

12.40 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TWENTY-FIRST REPORT

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

12.40½ hrs.

METRO RAILWAYS (CONSTRUCTION OF WORKS) BILL

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

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

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

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

There is already in existence a legis-
lation which provides for the acqui-
sition of lands for purposes of railway
projects and so many other projects but
certain provisions of Act of 1894 are
not adequate to meet with the require-
ments of construction of metro rail-
way in places like Calcutta. For in-
stance one of the main difficulties is

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

SHRI JYOTIRMOY BOSU (Dia-
mond Harbour): What about minerals?

PROF. MADHU DANDAVATE: That
is a different thing. These are extren-
uous factors.

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

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

*Moved with the recommendation of the President.