

Shri A. M. Thomas: No. In fact, we have drawn our own conclusions in the matter in consultation with the Finance Ministry. But the formal announcement has to be made after the Labour Ministry has seen it. So, it has been forwarded to the Labour Ministry.

Train-Truck Collision Near Meerut City

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- *95. { **Shri P. K. Deo:**
Shri Mohan Swarup:
Shri S. M. Banerjee:
Shri M. L. Dwivedi:
Shri Subodh Hansda:
Shri S. C. Samanta:
Shrimati Savitri Nigam:
Shri Daji:
Shri Onkar Lal Berwa:
Shri Gokaran Prasad:
Shri P. R. Chakraverti:
Shri Chuni Lal:

Will the Minister of Railways be pleased to state:

(a) whether there was a collision of a goods train with a truck near Meerut City on the 6th May, 1964;

(b) if so, the number of casualties;

(c) whether the level-crossing was manned or not;

(d) whether any enquiry has been made into this mishap; and

(e) if so, the result thereof?

The Deputy Minister in the Ministry of Railways (Shri Shahnawaz Khan): (a) Yes, Sir.

(b) Four persons were killed and two sustained grievous injuries.

(c) It was a manned level crossing.

(d) Yes, Sir.

(e) The Enquiry Committee have not yet submitted their report.

Shri P. K. Deo: May I know if any compensation has been paid to the dependents of those who have lost their lives?

Shri Shahnawaz Khan: Not yet.

श्री मोहन स्वरूप : इंजन और डिब्बे जो पटरी से नीचे उतर गये उससे कितना नुकसान हुआ और डिब्बों में जो सामान था उस को कितने का नुकसान पहुंचा ?

श्री शाहनवाज खां : रेलवे सम्पत्ति को १३,४५० रुपये का नुकसान हुआ और प्राइवेट सम्पत्ति को २०,००० रुपये का ।

Shri P. C. Borooah: Out of the few thousand level crossing how many have been manned up till now?

Mr. Speaker: That is a general question.

Shri P. R. Chakraverti: What was the amount of *ex gratia* payment sanctioned?

Shri Shahnawaz Khan: We have so far paid Rs. 250.

Shrimati Savitri Nigam: May I know why the compensation has not been paid so far and why the amount which has been paid is so little? t

Shri Shahnawaz Khan: The amount that has been paid so far is *ex gratia* payment to the injured. It is just *ex gratia* payment. So far no claim for compensation has been received. The report of the enquiry committee is awaited. The liability of the railways to pay compensation will be decided thereafter.

The Minister of Railways (Shri Dasappa): May I just add that it would appear that the *ex gratia* payment, as usual, of Rs. 500 to each of the families of those who have died was offered, but they do not seem to have taken advantage of the offer.

Dr. L. M. Singhvi: We would like to know in what manner the customary offer of *ex gratia* payment of Rs. 500 was made and in what circumstances it was refused? Is it because Government refused to make this payment without prejudice to such claims as those who have suffered from this collision may make afterwards?

Shri Shah Nawaz Khan: The *ex gratia* payment is made without any conditions, without prejudice to anything else. We offered *ex gratia* payment to the dependents of the deceased persons without any condition.

Dr. L. M. Singhvi: Why was it refused? For what reasons?

Mr. Speaker: Dr. Singhvi wants to know whether the refusal is due to the fact that Government did not offer it without prejudice.

Shri Shah Nawaz Khan: My own feeling is . . .

Shri Hari Vishnu Kamath: No question of feeling. What is the position?

Shri Shah Nawaz Khan: Perhaps the dependents felt that it might prejudice their case later on. We have made it quite clear that it was without prejudice to their future claim in any way.

Dr. L. M. Singhvi: The Minister wishes to amplify it because we are not satisfied with the answer. We would like to know in what manner this was offered.

Shri Dasappa: In all such cases it is the law of torts that comes into operation.

Dr. L. M. Singhvi: Unfortunately, the common citizen does not know it.

Shri Dasappa: Our instructions are to pay Rs. 500 which we make as an *ad hoc* grant. Each claim is considered on its merits. If they are not satisfied with the amount we are offering, they can make a claim under the law of torts. That is the position. Their acceptance of this *ex*

gratia payment does not prejudice them so far as their claims to any compensation is concerned by way of damages.

Shri Joachim Alva: I think the hon. Minister has on a previous occasion stated that there are over 12,000 unmanned level crossings in the country. So, I want to know why in this matter in the Railway Board there is not a single unit which can go into this question and sanction a bigger or more generous amount for manning those level crossings?

Mr. Speaker: That is a general question.

Shri A. P. Jain: I want to have a categorical statement from the hon. Minister as to who are the persons to whom the offer was made and the reason why they refused to accept it.

Shri Dasappa: I have already made it clear. The offer was made to the dependents of the deceased. What they had in their mind (*Interruptions*). May I complete the answer? What they had in their mind for refusing it is more than what I can say. As my colleague has stated, possibly they thought that their claim for further damages would be prejudiced. But I can assure the House that it is without any prejudice to any further claim they may make.

Shri U. M. Trivedi: May I know in how many cases the plea of bar of limitation has been waived, not under the torts but under the Fatal Accidents Act, whenever claims have been made to the railways.

Mr. Speaker: That is a general question with which we are not concerned.

Shri U. M. Trivedi: The difficulty that arises is that under the Fatal Accidents Act they will immediately take this objection under the law.

Shri Dasappa: This is without prejudice either under the law of torts or under the Fatal Accidents Act.

Dr. L. M. Singhvi: We want to know whether it has been made clear to the prospective recipients that it is without prejudice.

Mr. Speaker: It would be difficult to inform each individual. Everybody is supposed to know the law. How could they go to every dependent and tell him the position?

Shri Hari Vishnu Kamath: In the case of these fatal casualties why was not the maximum amount of Rs. 500 but a lesser amount offered?

Shri Dasappa: The maximum amount that is open to them to offer on an *ad hoc* basis is Rs. 500.

Shri Hari Vishnu Kamath: Why was that not offered?

Shri Dasappa: That was offered.

Shri Hari Vishnu Kamath: Only Rs. 250 was offered.

Mr. Speaker: Rs. 250 was given.

Shri Ranga: The question of Shri Kamath was why the maximum amount was not offered.

Shri Dasappa: What my colleague has stated is that Rs. 250 was offered to the injured. Rs. 500 was offered to the dependents of each of the deceased.

Shri D. C. Sharma: May I know whether the government is going to appoint a committee to go into the entire question of unmanned level crossings and, if so, by what time it will be appointed?

Mr. Speaker: We are not concerned with it at the moment.

‘एक्सप्रेस डिलीवरी के लिफाफे

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{ श्री मोहन स्वरूप :
श्री रामेश्वर टांटिया :
श्री धवन :
*६६. श्री श्रीकार लाल बेरवा :
श्री गोकर्ण प्रसाद :

{ श्री राम हरस यादव :
डा० पू० ना० खां :
श्री सुबोध हंसदा :

क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि डाक और तार विभाग २८ नये पैसे वाले ‘एक्सप्रेस डिलीवरी’ के लिफाफे चालू करने का विचार कर रहा है ;

(ख) यदि हां, तो क्या साथ ही साथ अलग ‘एक्सप्रेस डिलीवरी’ के पोस्टकार्ड भी चालू करने का विचार है ; और

(ग) इन लिफाफों अथवा पोस्ट-कार्डों की बिक्री समस्त देश में कब प्रारम्भ की जायेगी ?

संचार विभाग में उपमंत्री (श्री भगवती) :

(क) जी हां ।

(ख) ऐसा कोई विचार नहीं है ।

(ग) ‘एक्सप्रेस डिलीवरी’ लिफाफे पहले ही ११ मई, १९६४ से जारी किये जा चुके हैं और समूचे देश के डाकघरों को उन्हें क्रमशः भेजा जा रहा है ।

[(a) Yes, Sir.

(b) There is no such proposal.

(c) The Express Delivery envelopes have already been introduced with effect from 11-5-1964 and supplies are being made to post offices all over the country in a gradual manner.]

श्री मोहन स्वरूप : एक्सप्रेस डिलीवरी के लिफाफों का रंग क्या होगा ? इन को पूरे भारतवर्ष के डाकखानों में सप्लाई करने में कितना समय लगेगा ?

Shri Bhagavati: We have already made supplies in the important centres like Bombay, Calcutta, Madras