

>17.04 hrs.

Title: Combined discussion on the Statutory resolution regarding disapproval of Delhi Metro Railway (Operation and Maintenance) Ordinance 2002, and consideration of the Delhi Metro Railway (Operation and Maintenance) Bill, 2002. (Resolution withdrawn and Bill passed)

MR. CHAIRMAN : The House shall now take up Item Nos.21 and 22 together.

SHRI BASU DEB ACHARIA (BANKURA): Sir, I beg to move:

"That this House disapproves of the Delhi Metro Railway (Operation and Maintenance) Ordinance, 2002 (No.7 of 2002) promulgated by the President on 29 October, 2002. "

THE MINISTER OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI ANANTH KUMAR): Sir, I beg to move*:

"That the Bill to provide for the operation and maintenance and to regulate the working of the metro railway in the metropolitan city of Delhi and for matters connected therewith and incidental thereto, be taken into consideration."

* Moved with the Recommendation of the President

SHRI BASU DEB ACHARIA : Sir, this is the second Ordinance that is now being replaced by legislation. During the inter-session period, five Ordinances were promulgated. This Ordinance is one of the five Ordinances promulgated during the inter-session period.

The Government is now trying to avoid Parliament as well as the Standing Committee and the Government is adopting the Ordinance route. I do not find any urgency for the promulgation of this particular Ordinance. What has been stated in the Statement of Objects and Reasons is that one portion of Delhi Metro from Shahdara to Tis Hazari would be operationalised in the last week of December. The trial run was started long ago. For running the Delhi Metro, an Act is required. Instead of promulgating an Ordinance, the Government should have brought a legislation before the House. It could have brought that legislation in the last Session of Parliament and thereby the Standing Committee could have got an opportunity to scrutinise the Bill. It would have then come before the House for legislation. The Government has not done that and there lies our objection. Where there is an urgency and there is no time, an Ordinance could be promulgated but in this particular case there is no justification or rationale behind the promulgation of an Ordinance.

The construction of Delhi Metro was started at least three years ago. Why was a legislation not enacted before the construction was started? Why is it that just when the Delhi Metro is to be operationalised, the Government of India has felt the necessity for having an Act for operation and maintenance of Delhi Metro?

The Delhi Metro would be operated by a Corporation where the Government of Delhi as well as the Central Government are joint partners. They have an equal share. The Central Government has a share of 50 per cent and the Delhi Government also has a share of 50 per cent. So, I would like to know whether the Government of Delhi was consulted before the promulgation of this Ordinance. Why was the Government of Delhi not taken into confidence before the promulgation of this Ordinance? I would like to know whether the draft Bill was sent to the Delhi Government and whether their suggestions were obtained and incorporated in the Bill.

I have with me the statements made by both the Chief Minister as well as the Transport Minister of the Government of Delhi.

They have stated that the Centre should have consulted the Government of Delhi before taking the decision as the Government of Delhi is also an equal partner. In the Delhi Metro Railway project, the Centre has not consulted us even once before taking the decision to promulgate the Ordinance. This is the statement made by the Chief Minister of Delhi. Why is it so? When they have the equal share – the share of 15 per cent – why was the Government of Delhi not consulted before the promulgation of this Ordinance? What prevented the Government of India from consulting the Government of Delhi?

She has also expressed her reservation in regard to the procedure that will be adopted for fixation of fare. I would like to know whether the Government of Delhi would have any say in this regard. It has been provided in the Bill that a fare tariffs committee will be set up. But what will be the role of the State Government of Delhi? I would like to know whether the Government of Delhi would have any say in regard to fixation of tariff. It should also be clarified.

She has also stated that the Centre has not even responded to the objections raised by the Government of Delhi. What were the objections raised by the Government of Delhi? Why were the objections not taken into consideration? She has stated that the promulgation of Ordinance was unilateral decision of the Government of India.

Sir, the world over, Metro Railway are under the Ministry of Railways. First Metro was started in Kolkata. The construction of Kolkata Metro was started in 1978. The first phase of Kolkata Metro was opened in 1985 and later on it was extended up to Dumdum. Now, it is running between Tallygunj to Dumdum.

Sir, there was a debate in this very House whether Kolkata Metro should remain under the Ministry of Railways or it should be transferred to the Ministry of Urban Development. But ultimately the Government decided that Kolkata Metro should continue as part and parcel of the Indian Railways. But in the case of Delhi Metro, although it will be a company, 15 per cent share will be with the Central Government, 15 per cent share will be with the State Government and the rest is with one Company from Japan. They have the 50 per cent share. However, in the case of Delhi Metro why is it under the Ministry of Urban Development? The Railways have the expertise for maintenance and operation. It would have been better if the Delhi Metro is also under the Ministry of Railways instead of the Ministry of Urban Development.

Sir, in this Bill there are a number of provisions. Clause 86 says on Power of Central Government to issue directions :

"Without prejudice to the foregoing provisions of this Act, the metro railway administration in case of the non-Government metro railway shall, in the discharge of its duties and functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time."

Then, what will be the role of the State Government? These questions are raised by the State Government. If everything will be done by the Central Government, if all the directions will be issued by the Central Government, then what will be the role of the State Government?

Clause 100 on Power of Central Government to make rules says :

"100. (1) The Central Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

a. the form and time for preparing and sending annual report under section 12;

(b) the terms and conditions of the Fare Fixation Committee under section 35;

(c) the procedure to be followed by the Fare Fixation Committee under section 35;

(d) the extent of compensation payable under section 57;

(e) the powers, duties and functions of the security staff of the Government metro railway under section 97; and

(f) without prejudice to any power to make rules contained elsewhere in this Act, generally to carry out the purposes of this Act."

So, when all these procedures of Fare Fixation Committee and the procedure to be followed with regard to determination of fare, compensation payable etc. everything will be directly done by the directions of the Central Government, what will be the role of the State Government of Delhi? That should also be clarified.

I am not convinced with the necessity of promulgation of this ordinance. There was no urgency and the Government should have brought a Bill so that the Bill could be scrutinised by the Standing Committee and then come before the House. It is an important Bill because we will have a new organisation like the Delhi Metro. This type of Bill should always be referred to the Standing Committee so that the members of the Standing Committee can get an opportunity to scrutinise the various Sections of the Bill and then come to the House. This method of taking the ordinance-route by this Government is not correct. What we have seen is that this Government can be called, that it is now governed by, an ordinance raj. So many ordinances are there.

SHRI SURESH KURUP (KOTTAYAM): What about an ordinance on women's reservation?

SHRI BASU DEB ACHARIA : They will not bring it. They will not bring an ordinance on it but where they are needed and where the ordinances are not required and where there is no urgency, in such cases they will bring an ordinance. That is why I have moved my resolution of disapproval.

SHRI ANANTH KUMAR: Sir, the House is well aware that Delhi is getting its world-class metro. The first phase is being completed by the second week of December. A stretch of 8.3 kilometres from Shahdara to Tis Hazari is going to get inaugurated and operationalised.

When we wanted to test this facility, then we required a legal framework for that. Though we had the trial run on 17th of September, but before operationalising it we wanted to go through various checks for which the legal framework was required.

Therefore, we brought this Delhi Metro Railway (Operation and Maintenance) Ordinance. Basically, this Ordinance, which is being converted into an Act now, is on operation and maintenance. Firstly, the railway system that has been spread over under Delhi Metro has to get the services of the Safety Commissioner of Railway and again about the claims, the Claims Commissioner has to step in. Actually, it is not correct that we hurriedly proceeded with this Ordinance. Two years back, we sent the draft Bill to the Ministry of Railways, to the Ministry of Law and Justice and to the Delhi Government in September, 2000. I want to take this august House into confidence that after 10 reminders, we got replies, especially from Delhi Government, only few months back when the issues were raised regarding tariffs as to who will decide the tariff, who will decide the fare structure. The fare structure and the tariff will be decided by a Tariff Committee headed by a judge of the High Court, sitting or retired. There will be one representative from the Government of India and there will be one representative from the Delhi Government. Therefore, the Delhi Government is also participating in it.

Secondly, it is said that all rail-based Metros world over are under the Railways. It is not the actual situation. The world over the Metros are under different agencies. They are autonomous bodies. They are under local bodies. Least number of them are under the Railways. It is so because as the nomenclature itself suggests, Metro is a public transport system for a metropolitan, an urban conglomeration wherein we need to use different modes for a very smooth public transport system. In some of the places, it has been an inter-modal transport of rail and road. For example, in London, it is an inter-modal transport. Therefore, there is a Greater London Metro Corporation, which is not under the Railways. In some of the places, it is elevated light transport road system or rail system, ELTRS. In some of the places, sky vessels are also being used on experimental basis. Such being the case, it is not correct that Metros are always under the Railways. To the very least extent, it is under the Railways.

According to the change of rules of business in 1986, the Metro system has been transferred to Urban Development Ministry and, I feel, rightly so because in our country, we have got 35 metropolitan cities with more than one million population. Hardly, four of them have a Metro. One is Kolkata. Another is, to an extent, Chennai. To a greater extent, through local rail system, Mumbai has it and now Delhi is going to have it, but 31 other metropolitan cities do not have any Metro system.

Thirdly, it has been raised that the Union Government did not respond to Delhi Government's suggestions and queries.

According to article 246 (1) of the Constitution, all rail transport systems are subject matter of the Union Government. On the subjects enumerated in the Union List, the Union Government has the mandate to legislate and to bring Ordinances, which is what we have done in this case.

That being the case, as a matter of cooperation and courtesy, we have consulted the Delhi Government, and they had no objections on operations, like safety, claims, maintenance etc. However, they have an objection over the tariff, which I have clarified just now, and we have clarified it to them. Then, they have raised an objection over rule-

making powers. We said that through this Ordinance and the ensuing Act, we are not empowering the Union Government or the Delhi Government because together, with 50 per cent equity each, we have created a unique special purposes vehicle, which is the Delhi Metro Rail Corporation, which is a professional body which will run the Metro rail services, and the powers will be vested with the Delhi Metro Rail Corporation. They will be drafting the rules and, as per the provision under article 246 (1), the Government will notify those rules.

I think, I have clarified the matters. Now, I will request the House to negative the Resolution and to take up the Bill for consideration.

MR. CHAIRMAN : Motions moved:

"That this House disapproves of the Delhi Metro Railway (Operation and Maintenance) Ordinance, 2002 (No. 7 of 2002) promulgated by the President on 29 October, 2002."

"That the Bill to provide for the operation and maintenance and to regulate the working of the metro railway in the metropolitan city of Delhi and for matters connected therewith and incidental thereto, be taken into consideration. "

SHRI SHIVRAJ V. PATIL (LATUR): Very soon, Delhi is going to have Metro Railway, and we are very happy about it. I would like to take this opportunity to congratulate those who are responsible for contributing to establish Metro Railway in Delhi.

If we really want to reduce the pressure on the transport system in the metros, it would be necessary for us to depend on something like Metro Railways. The road transport mode will not, by itself, be able to take that load. In all big cities, the Metro Railways should be established and they should be run to reduce the pressure on the surface roads.

We have a situation in the country where the rural masses are migrating to the cities, they are living around the cities, and the distances they have to cover to go their places where they work are also very long. The Metro Railways can help in this respect. The sooner we have a plan for all the metro cities in the country for having something of this kind, it will be better for us.

Having said this thing, I also would like to join my colleague sitting on the Opposition Benches in objecting to the Ordinance-route taken by the Government in making this law. They knew that the Metro Railway was going to be started very soon. It could have been possible for them to draft a Bill, present it to the Parliament, allow it to go to the Standing Committee, allow the Members of the Standing Committee to look into the provisions of the Bill and make the recommendations to the Parliament and get the Bill passed. As to why this is not being done by the Government, we are unable to understand. It is like saying that we have promulgated the Ordinance, now it is for you to decide whether you accept it or you do not accept it.

Now, this kind of a situation should not be created by the Government. Under the Indian Constitution it has been mentioned that it is the responsibility of the Legislature to make laws. The route of Ordinance is followed by the Executive to make laws. But this has to be adopted in exceptional cases, when there is no time available and the urgency is great. But you cannot have a law like this through the route of Ordinance. There are many Ordinances that have been presented to this House. We are expected to pass them. If we do not pass them, then the Government would say, 'look, we wanted to make these kinds of provisions and create facilities for the benefit of the people but the hon. Members sitting on the Opposition Benches are not helping us'. You are steam-rolling the law. You are trying to create a situation in which you would either have the Members to accept what you are saying or that you would create a situation where you would be in a position to criticise the Members sitting on the Opposition Benches. This kind of a method cannot be appreciated by the Members of the Legislature.

Sir, the Constitution has provided that the job of making a law is that of the Legislature; the job of taking Executive decisions is that of the Executive and the job of interpreting the law is that of the Judiciary.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): The Supreme Court has also deprecated this step and has said that there cannot be Ordinances like this and those cannot be repeatedly done.

SHRI SHIVRAJ V. PATIL : It is definitely so. That is right. The Supreme Court has said in many cases that the route that the Executive is adopting of promulgating Ordinances is not expected to be adopted by the Executive in making the laws. I do not understand as to why the Government keeps such things pending for a long time and then suddenly when the Metro has to be made operational, they come before the House after having promulgated an

Ordinance to this effect. That should have been avoided and since that has not been avoided, we would like our protest to be recorded that this route should not have been followed.

You want to have a law under which you want to take action against the borrowers, against the lenders and to strengthen the Financial Institutions. All these matters, very important and complex matters in which the Members should have their say, the Government did not allow the Members to consider in a proper manner in the committee. We have created a system of Departmentally-related Standing Committees where a limited number of Members sit together and in a non-partisan and unbiased manner apply their minds to the legislative proposals and come back to the House with their report and then see that a proper law is framed. But that is not being done. We register our protest in very strong words against this route of Ordinance being taken by the Government.

Sir, the approach to help the commuters should be holistic. There would be people coming from long distances by using the Metro Railway. But they would alight at different stations and would like to go either to their place of work or to their residences and that has to be done by using the vehicles on the roads. Now, if there is no co-ordination between what the Metro Railway is doing and as to how the transport facilities on the roads have to be provided to the commuters, then the commuters would not have the kind of facilities that should be made available to them. It is exactly for this reason that it should be possible for the Government of India to consult the State Government. The hon. Minister has said in his speech that in other countries, the Railways are not with the Railways alone. In some countries the Railways are with the Local Self Governments.

SHRI ANANTH KUMAR: Not the Railways, the Metro Railways are with the Local Self-Governments.

SHRI SHIVRAJ V. PATIL : Yes, the Metro Railways are with the Local Self-Governments.

Why should this Metro Railway not be with the State Government? What is the difficulty in giving it to the State Government? I can understand this Ministry building the railways or helping the people who are in the job of building it, in excavating the ground and laying the rails, in acquiring the land and all those things. I do not understand as to how this job can be better done by this Ministry!

The Railway Ministry could have done it better than this Ministry. As far as construction of Metro Railway is concerned, this Ministry is better placed. As far as running and maintaining the Metro Railway is concerned, this Ministry is not on an equal footing with the Ministry of Railways. Then, why is this activity retained with this Ministry? Why is it that this Ministry is coming before the House with this Bill? Expertise in this field does not lie with this Ministry. Expertise in this field lies with the Ministry of Railways.

If it was thought not necessary to give this activity to the Ministry of Railways, why was it not possible for the Union Government to give it to the State Government, if the State Government is willing to take it up? There are many State Governments, which are not willing take this activity upon themselves. In the case of Calcutta Metro, probably the Government wanted that the Calcutta Metro should be given to the metropolitan authorities in Calcutta. Yet, they were not willing to take it up. Supposing some Government in a metropolitan city is willing to take up this activity, why should it not be given to them? The Union Government has made provisions in law under which they will not only be giving this activity to Government agencies, they will be giving it to non-governmental agencies also. If they can give it to non-governmental agencies, why cannot they give it to the State Government?

If they are not going to give it to the State Government, we do not mind. Probably the State Governments would not have enough funds, enough machinery to provide all the facilities that are required to be provided for running the Metro Railway in a proper manner. We can understand that and we are not insisting on that. However, should it not be necessary for the Union Government to consult the State Government while giving directions to the Railway Administration as to how they should run it? The Union Government has the authority to give directions. They are holding a particular portion of the share in this activity. In the same fashion, the Delhi Government is also having a share in this activity. They have also contributed to it. Why should the Union Government not consult the State Government before giving directions which are of very great importance and far-reaching consequences? The State Government need not be consulted everyday. But, why should the Union Government not consult the State Government in giving directions to Metro Railway administration as to how they should manage the Metro Railway?

If the Delhi Government is asking for this kind of a right, I think they are not wrong in doing so because they are answerable to the people. If the Metro Railways do not run properly, the people are likely to go to Delhi Government and say, "You are sitting here, you are our representatives, why are you not helping us?" That kind of a stand, people are likely to take. Why should the Union Government not help them and provide a forum where they can sit together, they consult one another and then can give directions. The last word will be given by the Union Government. So, why should they not consult the State Government in giving directions?

The Union Government has retained with itself the right to give directions to the Metro Railway Administration. It is not taking into account the fact that there is a State Government here which should be consulted, and which, in the

first instance, is responsible to the people living in the metro. Why should it not be done? It should be done, but it has not been refused to be done.

I am sorry that the Minister has come with this Ordinance before us. Now, it is in the form of a Bill before us. If the Government wants to amend it, they can amend it. They can amend it now; they can amend it later on. But should the Union Government not assure us on the floor of the House that since the Metro Railway is meant for the people living in this Metro city, the Government in this Metro city will be consulted when directions of far-reaching character are given to the Administration by the Union Government?

At least, that can be done by you now. If that is done, I think, it will solve the problem to some extent. It is not going to be binding. But the consultation should be done. They would explain to you their difficulties; they would explain to you as to how they will be able to help you; and they will explain to you as to how they can contribute. Why should it not be done? We are, all the time, talking about decentralisation of power and this and that. Why this kind of consultation with the State Government with respect to the Metro Railways should not be done, we fail to understand.

My basic point is that if you want to adopt the holistic approach to the problem of transportation, then consultation with the Delhi Government as well as other local authorities also will be useful.

Now, there are certain provisions in the law which talk about non-governmental railways. What does that mean? We would like to understand it. What is your intention? Up till this time, the Railways have been with the Government. Are you going to create a situation in which the Railways will be given to the non-governmental agencies? Are you thinking of privatising the Railways as such? And, if you are taking that route, you please come before the House not in this manner but you come directly to us and tell us that you are going to privatise the Railways, and let the Members explain their points of views, and then you can take a decision. But you are not doing it.

You have a law in which you are talking about the non-governmental railways. What does that mean? Now, if I understand correctly, non-governmental railways means the railways which will be run not by the Government but by some other agencies. But why are you doing it? Where is the non-governmental railways in the country? If it is run by the corporation, well, that is not totally non-governmental. But if it is run by the private person, and if you have to take that decision, you take that decision. But take that decision consciously. You please do not come to this decision through backdoor. That is not correct.

You are building the Metro Railways and you would like to hand over this Metro Railways to some private agencies, you would like them to run it. If they do not run it properly, you would say that "What can we do? We gave it to them, but this happened and that happened. So, it did not succeed, and the people are suffering. Let them suffer."

In U.K. the Railways is privatised. But today's position of U.K. Railways is such that they are thinking of re-nationalising the Railways. Privatisation has not helped the Railways in U.K. If you think that privatisation of Railways can help in India, do it; but do it consciously; do it after assessing all the pros and cons relating to it; do it in a proper manner and not in a haphazard manner. Do not come to this conclusion through backdoor. This is a backdoor entry into the privatisation of Railways.

We are not opposed to privatisation as such. We are opposed to the wrong kind of privatisation; we are opposed to the idea of building our Railways with the funds given by the Government agencies and then handing over the Railways to some private agencies. Now, if you think that the panacea for all the ills with which the country is suffering is privatisation, that is your view. That is not our view. Privatisation is necessary in certain areas; and privatisation has been done. We are not opposed to it but we do not think that the privatisation is the panacea. Privatisation is not the only solution which can do away with the ills with which our country is suffering. If that is your view, you come directly, but do not come in this fashion through the backdoor. It seems that you are trying to come to this conclusion through the backdoor.

Now, I come to my last point. You have said that this Metro Railways is going to be one of the best Railways. But I would like to request you, Mr. Minister, and the authorities concerned with it that let everything be best. Let the Administration be done in the best possible manner.

Please do not follow the beaten track. You invent some new methods of administration and management; and all the new equipments that are required for this purpose should be given to them. The Railway Administration that you will provide, the equipments that they would have, should remain relevant at least for 25 years to come. If you are following the beaten track and if you are going to give them the kind of equipments which are used by the Railways now and the kind of administration with which the Railways are managing, I am sorry that in the city of Delhi and in other cities also, it is not going to be very helpful in the near future.

So, this is an occasion when you can do it. If you do not do it now, you would not be able to do it in the future. It is

easier for you to have modern methods of management and administration now and it is easier for you to have all the modern equipments required for management, operation, maintenance etc. now; and it would not be possible afterwards. Sometimes, we just follow the old methods, and after 2-3 years we come to the conclusion that it is not helping and then we want to modernise it, which does not help.

The cost that would be involved in modernising it after 2-3 years will be much more than the cost of modernising it now, at the beginning itself. So, let this issue be very carefully examined by the experts and let us go by the advice given by the experts in providing the best possible management. If you can invent a management which is not available anywhere in the world also, let us have it. Let us use all the latest gadgets, equipments and instruments for providing facilities to the people who will be travelling by this railway. If you do it, you would have done a great service and that itself will help all other modes of transport in the country.

This is a Bill to which it is not possible for anybody to object. All the provisions of the Bill cannot be objected to. But to some ideas and to some concepts, we do have objections and we have expressed those objections. But this Bill deserves to be passed and I think, it will be passed by the House.

श्री लाल बिहारी तिवारी (पूर्वी दिल्ली) : सभापति महोदय, मैं दिल्ली मेट्रो रेल (प्रचालन और अनुरक्षण) विधेयक, 2002 का समर्थन करने के लिए खड़ा हुआ हूँ। मैं आपके माध्यम से कहना चाहता हूँ कि दिल्ली भारत की राजधानी है। यहां वॉ 1960 में लगभग 40 लाख की जनसंख्या थी और आज करीब डेढ़ करोड़ से अधिक दिल्ली की जनसंख्या है। दिल्ली शहर में रोजी-रोटी कमाने के लिए उत्तर प्रदेश, बिहार, राजस्थान, मध्य प्रदेश आदि विभिन्न प्रांतों से लोग आते हैं। गरीब लोग आलीशान बस्तियों में अपने मकान नहीं ले सकते, इसलिए वे लोग दिल्ली की झुग्गी-झोंपड़ी बस्तियों, पुनर्वास बस्तियों, अनअर्थराइज्ड कालोनियों और मध्यम वर्ग की कालोनियों में रहते हैं। लोगों को अपने काम-धंधों पर जाने के लिए दिल्ली की परिवहन व्यवस्था ठीक नहीं है। आज दिल्ली की परिवहन व्यवस्था पूरी तरह से चरमरा गई है। मैं पूर्वी दिल्ली का सांसद हूँ। पूर्वी दिल्ली में दिल्ली की एक-तिहाई आबादी रहती है। श्री शिवराज पाटील साहब ने यह बात आपने ठीक कही है कि यह अध्यादेश लाने की इतनी जल्दबाजी क्या थी। लेकिन आप दिल्ली की जनता से पूछें कि उन्हें अपने काम-धंधों पर जाने के लिए कितनी परेशानियों का सामना करना पड़ता है। दिल्ली की जनसंख्या के हिसाब से इस शहर में लगभग 15 से 20 हजार बसें चाहिए। लेकिन दिल्ली की कांग्रेस सरकार चार हजार बसों से अधिक बसें मुहैया नहीं करा पायी हैं। लोग परेशान हैं, वे अपने काम-धंधों पर नहीं जा सकते हैं। â€(व्यवधान)

SHRI SHIVRAJ V. PATIL : We are not objecting to the Bill.

श्री लाल बिहारी तिवारी : मैं उसी पर आ रहा हूँ। मैं बताना चाहता हूँ कि इसकी जरूरत क्यों हुई। मैं कहना चाहता हूँ कि दिल्ली की परिवहन व्यवस्था पूरी तरह से चरमरा गई है। हमारे सारे सांसद मित्र देश के चाहे जिस प्रांत से आते हों, लेकिन वे दिल्लीवासी भी हैं।

इनके प्रांतों के रहने वाले मेरी कांस्टीट्यूएंसी में लाखों की संख्या में रहते हैं।

कुंवर अखिलेश सिंह : आप भी हमारे ही प्रांत के हैं।

श्री लाल बिहारी तिवारी : जी हां, मैं भी इन्हीं के प्रांत का हूँ। लेकिन मैं कहना चाहता हूँ कि दिल्ली सरकार दिल्ली की परिवहन व्यवस्था को तक नहीं सुधार पा रही है। मैं कहना चाहता हूँ कि डी.टी.सी. की इतनी बुरी हालत है कि उसके कर्मचारियों को वेतन तक नहीं मिल रहा है और वे परेशान हैं। अगर मेट्रो भी उनके हवाले दे दें तो दिल्ली का राम मालिक है। मैं कहना चाहता हूँ कि आज अपने वर्कर्स से पूछिये कि दिल्ली में बिजली, पानी और यातायात की व्यवस्था चरमरा गई है, आपकी सरकार वही सुधार ले। भारत सरकार ने दिल्ली मेट्रो रेल को चलाने का जो प्रयास किया और जल्दबाजी की और आर्डिनेन्स लाई और आज बिल लाए हैं, मैं उसके लिए अनन्त कुमार जी को दिल्ली की जनता की ओर से बधाई देना चाहता हूँ।

मुझे याद है आपके प्रयास से जब 17 सितम्बर के दिन देश के उप प्रधान मंत्री लाल कृण आडवाणी जी कोरिया से मंगाए गए डिब्बों का निरीक्षण करने के लिए गए तो हम लोगों को पास बहुत थोड़ी संख्या में मिले थे। अगर पाटिल साहब जाते वज़ीराबाद रोड पर शास्त्री पार्क में, जहां वे डिब्बे लाए गए हैं, वहां लगभग 20000 आदमी मेट्रो रेल को देखने के लिए तड़प रहे थे। कैसी बढ़िया मेट्रो रेल है! वाह री भारत सरकार! कोरिया से इतने सुन्दर डिब्बे मंगाए जिसमें 1500 लोगों के आने जाने की व्यवस्था है तथा और डिब्बे भी होंगे। मैं कहना चाहता हूँ दिल्ली की परिवहन व्यवस्था ठीक नहीं है। मेट्रो रेल दिल्ली के इतिहास में वरदान साबित होगी। इसके रेट भी मैंने अखबार में पढ़ा है कि चार रुपये से सात रुपये तक रखे गए हैं। मैं कहना चाहता हूँ कि दिल्ली शहर 1400 किलोमीटर लंबा फैला हुआ है और दिल्ली के अंदर मेट्रो के जाल को और बिछाने की आवश्यकता है। यह जो 2005 तक हमारी योजना है, वह 62 किलोमीटर लंबी लाइन की है और उसमें सबसे पहले जो तीस हज़ारी से शाहदरा बताया है, वह मेरा संसदीय क्षेत्र ही है। 8 किलोमीटर के करीब वह दूरी है। चार रुपये से सात रुपये तक का जो किराया दिया गया है और आने जाने का समय इतना कम है कि सात मिनट में पहुँच जाएगा। इस घनी आबादी के शहर में अपने काम-धंधों पर जाने के लिए लोग कितना परेशान होते हैं। इसलिए मैं कहता हूँ कि यह मेट्रो जो शाहदरा से 30 हज़ारी और सबसे पहले मेरे संसदीय क्षेत्र में शुरू हो रही है उसके लिए मैं बधाई देना चाहता हूँ अनन्त कुमार जी को जो हमारे शहरी विकास मंत्री हैं। मैं इस पचड़े में नहीं पड़ना चाहता कि रेल मंत्रालय चलाता तो अच्छा था या शहरी विकास मंत्रालय चलाता तो अच्छा था। दिल्ली की जनता को इससे कोई लेना-देना नहीं है। सवाल यह है कि दिल्ली की गरीब जनता को, झुग्गी-झोंपड़ी में रहने वाली जनता को अपने काम-धंधों पर पहुँचने के लिए एक समुचित व्यवस्था चाहिए और वह व्यवस्था निश्चित रूप से मेट्रो हो सकती है।

महोदय, दिल्ली में वायु प्रदूषण बहुत है। आपको ध्यान होगा कि पहले चौराहों पर एक मिनट खड़े रहें तो आंखों में मिर्च लगती थी। अब सी.एन.जी. के कारण उसमें सुधार हुआ है। लेकिन अभी भी दिल्ली शहर बहुत प्रदूषित है। मेट्रो के चलने से जहां समय बचेगा, वहीं प्रदूषण में भी कमी होगी। अभी कहा गया कि मेट्रो रेल के संबंध में दिल्ली सरकार को कंसल्ट नहीं किया गया। मेरे पास एक पत्र है जिसमें बताया गया है कि वह प्रपोज़ल 26 सितम्बर 2000 को भारत सरकार ने दिल्ली सरकार को भेजा और डेढ़ साल तक वह अपनी राय नहीं दे पाई। इनके दिमाग में दिल्ली की जनता के प्रति कितनी संजीदगी है। अगर भारत सरकार इस पर चिन्ता न करती तो दिल्ली के लोगों को जो सहूलियत मिली है और एक उम्मीद जगी है, वह नहीं मिल सकती थी।

मैं आपके माध्यम से इस बिल को सपोर्ट करते हुए कहना चाहता हूँ कि यहां पर दिल्ली गवर्नमेंट को भी कॉन्फिडेन्स में लिया गया है। अभी बताया गया है कि टैरिफ कमेटी में दिल्ली गवर्नमेंट को शामिल किया गया है। उनकी सलाह से रेट तय किये गये हैं। यह कहना ठीक नहीं है कि भारत सरकार ने दिल्ली गवर्नमेंट को कंसल्ट नहीं किया। पूरी सलाह की गई थी। जब निरीक्षण का कार्यक्रम था तो भारत सरकार की तरफ से जहां हमारे उप प्रधान मंत्री थे, शहरी विकास मंत्री थे, वहीं दिल्ली के लैफ्टिनेन्ट गवर्नर और मुख्य मंत्री भी थीं।

वहां परिवहन मंत्री मौजूद थे। वहां उपस्थित मंत्रियों और जनसमूह को देखकर ऐसा नहीं लग रहा था कि भारत सरकार और दिल्ली सरकार में कोई भेद है। बिना भेदभाव के भारत सरकार ने दिल्ली की जनता के फायदे के लिए मेट्रो रेल का निर्माण किया है। मैं मंत्री जी को विशेष रूप से बधाई इसलिए देना चाहता हूँ क्योंकि मेट्रो रेल सबसे पहले मेरे संसदीय क्षेत्र में प्रारंभ हो रही है। चूंकि सबसे पहले यह मेरे संसदीय क्षेत्र में प्रारंभ हो रही है इसलिए मैंने इस पर बोलने के लिए अपना नाम दिया था।

महोदय, मैं सदन में बताना चाहता हूँ कि वर्ष 1993 में जब दिल्ली विधान सभा के चुनाव हुए थे उस समय भारतीय जनता पार्टी की सरकार बनी थी। उस समय श्री मदन लाल खुराना जी मुख्य मंत्री थे और मैं भी मंत्री परिषद् का सदस्य था। उस समय हमने यह योजना बनाई थी और उसी समय हमने दिल्ली मेट्रो रेल कॉर्पोरेशन का गठन किया था। उस समय हमने दिल्ली की यातायात व्यवस्था सुधारने के लिए यह कदम उठाया था। आज दिल्ली की कांग्रेसी सरकार पूरी दिल्ली की जनता को गुमराह करने की कोशिश कर रही है कि मेट्रो रेल का संचालन दिल्ली सरकार को देना चाहिए। मेट्रो रेल भारत सरकार का उपक्रम है। कलकत्ता में भी यह चल रही है। वहां भी भारत सरकार ही इसे चला रही है। मुंबई में भी चल रही है। वहां भी भारत सरकार ही इसे चला रही है। इसलिए इसे भारत सरकार द्वारा ही चलाया जाना चाहिए।

महोदय, दिल्ली सरकार का यह कहना भी ठीक नहीं है कि दिल्ली सरकार को इस कार्य में सम्मिलित नहीं किया गया है। मेरा कहना है कि इस बारे में हर विधायक पर दिल्ली सरकार को भारत सरकार ने कंसल्ट किया है। इसे देखकर हमें नहीं लगता कि भारत सरकार ने दिल्ली सरकार के साथ किसी प्रकार का भेदभाव किया है।

महोदय, जैसा मैंने बताया, दिल्ली में 62 किलोमीटर की दूरी में यह मेट्रो रेल लाइन लगभग 12 हजार करोड़ रुपये की लागत से बनेगी। पहले इसकी अनुमानित लागत 10 हजार करोड़ रुपये थी, लेकिन अब यह धनराशि बढ़कर 12 हजार करोड़ रुपये हो गई है। इसमें प्रथम मेट्रो रेल शाहदरा से तीस हजारी तक चलनी है। यह क्षेत्र मेरे संसदीय क्षेत्र में पड़ता है। इसी प्रकार चान्दनी चौक से शाहदरा तक रेल लाइन चलेगी। वह क्षेत्र हमारे विजय गोयल जी का संसदीय क्षेत्र है। मैं सदन में बताना चाहता हूँ कि हमारे प्रधान मंत्री श्री अटल बिहारी वाजपेयी जी का जन्म दिवस 25 दिसम्बर को है। मेरा आग्रह है कि उस दिन उनके जन्म दिवस के शुभ अवसर पर मेट्रो रेल को रा्ट्र को समर्पित किया जाए। इसके लिए मैं मंत्री महोदय का अपनी ओर से, सभी निर्वाचित प्रतिनिधियों की ओर से तथा पूरी दिल्ली की जनता की ओर से आग्रह करना चाहता हूँ कि माननीय अटल बिहारी वाजपेयी जी के जन्म दिवस पर 30 हजारी से शाहदरा तक रेल लाइन को रा्ट्र को समर्पित किया जाए। मुझे आशा है कि मंत्री जी मेरी प्रार्थना पर जरूर ध्यान देंगे।

महोदय, मैं एक बात आपके माध्यम से सदन में और बताना चाहता हूँ कि पूर्वी दिल्ली की पापुलेशन 40 लाख से अधिक है। यहां पर हमने एक प्रस्ताव रखा था कि दिलशाद गार्डन से विवेक विहार, हरगोविन्द एन्क्लेव, प्रताप विहार और विकास मार्ग होते हुए बाराखम्भा तक एक और मेट्रो लाइन डाली जाए, लेकिन दिल्ली की कांग्रेस सरकार ने इस प्रस्ताव को झुप कर दिया जिससे दिल्ली की पूरी जनता के अंदर इस बात पर रो है। मेरी मांग है कि इस रेलवे लाइन को बनाने के प्रस्ताव को झुप न किया जाए बल्कि इस योजना को चालू किया जाए। तभी दिल्ली की परिवहन व्यवस्था सुधर सकती है। इसी प्रकार से तीस हजारी से एक लाइन शास्त्री पार्क से गोकलपुरी, नन्द नगरी होते हुए दिलशाद गार्डन तक बिछाई जाए। मुझे पूरा विश्वास है कि भारत सरकार इस प्रकार का प्रयास जारी रखेगी क्योंकि जितनी दिलचस्पी भारत सरकार ने इस लाइन को बनाने में दिखाई है, उतनी ही शीघ्रता मेरे द्वारा बताई दो अन्य लाइनों को बनाने के प्रस्ताव पर भी विचार करेगी।

भारत के उप प्रधान मंत्री, श्री लाल कृष्ण आडवाणी जी ने कच्छ में एक मीटिंग में भी इस पर चिन्ता जताई थी कि इसको शीघ्र चालू करना चाहिए। मैं आपके माध्यम से अनुरोध करना चाहता हूँ कि इस पर जल्दी से जल्दी काम किया जाए। मैं इतना जरूर कहूंगा कि इसके संचालन के लिए एक सलाहकार समिति अवश्य बनाई जाए जिसमें दिल्ली के उपराज्यपाल के नेतृत्व में कुछ लोगों को सदस्य बनाया जाए और उसमें संसद-सदस्य और विधायकों को सदस्य बनाया जा सकता है और इस प्रकार से मेट्रो रेल के संचालन के लिए एक समिति बनाई जा सकती है।

18.00 hrs.

मेरा निवेदन है कि आपके उपराज्यपाल द्वारा या कल को यदि यह पूर्ण राज्य हो जाता है तो उस समय के गवर्नर के नेतृत्व में एक सलाहकार समिति होनी चाहिए
(व्यवधान)

समापति महोदय : छः बज चुके हैं और अभी दो-तीन वक्ता और बोलने वाले हैं। यह बहुत इम्पोर्टेंट बिल है।

...(व्यवधान)

SHRI BASU DEB ACHARIA : There is no commitment that everyday we would sit beyond 6 o'clock. The agreement was only for three days and that is over.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Sir, Members of the Committee are here. Today we got engaged in one subject suddenly that went up to quarter to five o'clock. Normally, from 2 p.m. to 6 p.m. we would pass two or three Bills. If discussion does not take place, how can the Bill be passed? I am not saying that all the Bills should be passed; but at least let this Metro Railway Bill which is under consideration of the House be passed today.

SHRI BASU DEB ACHARIA : Tomorrow we can continue. There is discussion under rule 193 tomorrow at 4 o'clock and before that this Bill can be passed.

SHRI PRAMOD MAHAJAN: There is some other business than discussion under rule 193 to be transacted tomorrow. Therefore, please cooperate. ...*(Interruptions)*

SHRI BASU DEB ACHARIA : No, Sir. Tomorrow you can take it up.

श्री प्रमोद महाजन : आप ऐसा क्यों कर रहे हैं ? आपको क्या करना है ? (व्यवधान)

श्री बसुदेव आचार्य : आप रोज-रोज ही छः बजे के बाद भी हाउस को चलाते हैं। (व्यवधान) लेट बैठने की बात केवल तीन दिन के लिए ही तय हुई थी। (व्यवधान)

श्री प्रमोद महाजन : आप रोज ही बैठते हैं इसलिए आपको कोई प्रॉब्लम है। जो रोज नहीं बैठते, उनको कोई प्रॉब्लम नहीं है। (व्यवधान)

श्री बसुदेव आचार्य : हम रोज तो बैठते हैं। किस दिन हम नहीं बैठे ? (व्यवधान)

श्री प्रमोद महाजन : तिवारी जी अपना भाग खत्म कर रहे हैं। आप कृपया इसे आज पास करा दीजिए। (व्यवधान)

सभापति महोदय : सदन की सहमति से सदन का समय बिल पास होने तक के लिए बढ़ाया जाता है।

श्री लाल बिहारी तिवारी : मैं अपनी बात खत्म कर रहा हूँ।

इन्हीं बातों को कहते हुए मैं इस बिल का समर्थन करता हूँ।

SHRI MOINUL HASSAN (MURSHIDABAD): Mr. Chairman Sir, I am standing here to speak on the Metro Railway Bill placed by the Urban Development Minister. I take it as my duty to express my happiness that another metro railway is coming up in a city other than Kolkata. Side by side, I would like to demand that it is very much required by other metro cities also, apart from Kolkata and now Delhi, because, as already raised by the hon. Member Shri Shivraj V. Patil, all the metro cities are now getting congested. The whole traffic system in all the metro cities is very much congested. Therefore, metro rail is very much required in other metro cities also. This is my first demand.

I would like to make two more points. When the hon. Minister spoke on the disapproval resolution, he said that the world over metro rail is not maintained by the Railways; it is maintained by the local bodies and autonomous bodies also. I may agree with him in this regard. But my point is that the Government is trying to go to local and autonomous bodies, but unfortunately not to the State Government. They are avoiding the authority of the State Government. Why are they doing this?

Secondly, the Minister also said that for fare structure there would be a Tariff Committee headed by a judge. There will also be one member from the State Government and one member from the Government of India side. My question is whether it is enough. I suppose one member each from the State Government and the Government of India is not a proper representation on their behalf.

So far, it is not according to our unique federal structure.

Now, I fail to understand two things. It is already mentioned at the time of discussion as to what was the urgency to promulgate an Ordinance. When the Winter Session was to commence very shortly, the Ordinance was promulgated. It was only to bypass the Standing Committee. It is a big Bill and if it would go to the Standing Committee, it will scrutinise all the pros and cons of the Bill. But the Standing Committee is not in a position to discuss it now due to the promulgation of this Ordinance. Therefore, it should not be the practice of the Government to bypass the Standing Committee or the proper procedure. This has already been mentioned in this august House. Even the Supreme Court has told on various occasions that it is not fair for the Government to do so.

Secondly, I would like to know why Delhi Metro Rail should be under the Ministry of Urban Development. This has been discussed earlier everywhere and the Minister has already told as to why it is not under the Railways. But it is the question of expertise. This should come under the Ministry of Railways. So far as maintenance and operation is concerned, it is the question of expertise and this responsibility lies extremely upon the Ministry of Railways. The expertise is very much inadequate with the Ministry of Urban Development. It is already said so by the Minister in the Bill. The first line of the Statement of Objects and Reasons mentions about the inadequacy of expertise and others. So, there is no expertise with the Ministry of Urban Development Ministry to manage this Metro Rail but they are going to operate the system. I doubt the expertise of Ministry of Urban Development. The Minister himself knows this point. My question is, why is the Government doing so.

Thirdly, the project is implemented by the Delhi Metro Rail Corporation Limited. There is foreign collaboration also. The participation is 15:15 and it is discussed at length here as it relates not only to the State Government of Delhi but also to the Central Government. And it is related to the unique system of the federal structure of the country. I suppose, without the co-operation of the Delhi Government, it is not possible to maintain the Delhi Metro Rail. So, it is better to consult properly on time with the Government of Delhi.

I have gone through different sections of the Bill and I find that they are trying their best to accumulate all the powers in the hands of the Government of India. It is against the concept of decentralisation of powers. So, I would like to say that it should be considered in a proper manner.

So far as safety in the Metro Rail is concerned, there is a big discussion throughout the country. What about the safety in our Railways? We are discussing it everytime when there is an accident. But I am not talking about other Railways. But so far as it is under the Ministry of Urban Development, we have little experience. The Kolkata Metro Rail is run by the Railway Department. People are talking about the safety measures taken by the Railway Department of the Government

of India in Kolkata. We have seen that it is not up to the mark. Everytime, we are discussing as to how it can be made better, but unfortunately, the Railways is not in a position to do it. Proper safety is not there for the passengers of the Kolkata Metro Rail.

I do not know what will happen once the Metro Rail is started after 25th December. Nobody knows. I suppose one dark day will come. I want that it should not happen. I do not desire that. So far as the safety is concerned, we should take proper care. There is a lot of confusion in this Bill so far as safety is concerned. The Minister, in his opening remarks, told that a Safety Commissioner has been appointed from the Railways. I do not know about that. I am not clear about this. The Metro Rail is a unique system in our country. I very much agree with Shri Basu Deb Acharia and Shri Shivraj V. Patil that it is a unique system. I must say that the lacunae in this Bill should be addressed properly.

With these words, I conclude.

DR. B.B. RAMAIAH (ELURU): Hon. Chairman, Sir, Delhi Metro Railway (Operation and Maintenance) Bill, 2002 deals with a very important issue. We have to support it. At the time of giving funds also, we had requested that as the traffic goes on increasing in the metros, we have to somehow or the other see that all the metropolitan cities are helped in the same way in order to reduce traffic problems and also the pollution problems.

18.12 hrs. (Shri Basu Deb Acharia *in the Chair*)

Now, it has come to Delhi. I am not very particular about who is going to operate this Railway, whether it is the Railways or the Ministry of Urban Development or the State Government. But it requires people of very high expertise who can operate and maintain it. They should see that it is run properly in the larger interest of the people. The safety of the people is very important. There are different methods in different parts of the world. In London the system is different. From point to point the charge varies. In New York it has been standardised. In Paris the system is different. The system should be simplified and it should be remunerative in terms of operations. It should be accident free. This should serve the purpose for which it has been started. This Metro Railway should be taken proper care and it should be up to the mark. I do not know how it is being operated in Kolkata. However, the system that is being adopted in different countries should be taken into consideration and they should try to give best services to our people.

I also request that the hon. Minister should see that in Chennai, in Bangalore and in other cities where the traffic has become a big problem, where the metro railway has become absolutely necessary, this system should be extended. I wish you will do that.

डा. रघुवंश प्रसाद सिंह (वैशाली) : सभापति महोदय, मेट्रो रेलवे के बारे में हम दिल्ली में देखते हैं कि काफी काम हो रहा है। जमीन के ऊपर पिल्लरों पर यह ट्रेन चलेगी। हम लोग पहले यह समझते थे कि मेट्रो रेल जमीन के अंदर चलेगी। कोलकाता की मेट्रो रेल पर हमने यात्रा की है, वह जमीन के अंदर चलती है। तिवारी जी ने ठीक कहा कि जब किसी शहर की आबादी ज्यादा हो जाए, तो ऐसी परियोजनाएं शुरू करनी चाहिए। यह भी ठीक है कि दिल्ली की जनसंख्या 1912 में केवल चार लाख थी और अब 1 करोड़ 44 लाख के करीब हो गई है। इसमें भी हमारे लोग ज्यादा हैं और वही लोग ज्यादातर मेट्रो रेल का उपयोग करेंगे। ये सारे हमारे लोग काम करने वाले हैं इसलिए एक जगह से दूसरी जगह ये लोग जाएंगे। दिल्ली में हमने देखा है कि ट्रैफिक जाम एक साधारण बात है। अभी पाटिल जी ठीक कह रहे थे कि जब ज्यादा ट्रैफिक हो जाए, प्रदूषण हो जाए तो उससे बचाव का एक तरीका है और वह है मेट्रो रेल चलाना।

कई माननीय सदस्यों ने आर्डिनेंस राज की ओर इस बिल पर भी आर्डिनेंस लाने के लिए सरकार की आलोचना की है। मंत्री जी इस आर्डिनेंस को लाने की सफाई दे रहे थे। हम मेट्रो रेलवे की खिलाफत नहीं कर रहे हैं।

ऑर्डिनेंस लापरवाही के चलते सरकार लाती है। पहले से बिल लाना चाहिए, पहले से यह सुविचारित होता, हम सब लोग तो समर्थन में हैं कि मेट्रो रेल चले और केवल दिल्ली में ही नहीं चले बल्कि मेट्रोपोलिटन टाउन्स में चले और यातायात को ठीक बनाया जाए। इसमें हमें कहां एतराज है? लेकिन ये कह रहे थे कि दिल्ली की सरकार के पास पैसा नहीं है। फिर वह कैसे चला पाएगी? अब उद्घाटन कौन करेगा? दिल्ली सरकार कह रही है कि राष्ट्रपति जी करेंगे और भाजपाई कह रहे हैं कि प्रधान मंत्री जी या आडवाणी जी करेंगे। ये सब बातें अखबार में आई हैं जिससे जनता में कंप्यूजन हो रहा है क्योंकि वैसे तो दिल्ली या भारत सरकार दोनों का इसमें हिस्सा बराबर है। स्टेट गवर्नमेंट और सेंट्रल गवर्नमेंट दोनों का बराबर का हिस्सा है। किस हिस्सा से कहते हैं कि भारत सरकार का इसमें ज्यादा काम है? दूसरे देश के उदाहरण अपने देश में दे रहे थे कि जब कोलकाता में रेल विभाग के अंतर्गत है तो आप यहां अर्बन में क्यों खींचना चाहते हैं? क्या कोलकाता रेल विभाग वहां सफल नहीं है? इसका कुछ अनुभव, कुछ जानकारी वहां से ली गई है कि जो वे नहीं ले सकते थे तो अर्बन वालों के हाथ में दे दिया जाए। इस बात को साफ करना पड़ेगा कि किस वारंटे आप इसको खींचना चाहते हैं? चूंकि एक जगह यह है और सब लोग जानते हैं कि उसका अनुभव, उसकी जानकारी, उसके विशोज्ञ वे इस मामले में हैं और कोलकाता में काम कर रहे हैं। तब यहां कैसे अर्बन के हाथ में चला आया? इस बात को साफ करना जरूरी है। एक जगह लिखा होता है कि सरकारी मेट्रो रेल— यह सरकारी और गैर सरकारी वाला सवाल पाटील साहब ने उठाया। रेल मंत्री जी का बयान है कि हम प्राइवेटाइज नहीं करना चाहते हैं बाकी सारी चीजों में प्राइवेटाइज कर रहे हैं। हम नहीं जानते हैं कि कब रिलांस इसको ले लेगा। जो जैसा चाहता है, करा लेता है। इसीलिए हम इन सब बातों पर सरकार से सफाई चाहते हैं। असली विाय जनता का विाय है और वह भाड़ा तय करने के संबंध में है। भाड़ा तय करने के मामले में जनता के प्रतिनिधि क्यों नहीं हैं? जो पैसेंजर चढ़ेंगे, वे जनता के हैं और जनता को क्या कठिनाई होगी, यह जनता को मालूम है। इसलिए इस पर बात साफ की जानी चाहिए कि इसमें जनता का एक भी आदमी क्यों नहीं है? इस तरह से जन प्रतिनिधियों को इसमें से क्यों हटाना चाहते हैं?

कुंवर अखिलेश सिंह : यह जनप्रतिनिधियों की विरोधी सरकार है, ये कहां से रखेंगे? (व्यवधान)

डॉ. रघुवंश प्रसाद सिंह : जनता का एक भी आदमी उसमें नहीं रख रहे हैं इसलिए इसमें संशोधन किया जाए। रेल में लोग चढ़ेंगे। उसमें सीनियर सिटीजन भी होता है, स्टूडेंट भी होता है, गरीब आदमी होता है, मेहनत-मजदूरी करने वाला भी आदमी होता है, उसके लिए कोई कंसेशन नहीं है। मिनिस्टर सब पास इत्यादि सुविधा अपने समर्थकों को दे देते हैं, जैसा कि रेल में होता है लेकिन असली में जो सीनियर सिटीजन है, गरीब आदमी है, बेरोजगार है, मेहनत-मजदूरी करने वाला है या 1000-1500 रुपये महीना कमाने वाला वेतनभोगी है, वह एक जगह से दूसरी जगह जाएगा तो उसका तो वेतन ट्रेन के भाड़े में ही चला जाएगा तो फिर झंझट होगा। इसके बारे में सरकार क्या इन्तजाम कर रही है? यह हम जानना चाहते हैं।

एक अंतिम सवाल सुरक्षा का आता है। हम देख रहे हैं कि आतंकवादी कहां-कहां घुस जाते हैं। मंदिर में घुस जाते हैं, पार्लियामेंट पर भी अटैक हो चुका है, हर जगह घुस जाते हैं। यह तो जमीन के तल से उमर चलेगी, इसलिए सुरक्षा का सवाल सर्वोपरि है और यह गृह मंत्री से कंट्रोल नहीं हो रहा है। कहीं उपद्रव होगा तो पाकिस्तान और आईएसआई का नाम लिया जाएगा। नाम लेने से काम नहीं चलने वाला है। इसीलिए सुरक्षा के मामले में हम चाहते हैं कि सरकार अपना दृष्टिकोण साफ करे और सैफ्टी मैजर्स पर भी ध्यान दे जिससे दुर्घटना न हो क्योंकि ट्रेन में दुर्घटना होती है तो कह दिया जाता है कि राज्य सरकार की जिम्मेदारी है क्योंकि वहां पुल वगैरह कमजोर बने हुए हैं। लेकिन इस रेल में सुरक्षा को खतरा हो सकता है।

इसके लिए सरकार द्वारा क्या सावधानियां बरती जा रही हैं?

हम लोग सावधानी से काम कर रहे हैं, लेकिन यह काम रेल विभाग को दिया होता, तो ज्यादा अच्छा होता। इसलिए जनता को कैसे फायदा हो, इस पर विचार करना चाहिए। 25 दिसम्बर को उद्घाटन कर रहे हैं, लेकिन जो काम बचा हुआ है, वह कब तक पूरा होगा। बाकी बचे हुए काम को जल्दी से जल्दी पूरा करें। ~~वे~~ (व्यवधान) हम लोग जिस काम में गड़बड़ी है, उसके खिलाफ है, मेट्रो के खिलाफ नहीं है। हम लोग मेट्रो रेल के निर्माण के साथ हैं। इससे यातायात में फायदा होगा। लोग लालबत्ती से बचेंगे, क्योंकि वहां रुकने में समय लगता है। यह एक अच्छा काम किया है। हम लोग इसको सपोर्ट करते हैं। जनता के फायदे के लिए कौन सरकार आगे आती है, उसको हम देखेंगे।

इन शब्दों के साथ मैं आपको धन्यवाद देता हूँ कि आप ठीक काम कर रहे हैं और इस विधेयक को पास किया जाए।

SHRI ANANTH KUMAR: Mr. Chairman, Sir, at the outset, I would like to thank all the hon. Members across party lines, starting from the Deputy Leader of the Opposition, our veteran parliamentarian Shri Shivraj Patil, Dr. Raghuvansh Prasad Singh, Shri B.B. Ramaiah, Shri Lal Bihari Tiwari and to everyone for supporting the Delhi Metro Railway (Operation and Maintenance) Bill.

I would like to clarify one or two things very briefly. The Metro Railway does not belong either to the Ministry of Urban Development of the Government of India or the Government of Delhi *per se*. It belongs to Delhi Metro Railway Corporation, which is formed under the Companies Act. The Ministry of Urban Development is only a holding Ministry. Who runs the Delhi Metro? It is run by DMRC, the experts deputed from the Ministry of Railways and international experts.

SHRI SHIVRAJ V. PATIL : But who will give directions?

SHRI ANANTH KUMAR: I will come to that.

Then, a point was raised as to who will have the rule making power. Though this power vests with the Government of India, we have decided that all the rules would be made by DMRC only in which five Directors will be appointed by the Government of India, another five Directors will be appointed by the Government of Delhi, the Managing Director of the Delhi Metro Railway Corporation is a very reputed expert who built Konkan Railway for this country and the Chairman will be the Urban Development Secretary. Therefore, it is professional body which will make the rules which will just be notified by the Government of India due to constitutional provisions.

Secondly, since there are five nominees each from the Government of India and the Government of Delhi, there will be day-to-day consultations and discussions. It is not a once-in-a-while consultation. There will be day-to-day consultations among themselves. Actually, the Government of India or the Government of Delhi *per se* will never intervene in professional matters.

Sir, I entirely agree with the House that such matters should not be brought through Ordinance. But in this case, a Draft Delhi Metro Railway (Operation and Maintenance) Bill was prepared in 2000. We circulated it to the Ministry of Railways, Ministry of Law and Justice and Government of Delhi in September, 2000.

We sent 10 reminders. We got their responses only from September, 2001 and as late as September, 2002 from Delhi Government.

I want to take the House into confidence that this is one of the projects in the country which is happening before the schedule. That means, what we used to complete in five years, we are completing in four years; what we were to complete in seven years, we are completing in five years. With that speed, the metro is moving. It is getting commissioned before the scheduled time. Therefore, we needed to rush in an Ordinance for this purpose.

I do not want to go into the details. But I want to assure the entire House and, through this House, the people of Delhi and the people of the country that this metro by Delhi Metro Rail Corporation is a special purposes vehicle under the Companies Act. Therefore, we have called it a non-governmental railway because it neither belongs to the Union Government nor to the State Government. But as a special purposes vehicle, there is nothing to do with railway privatisation and the intention of the non-governmental railway in this Bill. This is only specific to this metro railway because it is under the Companies Act. It has nothing to do with the Railways or the Railway Act. I want to assure the hon. Members about that.

Secondly, the material used for the track, for the rolling stock, for the signalling and for all the purposes in this metro is of the global standards. It is of cutting edge technology. Therefore, the matter of comfort, the matter of security

and the matter of safety will be of the highest order. I want to give this assurance to the House. I request all of you to ride this world-class metro from 25th onwards. There is a 'seeing is believing' statement. But here I am not saying seeing is believing, but it is 'riding is believing'. Therefore, you can experience the quality of metro.

SHRI K.A. SANGTAM (NAGALAND): Will you be giving free passes to the MPs?

SHRI ANANTH KUMAR: We will be requesting all of you for a special ride.

Lastly, the Union Government has put in its contribution not only through equity but also by taking the dollar-rupee variance and giving the sovereign guarantee for more than eighteen-and-odd thousand crores of rupees which have come from the Japanese Bank of International Cooperation. We are celebrating the 50th year of Indo-Japanese relationship. This also is hailed as a great tribute for Indo-Japanese cooperation in its Golden Jubilee Year. That being the case, once again, I thank all of you for your wholehearted support. Do you want to ask any question?

SHRI SHIVRAJ V. PATIL: Thank you very much. I have a point. Clause 86 reads as follows:

"Without prejudice to the foregoing provisions of this Act, the metro railway administration in case of the non-Government metro railway shall, in the discharge of its duties and functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time."

Now, this is a question of giving the direction, and the Central Government has that authority to give the directions. Here the contribution is certainly made by the Union Government. We would rather like to call 'Union Government' and not 'Central Government' because the word 'Central' is not used in the Constitution. It is only the Union Government.

The Union Government's contribution is there. The Union Government makes a big contribution. But the State Government also is making the contribution.

SHRI BASU DEB ACHARIA : It is in equal share.

SHRI SHIVRAJ V. PATIL : An equal contribution is made by the two governments. So, the Central Government is allowed to give the direction. Why should there not be: 'in consultation'? Your word will be final. But their word will not be final. You do not even want to consult them.

SHRI ANANTH KUMAR: That is not the intention of clause 86. I request Shri Patil to read the proviso to that clause. It says:

"Provided that the metro railway administration – which includes five Directors of Delhi Government – shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section."

SHRI SHIVRAJ V. PATIL : Where is it that he is reading?

SHRI ANANTH KUMAR: Proviso to clause 86.

SHRI SHIVRAJ V. PATIL : Oh yes. All right.

SHRI ANANTH KUMAR: Therefore, it is already there.

I request all of you to support consideration and passing of this Bill.

SHRI BASU DEB ACHARIA : Sir, I am not convinced with the reason that he has given for promulgation of the Ordinance. What was the urgency? He has stated that the draft was circulated in the year 2000 to various organisations, State Governments, Ministry of Railways and others and their views are received only in September. I would like to know whether this draft was prepared after receiving all the views. When the draft was prepared without promulgation of Ordinance, he should have come with a Bill.

I would like to know what prevented him from bringing a Bill. Why the Government had to promulgate Ordinances one after the other when there is no urgency? The Delhi Metro will be operationalised only on 25th of December.

Before the end of this Session, the House could have passed the Bill and the legislation could have been enacted. There was enough time. So, there was no reason for promulgation of Ordinance.

Secondly, as the point has been raised by Shri Shivraj Patil regarding the privatisation, he said just now that Metro Rail neither belongs to the Central Government nor to the State Government. It is a non-Governmental organisation. Is it not a private organisation, if it is a non-Governmental organisation? How it has to be run?

SHRI ANANTH KUMAR: It will be run by DMRC. The thing is that now we are coming out with many SPVs (Special Purposes Vehicles) for speedy implementation and professional management. Take, for example, the case of the Bangalore International Airport. The Bangalore International Airport has a stake of 13 per cent of Central Government, i.e. the Airports Authority of India, 13 per cent of the Government of Karnataka, that is the Karnataka State Infrastructure Development Corporation and 74 per cent comes from an international consortium of Zurich International Airport, Seimens and Larson & Toubro.

But here in this case, with our equity, a large sum of amount is raised from the Japanese Bank of International Cooperation. According to the Railways Act, when it is a Governmental Railway, it means the holding of that equity is held by the Railways through Government of India and run by the Railways. Here it is not so. Here it is a Special Purposes Vehicle which is known as Delhi Metro Rail Corporation under the Companies Act, which will hold the equity and which will run the whole Railway under it. Therefore, it is known as non-Governmental Railway. That is the only intention. That does not have anything to do with the privatisation of Railways or allowing private participation in Delhi Metro Rail Corporation.

Further, actually, the Urban Development Ministry is preparing an Urban Transport Policy. Within the next few months, the Urban Transport Policy will be out because, as all of you said, that the only way forward is the Metro Transport Systems throughout the country to come out of pollution, to come out of congestion, to come out of traffic jams, etc. For that you require the State Government, the Union Government as well as the private parties to come together.

But this Bill does not portend to that. Further, in future ...*(Interruptions)*

SHRI BASU DEB ACHARIA : That is the future programme. ...*(Interruptions)*

SHRI ANANTH KUMAR: In future we will again come to Parliament not through this Ordinance and not through this Bill. ...*(Interruptions)*

SHRI SHIVRAJ V. PATIL : Why do you not have this provision in this Act? ...*(Interruptions)*

SHRI ANANTH KUMAR: Non-governmental railway does not belong to Railways. That is all. ...*(Interruptions)*

SHRI BASU DEB ACHARIA : Mr. Minister, 15 per cent share is now with the Union Government, 15 per cent share is with the State Government and the rest of the amount is coming from the Japanese consortium. ...*(Interruptions)*

SHRI ANANTH KUMAR: As a loan.

SHRI BASU DEB ACHARIA : The responsibility of refunding the loan would lie with both the Central Government and the State Government. When the entire loan will be refunded, what will be the share of the State Government and the Central Government? ...*(Interruptions)*

SHRI ANANTH KUMAR: It belongs to both the Union Government and the Delhi Government on 50:50. But the point is, according to the Railway Act, only the railway held by the Railways is a governmental railway. Therefore, to come out of that technical jargon of the words, it has been used as non-governmental railway. That is all. The intention is only to that extent. ...*(Interruptions)*

SHRI BASU DEB ACHARIA : Will it be under the Government of India? ...*(Interruptions)*

SHRI ANANTH KUMAR: Of course, both the Union Government and the Delhi Government will be equal partners. I am clarifying this with the fullest responsibility at my command to this House. ...*(Interruptions)*

SHRI BASU DEB ACHARIA : Are you assuring the House today that in future the share of the Government of India will not be disinvested and will not be privatised? Please tell us. I am asking this question because we have the experience of the British Railway. The British Railway was privatised. Now, they are rethinking, reviewing their decision and again the British Railway is re-nationalised. ...*(Interruptions)*

SHRI ANANTH KUMAR: I can only say humbly that this non-governmental railway through a SPV, Delhi Metro

Railway Corporation belongs to the Government of India and the Government of Delhi together. ...(*Interruptions*)

SHRI SHIVRAJ V. PATIL : That is corporatisation of the Railways. It is a step towards privatisation. ...(*Interruptions*)

SHRI BASU DEB ACHARIA : Corporatisation is a step towards privatisation. ...(*Interruptions*)

SHRI ANANTH KUMAR: Lastly, one thing that I would like to clarify is that once the Metro Railway will be ready by 2007, then it will be catering to the Delhi people to the extent of 20,000 buses. That means, 50 per cent of the traffic on Delhi roads will be off; pollution will be off by 50 per cent. Not only that but I would also assure this House with the fullest responsibility that this is the most safe, affordable and user-friendly transport system that the country has. ...(*Interruptions*)

SHRI BASU DEB ACHARIA : We are not opposing or objecting to that. We are all for Metro not only in Delhi but also in other metropolitan cities. We also want that the original plan for Calcutta Metro should also be implemented from Ramrajatala to Salt Lake. Only a part of Calcutta Metro has been implemented and operationalised.

Sir, we are not against Delhi Metro but we are against this Ordinance route. I am not still convinced about the urgency for promulgation of this Ordinance. That is why, I am not withdrawing my Resolution and I am pressing it. But I am not against Delhi Metro. ...(*Interruptions*)

SHRI ANANTH KUMAR: Sir, I am requesting the hon. Member to withdraw his Resolution. When such a senior Member like Shri Basu Deb Acharia asks me, I am ready to give the chronology of events from September 2000, when the Draft Bill was prepared, when the Draft Bill was circulated, what were the dates of ten reminders and all those things.

Let us not go into all those details.

SHRI SHIVRAJ V. PATIL : That is an internal matter. It is a matter among the Ministries. How is this Legislature to treat it ?

SHRI ANANTH KUMAR: I agree with you. But all these things cause delay. Therefore, I am taking the House into confidence, and I request him to kindly withdraw the Resolution.

SHRI BASU DEB ACHARIA : All right, I withdraw the Resolution.

MR. CHAIRMAN : Has the hon. Member leave of the House to withdraw his Statutory Resolution?

SEVERAL HON. MEMBERS: Yes.

The Resolution was, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That the Bill to provide for the operation and maintenance and to regulate the working of the metro railway in the metropolitan city of Delhi and for matters connected therewith and incidental thereto, be taken into consideration. "

The motion was adopted.

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

The question is:

"That clauses 2 to 105 stand part of the Bill. "

The motion was adopted.

Clauses 2 to 105 were added to the Bill.

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

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

SHRI ANANTH KUMAR: I beg to move:

"That the Bill be passed. "

MR. CHAIRMAN: The question is:

"That the Bill be passed. "

The motion was adopted.

18.42 hrs.

Then Lok Sabha adjourned till 11.00 A.M on Tuesday the 26th November, 2002/Agrahayana 5, 1924(Saka)