that. I have to make this observation because
the remedy, as I said, which is going to solve
many of the ills of the citizens of Calcutta, he
is going to deny to the citizens of Bombay,
though Calcutta, in that respect, is much better
placed than Bombay. Bombay is an island, a
narrow strip of land. Even today the traffic
congestion is so grave that I think that
excepting New York and Tokyo no other city
suffers from as many traffic bottlenecks as
Bombay does and the commuters of no other
city have to go through as many difficulties as
the commuters in Bombay have to do. In that
respect Calcutta is much better placed.

PROF. MADHU DANDAVATE: In Paris
also there is a metro.

DR. RAFIQ ZAKARIA: The metro in Paris
is not so very successful as the metro in other
cities. The concept of metro has come as a
result of finding a solution to the congestion
problem of the metropolitan cities. But
Calcutta had a much better pull with the
Centre at that time and that is why Calcutta
was able to get what we in Maharashtra tried
our level best to get but did not succeed.

SHRI KALYAN ROY: And you have
taken all the financial institutions.

DR. RAFIQ ZAKARIA: The Bengalis have
this wonderful habit of getting quietly
whatever they can and after they have got it,
saying that they were not interested.

SHRI KALYAN ROY: You can take it
away.

DR. RAFIQ ZAKARIA: Now, that they have got it, my friend, Mr. Kalyan Roy, says that you can take it away, when he knows that we cannot take it away and, I do not think it will be a good thing.

SHRI LAKSHMANA MAHAPATRO (Orissa): He never said that. (*Interruptions*).

DR. RAFIQ ZAKARIA: Bombay has not got the financial institutions.

SHRI KALYAN ROY: They are already there.

DR. RAFIQ ZAKARIA: Bombay did not get the financial institutions due to the grace of the Centre. Bombay got them due to the compulsion of circumstances. When Calcutta was the capital, when Calcutta was the beehive of the commercial activities in this country, Calcutta had many of the things gradually

AN HON. MEMBER: Why did Bombay have the electricity before and why did Calcutta have the electricity only afterwards?

DR. RAFIQ ZAKARIA: I am being misunderstood. I made it very clear that I do not grudge the metro project for Calcutta. I am only saying, what the Minister made it clear, that this remedy is not going to apply to Bombay. Therefore, I am saying that Calcutta is fortunate. Calcutta is fortunate, as I said, due to very many reasons. My friend, Mr. Pranab Mukherjee, is looking at me; I am looking at him with envy.

SHRI PRANAB MUKHERJEE (West Bengal): I am not looking at you; I am listening to you.

DR. RAFIQ ZAKARIA: Because these projects are such which I personally feel will go a long way in solving the problems of Calcutta, therefore, I want to make it very clear that I am not grudging it at all. I think Calcutta well deserved it, though my own feeling is that Bombay deserved it first.

AN HON. MEMBER: And Madras?

DR. RAFIQ ZAKARIA: To that I will come to a little later. As I said this metro is a solution to certain problems which first must be there and let the Minister make any analysis, any study of all the traffic problems of which metro alone is the solution as to what the position of Calcutta is, what the position of Bombay is and what the position of Madras is or what the position of Delhi is, and from that point of view, Sir, he as the Railway Minister should have realised that while, coming from Maharashtra, as he does,—and that is what we coming from Maharashtra always bear in mind—we should be more enthusiastic in completing any project outside Maharashtra, we should not at the same time neglect the needs and the requirements of our own capital. And when he said that some of the councillors did not want the metro project and he told me that his own wife would lead the agitation in this respect, I was a little taken aback. Any of these projects, whether it is the fertiliser project, whether it is any of the chemical complexes, any of these modern technological projects

PROF. MADHU DANDAVATE: There cannot be a reference to any one outside the House. My wife is in my own house and not in this House.

DR. RAFIQ ZAKARIA: I am not criticising. It is a complement to your wife that she has been able to influence the husband in seeing to it that Bombay does not get the metro project, and to that extent, the Minister also believes that it is not in the interest of Bombay. I am not saying it in any other way.

Sir, as I said, we have to look at the problem in a more realistic manner and I think the Minister has come to some conclusion and has made his observations about the metropolitan cities in terms of Bombay, Delhi, Calcutta and I think Madras. All that is perfectly all right. But since he has made this observation and since we have been waiting for some time

that a beginning will be made, I may say that as far as Bombay is concerned, only the survey is to be done. As far as I know, the Planning Commission has even cleared some part of this project and suddenly we hear another ground, as Mr. Dandavate has given, that so much of money is involved and again there is conflict between the rural and the urban needs. Sir, this way, we will ruin our cities. Sir, even in the cities, Mr. Dandavate should realise that 90 per cent of the people who live are poor. In fact, according to a study made by the Gokhale Institute of Poona, the urban poor in the last twenty years have become poorer than even the rural poor. These metros are meant for the poor commuters. Those who can afford to have cars and those who can afford to go by other means of transport are not the ones to make use of these metros. Metro can be a cheap and a very fast means of communication for those commuters who have got to go to their offices, for those who have got to go to their factories and for those who have got to go to other places where, without this kind of public transportation, they cannot go. Therefore, I would urge upon the hon. Minister at least to have an open mind. He said he has an open mind, but not open on both sides. Well, he is one of those Ministers about whom it cannot be said that his mind is open on both sides. We may not be able to say that about some of his colleagues. But certainly, we can say that as far as his handling of his Ministry is concerned. But in this respect, I think, we should not go by certain fads, certain prejudices and certain approaches which might have been a part of the opposition agitation against the Congress regime and every agitation that you launched against the Congress rule did not really mean that it had to be responded to. Now that you are in power, you have to be more responsive to the requirements of the citizens of Bombay. He has his own experience of how, in the various metropolitan cities of the world, this problem has been tackled.

Therefore, I would appeal to him that the Bombay project should be given top priority by him. If he says that he does not want to have a metro project for Bombay, what is the solution? The hon. Minister knows that despite the increase in the number of suburban trains, people are losing their lives because they have to hang on to these trains in order to reach their destinations. They are not able to cope with the increasing demand. Every year this demand is going to double, treble and multiply. What is the solution to it? Now, there is no space available in Bombay. Bombay has been completely, sort of, covered. There is hardly any open space left for any kind of such activity. We will, therefore, have to go underground. While going underground, he can certainly take into consideration the precautions that we may have to take against some of the hazards of which people are talking about. But I do not think we can have any other way out, unless he wants to go overground and have some kind of monorail. But he must have some proposals. He cannot just say 'no metro'. In that case we will be just closed; we will be just finished. While we admire Mr. Dandavate for the good work that he has done, the people of Bombay will curse him for not tackling this most pressing and acute problem that the city faces.

Sir, there is only one other observation that I would like to make and this is about the Advisory Board. In Chapter II, clause 4, sub-clause (2), there is a provision that the Advisory Board will consist of such number of members (being officers of the Government) not exceeding nine as may be appointed to it by the Central Government. I would like to know from the hon. Minister: Why does he want to confine it to officers only? In fact, it is the advice of these officers which sometimes creates more problems than solve the problems. I do not know whether there is any amendment to this sub-clause. But I would certainly like him to reconsider this matter, and, if not in this Session at

[Dr. Rafiq Zakaria] least in the next Session, he must come forward with some kind of an amendment, as far as the constitution of this Advisory Board is concerned, because, this Advisory Board can help a great deal in putting these new projects on proper lines in making them more co-ordinated with the grievances and difficulties that the commuters will face than relying entirely on the officers, even where the Advisory Board is concerned. This is an old habit of ours. Perhaps he has inherited it from us only, but with the radicalism that he claims to possess, I hope, he will not fall a victim to it.

With these few remarks, Sir, as I said, I support this Bill.

SHRI L. R. NAIK (Karnataka): Mr. Deputy Chairman, Sir, I rise to support the Bill. The Bill, as the hon. Minister has said, is not going to be a controversial one. I have an experience while living in London about using the tuberais and I used to visit France frequently. Also from Moscow for my purpose I have used... SHRI KALYAN ROY: In all humility, may I ask why he was visiting Paris so often?

SHRI L. R. NAIK: For my work, I was visiting Paris in the course of my duties and nothing else.

SHRI DEVENDRA NATH DWIVEDI (Uttar Pradesh): Pleasant duties.

SHRI L. R. NAIK: You may call it pleasant duties, I have no objection. But I am so happy now that my own country is going to have a metro system. Of course, as I know from the hon. Minister, the work has already been started in a very important city, like Calcutta. Calcutta is a very congested city and it needed this metro system perhaps long back. Nevertheless, we are happy that this city is going to have a metro system and the work has already been started and in the course of executing this work it is but natural that the metro railway administration must have come across several difficulties in

implementing this scheme. In order to meet those difficulties this Bill has been formulated and has been brought forward for the consideration of this House.

Once as a Land Acquisition Officer implementing the Land Acquisition Act of 1894, I know the working of that Act. A lot of delay used to be caused for acquisition of lands required for public purposes. Even though the 1894 Act provided an emergency clause, but the use of the emergency clause was more of an exceptional nature, rather than a rule. So, there used to be a lot of delays for obvious reasons, because the whole acquisition proceedings used to be completed only after the passing of the award. That means that the land to be acquired must have to be paid for and what compensation would have to be paid for it used to go as part of that award. Only on completion of that award the acquisition used to be completed. It is my experience that a lot of delay used to take place to complete this acquisition. In order to avoid such delays I am glad that some of the provision of the old Act have been done away with and this Bill has been brought forward. As you see from the Bill itself, the procedure is very simple. As soon as the railway administration finds that a particular piece of land or the right of user of the land is required to be acquired, all that is necessary is that the railway administration should make an application to the Central Government and the Central Government after examining the application and after being satisfied that the acquisition is for a public purpose, straightaway would go ahead with the publication of a notice in the Official Gazette saying that the Central Government intends to acquire the land. That is very important. This Section is very much akin to the one that occurs in the old Act also. On publication of this notice, the Railway Administration acquires a right to go on the land, inspect the land and do some other things that are essential for the

acquisition of the land that is required for the purpose of the Metro Railway. At the same time these notices are being sent to an authority called the Competent Authority. In my opinion, this Competent Authority is very much akin to the Land Acquisition Officer under the Land Acquisition Act of 1894. He plays a very important role in the sense that he not only publishes these notices but also receives the objections to these notices. And the period allotted for the receipt of these objections is only 21 days. Of course, in the old Act it is four months. But here, they have provided only 21 days. A criticism could be laid that this period of 21 days is very short and it may not be possible for the persons interested in the land to come forward with their objections. So I would humbly suggest that this period of 21 days could be raised to, say, a month so that the people concerned could have sufficient time to give their objections.

The other thing that I want to say is that the copies of these preliminary notifications are not sent directly to the persons interested. Perhaps it is possible that the Railway authorities may not be in a position to know who these the interested persons are. That is also quite possible. And it may not be possible for them, after knowing the persons who are interested, to furnish them the copies of the preliminary notifications. In order to meet a situation like this, I suggest that the period of 21 days may be extended to one month so that the persons interested may come forward to give their objections. On receipt of objections, what is required to be done is that the Central Government, on receipt of the report from the Competent Authority, finally declares that the land is required for a public purpose and the order passed is of a final nature. And for right reasons it has been kept out of the purview of the civil courts. But the old Act had not this provision. It could be

taken to civil courts. And civil courts' proceedings, as we all know, may be prolonged for a very long time and such objectives like the establishment of a Metro Railway system in the country would certainly be defeated. For this reason, I am of the opinion that the matter that has been kept out of the purview of the civil courts is a step in the right direction. So that when the land is thus acquired, it is of a final nature and it is possible for the Railway Administration to go ahead with then-work.

As regards the compensation to be paid, I am very happy that this part of acquisition has not been allowed to come in the way of getting the land or settlement of easement. It is entirely left to altogether a different authority. And that authority under the Act is named as Arbitrator. This Arbitrator being a man of the grade of a High Court judge, I am confident, he will settle the question of compensation. Of course, the word "compensation" has been advisedly not used in this Act. The word used is "amount", and this is for good reasons and is perfectly in accordance with our Constitution.

Sir, as you know, in the Constitution (Twenty-fifth Amendment) Bill the word compensation was removed and it was replaced by the word "amount". The reason is obvious that it is not necessary to pay the parties the market value of the land for which it is not at all responsible. It is unearned income and, "therefore, it is in the fitness of things that the amount to be paid must be in its restricted sense of paying any reasonable amount that the arbitrator could think of.

The functions of the Arbitrator in this Act are of a very sound nature and I feel that no injustice would be done to the parties from whom the land has been acquired.

[Shri L. R. Naik]

The third important provision relates to the Advisory Board. Of course, Advisory Boards consist, according to the Bill, only of officers. Looking to the nature of the functions involved, this Advisory Board does not only the preliminary work but also, perhaps, helps in the implementation of the scheme that has been undertaken. So I for one feel that it should consist of only officers, and that too officers who are technically qualified to be on the Board. It would be wrong to allow MPs. or M.L.As. or Mayors of the cities to be on the Board because they are likely to bring in, along with them, their own politics. Therefore, for such an important piece of work that has been undertaken in the country I wish that highly technically qualified people should be entrusted with this work and let us have the pleasure of having the Metro Railway in the country.

Secondly, I have moved an amendment, that after the word "Madras" the word "Bangalore" should also be included in the Bill. And that is for the right reason. I think the hon'ble Minister knows what attempts are being made in Bangalore to have a circular railway. The Government of Karnataka have come forward in a very big way to see that a circular rail—road is fixed up in Bangalore.

As the hon'ble Minister also knows, in Karnataka out of nearly 3,100 Km. of railway as much as 2,700 kilometres are metre gauge. The broad gauge is only about 400 Km. We are making all attempts to appeal to the hon'ble Minister to conveniently convert the remaining metre gauge into broad gauge. Of course, work has been undertaken in some parts. But it is not at all adequate. I have already tabled a question and I hope the hon'ble Minister will have a chance to reply to my question very shortly. At that time I want to take up that question.

But as regards this amendment, Bangalore may also be considered. Another point that has naturally been raised is whether Bangalore has a Commissioner of Police because, for the implementation of this scheme, if possession of the land acquired has not been handed over to the railway authorities, the Bill provides that the Railway Administration should approach the concerned Commissioner of Police for the purpose of getting possession of the land. In Bangalore also we do have a Commissioner of Police. That office is there since a very long time. Therefore, there would be absolutely no difficulty as far as Bangalore is concerned. In Bangalore, as you know, Sir, including the floating population, we have a population of three millions. It is called the "air-conditioned city of India", perhaps of the world, but it is a very fast-growing city and also because of the congestion in traffic there, its reputation as the air-conditioned city is being lost. I am not urging the hon. Minister to fix a metro there immediately after the Bill is passed. Let it be done in Calcutta first; let Bombay be second, and, then, Madras. In order to meet future contingencies, after these three, let Bangalore have its own turn. By that time, perhaps, it would have taken some years when the population of Bangalore would be not less than six millions when it would require a metro. It is for this reason that I have moved an amendment and I trust it would be accepted.

I offer my hearty congratulations to the hon. Minister for having undertaken this important work for the construction of metro railway systems. I commend this Bill and I hope Calcutta will be one of the cities of the world where we have the best metro systems. In my opinion, the best metro system I have seen is that of Moscow. It is the best. I hope and I am sure, the various sys-

terms must have been examined by the hon. Minister before starting his own system here. Some of the hon. Members, as I understand, have said that the metro system is only 18 feet deep. I do not think so. Then it can't be called be a metro system at all. It should go much deeper. You know, in London, most of the tubes go below the river Thames and there is such a fine network of this system that people come to London to work from a distance of sixty miles. They are so prompt and punctual in their offices because of the system there. This system brings them in no time and there are no obstacles, and there, it is better to use railways than cars. The railway system is very good and I am happy such a thing is happening in my country also.

With these few observations, Sir, I have done.

SHRI P. RAMAMURTI (Tamil Nadu); Mr. Deputy Chairman, Sir, I would not have intervened in this debate but for the remarks made by my friend, Dr. Zakaria. When approaching this problem he asked the Railway Minister to function as a Minister coming from Maharashtra. I do not want the Railway Minister to function here as a Minister coming from Maharashtra; I want him to function as a Minister coming from India for the entire Indian people. This is just what I wanted to point out. Now, Sir, when the questions of this type for development projects are discussed, I also do not want that inter-State rivalries should step into that. This is not good for the country; this is not good for the integration of the country and it is going to lead to disintegration. Actually, this question has to be considered on merits. Bombay needs a metro: nobody denies it. That is not the problem. The problem is, given the restraints and constraints of the present financial position of the

country, what should get priority. This is the thing with which this House as well as the Government is concerned with. There is no use of saying that the Bengal Ministry was able to bring sufficient pressure on the Government of India but the Maharashtra Ministry was not. I do not understand this at all because Maharashtra has got sufficient number of people and the biggest concentration of business is in Maharashtra. After all, during the last 20 years the course of industrial development took place between Bombay and Poona. The largest concentration of industry is there, and we in the country are now for seeing that this uneven development of the country is quickly done away with so that this does not lead to inter-State rivalries and rivalries and animosities among the people.

Historically speaking, certain things have happened. We cannot do away that. After all, the British came and settled there first, and, therefore, certain jute mills started there. Similarly, in Bombay certain industries began to be concentrated. Thus, certain historical processes have taken place, but now we have got to see that this historical process is reversed so that animosities disappear among the people speaking different languages in this country. That is, what we have got to see. With reference to metro, we have got to consider whose need is the most. We have to consider the priority. I do not know if Mr. Zakaria had been to Calcutta at all. He was a Minister. He must have gone to Calcutta. It is the most congested city probably in the whole world. I have not seen such a city anywhere else. There is no transport whatsoever worth the name. The roads are very small. The people cannot walk in the streets. Its population is 7 million. I think it has gone up.

AN HON. MEMBER: It is much more.

SHRI P. RAMAMURTI: The population has gone up to nearly 10 million. So, for a city like that, if you continue to sit like that without providing for transport, I do not know what is going to happen in the next ten years. This is the real position.

Therefore, I am intervening in this debate only for the purpose of pointing out that as responsible Members of this House, we have got a duty to perform by the entire people of the country. We have not got to speak here as Bengalis, Tamilians, Maha-rashtrians, this and that. This I do not want. Therefore, Sir, with that point of view, I would like to say that Calcutta deserves the first priority. Afterwards when the financial constraints are removed, certainly Bombay will have a metro and then Madras and others will have. He was canvassing for Vellore. Let us see if Vellore or Coimbatore or Madurai has greater population. These are the things for the future. We can look into them later. While going into the priorities, let us take into consideration the existing situation, and on that basis, the metro for Calcutta deserves the highest priority. Otherwise, the traffic problem in Calcutta is going to be very bad very soon.

Therefore, I commend this Bill for the acceptance of this House because this quickens the process of acquisition. Otherwise, court proceedings will be there and the building of the metro will be delayed inordinately. It ought to have been built earlier. Therefore, I commend this Bill with the request to all the Members that when they speak in this House they should not bring animosity among the States.

श्री शिव चन्द्र झा (बिहार) : उपसभापति जी, मैं इस विधेयक का समर्थन करता हूँ। यह बात निर्विवाद है कि कलकत्ता में कंजेशन का प्रोब्लम बहुत जटिल है। जैसा कि पूर्ववक्ता महोदय ने कहा, दुनिया का सबसे ज्यादा कंजस्टेड सीटी कलकत्ता है। इस बारे में कोई दो मत नहीं हो सकते हैं। न्यूयार्क में भी कंजेशन है टोकियो में भी कंजेशन है सेनफ्रांसिस्को में भी कंजेशन है, लेकिन कलकत्ता दुनिया में सबसे आगे है। इसलिए कलकत्ता डिजर्व करता है कि वहाँ पर ग्रन्डरप्राउन्ड ट्रेन हो। लेकिन साथ ही साथ बम्बई का जो दावा है उसका भी मैं समर्थन करता हूँ। बम्बई का ही दावा क्यों बम्बई के अलावा और भी शहर हैं, दिल्ली में भी यह संकट है। दिल्ली में बसों की क्या हालत है? उपसभापति महोदय, राहियों और आफिसों को जाने वालों को कितनी दिक्कतें हैं। लोगों को लम्बी लम्बी क्यू में खड़ा होना पड़ता है और यहाँ किस तरह से महिलाओं को, बच्चों को बस में चढ़ना पड़ता है। बस बिना रुके ही चल देती है। बसों की इस समस्या के साथ साथ यहाँ ट्राम भी नहीं है नतीजा यह होता है कि यहाँ के लोगों को बड़ी दिक्कतें होती हैं। इस दृष्टि से अगर देखा जाय तो कलकत्ता और बम्बई में आराम है क्योंकि वहाँ ट्राम है जब कि दिल्ली में ट्राम भी नहीं है। पापुलेशन के खयाल से भले ही वह ज्यादा हो लेकिन इस तरह के यहाँ चलने वाले राहियों और दफ्तरों में काम करने वाले कर्मचारियों को बड़ी दिक्कतें उठानी पड़ती है। इसलिए मैं मंत्री महोदय से जानना चाहता हूँ कि आपका क्या काइटेरिया है कंजेशन या मुसाफिरों और पैसेजरो के संकट को दूर करना, और इसके लिए कलकत्ता को चुनने के पीछे क्या उद्देश्य है? उपसभापति महोदय, ट्रैफिक संकट को दूर करने की ही बात नहीं है बल्कि

नागरिक सुरक्षा की दृष्टि से भी यह एक बड़ा कदम है। मैं ज्यादा नहीं कहना चाहता केवल एक ही उदाहरण देना चाहता हूँ। लंदन को स्पिट फायर ने जितना बचाया उससे ज्यादा उसकी सुरक्षा हुई ट्यूब से। यदि वहाँ ट्यूब का सिलसिला न होता तो न जाने लंदन का क्या हाल होता। तो अगर आप समझते हैं कि सुरक्षा की दृष्टि से अण्डर ग्राउंड रेल जरूरी है तो कलकत्ता में ही क्यों बम्बई मद्रास और दिल्ली में भी इसका सवाल आता है। यदि कंजेशन की समस्या को लेकर भी आप चलते हैं तो छोटे शहरों में भी इसकी समस्या बड़ी जटिल है। राज्यों की राजधानियों में भी यह समस्या है। पटना को आप ले लीजिए। क्या वहाँ यह समस्या कम है? क्या पटना इसके लिए डिज़बं नहीं करता है दूसरे राज्यों की राजधानियाँ डिज़बं नहीं करती है। तो मैं मंत्री महोदय से पूछना चाहता हूँ कि जब यह छोटे शहरों की भी समस्या है और उसके लिए हल केवल अण्डर ग्राउंड रेल है तो वहाँ भी यह क्यों न लागू किया जायें, यह एक जनरल बात है।

अब आइये इस विधेयक पर। इसके पीछे एक नक्शा जुड़ा हुआ है। जो कलकत्ता की अण्डरग्राउंड ट्रेन चलेगी वह टाली गंज से लेकर दमदम तक चलेगी। परन्तु यदि कोई सेंट्रल कलकत्ता जाना चाहे तो वह नहीं जा सकता है। वहाँ लिलुआ, चीतपुर, और स्ट्रैंड स्ट्रीट के लिए यदि हावड़ा से जाना चाहे तो इसका कोई इंतजाम नहीं है। हावड़ा से सेंट्रल कलकत्ता पहुँचने के लिए इसमें कोई विचार नहीं किया गया है। तो उपसभापति जी, कहने का मतलब यह है कि कलकत्ता इस चीज के लिए डिज़बं करता है। यह काम कलकत्ता से शुरू किया जाये यह ठीक है। लेकिन यह जो नक्शा चाक-आउट किया गया है कि मैं नहीं समझता कि यह सैटिसफैक्टरी है। सारे कलकत्ते को इसके अन्दर नहीं लाया गया है।

दूसरे शब्दों में हाफ हाटेंड मेजर जिसे कहते हैं यह वह है। सारा कलकत्ता का जो नक्शा है उस सारे नक्शे को कवर करने की जरूरत थी, जो कि इसमें नहीं है। यदि हम मार्टन रेल लगा रहे हैं, ट्यूब लगा रहे हैं तो उससे समस्या का निदान निश्चित रूप से करने की जरूरत हो जाती है। उपसभापति महोदय, आप यह नक्शा देख लीजिए, इससे पता चलता है कि हुगली साइड से लेकर आचार्य प्रफुलचंद्र रोड तक का सब भाग इससे महसूस हो जाता है। यह भीतर से आपके लोग आएँ, मन बहलाएँ और यहाँ से वहाँ और वहाँ से यहाँ चले जाएँ लेकिन इस समस्या को हल करने में मुझे थोड़ी कमी दिखाई देती है। इस तरह से और भी बातें हैं लेकिन चूँकि यह शुरुआत हो रहा है यह एक अच्छी बात है। अंडर ग्राउंड ट्रेन की बात तो बहुत पहले से थी लेकिन अब शुरुआत हो रही है। इस से थोड़ा बहुत मसला हल हो जाएगा, यह भी एक खुशी की बात है। मैं मंत्री महोदय से यह पूछना चाहता हूँ पार्क स्ट्रीट जहाँ से यह लाईन जाती है वहाँ पर गांधी जी का एक स्टेच्यू पड़ता है क्या उसको आप वहाँ से हटा नहीं रहे हैं। मुझे ऐसा मालूम हुआ है कि गांधी जी की मूर्ति वहाँ से हटाई जाएगी। मैं यह चाहता हूँ कि आप इस बात को साफ करें। आप यह भी साफ करें कि आप इस मूर्ति को हटा कर वहाँ पर स्थापित करेंगे या किसी म्यूजियम में देंगे जो भी करना हो, जहाँ पर भी लगाना हो उसको मटेनजर रख कर ही... (Interruptions) चाक आऊट करें।

SHRI JAHARLAL BANERJEE (West Bengal): It should be at a more prominent place.

श्री शिव चन्द्र झा : वैसे तो आप चाहे इंडिया गेट पर भी लगा दें तो भी दिन रात लोग देखेंगे। आपने कहा मोर प्रामिनेंट प्लेस पर लगाई जाएगी, वह भी एक ऐसी जगह है। अवधारणीय सभापति महोदय, यह

[श्री शिव चन्द्र झा]

वह स्थान है जहाँ पर मंगल पांडे ने 1957 में बगावत की थी। यह वह ऐतिहासिक जगह है यह ऐतिहासिक प्रेड ग्राउंड का इलाका है। आदरणीय उपसभापति महोदय, गांधी जी की मूर्ति वहाँ पर सोच विचार कर रखी गई। इसलिए अगर आपको लाईन बिछानी है तो जरा इस के बारे में भी सोचना चाहिए। मैं ये बातें मंत्री महोदय के सामने रखता हूँ। इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ। एक बात आप यह भी साफ करें कि कलकत्ता में यह योजना कब तक पूरी हो जाएगी, कब लोग चलने लगेंगे। ऐसा न हो जैसे कोसी नहर की योजना चली तो कहा गया एक डिकेड लगेगा और कितनी पंचवर्षीय योजनाएँ इसने देख ली हैं। इसलिए आप समय निर्धारित करें और बताएं कि फलों तारीख को पूरी हो जाएगी। इसी तरह बम्बई, मद्रास और छोटे शहर और राज्यों की राजधानियों को भी नजरेंदाज न करें। वहाँ पर कंजेशन की समस्या को हल करने के लिए मेट्रो रेलवे, ट्यूब रेलवे, अंडर ग्राउंड रेलवे न सही लेकिन ट्राम ही चल जाए। इन्हीं शब्दों के साथ मैं इस का समर्थन करता हूँ।

SHRI U. R. KRISHNAN (Tamil Nadu). Mr. Deputy Chairman, I take it as a privilege to support this Bill. The Indian Railways have entered into one of the historic events in the history of Indian Railways by introducing metro railways or underground railways or tube railways or by whatever name it may be called. There cannot be two opinions about the introduction of metro railways in India. In India there is a great increase in the passenger traffic, especially in railways. There is no train in India which is not overcrowded. By growth of population, expansion of industries, growing tendencies in the people to see all parts of India and the very great

number of foreign tourists, all combined together necessitated the finding out of some other ways of conveyance to meet the demand" in India. In Calcutta, Delhi, Bombay and Madras there is traffic congestion. To provide transport facilities to the people in the towas is a very great problem for the Government. The metro is railways will definitely give some relief to the suffering traffic. We are well aware in many part3 of our country there is no railway link and in some places where there are railway lines, they are not adequate. But when the Government has come forward with the introduction of metro railways, it has to be appreciated. The Government has to spend an enormous amount of money in the construction of the metro railway in Calcutta such as for acquiring land, energy, mechanical instruments and for officers and labour in addition to the expenditure on railway lines, engines, etc.

The main object of the Bill is to overcome certain difficulties in the existing land acquisition laws mainly for acquisition of land for construction of the metro railways. There are some provisions for acquiring land for the construction of Metro Railway and the provisions of the Land Acquisition Act were made inapplicable in toto. Sir, in this Bill, after the declaration in the Gazette about the requirement of the land for construction of the Metro Railway, it gives an immediate right to the concerned authority to enter into the land. This is not good unless the possession is taken by the concerned authority, by lawful means. There shall be a provision that the intention of the Government to take the particular land for the construction of Metro Railway should be communicated to the affected parties individually in addition to the declaration in the official gazette. We cannot presume that all the persons are seeing the gazette.

The provision that immediately after the publication of the declaration, all the rights of the land absolutely vest with the Central Government free from all encumbrances should be deleted. Suppose the land is under mortgage, or under charge, then what is the fate of the mortgage or charge? The Minister should think about it and he should bring an amendment to that clause.

The Janata Party when it was formed and in the election manifesto also had stated that they would not step into the powers of the judiciary and restore the power of the judiciary and maintain its independence. But in this Bill there is a provision that the declaration made by the Central Government shall not be called in question in any court. This provision should also be omitted. Every Act or order or rule made by the Government should be allowed to be examined or scrutinised by the judiciary.

Sir, regarding the compensation, if the affected party is not satisfied about the award of the competent authority, the provision is to appeal to the arbitrator of the Metro Railways. It is always desirable that this power is given to the judicial authorities.

Sir, when there are several claimants regarding the compensation, the power should be invested with courts to decide the legitimate claimant and not by the competent authority. The provision regarding this should be amended. While the Bill gives the power to decide about the quantum of amount that is payable to the claimants, why should not the power to decide about the legitimate claimant be given to the courts?

There is a vague mention about making developments over the Metro Railway alignment. This should be clearly mentioned in the Bill itself. The emergency right of strengthening the buildings on the Metro Railway alignment without the permission or prior intimation to the owner of the building should also be deleted.

There should be a provision that if the nearby houses collapse or some cracks appear on their walls when the construction is going on or after the construction is over and when the trains start moving, adequate compensation should be paid if it is proved that such things have happened because of the construction work or movement of the trains. We should immediately make a survey about it and make sure how many buildings are likely to be affected. There are Metro Railways in foreign countries and we can get their help regarding this aspect.

It is greatly appreciated that the Government has come forward to give market value for the land acquired. In the advisory body there should be a representation for the State Government. There should also be a provision that the compensation amount must be given in cash immediately after all the legal formalities are complied with.

It is the primary duty of the Government to see that alternative accommodation is provided to those who are likely to be affected, before the work starts. The Government should conduct another survey about it and do the needful according to the requirements of the affected parties. I would like to know from the Minister what arrangements have so far been made to accommodate the persons who are likely to be affected.

First it was estimated that this particular project would cost Rs. 140 crores; but now it has been

[Shri U. R. Krishnan]

increased to Rs. 250 crores. Nobody knows when the project is likely to be completed. Unless the work is completed immediately, again there is a possibility of the cost of construction further increasing. Before I conclude my speech, Sir, I would request the honourable Minister to start the work in Madras also immediately so that the construction work can be completed there in time. Thank you, Sir.

DR. MALCOLM S. ADISESHIAH (Nominated): Sir, I rise to support the Bill with only one comment which relates to the capital cost, mentioned by the Minister, of this underground railway project, namely, Rs. 250 crores. I believe, Sir, economists know that underground railways are capital-intensive like the other industries such as the steel industry or the fertilizer industry and the direct capital-output ratio may be unfavourable. But I would only like to call his attention to the fact that in industrially concentrated areas like Bombay and Calcutta, the capital-output ratio should be calculated not only in relation to the direct output as a result of the railway, but also in relation to the extent to which the industries would be able to work one hour more or the workers can get to the places of their work on time and would be able to work more than one shift which is the experience in cities in foreign countries which have gone in for this kind of a transport facility, I do not think that the figure of Rs. 250 crores or the heavily industrialised areas like Calcutta and Bombay should be used as final argument. There should be a more careful technoeconomic study, of what exactly is the capital-output ratio for this programme. Thank you, Sir.

SHRI KALYAN ROY: Sir, I would be rather brief and I welcome the Bill.

Sir, while introducing the Bill, Mr. Dandavate, the Minister, harped

on two things. He said that this is an enabling Bill and is a technical Bill. I thought that Mr. Dandavate would spend sometime in saying something about the progress on the underground railway work. After all, what is the purpose of bringing forward this Bill? The purpose is to see that it is completed as soon as possible, if I understand it correctly. But I do not know why he has kept silent on this point. Perhaps there are reasons for that. I say this because I was one of those who were following the progress of this metro railway or underground railway or subway railway and each year my frustration and anguish grew because of the deadlock which this underground railway project reached at a certain time. Sir, here I will draw your attention to one of the Starred Questions which came up in this House on the 30th August 1976, that means two years ago. I will quote the reply I got. 'As early as May 1973, Mr. Mukherjee, the then General Manager of the Metro Railway Project, Calcutta, stated that the first stage of the project, Dum Duni-Belgachia, has been given to the National Buildings Construction Corporation and the first trial run was scheduled for 1976.' And, Sir, today, it is 1978; but nothing has been done. So, I thought that Mr. Dandavate would describe why it was not being done, what the barriers are, what the constraints are, what the obstacles are and what the hurdles are. No, Mr. Dandavate has not said anything.

PROF. MADHU DANDAVATE: This is not within the purview of this Bill.

SHRI KALYAN ROY: Here again we have certain reservations. It is an accepted thing and there is no use dilating on it that the transport system in Calcutta is bad, that Calcutta is deficient in its transport system which is totally paralysed today. There is complete chaos and millions

of people are suffering because of this. The pavements have been taken over by the hawkers and the streets are in a dilapidated condition and it is a hell actually. But, Sir, what was supposed to be a relief, this underground railway, has also become a nightmare. There are two divisions: One from the north to the centre and the other from the south to the centre. We asked questions about the progress this project had made and we asked what the progress was. I would like to draw your attention to the reply given by Mr. Dandavate in reply to my question on the 11th April 1977. We had asked what the progress in the construction of the tube railway in Calcutta was and his reply was this:

"The overall up-to-date progress on the work on the Dum Dum-Tollyganj is 11 per cent."

And the second question of mine was what the reason was for the delay in the execution of the project. The reply was that constraints on resources were the main reason for the slow progress. I can understand the constraints. But he should understand the difficulties of the people and the miserable life of the people. If there had been no metro railway, at least we could freely move about. Today, Sir, if you go to Calcutta, you will see that half of the streets are dug and all the traffic has been diverted and it takes about two hours to reach my place in South Calcutta from the centre of the city. Most of the streets, the traffic is only one way and it is absolutely difficult to move about. What are you doing to see that the financial constraints are removed? As far as I could gather from the Press, and also from the Parliament, the money which has been spent so far is very paltry, and that is why the work was so tardy, half-hearted, so slow I do congratulate the building engineers. The workers were doing a magnificent job. There is no doubt about it. It is a very difficult job. It is not like Moscow, Paris or

London, where the land is not so soft. So it is a very difficult job; it is not easy. Then, he should have spent more money. I have got figures. Last year, the MPT got Rs. 8.6 crores, this year it has received Rs. 11.7 crores and next year it hopes to receive Rs. 18 crores. I do not know whether the figures are correct. Your total expenditure is going to be Rs. 250 crores, and you have so far spent Rs. 30—32 crores. The people have grown sceptic about it, sullied about it when you have been digging up the roads, you have been saying since 1873 that the first train would run in 1976 and today is 1978 but nothing has been done. There has been no progress in the stretch from Dum Dum to Chaurangi. You have got to increase your work. Nothing has been done. I have reasons to believe that a lot of contractors are making a lot of money. Last time I asked a question about it, as to how many contractors were there, and the reply which was given by Mr. Buta Singh on 10-5-76 said that 4 contractors with approximately 1521 workers were working in the port construction work so far awarded. So I would like to know from the Minister: how many contractors are there? This is number one. How many workers are engaged in this top-priority work in the country? It is no use bringing a Bill and not implementing it. You have removed certain people from certain areas, «.

This problem is becoming very big.

As a matter of fact, we raised this question last time on 30-8-76, and Mr. Buta Singh did not reply to it. We asked: How many court injunctions were there and what steps had been taken to vacate them? I would like to know from Mr. Dandavate. How many cases are pending there? I am not very happy that the right to 226 is still there, because so far as my experience goes in relation to cases of income-tax, in relation to cases of foreign exchange racketeering, the

[Shri Kalyan Roy]

High court always comes to the rescue of the vested interests. Calcutta is lived by people who are extremely poor, and it is owned by those who are extremely rich. Those who may be affected in North Calcutta are people who are moneyed people, with a lot of business, with a lot of property. I am glad that amount has to be paid. I am against giving the market value. I am very clear about it. I have no hesitation about it.

PROF. MADHU DANDAVATE: I "rud dealt with it when you had walked out.

SHRI KALYAN ROY: I would like to know why the writ petition right is still kept there? A lot of people who have no other way will go to the High Court and the_v will get injunctions and get stay orders. So the work will be dislocated.

I would like to know^from the Minister two or three Things: What steps have been take_n to increase the speed of work? Can he tell us approximately by which year, by which month a_nd by which date, one part of the total work will be completed either from north to centre or from south to centre? What steps have been taken to see that safety conditions are properly maintained? We have "been told, and I think it came iⁿ the Press also, during the last one and a half year, in one place the roof caved in, leading to injuries or some accident. What are you doing to see that this is not repeated? I have been told that a French technical team came here, inspected the underground system and they advised the management and the authorities that the lining would have to be very strong, so that the tunnel did not cave in. There is actual fear. What steps are being taken? We know that the Soviets are co-operating, co-ordinating, sending advice, sending machinery and all things. So what steps are you taking in this regard"? How many stations are being built? How

many lines have actually been laid anywhere? Are you concentrating on building stations? There is a controversy about it. Some experts say that there should be one-storey stations. Some think that there should be two-storey stations. Those who are conversant with the underground railways think that the streets are so narrow and it is better to build two-storey stations. These are the things which people want to know. If anything comes in the papers, the people of Calcutta would like to know how long their anxiety will last. We are told that the Government is very serious. Mr. Dandavate's regime is expediting the matter. What is the situation today? The House has a right to know it and the people have a right to know this. (Time Bell rings). Before I conclude, I would like to know • • ■

DR. RAFIQ ZAKARIA: Since so much of money has already been invested, he would like to complete it.

SHRI KALYAN ROY: The people who had nothing were forced to leave Bombay leaving their places for Mafatlal and others.

(Interruptions)

Shri Buta Singh said that it had been started. But nothing was done at all. It was kept like an apple before a hungry man. I think they are more serious now. But they are all the time pleading they have no money. If they have no money, they should find it. What about the coaches? Have you ordered the coaches? Are you importing them or are they being built in the country? Are they air-conditioned or not? I ask Mr. Dandavate to throw light on these points which I have raised. When he replies to the points, he should very categorically state what is the position of the workers who are working and facing risks, whether they are permanent or employed by the contractor, how much money has been paid to the contractor, whether there is any check on the work of the contractor, what

is the progress, what steps have been taken to improve the performance of the underground railway, what is the position about underground stations and whether they would be one-storey or two-storey stations. All these things should be explained by Mr. Dandavate and we would like to hear him. Lastly, I would appeal to you that so far as the writ petitions are concerned, you should again think about them seriously. These are the people who will try to go to the High Courts and will stop the work. I will end with these words.

SHRI JAHARLAL BANERJEE: Mr. Deputy Chairman, Sir, I thank Mr. Madhu Dandavate for bringing this Bill before the House and I welcome it. At least, we have got some ray of hope that actually they are taking the matter seriously. While discussing the Bill, I must point out certain things. There was some controversy among our friend, Kalyan Roy, and some others. But he must remember that it was Mrs. Gandhi who first opened the metro railway.

[The Vice-Chairman (Shri Syed Nizam-Ud-Din) in the chair].

However, about this Bill, I must point out one thing. The bill provides that a notification in the Gazette is enough for acquisition. I know and I can understand the difficulty in giving the notices to individuals personally. It may take some time. But the rich people may not find it difficult when these notices are given. But the poor people may not have any chance to know the fact that their property is going to be acquired. Therefore, I would request the hon. Minister to see that when these notices are served the Corporation is consulted. It is a metropolitan city. And at least the names of those who are giving notices, these notices may be sent.

As to the compensation to be paid, in order to expedite the matters, the compensation may be fixed by arbitrators. But the person who is compensated must have

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an opportunity to appeal to the court if he thinks that an injustice has been done to him. Of course, this should not obstruct the progress of the work. About the arbitrator I request that at least a person of the status of a High Court Judge be appointed. About the competent authority also, the person should be again of the status of a High Court Judge. He must be made the competent authority. Regarding the advisory board, I would suggest that some representatives from the public must also be there. No doubt, it is necessary to have highly technical people on the advisory board. Yet, some public men must also be taken on the advisory board so that people may know through them, as to what is happening.

Sir there is a rumour and I do not know how far it is correct that they are not going to have air-conditioning for the tube railway system there. If you are going to have a tube railway system, then, I think, it must be air-conditioned.

Sir, I must also take this opportunity, rather the indulgence of the House, to point out something which is not strictly connected with his Bill. Sir, in the beginning Rs. 140 crores were allotted for this purpose. Now it has come to Rs. 250 crores. I know the difficulty of the Government but, Sir, it is astonishing to find that only a meagre sum of Rs. 35 crores has been allotted for this purpose when Rs. 250 crores are required for this project. Only 11 to 12 per cent of the work has been done so far. I would request the hon. Minister to see that the work is taken up more seriously. As our good friend, Mr. Kalyan Roy, has pointed out, our people are really very anxious because day after day they cannot use the streets. Instead of half an hour or so, they take three hours to reach their destinations. In the rainy season the roads are in a horrible condition. If only the hon. Minister goes to Calcutta he will realise what the difficulty of the pedestrians is.

[Shri Jaharlal Banerjee]

Shri Shiva Chandra Jha said something about Gandhiji's statue. Of course, it should not be a hindrance. We are no less anxious and 'no less sentimental about Gandhiji's statue. I can assure, through you, Sir, that it has been restored to a good place and people are satisfied.

Then, Sir, Shri Shiva Chandra Jha has said—I do not know whether sarcastically—that Patna and other cities should also have metro projects. If that is the case, then I would request hon. Dandavateji to think of a metro railway in my village in Burdwan district also so that I can have the advantage of this railway. It is only 170 miles from Calcutta.

The other thing is that there was some controversy—not exactly a controversy—that our good friend, Dr. Zakaria, raised about the congestion in Calcutta. It is a fact that Calcutta is the most congested area. I would request him to go to Calcutta and see for himself what the problem there is. If he is on his way to the station to board a train, he has to sit tight in a taxi or a bus for hours till the train would have left. Sometimes, one cannot even reach the airport in time to board a flight. Considering the population problem, the metropolitan railway scheme is the only solution for Calcutta. (Time Bell rings).

Sir, our good friend, Shri Shiva Chandra Jha, has mentioned something about the tramways in Calcutta. I would tell him that it is no longer a pleasure for us but a burden instead. Because of these slow-moving cars the congestion is getting more and more acute. I would request our hon. Minister to be good enough to consider the proposal of the Government of West Bengal to have a circular railway over and above the metro project. By the time this project will be completed, the ratio between the travelling public and the population will be the same. Therefore, Sir, I would request him that we could get

rid of these trams and instead have a circular railway over and above the metro railway. This is not too much to ask. I do not want them tomorrow but you can think over the matter. The people who are now serving on the tramway company could be absorbed in the circular railway.

With these words, Sir, I conclude and again request hon. Dandavateji to take some action for the early completion of the metro railway.

SHRI AMARPROSAD CHAKRABORTY (West Bengal): Mr. Vice-Chairman, Sir, at the very outset, I must welcome the Bill and congratulate the hon. Railway Minister. But the happenings in our country and the experience of the people, Sir, will justify at least one thing, that is, their present frustration. Although, Sir, we are giving the money to complete the work within a few years, the work remains where it started. I do not say it with regard to metro railway but there have been apprehensions—as my friend Mr. Kalyan Roy has already pointed out—and these apprehensions are very much in Calcutta because of the way in which the assurances given and the expectations of the people have not yet been fulfilled. I would, therefore, appeal to the hon. Minister that the project must be effectively carried out and must be immediately implemented.

My friend from Maharashtra displayed a suppressed air of grievance that a similar project has not been taken up in Maharashtra. Sir in view of what has happened in West Bengal right from 1947, upto this date a short report will justify as to how the metro railway project was taken up in West Bengal. In 1947, Mr. Padamji Ginwala, Committee was pointed to solve the problem of congestion because the congestion was increasing in such a way that it could not be tackled in any manner, by increase in the number of trams, by increase in the number of buses by several hundred more.

this problem could not be settled even by the Railways. So, Sir, in 1947, Padmji Ginwala Committee was set up. Sir, you will kindly note the year which was 1947. And that Committee laid stress on the development of transport facilities. It recommended that immediately there should be some sort of transport arrangement made above the surface. They also suggested that the same thing from Dum Dum to Shyam Bazar and *via* Shyam Bazar to Chit-pur Road and to Prince Ghat. They suggested in 1947 that this work should be immediately taken up. In spite of the apprehensions of the people and in spite of the frustration there, this work has not yet been done. Then, Sir, in 1956, Sarang-jpani Committee was appointed—the Minister knows it certainly—to consider this problem because population was increasing in such a way that the transport available could not cope with the situation and you will be astonished to hear, Sir, that the population there is nearing one crore.

This is the position. Sir, my friend from Maharashtra displayed an air of grievance and asked why we should be favoured. I have pointed out how various committees have been appointed one by one and I have said about their recommendations. In 1956, one committee was appointed. Then, in 1965, another committee was appointed.

DR. RAFIQ ZAKARIA: Sir, he is very unfair to me. I did not display a sense of grievance, but a sense of envy. I envied that you have got something which I should also have got.

SHRI AMARPROSAD CHAKRABORTY: I have said 'suppressed air of grievance'. In 1955, when Mr. Parimal Ghosh was the Minister, he set up another committee. The proposal for a circular railway was strongly recommended. Then, another

committee headed by Mr. P. A. Sharma was appointed at that time.

SHRI S. W. DHABE (Maharashtra) : Mr. A. P. Sharma

SHRI AMARPROSAD CHAKRABORTY: No, Mr. P. A. Sharma. Therefore, the Calcutta situation is horrible. This has been mentioned by my friend. I do not want to repeat it. Therefore, this project requires to be completed as soon as possible. Otherwise, Calcutta will collapse.

SHRI KALYAN ROY: Not 'will'—. It has collapsed.

SHRI AMARPROSAD CHAKRABORTY: Now, Sir, coming to the Bill, I would request the Minister...

DR. RAFIQ ZAKARIA: I must admire the tenacity of the Bengalis. Despite the collapse, they are going on very powerfully.

(Interruptions)

SHRI AMARPROSAD CHAKRABORTY: Now, this is the position. Sir, from 1947 to 1965, various committees have been appointed. They have recommended an immediate solution to the transport problem. At last, work on the metro railways has begun. If this is not completed, our entire hopes will be belied. If this is not completed and if it remains only on the pages of the statute, our expectations will not be fulfilled. But in the meantime, I would like to know whether the Minister can consider one thing. The hon. Minister has visited our place. He knows the position. After the work starts, it would be impossible to go from airport *via* Shyam Bazar to Chittaranjan Avenue and other places. The route will be impossible to go from airport *via* conveyance. No person would be able to proceed. As you are aware, the number of vehicles has increased. Previously, it was one and a half lakhs. Now, this has gone up to more than five lakhs. Mr. Kalyan Roy has mentioned about the roads also. I need not say. I would like to know

[Shri Amarprosad Chakraborty]

whether an alternative cannot be thought of till this Metro Railway is completed. As my friend, Mr. Bener-jee, pointed out, there is the question of money. Up to this time, the progress of the work is also very slow. The target period is over long ago. We are now, in 1978. I would like to know whether the Minister can join the railway line from Dum Dum *Via* Chitpur to Princes Ghat. This will only be a temporary solution. I am giving this suggestion for his consideration. There is a goods line there already. It can be constructed. As you know, Sir, the position has become unbearable for us. You would have heard about it. It takes hours for one to go from Park Circus to Shyam Bazar or Garia or Jadavpur. It is horrible. I would like the hon. Minister to apply his mind to this.

Thirdly, Sir, I would say that the hon. Minister has been unkind to the States. I use this word because in the formation of the Advisory Board he has stated the words 'being officers of the Government'. Now under the Central Act, the Government officers

3overaEi20t .. The Stat.: has no representation. There is no mention about any independent public man having any representation. Only the Government officers would be there. If that is so, how can it be an Advisory Board? I do not want that the MPs or the MLAs should be there. But there can be eminent public men having technical knowledge or somebody from the public so that he could contact the public and explain to them the actual position, why the delay is there, why the money is not coming, why the plan is not progressing. Therefore, Sir, the Minister should give a thought to this also. This is very vital.

Now regarding clause 10, I agree with the Minister that it must be brought outside the scope of the Civil Court. Now look at the procedure started for acquisition. I feel that the Minister should add one line: Notwithstanding any Act in force in

the States, Act of 1894 would not be applicable. It is all right that he has mentioned about the 1894 Act, but in a State like West Bengal there are other Acts i.e. Act of 1948 for development, for planning. There are other Acts. Provisions should be there so that no act of the State also can interfere. This will help the Government to proceed with the acquisition straightway and start the work, so that they cannot go to the Civil Court. The word court has been given but, I am afraid this is not sufficient because in the next clause he has stated of the Executive Magistrate. So, I think in clause 10, sub-clause (4) the word 'court' is not sufficient. I would, therefore, like the Minister to think over the matter, if the word 'civil court' is there, it would be better.

I differ with my friend, Mr. Kalyan Roy. He cannot take away the power under article 226 of the Constitution. I do not support it because under the emergency they had taken away this provision and the whole country protested against this. The judicial power right for which we fought, we cannot do away with it.

SHRI KALYAN ROY: Then there will be no underground railway.

SHRI AMARPROSAD CHAKRABORTY: Why not? Regarding arbitration, the procedure is there. One thing the Minister should have seen. Now in Calcutta, in the area in which I am living, when I went to that area, the land was Rs. 100 per *hatha*. Now it is Rs. 355,000 per katha. In Bara Bazar and Esplanade area you will be astonished to hear, it is more than Rs. 1,20,000 or Rs. 1,30,000 per *hatha*. The Supreme Court has given some judgment. But what I say, the present market value should be on the basis of the purchase but the price at which the land was purchased previously. That should be there; otherwise when the Government cannot give money for completion of the main scheme they will have to pay more than the plan money. There are private parties-- I do not mention their names—who are having big

pieces of land in the Central Avenue and other places. If they charge Rs. 1 lakh 20 thousand per *katta* as market value then the Government will have to give compensation of Rs. 250 crores, which is the total amount sanctioned for the scheme. So I would request the hon. Minister to see that these words are suitably interpreted and, if necessary, amended. The words "'market value' are very confusing.

I cannot proceed further as the Chair wants me to conclude. What I mean is that the Chair wants me to finish my statement. I have particularly mentioned the two points about the Advisory Board and the powers of the courts. (Interruption) To supplement the plan outlay of Calcutta will not be possible. I will show you the map given as a schedule to this Bill.

PROF. MADHU DANDAVATE: I have seen the map. You please go ahead.

SHRI AMARPROSAD CHAKRABORTY: My learned friend was asking about it. It is not possible to go outside whole of Calcutta, I have had the opportunity to see the Metro Railways in Germany and England. In India, this is the first attempt. They are doing their best. More than that, they cannot do. There is some difficulty. I will support the demand of my friends from Maharashtra and Madras. Let the Government take up these projects. But they should not think province-wise. After all, it is one India.

SHRI S. W. DHABE.: We support your project.

श्री कल्याण राय (उत्तर प्रदेश):
उपसभाध्यक्ष महोदय, (Interruptions)
अरे सुनिये, सुनते क्यों नहीं हो।

उपसभाध्यक्ष महोदय, मंत्री महोदय जो बिल लाये हैं मैं इसका समर्थन करता हूँ। लेकिन दण्डवते साहब जैसे रेल मंत्री से

मुझे बहुत सी अपेक्षाएँ हैं क्योंकि वे समाजवादी व्यवित हैं और जनता सरकार के वरिष्ठतम और अच्छे मंत्रियों में हैं।

उपसभाध्यक्ष महोदय, मैं यह जानना चाहता हूँ कि कलकत्ता में जो अण्डरग्राउण्ड रेलवे लाइन का कन्स्ट्रक्शन है, ठीक है इसको आप जितना जल्दी पूरा कर सकें उतना आपको धन्यवाद। लेकिन और जगहों पर ट्यूब लाईन बनाने का काम बिल्कुल नहीं होना चाहिए।

उपसभाध्यक्ष महोदय, हिन्दुस्तान में रेलों का निर्माण अंग्रेजों ने किया था, उन अंग्रेजों का दृष्टिकोण बिल्कुल व्यापारिक था। जब हिन्दुस्तान में अंग्रेज आये तो वे व्यापार करने के दास्ते आये। उन्होंने बम्बई और कलकत्ता को डेवलप किया क्योंकि दोनों बन्दरगाह थे और हिन्दुस्तान के कच्चे माल की सप्लाई इंग्लैंड को करने के लिए उन्होंने रेलवे को डेवलप किया। लेकिन आपका दृष्टिकोण वह दृष्टिकोण नहीं होना चाहिए जो दृष्टिकोण अंग्रेजों का था।

उपसभाध्यक्ष महोदय, हिन्दुस्तान के बहुत से इलाके ऐसे हैं जहाँ 2-2 सौ मील में रेल नहीं होती है, वे बैकवर्ड इलाके हैं। हिन्दुस्तान में बहुत से इलाके ऐसे हैं जहाँ कि मीटर गेज है और जिसको ब्राड गेज में बदलने का सवाल है। हिन्दुस्तान के बहुत से इलाके ऐसे हैं जहाँ रेलवे लाईन बिल्कुल नहीं हैं। उपसभाध्यक्ष महोदय, मेरा तो निवेदन यह है कि दण्डवते साहब के दृष्टिकोण में the perspective of the Janata Government should be radically changed, इसको बदलना चाहिए। अपने दृष्टिकोण को और प्राथमिकताओं को तय करने में हमें बैकवर्ड एरियाज को प्राथमिकता देनी चाहिए।

उपसभाध्यक्ष महोदय, यहाँ शहर के रहने वाले ज्यादातर नेतागण हैं, जिन्होंने

[श्री कल्प नाथ राय]

भाषण दिये हैं। कलकत्ता में कन्जेशन हो रहा है, बम्बई में हो रहा है, मगर क्यों बढ़ रहा है। मैं आपसे कहना चाहता हूँ कि पूर्वी उत्तर प्रदेश, उत्तर प्रदेश और बिहार के 20-20 लाख लोग बम्बई और कलकत्ता में हैं, क्यों हैं? इसलिये कि यदि आपने इन 4 P.M इलाकों का औद्योगिकीकरण किया होता, यदि आपने इन इलाकों में बड़ी लाइनों को बिछाया होता, यदि आप मध्य प्रदेश या राजस्थान या उत्तर प्रदेश या नार्थ-बिहार या उन इलाकों में जहाँ कि रेलवे लाइन बिल्कुल नहीं है, मगर जहाँ खनिज पदार्थ भारी मात्रा में पृथ्वी के गर्भ में छिपे हुए भण्डार हैं, उन इलाकों का यदि आप डिवलपमेंट करते, तो इन शहरों की समस्या नहीं बढ़ती। आज अगर कलकत्ता में दस लाख लोगों के रहने की व्यवस्था है तो अब वहाँ तीस लाख मौजूद हैं, अगर बम्बई में 30 लाख लोगों की व्यवस्था है, तो आज वहाँ 60 लाख लोग मौजूद हैं। इन शहरों की पूरी जिन्दगी...

SHRI LAKSHMANA MAHAPATRO (Orissa): Though the whole S.E. Railway runs through Orissa, Headquarters are concentrated in Calcutta and they are not shifting the headquarters.

श्री कल्प नाथ राय : मैं महापात्र जी से एग्री करता हूँ और श्री मधु दुण्डवते साहब जैसे समाजवादी से अपेक्षा करता हूँ कि जो दृष्टिकोण, जो पर्सपेक्टिव अंग्रेजों का है, उस पर्सपेक्टिव पर जो रेलवे बोर्ड बनाया है और उस पर्सपेक्टिव पर जो हिन्दुस्तान में रेलों का डिवलपमेंट हुआ है, उस पर्सपेक्टिव को बदल कर आपको एक समाजवादी पर्सपेक्टिव से हिन्दुस्तान में रेलों को बिछाने का काम करना चाहिये और प्राथमिकता देते समय पहली प्राथमिकता यह होनी चाहिये कि सरकार की ओर जब आप रेल मंत्री हैं कि सर्वप्रथम हिन्दुस्तान के बैकवर्ड एरिया में रेलवे को बिछाने में प्राथमिकता दी जाए।

जो मीटरगेज रेलवेज हैं उनको ब्राड गेज में बदलने में दूसरी प्राथमिकता दी जाए।

तीसरी प्राथमिकता, जिन बड़े शहरों की आबादी 30 या 40 लाख है, उनके लिये एक ट्यूब लाइन की जगह पांच बिछा दीजिये। यदि आप अण्डर-डिवलैण्ड एरियाज का डिवलपमेंट नहीं करेंगे, तो अपने इलाके के सभी लोग भाग कर कलकत्ता जाते हैं। किसी को रिक्शा चलाने का काम, किसी को बोरा सीने का, किसी को पेपर मिल में काम मिल जाता है और किसी को कुली का काम जो दुनिया में सबसे निम्न काम है, वही हमारे उत्तर प्रदेश के लोग काम करते हैं। अंग्रेजों ने क्यों नहीं उत्तर प्रदेश और बिहार को डिवलप होने दिया? क्योंकि वहाँ के इलाके हमेशा साम्राज्यवाद के खिलाफ लड़ते रहे। इसलिये एक तो इन्हें पोलिटिकली क्रश करने की कोशिश करते रहे, दूसरे व्यापारिक दृष्टिकोण से जो डिवलपमेंट किया गया, इन इलाकों का नहीं किया।

मेरा निवेदन है कि बंगलौर को छोड़कर हिन्दुस्तान के सभी शहर पोल्यूटिड हैं। आज पोल्यूशन की समस्या, वाटर की पोल्यूशन, एयर की पोल्यूशन लगातार हर साल बढ़ती जा रही है और कलकत्ता शहर में तो इतने जोरों से बढ़ती जा रही है, जैसा कि श्री शिवचन्द्र झा ने कहा है कि पूरे कलकत्ता को कवर करना चाहिये। अब एक अण्डर-ग्राउण्ड कांस्ट्रक्शन लाइन यदि दमदम से लेकर एक कोने से दूसरे कोने तक निकाल देंगे, तो इससे समस्या हल नहीं होगी। मैं श्री झा से सहमत हूँ इस मामले में। लेकिन प्राथमिकताओं को तय करने में आपकी पर्सपेक्टिव बुनियादी है।

उपसभाध्यक्ष महोदय, सरकार ने तय किया कि बाराबंकी से समस्तीपुर पर रेलवे लाइन 1975 तक पूरी हो जायगी। 1977

हो गया, 1978 में हम प्रवेश कर गये और अभी आधी रेलवे लाइन पूरी नहीं हुई। पिछली सरकार ने बनारस से भटनी की रेलवे लाइन की स्वीकृति दिलाई पिछड़े इलाकों में। उस पर 50 लाख रुपया बजट में रखा गया, लेकिन एक रुपया भी भटनी-बनारस लाइन पर खर्च नहीं हुआ।

मैं पूछना चाहता हूँ कि वह 50 लाख रुपया जिसकी स्वीकृति पिछले बजट में भटनी-बनारस लाइन के लिये हुई, जिसको श्री कमलापति त्रिपाठी और कांग्रेस सरकार ने जिस लाइन के लिये मंजूर किया, वह रुपया क्यों नहीं खर्च हुआ? वह रुपया कहाँ डाइवर्ट करके खर्च किया जा रहा है? मैं राष्ट्रीय स्तर की दृष्टि से आपके सामने बात कर रहा हूँ और (Time bell rings) दूसरा विवेदन हमें यह करना है कि जल्दी से एक टाइम-बाउंड प्रोग्राम कह कर आ जो तय करें उसको करें। आप जैसे समाजवादी मंत्री से हमें उम्मीद है कि और जो उधर दुनिया भर के निकम्मे मंत्रिमंडल में हैं उनके सामने उदाहरण रखेंगे इफिशियेंसी का, अच्छा काम करने का, योजना-बद्ध और समय-बद्ध कार्यक्रम लागू करने का। मैं तीसरा निवेदन यह करना चाहूँगा कि यह जो अण्डर-ग्राउण्ड रेलवे लाइन है, इस रेलवे लाइन का कलकत्ता में काम शुरू हो रहा है उसकी आप इस सदन में घोषणा करें तो यह आपके लिए बड़ी कीर्ति की बात होगी कि दंडवते साहब की देखरेख में कलकत्ता की ट्यूब-लाइन का काम समय के अन्तर्गत पूरा होने जा रहा है और वहाँ के करोड़ों लोगों को लाभ होने वाला है। मैं कहना चाहता हूँ यदि आप इस काम को नहीं करा सके तो जिस तरह से और मंत्रियों के प्रति देश में भावना बनती जा रही है—जिस स्तर के मंत्री बन रहे हैं—तो आपके प्रति भी वही भावना पैदा होगी अगर वह ट्यूब लाइन पूरी नहीं होती है। इसलिए मैं आपसे निवेदन करना चाहता हूँ और आज मैं इस सदन में आपके इस बिल

का स्वागत करता हूँ, यदि आप यह घोषणा करें कि कलकत्ता की ट्यूब लाइन को इतने दिनों के अन्दर पूरा कर देंगे। मैं तो यहाँ तक कहूँगा कि अगर आप एक साल में कर सकते हैं तो डेढ़ साल कहिए और डेढ़ साल में कर सकते हैं तो 2 साल की बात कहिए। जो वचन दें उसको पूरा करने के लिए पोलिटिकल बिल होनी चाहिए और उसको दिखा कर रहें। (Time bell rings) उपसभाध्यक्ष महोदय, अब मैं आपके सामने—अब मैं केवल 2 मिनट समय और लूँगा—चूँकि हमारा पूर्वी उत्तर भारत और नाथ बिहार का मामला है इसलिए मैं इस अवसर पर श्री एल० एन० मिश्र को धन्यवाद देता हूँ कि उन्होंने बाराबंकी से समस्तीपुर (उत्तर बिहार) जहाँ से श्री शिवचन्द्र झा आते हैं, रेलवे लाइन स्वीकृत कराई 1975 में जिसको पूरा करने का पिछली सरकार ने वचन दिया था। आपके भी जमाने में जो इस काम की गति होनी चाहिए थी वह गति नहीं है, तो मैं आपसे चाहूँगा कि इस काम को आप तुरन्त पास कराएँगे और आप बाराबंकी समस्तीपुर रेलवे लाइन को पूरा करने का वचन आज इस संसद् में दीजिए।

तीसरी बात मुझे आपसे यह निवेदन करना है कि वाराणसी से भटनी की रेलवे लाइन के लिए आपके मंत्रालय ने 50 लाख रु० की स्वीकृति दी थी पिछले बजट में वाराणसी से भटनी तक रेलवे लाइन के लिए स्वीकृत किया था (Time bell rings) मेरी आखिरी बात है, आपने उसमें से एक रुपया क्यों नहीं खर्च किया। अब दूसरा बजट आने वाला है।

अगला निवेदन मुझे यह करना है, उपसभाध्यक्ष महोदय, इम्प्लायमेंट की दृष्टि से बैकवर्ड एरियाज में रेलवे लाइनें बिछायी जाएं। चुनाव घोषणापत्र में आपने वायदा किया था कि हम जनता सरकार के लोग बेकारी की समस्या को दूर करेंगे, तो यदि आप पिछड़े क्षेत्रों में, बैकवर्ड एरियाज में,

[श्री कल्याण राय :]

रेलवे लाइनों बिछाएं, यदि आप मीटर गेज को ब्राड गेज में परिवर्तित करेंगे—मैं आपसे कहना चाहता हूँ—आप प्लानिंग कमीशन से कहिए, और प्लानिंग कमीशन की इस राय से मैं सहमत नहीं हूँ कि रेलों का, सड़कों का जाल नहीं बिछाना चाहिए; इससे हिन्दुस्तान में बेकारी की समस्या हल नहीं होगी—तो पहले हमको प्लानिंग कमीशन के इस दृष्टिकोण को बदलना होगा कि रेलवे लाइन को हम प्राथमिकता नहीं देंगे बल्कि इलेक्ट्रिसिटी को प्राथमिकता देंगे...

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): Please close now. You can speak on the supplementary grants again.

श्री कल्याण राय : श्रीमती वन मिनट । मैं जानता हूँ, पिछड़े क्षेत्रों में रेल लाइनों को बिछाने के लिए बिना फाइनेंस मिनिसट्री और प्लानिंग कमीशन की स्वीकृति के आप काम नहीं कर सकते । इसलिए आप प्लानिंग कमीशन के अध्यक्ष, प्रधान मंत्री हैं उनके साथ बैठ कर, यह जो पुराना दृष्टिकोण प्लानिंग कमीशन का है कि हम रेलवे लाइनों को बिछाने की बात को प्राथमिकता नहीं देंगे, हम सड़कों के निर्माण को प्राथमिकता नहीं देंगे, इस दृष्टिकोण को बदलें । हिन्दुस्तान में बेकारी की समस्या को हल करने का एक रास्ता है रेलवे लाइनें बिछाना, उसमें तरह-तरह के घड़े, एन्सीलरी इंडस्ट्री, सप्लीमेंटरी डेवलप हो सकती है और एक लाख बेकार लोग लग सकते हैं । और एक रेलवे लाइन के बनाने से लाखों लोग काम में इवाल्ब हो जाते हैं । इसलिये मैं निवेदन करना चाहता हूँ कि प्लानिंग कमीशन के इस दृष्टिकोण को बदलने का आप प्रयत्न करें, प्रधान मंत्री के माध्यम से, अपने मंत्रिमंडल के माध्यम से, अपने प्रयत्नों से कोशिश करें ताकि रेलवे लाइनों को बिछाने के काम को वह प्राथमिकता दे और ऐसा करके ही आप बेकारी की समस्या को हल कर पायेंगे ।

SHRI SYED

(West Bengal): I rise to support the Bill. I congratulate the Hon. Minister on his response to the legislative requirement of the task. But some old expressions have been left, like the 'public purpose', which have created handicaps in the past.

There were controversies whether certain things relate to public purpose or not. The public purpose may mean building of residential houses for officers. So, since the Government has taken the responsibility, they should also see that it is not stretched too much and

SHAHEDULLAH

does not cause trouble to the people.

About compensation and other things, they are in any case scooped up. There is enough provision in this Act, for instance regarding the market value. Even with such expressions, they will manage somehow or other to scoop up. But the Government ought to see that compensation to the poor and the middle income group should be reasonable and that it is given expeditiously. The officials have many ways of harassing the people. There should be no need for the people to run from office to office for seeking their redress.

Now the main question is the financial aspect, and so many other Hon. Members have raised it. It has been stated by the Hon. Minister elsewhere that the old mathematics has been replaced by the new mathematics. The Hon. Minister is of course, a mathematician. We have also some knowledge of it. The Hon. Minister knows it, and I would remind that the new mathematics only teaches. The factors, terms and expressions are variable, and when the functions are incalculable one does not know whether 144 crores has become 260 crores.

If finance is given in dribblets, the project will be delayed. One does not know what the inflation will lead to; it may be another Rs. 500 crores.

SHRI LAKSHMANA MAHA-PATRO:
Tending to infinity.

SHRI SYED SHAHEDULLAH: The quicker the execution, the better would it be. So, the amounts should be given in that way so that the project can be quickly completed. Then some hon. Members have brought in the question of other cities. Of course, other friends have also spoken about it. But anyway I shall only invite their attention to the fact that Calcutta deserves their sympathy also at least on three counts. If they open the Central Assembly debates of 1920, the debates of stalwarts of different parties representing all shades of national opinion, they will see that they were all fighting for electrification of the rail' way line to Calcutta and the Europeans were opposing it. Why? Because the mine owners were afraid that "their assured market—of Bengal Coal and Andrew Yule—would go away. So the entire national opinion of India was fighting for electrification of the Calcutta line and it was the Europeans who opposed it. Now these are the past losses that they have to recoup; the present Government or the present administration has to recoup. Then we have to take into account the ravages of the war. Who met the ravages of the war? The entire war ravages were met not only by Calcutta but by that part which has unfortunately gone out of India; unfortunately or unfortunately—I will not go into it now. But the war ravages were in the eastern region, including Assam and other parts (*Time bell rings*). It was all concentrated in Calcutta. The entire mischief was concentrated in Calcutta. Thirdly, what about the result of the partition? Calcutta had to take in so much of the population of East Bengal. Such a sprawling population had come. You have to see how the poor people living in Tollyganj work in Dum Dum and how people living in Dum Dum work in Tollyganj. These are the aspects which you have to see. These will show that Calcutta deserves your sympathy. Besides, there is another thing also. Calcutta is a miniature India. As my friend on that side has said, so many people

of U.P. and Bihar live in Calcutta. We are proud, we are happy, we consider ourselves fortunate, to have so many people, to have so many tongues spoken in one city. Having been in Calcutta, when I go to other States...

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): Please conclude.

SHRI SYED SHAHEDULLAH: . . . no place seems strange to me because I know that if I step out from one place of Calcutta to another, I find the same people, with the same dress, speaking the same languages as spoken in Tamil Nadu, Kerala, U.P., Bihar or Bombay. Whenever I see the Maharashtra Bhavan in Calcutta and the Tilak statue there, I am proud of it. There was another Maharashtra mathematician—Tilak. We all fought for independence together and let us stick together now. On these small matters let us not drift away from one another. Then there was the "towns and the villages" question.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): Please conclude now. Your party has taken its time.

SHRI SYED SHAHEDULLAH: This is the only point that remains. Now, in this commodity economy, the towns and the villages grow together. You cannot make the villages grow, without the towns growing by themselves. You see the examples of Haryana and Punjab. As soon as the villages become prosperous, the towns also grow because in this commodity economy, you cannot help it. If you put something in villages, the villages start growing and if there are small industries, the villages become towns. As it happened in Germany and Japan, they also become cities. So it is the nature of the commodity economy and you cannot help it. It is in the interest of the economy and the progress of the country that small industries should grow in villages and they all become towns. That is all I have to say. I do not see anything more

[Shri Syed Shahedullah]

to add. The conflict will go on. With these words I again support the Bill. We all wish Godspeed in the progress of the project in hand.

SHRI GIAN CHAND TOTU (Hima-chal Pradesh): Mr. Vice-Chairman, it is an irony of fate that in spite of repeated assertions by the Janata leadership of giving a fair deal to the rural areas, whenever there is a demand from the rural areas of India for opening new railway lines, the railways have two excuses: one, they do not have funds, two, the railway lines are uneconomical. But they have funds for suburban railways which are going to cost about Rs. 500 crores today. What were the estimates for the Calcutta suburban railway line? What was the time-schedule? And ultimately how much is it going to cost? There would have been some sense in undertaking these projects if they were commercially viable. But look at the suburban services, look at the commuter services, in India today. They are all running on subsidy, subsidy by the poorest sections of the society. And he will be a bold man who says that these projects are going to be commercially viable. Well, the railways have spent sufficient amounts on the Calcutta metro railway. Therefore, it would be in the best interests of the country, if this project is completed expeditiously. The sooner that project is completed, the better it would be for the railways also because they are spending huge sums of money without any return. They have also included Delhi, Bombay and Madras now. All these metropolitan towns are served not only by railways, they are all having a lot of road transport service, there are air services and there are shipping lines, while at the same time large areas of India, as my friend has said, do not have any road, do not have any railway line, do not have even drinking water, do not have power. It is all very confusing, the Janata Government is also treading in the old rut, whatever the rut in the Ministries.

Even an intelligent and capable Minister like Prof. Madhu Dandavate cannot change the rut of his Ministry. They have embarked upon these metro railways or these projects without applying their mind and they will go on expanding, whether these services are contradictory, whether these are confusing or whether they are against the majority of the population of India whom they profess to serve. Therefore, I request the Minister that he should not be guided by his department. He is capable enough to give guidance to his department. There is no point in starting metropolitan projects in Delhi, Bombay or Madras till the major portion of India, the rural areas, the backward areas, the hilly areas, for which every section of this House makes demands daily and sheds crocodile tears, are provided with the basic amenities of life. Now you see they are spending Rs. 10 crores for one Janata hotel each in these metro towns. And yet they go on saying that they stand for the people of the rural areas. Look at these metro railways. As my honourable friend has said, they are so capital intensive and it is foolish to copy Western countries and to show that we also have these metro railways. It is shameful that large areas of India are denied the basic amenities of life and they are talking of metro railways. I would, therefore, request the honourable Minister that he should apply his mind to these matters. There has not been much expenditure on Bombay. He may have a soft corner¹ for Maharashtra. But I hope he will rise above that and will endeavour to provide railway lines to the backward, hilly and rural areas of India and his Ministry will not take the argument that these railway lines are uneconomical when they are prepared to spend Rs. 500 crores on projects which are 100 per cent uneconomical.

PROF. MADHU DANDAVATE: Sir, at the very outset let me thank all the honourable Members of the House who have participated in the debate, because nobody inducted politics into

the debate. But judging the Bill on its merits, unanimous support has been extended to the Bill as a correct step to expedite the procedure that was created by certain legal hurdles. We have to see to it that no legal hurdle is further created in the execution of the project.

Most of the persons who have spoken out here expressed some differences. But those differences were not on the contents of the Bill. In fact there is unanimity on the Bill. If some diversions or differences were expressed, they are merely on something which is outside the purview of the Bill.

The debate began with my old friend Dr. Rafiq Zakaria initiating the controversy between Bombay and Calcutta. Though I come from Bombay, I do not want to be partisan at all. I do not mind adopting an unpopular line. No doubt I will keep my mind open. There is a Government in Maharashtra and there the Urban Development Minister, Maharashtra Government will be trying to formulate the scheme for that State. Also there is the Bombay Municipal Corporation. We from the Railway Ministry also apply our mind.

I fully agree with the last hon. Member Shri Gian Chand Totu. He asked, if such highly capital intensive projects are to be taken up in all the metropolitan cities in India, what will happen to the development of railway lines in rural and other hilly areas. From that point of view, both in this House and in the other House, I have made it clear that the important aspect is one of priorities to which Shri Kalp Nath Rai also referred to. It is a question of priorities. It is not because I want to betray the city of Bombay from which I come. More than the city of Bombay there are rural areas beyond Bombay. More than Madras, there are rural areas beyond Madras which have to be developed. The surface transport of these areas are also to be developed. They will have to wait in terms of priority for the work which has already started. I might inform the House that this project

would cost Rs. 250 crores and we have already spent Rs. 35.3 crores. In the budget 1978-79 we have already reserved Rs. 11.8 crores and 13.5 per cent of the physical work has been completed. Instead of discontinuing this work let us take a lesson from this project that in future we should not concentrate on projects which are so much capital intensive.

One hon. Member rightly said that the capital intensive character of a project cannot be judged merely in terms of the capital spent. After all you have to think in terms of capital plus output ratio. That aspect also I will take into account.

These are all extraneous matters and are unrelated to the main issue. This is only an enabling Bill. I do not want to enter into the controversy of Calcutta *versus* Bombay. I am one of those who believe that patriots were born in this country in all parts of the country and it is because of such patriots and freedom fighters from all parts of the country that India has been liberated. Martyrs created by Madras, Calcutta, Punjab and Bihar are not only martyrs belonging to Madras, Calcutta, Punjab and Bihar, they are martyrs belonging to India as a whole. That is how I look at the freedom struggle. I do not want to induct any comparison between one State and another or between Calcutta and Bombay or Bombay *versus* Madras. That is not our attitude.

One issue that was raised by Mr. Naik is about the period of notice. He said that the notice period of 21 days is inadequate. You say on the one hand that proceedings should be expedited. On the other hand you say that the notice period should be extended to one month. I think this is a contradiction. Let it be 21 days. If there is no satisfaction from the decision of the competent authority, there is a provision for arbitration and the arbitrator will give the final decision according to the usual Arbitration Act. Four months' period is there. Therefore, as far as the notice period is concerned, it is there and

[Prof. Madhu Dandavate] let us keep it as three weeks or 21 days and I think that would be quite sufficient. Another aspect that was raised was regarding Bangalore. But having explained to you the perspective of the Government and the thinking of the Railway Ministry and having taken note of the lines on which some Members have spoken, I can say only this much that we are still keeping our minds open. If any suggestions are there—there is the Bangalore Corporation and there is the Bombay Corporation and there is the Madras Corporation—and if they come forward with proposals, we will keep our minds open. But our priorities are very clear. Then, another question was raised. Mr. Ramamurti rightly said that we should not bring in the conflict of the various States or various cities. I fully agree with him. Then, Mr. Shiv Chandra Jha raised the question of what would happen to the statue of Mahatma Gandhi. He asked what would happen to the statue of Mahatma Gandhi because the work is going on. It has now been shifted to another spot. But, in doing that we have taken into account the public opinion and we have consulted the West Bengal Government and we have put it at a more prominent place. Sir, I am second to none in respecting the memory of Mahatma Gandhi and nothing will be done by this Government and nothing will be done by a single Opposition Member which will actually denigrate the name and fame and work of Mahatma Gandhi and, therefore, that question does not arise.

There was one question which was raised and it was regarding the competent authority. The Central Government will appoint the competent authority and that authority will consist of some judicial authority, a person with some judicial powers and judicial status, because the very work of the competent authority, to invite objections to screen them, to examine the documents, to ask the people to come forward and give

evidence, requires judicial acumen and, therefore those officers who will be appointed will be judicial officers and the work will be completed judiciously. Then, Sir, there was also a reference to the question of compensation. I was rather surprised to find that inadvertently some of the leftists in the House used the word "compensation". They have forgotten that in the last Parliament, the Twenty-fifth Amendment of the Constitution was adopted and I was one among those who supported that amendment of the Constitution and, in that, Sir, the word "compensation" has disappeared from the pages of the Constitution because of that amendment and now only the word "amount" has been substituted because many socio-economic transformations are likely to be checked or obstructed on the basis of the word "compensation". The moment you use the word "compensation" in a book or a document, remember that the meaning of the word "compensation" is "just equivalent" of the property acquired and "just equivalent" has been defined by the courts on a number of occasions as the basis of the market value. But we do not want to get committed to the concept of market value which is to be paid and, therefore, wherever a reference is there to the basis on which the competent authority will fix the amount to be paid to those land owners whose land is acquired or users' rights have been acquired, we have deliberately used the word "amount" that will be fixed by the competent authority taking into consideration the market value and so many other factors, that is, the damage caused to the buildings standing on the surface, the damage caused to certain buildings in the process of reconstruction work and so on. So, all those aspects are there. But we are not committed to the payment of the amount which will be exactly the market value and that is why we have said that all these factors will be kept in mind while fixing the amount to be paid. I have made the point very clear in my introductory remarks. I

have said that in the tunnelling work, there are two processes. One is the tunnelling and the other is the cut- and-cover method. In one case, no building will be disturbed and the tunnelling will go on from below. Then, there is the cut-and-cover method in which right from the top, right from the surface, earth will be dug out and the construction work will be completed. Actually, a shell will be constructed and after that, excavated earth will be put back and the loads will be reconstructed. There are various processes. In some cases, the entire land will have to be acquired and in some cases only the users' rights have to be acquired. In both the cases, we have already said in the various provisions as to what exactly will be the amount. It is not quantified. As for the amount to be given when the land is acquired, that has been left to the competent authority and whatever is fixed as the amount for the land, 10 per cent of that will be paid when any owner, any tenant or anyone who is enjoying the rights of that land is asked to shift some other place. We have made it explicitly clear that for the construction of the tunnels of the underground railway if anyone is temporarily shifted from the place in which the tunnelling work is going, on it will be the responsibility of the Central Government to provide them with temporary alternative accommodation free of cost or alternatively a suitable amount will be fixed by the competent authority and then that amount will be handed over. These are the clear conditions.

One of the points raised by some hon. Members was regarding the composition of the Advisory Board. If you carefully go through this section which makes a reference to the Advisory Board there is not merely a reference to the composition of the Advisory Board in which Government officers will be there. And according to the general section, if you look into section 3(2), etc., you will see

that 'Government' includes Central Government as well as the State Government. So the officials which will be there would be of the Central Government as well as the State Governments concerned. The question arises. In the Advisory Board will there be no room for some experts who do not belong to the Government? My answer to this is that going carefully go through the clause, you will see that the clause has been so flexible that the Advisory Board has been permitted to appoint various committees. In that particular section it is not mentioned that the persons to be selected must be Government officers. Deliberately that clause has not been made explicit. So under that sub-clause it will be possible for us to take certain experts in terms of finances, in terms of technology, technological understanding, and so on. This particular Advisory Board is given full authority to appoint any number of committees on which experts can be taken—officers of the Government as well as others—so that a broad-based structure can be built up.

Shri Kalyan Roy raised a number of questions which were completely extraneous to the Bill. He asked what exactly was going to be the time schedule. Sir, this is not the occasion for all these details to be discussed. But I have said in this House and I have said in the other House also that with the availability of resources we have to complete the first phase by 1984-85 and the second phase by 1985-86. The first phase will be from Dum Dum to Sham Bazar and the second phase will be from Esplanade to Tollygunge. But this has nothing to do with the Bill. I have just cursorily said it.

Regarding the *modus operandi*. ..

SHRI KALP NATH RAI: Sir, >.

PROF. MADHU DANDAVAT: I am coming to your point also, so that you are not dissatisfied, unless you have decided to remain dissatisfied. If that be so, then I can't help it.

[Prof. Madhu Dandavate]

Then, another point which has been made by a number of hon. Members— Shri Banerjee referred to that and Shri Naik also referred to it—regarding the *modus operandi* of giving the notice. Now, a notice will not be merely published in the Gazette. There is a suggestion that notice may be individually given to the person concerned under the powers given under the Rules framed within the jurisdiction of the Bill. I can assure you that the Rules will be framed in such a manner that even the individual concerned in acquisition of land or in acquisition of user's right may also have the knowledge of the notice, and there will be no room for any complain.

Sir, the last but one speaker Shri Kalp Nath Rai had raised certain questions of priorities. I can assure the hon. Member that there is no difference between what he said and what I have been telling as a Minister of this Government. He said that priorities must be for the backward areas, and also to try to convert all the metre gauge into broad gauge. I would like to remind the hon. Member that in this country, out of 61,000 route kms. of railways, 38,000 kms. are of metre and narrow gauge. If they are to be converted, that will require an amount of the order of Rs. 4,000 crores. Now, the question is whether you will like to spend money on conversion or to open lines where there is not even an inch of railway line. Our view is that instead of spending so much money on conversion, priority should be given to open new lines in areas where there is not a single inch of railway line. At the same time, let us take up those conversion schemes which involve a number of transshipment points, which are important from the point of view of operational efficiency and which will produce better results. I am quite conscious of the fact that these problems are not related to the Bill. But if I were to remain quiet, our hon.

friend would have unnecessarily felt irritated and agitated that I have not taken up his points. In a democracy, a Member has certain rights and one must respond to him. Therefore, I actually referred to some of the issues which even to my mind were extraneous. Now, I am sure that he will also support this enabling legal Bill which is before the House. With these remarks, I commend the Bill for the consideration of this House and I hope and trust that it will be done unanimously.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): 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, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): Now, we shall take up clause-by-clause consideration of the Bill.

Clauses 2 to 45 and the Schedule were added to the Bill.

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

PROF. MADHU DANDAVATE: Sir, I move—

'That the Bill be passed.'

SHRI S. W. DHABE: Sir, I want to speak.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): The time allotted for the Bill was two hours. We have already exceeded that time.

SHRI S. W. DHABE: We have to express some views which are very essential to the Bill.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): Please be very brief.

SHRI S. W. DHABE: Sir, it has been stated by the hon. Minister that 'this is an enabling provision and, therefore, there is nothing in this Bill.

PROF. MADHU DANDAVATE: I did not say that there was nothing in the Bill. Otherwise, I would not have brought it.

SHRI S. W. DHABE: You said that there was nothing to be worried. I fail to understand the policy of the Government in bringing forward such enabling Bills when there are already two Acts, the Indian Railways Act and the Land Acquisition Act of 1884. Instead of bringing forward this Bill, he should have included it in the Indian Railways Act. Instead of solving the problems, it will create more difficulties. This Bill is likely to be challenged by the landlords and others in Calcutta city on the ground that it is *ultra vires* of Articles 14 and 19 of the Constitution. My first point is that in Clause 17 it has been stated that land Acquisition Act will not apply to these proceedings. But there are other Acts for acquisition in the States; and those Acts have not been excluded from the purview of the Act. A serious objection is that if it is to be expedited, then the provision should have been that it will not give rise to writ matter and writ jurisdiction questions. In this connection, the Land Acquisition Act provides in Section 23, sub-clause (2):

"In addition to the market value of the land as provided, the court shall in every case award a sum 15 per cent of such market value in consideration of the compulsory nature of acquisition."

Therefore, it is 15 per cent. He is entitled to get more money under the ordinary Land Acquisition Act, in addition to market value of the land as provided by clause 23. But, Sir, there is no similar provision under this Act; there is a provision under clause 13(4) about the market value, how to find out the damage, the value of the land and so on and so forth. But, so far as clause 23(2) is concerned, there is no provision under this Act for giving 15 per cent compensation for the compulsory acqui-

sition of property. And, therefore, Sir, under articles 14 and 19 of the Constitution and as article 31 is going to be deleted from the Constitution, this will be a discrimination between the two legislations for giving Compensation. I would like the hon. Minister to consider seriously as to what would be the effect under articles 14 and 19 if different provisions are made for the land acquisition in the same city.

Secondly, Sir, if they wanted the proceedings to be expedited, the better way would be to have this act under the Ninth Schedule. Under the amended constitution, if these Acts are taken under the Ninth Schedule, that will give protection against articles 14 and 19. Therefore, Sir, since there is no intention on the part of the Minister to have it under the Ninth Schedule, it will only give rise to more litigation and more problems. Sir, even in the case of an arbitrator, though he will be a High Court judge under clause 16, he will be subordinate to the jurisdiction of the High Court. The High Court has a number of jurisdictions—elections petitions, original jurisdiction, etc. Under clause 16, if the reference was given to the High Court itself, then the appeal would have been provided to the Supreme Court. Therefore, Sir, merely saying that no injunction will lie, etc. will not do. The lacuna remains the same. It is the same machinery, the bureaucracy that has prepared a routine type of Bill and under clause 16, a High Court judge will be the arbitrator and he will be subordinate to the jurisdiction of the High Court under article 227. My suggestion to the hon. Minister, in order to expedite all these things is that the reference should be to the High Court itself instead of having arbitrators as pointed out under clause 16. Sir, my submission about clause 4—advisory body—is that this method of delegating everything to the Government officers is not correct. And, Sir, no time limit has been fixed for the members of the advisory board. Membership of the advisory board is restricted to the Government officers.

[Shri S. W. Dhabe]

Sir, he has referred to the general clauses to show that the officers include the State Government officers. Sir, we are having the Urban Development Departments in the states. We have got municipal corporations and we are having experts. Therefore, my suggestion is that the representatives of the Urban Development Department and also the representatives of the municipal corporation like the Calcutta Municipal Corporation or, of any other metro-political city for which this is going to be done, must be taken on the advisory board. Therefore, Sir, this piece of legislation—clause 4 and delegation of power—is a bad piece of legislation. It should have provided a self-contained provision giving representation to all, including the representatives of the public because the advisory board has got a very important function.

Sir, I would like to point out that the problems of cities having more than one million population are not taken into consideration by the Minister. He is only thinking of the metropolitan cities. But, Sir, there are transport problems in many cities like Nagpur, etc. There, the problem of local trains and local transport is very big. I would request the hon. Minister to consider this aspect also.

Lastly, Sir, in the last Budget Speech he has said at page 9, para 23, and I quote:

"During every debate on the Railways in Parliament hon. Members have been voicing concern over the lack of railway facilities in several backward areas. I share this concern equally with them and the Government is keen to take up construction of more and more new railway lines, especially in the backward areas. I am exploring all avenues of mobilising more resources for this purpose in consultation with the Planning Commission and the Ministry of Finance so that construction of more new

railway lines may be taken up. The Government is trying to evolve a long term policy in this regard."

Sir, in this regard, I would like to point out that the Government has come out with its industrial policy, textile policy, etc. but the hon. Minister of Railways is sitting tight on the long-term railway policy in regard to backward areas, and he has not come out with such a policy. Besides that, he should either immediately or, at the most, in the course of this session come forward with a policy statement for having railway communications in the backward areas.

SHRI LAKSHMANA MAHA-PATRO:
Sir, I want to say a few words.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): There is no time available now.

SHRI LAKSHMANA MAHA-PATRO:
Sir, I would be speaking only for two or three minutes.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): All right, put a question but do not make a speech.

SHRI LAKSHMANA MAHA-PATRO:
Sir, I will have to put something before the House and before the Minister so that when this law takes effect, it is put to some good use and it does not harm the people or the railways and the work that is intended to be done with great speed—because time is the most important factor in the matter of construction of metro railways—is done with that speed. That is why I am going to say just a few words.

Sir, this Metro Railways (Construction of Works) Bill is a new Bill. I am not going to speak as other hon. Members have spoken because it is the third reading. But the metro construction is a new experience for us. Everybody has said in this House that the hon. Minister, if he continues till the construction of this work, will not be anxious to have a second experience. But so far our experience

experience. But so far our experience is really sad and there are still many more days when he will have still sadder experience in the matter of construction of this work. When this construction is being done, you wanted certain things to be done and you provided for certain measures. The first thing that you said was that you will have this work of acquisition etc. done by certain competent authorities and for that you will have arbitrators also and when the construction work will be going on, you will have commissions to inspect them. That is how you have provided for it. Sir, I want to tell you one thing. I have gone to Calcutta and seen some places where construction work on this metro project is going on and how great many difficulties are being experienced by the people. That has also been mentioned in the Statement of Objects and Reasons. Now, when you go and want to give some amount to the people for taking their rights or getting hold over some of their rights, you should be very very careful because it is Calcutta. If these people, the competent authority which will be appointed for this purpose, are not of that good stuff and they misbehave with the people because whenever there is a law which provides for speedier course of action—unlike the Land Acquisition Act, which provided for a very long process—there you will find a bit of, what you call, whims and arbitrariness and *ad hoc-ism* coming up, there will be a great deal of rupture of feelings between the people and these officers. You will have to guard against it. Otherwise there will be developing some kind of a very serious situation in Calcutta and you will not be able to start the work of metro railway construction for quite a long time and the estimated cost of Rs. 250 crores that you have provided will rise to a much higher figure. Therefore, in the matter of appointment of this competent authority for dealing with these matters you should be very careful.

892 RS—10.

Sir, the other thing that I want to say is about accidents. Sir, as far as clause 31 of the Bill is concerned, it provides for notice of accidents and enquiries. You can definitely have an enquiry conducted into an accident. But please tell me what you are going to do so far as the question of payment of compensation is concerned. So far as the people affected by these accidents are concerned, the provisions of the Workmen's Compensation Act or some other similar law may apply. But clause 31 also covers property. Therefore, you will have to say what you propose to do about that. But nothing has been said.

Now, my friend, Mr. Dhabe has made some two or three suggestions while making his speech which have provoked me to give an answer. The first thing that he says is that you may be facing very great difficulties because your provisions here come in conflict with the provisions of the Land Acquisition Act. The other thing that he asked was why could not the Indian Railways Act be amended? What was the necessity for a separate law? About the Indian Railways Act, I may tell him that if a separate law had not been brought forth the very same problem which he feels like facing as far as the Land Acquisition Act is concerned, would have been there. It is only with a view to get over such a situation that it is being done in this manner. I do not think there will be any difficulty in it.

Lastly, I want to say—when Mr. Kalp Nath Rai was speaking, you said: why not take it up when the Supplementary Budget comes up—this is after all a Bill on the metro railway and we cannot resist the temptation of speaking about it, and what I wanted to say was that whenever Prof. Dandavate rises to tell us about the Railways, he speaks from the angle of backward people and the backward areas. And he said it

[Shri Lakshmana Mahapatro]

also in the report. But may I tell him that during these days after he gave his address when he said that he will be rushing to the backward areas, our impression is that he has not gone to the backward areas but he has gone back—on his words. That has been the way he has been conducting. He went to my State to lay the foundation stone of the coach repair unit at Mancheswar, and a memorandum with so many items of work was given to him. Can you imagine Sir, in this twentieth century, in this year of 1978, there is a State with a district which does not have a single inch of railway line? And no survey has ever been conducted. It is the district of Phulbani. The whole district is a tribal area. We gave him the proposal. He says that he is interested to go to the backward areas. If he is really interested, he should immediately conduct a survey of this area. We need not spend so much of money over these projects. But since the present project had already begun, it will have to be completed. But at the same time it is the bounden duty of the Railway Minister, and a pious duty, that if he wants to be truthful to what he says, let him go to these backward areas and have the survey conducted immediately. He should not give the plea that money is the constraint in having the surveys done.

PROF. MADHU DANDAVATE: Sir, my hon. friend, Shri Dhabe, has raised certain legal points and I must clarify them in this House lest there should be any misunderstanding. Sir, when the sovereign Parliament adopts a legislation in which it decides to exclude this legislation or this construction work and all the related operations of acquisition of land from the purview of the existing Land Acquisition Act 1894, in that case the proposition becomes quite clear. And before introducing this particular aspect into the Bill, we had actually taken the guidance

from the Solicitor General and we were advised that there will be absolutely no legal complications by introducing this particular clause. On the basis of that advice, we have included it here. Of course, some risk is always there but after taking proper advice, we have gone into that.

He also raised another question. As far as the Land Acquisition Act is concerned, I do not think it will come in the way.

There is another aspect and that is about the discrimination, the property aspect and the compensation aspect. I wish to remind the hon. Member that already the last Lok Sabha has adopted the 25th Constitution (Amendment) Bill by which the question of compensation has been disposed of and, therefore, throughout our Bill, nowhere we have used the word 'compensation'.

The third point that he raised is that in spite of this legislation, we are bound to get involved into litigation because the doors of writ are also open. I would like to know from this hon. House whether we would like the doors of writ to be completely closed. As far as this Government is concerned, as far as the Janata Government is concerned, it stands committed . . .

SHRI S. W. DHABE: I did not say that the provision of writ should be taken away. I said that it should be the High Court so that writ questions will not arise.

5 P.M.

PROF. MADHU DANDAVATE: Sir, it is our own judgment. May be, Mr. Dhabe's judgment and our judgement might be different. But we feel that rather than leaving the

matter to go to the High Court, if we decide upon arbitrators who will be either retired judges or serving judges or those who are qualified to be judges of the High Court, so that, the status would be very clear, they would . . .

SHRI AMARPROSAD CHAKRABORTY: In that case, they can go higher up.

PROF. MADHU DANDAVATE: That does not matter. If he is a retired High Court Judge or a serving High Court judge or one who is qualified to be a High Court judge, I do concede the theoretical possibility that there may be writs. But I think, there is general consensus in both the Houses that writs should always be there and, therefore, we have not gone to that extent. I have confidence that even with this restricted provision that we have already made in this legislation, if they are effectively implemented, we would have expeditious execution of the projects that we have already taken up and, I think, the long delays due to litigations that might have been caused if the new Bill were not to be brought forward, can be avoided. With these words, I once again . . .

SHRI L. R. NAIK: One point. By the 25th Amendment to the Constitution, the word 'compensation' has been deleted and has been replaced by the word 'amount'. So, to that extent, your argument should hold good. But what will happen in the future? Article 31 is sought to be deleted by the 45th Amendment. What will be the implication of this sort of change in the Constitution?

PROF. MADHU DANDAVATE: Sir, we cannot anticipate anything and move ahead on that basis. It would be wrong. It is never done in Parliament. We cannot go on the basis of whatever has not been passed.

as yet. I think, even your ruling will be that we cannot say those words which are not supposed to have come up before the House. I will neither say 'sub judice' nor 'prejudice', because this is not before the court. All that I say is this. I have already explained to the House throughout my initial observations and in my concluding remarks how the legal complications can be avoided. Of course, some loopholes can always be found and some risk is always there. That risk has to be taken. But we have tried to put the Bill in such a form that all the delays that can be eliminated can actually be eliminated and we can take this particular project out of the purview of the Land Acquisition Act, 1894, thereby expediting the project. I hope and trust that this House will unanimously accept this.

With these words, I move that the Bill be passed.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): The question is:

"That the Bill be passed."

The motion was adopted.

THE PRESS COUNCIL BILL, 1977

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI LAL K. ADVANI): Sir, I beg to move:

"That the Bill to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers and news agencies in India, as reported by the Joint Committee, be taken into consideration."