

Tungabhadra is 1 to 3 whereas in the Sharavathi project, it will be 1 to 4. So much so, Andhra State also depends on this.

12 hrs.

**Shri S. K. Patil:** I concede to the hon. Member that Sharavathi project is one of the best projects. There are no two opinions on it and every endeavour will be made to finish it as early as we can.

**Shri R. Ramanathan Chettiar:** May I know whether the Mysore Electricity system will be connected with the grid system of Madras?

**Shri S. K. Patil:** Ultimately, that is our plan. There is going to be an all India grid and a beginning will be made in that part of the country.

**Dr. K. B. Menon:** May I know whether any hydro-electric scheme has been given up by the Mysore State as a result of the State undertaking the Sharavathi project?

**Shri S. K. Patil:** I have no information yet. I will require notice.

## Short Notice Question and Answer

### Goods Train collision at Cuddapah

S.N.Q. 1. {  
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 Shri S. V. Ramaswamy:  
 Shri Feroze Gandhi:  
 Pandit D. N. Tiwary:  
 Shri P. C. Bose:  
 Shri R. S. Lal:  
 Shri Raghunath Singh:  
 Shri Viswanath Reddy:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that a goods train with two engines rolled back some miles and hit against a standing train in Cuddapah Railway Station on the 16th September, 1957;

(b) how many were injured;

(c) what was the extent of damage caused to property;

(d) how the accident took place; and

(e) whether any responsibility has been fixed on any body?

**The Deputy Minister of Railways (Shri Shahnawaz Khan):** (a) On 16-9-1957, No. 1580 Up Goods train with two engines, left Cuddapah at 4:50 hours and after travelling about 5 miles on an almost continuous rising gradient, stopped at mile 158/9-10 and rolled back into Cuddapah Station and collided, at about 6:07 hours, with No. 426 Up Raichur-Madras-Passenger train, which had just arrived at the station.

(b) One person received grievous and 28 minor injuries.

(c) The approximate cost of damage to Railway property was Rs. 1500.

(d) According to the Government Inspector of Railways, who held an enquiry, the collision was caused by the brakes of wagons on the goods train having been released, when the train was near the summit of the ghat, without taking adequate precautions to prevent it from rolling back.

(e) The driver of the leading engine of the goods train has been held responsible for the accident.

**Shri S. V. Ramaswami:** Were the vacuum brakes tested before the engines were started? What happened to the brakes of those two engines? Did they apply brakes at all?

**Shri Shahnawaz Khan:** The brake are invariably tested before the locomotive leaves the shed. The usual procedure was followed in this case as well. In this particular case what happened was this. It was a very steep hill. When it neared the summit, the locomotive came to a stop. When the locomotive comes to a stop the pressure falls with the result that the brakes are automatically applied on all the wagons. So, the driver asked the fireman to get down and release the brakes to create a vacuum so that the brakes on the wagon

would not stop the train from pulling up. When the man went down and released the vacuum, it started rolling back. He tried to apply the brakes. He also tried to apply the vacuum brake equipment and the hand brakes. But, since the line was a steep one, he could not do it. He also shouted to the driver of the locomotive in the rear to apply his brakes. He did that. But, unfortunately, it was going at such a speed that nothing could be done.

**Shri Tyagi:** The explanation is very satisfactory.

**Shri S. V. Ramaswami:** Why could the engine not be stopped? Did the engine driver blow the whistle to attract the attention of the Signalman or the station staff like the SM or ASM so that there may not be an accident? It should have been then diverted to the loop line.

**Shri Shahnawaz Khan:** There was no loop line available at that time.

**Shri Narayanankutty Menon:** May I know whether it is a fact that the brake mechanism of both the engines were not in order and the driver could not apply the brakes because of the defect in the mechanism of the brakes?

**Shri Shahnawaz Khan:** The Government Inspector of Railways, who conducted the enquiry, has specifically stated that the breaking gear of both the locomotives were in good order. The thing started rolling at such a high speed that the driver possibly lost control. It is an unfortunate accident.

**Shri Joachim Alva:** Has the Railway Board got any effective unit which promptly moves into a place of accident, compares the present accident with the past one and sees that such things do not happen in the future?

**Shri Shahnawaz Khan:** I could not follow the point.

**Mr. Speaker:** Has the Railway administration any such unit to be rushed to the spot to find out what exactly is the cause and so on?

**Shri Shahnawaz Khan:** We have a very comprehensive machinery. Over and above the Government Inspector of Railways, who deals with such cases, we have in our department experts who deal with those cases immediately any accident takes place. They make very thorough enquiries and effective steps are taken to prevent repetition of such accidents.

**Shri S. V. Ramaswami:** Will the report be placed on the Table of the House?

**Shri Shahnawaz Khan:** That depends upon the view of the Communications Ministry. That question should be addressed to the Ministry of Communications, not to us.

**Mr. Speaker:** It is for Minister of Railways to advise the Communications Ministry whether it ought to be placed on the Table of the House or not. It is to avoid the same Ministry examining the accident for which that Ministry is responsible, another Ministry has been requested to lend its offices. He will be a judicial officer and he will look into the matter as a judge and will make his report. It is not for that Minister to decide whether it should be laid on the Table of the House or not. I do not intend calling upon that hon. Minister to take up this responsibility. If the hon. Minister of Railways does not want the other Minister to take up this responsibility, he would not do so. It is entirely for the Ministry of Railways to do it or not to do it.

**The Minister of Railways (Shri Jagjivan Ram):** No, Sir, that is not the legal position. The enquiry is made and the report is submitted to the Communications Ministry. The report is examined by that Ministry. So, it is for that Ministry to decide whether to publish that report or place it on the Table of the House or not to do that. The Railway Ministry is not competent to advise that Ministry to do this or that. That is the constitutional position.

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): The decision rests with the Ministry of Communications, after it has been decided by the Railway Ministry. (Laughter) Hon. Members are laughing before I have finished my sentence. A decision is taken after the Railway Ministry has decided whether a prosecution is to be launched or not about negligence. There is no contradiction between the two. The moment the Railway Ministry has taken a decision that a prosecution is involved, then the Communications Ministry cannot place the report on the Table of the House till the proceedings are completed.

Shri Tyagi: When it is *sub judice*, it cannot be published.

Mr. Speaker: The hon. Ministers have evidently left it to me to decide. I, therefore, call upon the hon. Minister to place it on the Table of the House.

Shri Humayun Kabir: During the last session when this question came up, we did want to place the report on the Table of the House but were advised by the Law Ministry that because proceedings have been instituted, therefore, till the decision was known, they could not be placed on the Table of the House.

Shri Tyagi: Legitimately.

Mr. Speaker: The House is entitled to know from the hon. Minister some information. Some hon. Members wanted a report, arising out of this Question, to be placed on the Table of the House. I requested the hon. Railway Minister to do that. He then said: it is not my responsibility, it is the responsibility of the other Minister. The other Minister says: in case any prosecution has to be launched or is being launched, it is not permissible under the law to lay it on the Table of the House. Now, I would like to know the position so far as prosecution is concerned. I would not advise

you to do anything which is against the interest of the prosecution.

If there is no prosecution, there cannot be any objection to its being laid on the Table of the House.

Shri Jagjivan Ram: I have said generally; I am not talking about this particular accident. Generally the position is that the report is submitted to the Communications Ministry. During the last session when Shri Feroze Gandhi raised the question, I said that I will request the Communications Ministry to place the report on the Table of the House. When I took up that question with the Communications Ministry, I myself was not aware that these complications will arise. Then, on examination in consultation with the Law Ministry, it was found that if, as a result of the report of the Inspector of Railways, any prosecution in a court of law is to be launched, it will not be advisable to make the report of the Inspector public.

Some Hon. Members: Why not?

Shri Jagjivan Ram: That I can't say. Because the matter will be *subjudice* it is for you to decide. If no prosecution is to be launched, I shall certainly place the report on the Table of the House and make it public.

Some Hon. Members: Under what law....

Shri Tyagi: The Home Ministry and the Law Ministry are also involved.

Mr. Speaker: Hon. Members seem to be too much excited over this small matter. Order, order. I am going to call upon the hon. Home Minister.

The Minister of Home Affairs (Pandit G. B. Pant): As the Railway Minister has already said, if there is no prosecution launched on the basis of this report, it will be placed on the Table of the House. If a prosecution is to be launched, we will consider whether the law permits us to place

it on the Table of the House or whether it will in any way prejudice the prosecution. There is no desire to withhold the report. Sooner or later it will be placed on the Table of the House either before or after the prosecution. That would be determined in the light of the provisions of the relevant law.

**Shri Tyagi:** Which Ministry decides, or has got the final decision of starting a prosecution or not starting a prosecution?

**Mr. Speaker:** We are going away into some other matters. The Railway Ministry which is responsible for that may advise prosecution, and the other agencies will take up the actual prosecution in a court of law. I do not know if the hon. Railway Minister has made up his mind to prosecute or not finally, in which case.....

**Some Hon. Members:** It is the privilege of the House.

**Mr. Speaker:** Can I appoint a Committee to launch a prosecution? Order, order. The hon. Home Minister has informed us that in case a prosecution has to be launched, it may not be possible apart from the question of legality to place it before the House. Also it is claimed that the Act under which the Inspector is appointed, possibly there are certain rules, I do not know, that the law Ministry has looked into it and feels that it is not legal to place it before the House or publish it while a prosecution is pending or is contemplated. I will examine the position. The hon. Home Minister has said that he will examine the position.

**Pandit G. B. Pant:** Yes.

**Mr. Speaker:** I shall also look into

**Shri Narayanankutty Menon:** May I seek a clarification? The submission made by the Railway Minister was that both under the Constitution and under the Act, that Ministry or the other Ministry could not place the

report on the Table of the House. There is neither a provision in the Constitution nor in the Act which prevents the Ministry from placing that apart from the propriety of placing that.

**Some Hon. Members:** That is the correct position.

**Shri Humayun Kabir:** That is the point under examination by the Law Ministry.

**Shri Sadhan Gupta:** May I make a submission? This is a very important matter affecting our privileges. Before you give a ruling, may we have a discussion on the matter and will the hon. Minister help us by pointing out the law under which there is prohibition? Because, normally, we are not prejudicing any prosecution. If we place it on the Table of the House, that by itself does not prejudice the prosecution because you have ample powers of preventing Publication. I am sure the Members will not publish a report which contains something prejudicial to a prosecution if they know that there is a prosecution pending. Therefore, I do not think that merely for the reason that a prosecution is pending, the report should be withheld from us unless, of course, there is anything prohibiting it under the law itself. Therefore, if the Ministry could help us by referring us to the law, we may have a discussion.

**Mr. Speaker:** I can suggest at this stage, if any hon. Member would like to just inform me of any position controverting the position that has been said or taken by the Railway Minister or the Communications Minister that so long as a prosecution is launched or is contemplated, it is not permissible to place it on the Table of the House, they may send short notes to me. I shall look into them.

**Shri Naushir Bharucha:** There is no law on the point. Let them point it out.

**Mr. Speaker:** Hon. Members will look into it and inform me and send short notes. I am not going to take a

hastily decision on this matter. They may do so in a day, in a week. There is no hurry.

**Shri Sadhan Gupta:** We can ask them to produce the law.

**'Pandit G. B. Pant:** I have already said that there is no desire on the part of the Government to withhold the report. We will examine the position. If there is no difficulty from the point of view of the existing law, an attempt will be made to place the report on the Table of the House.

**The Minister of Transport and Communications (Shri Lal Bahadur Shastri):** May I say a word? The legal aspect may be examined and will be examined as the hon. Home Minister has said. For your information and for the information of the House, I might say that quite a few reports have been published and placed on the Table of the House and in the Library. As a general rule, all important reports pertaining to important accidents or major accidents are published for the information not only of the House, but of the people as a whole.

**Shri Achar:** May we know the provision of law under which this is prohibited from being placed on the Table of the House?

**Mr. Speaker:** Hon. Members are unnecessarily taking away the time of the House. Nobody has said absolutely that the law prohibits. The hon. Home Minister has said that he will examine. If after looking into, I find that there must be some more elucidation, I will take the assistance of some of the hon. Members. There is no difficulty in this matter. It does not call for a ruling.

## WRITTEN ANSWERS TO QUESTIONS

### Travel Agents

\*182. { **Shri Morarka:**  
**Shri Nathwani:**

Will the Minister of Railways be pleased to state:

(a) whether it is intended to reduce the commission payable to the Travel Agents;

(b) if so, to what extent it would be reduced; and

(c) the total amount paid to Travel Agents by way of commission during 1956-57?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) and (b). Yes, Sir. So far as tickets issued by Travel Agents for normal internal travel is concerned, the rate of commission is being reduced from the existing 5 per cent. to 3½ per cent. with effect from 1-12-1957.

(c) Approximately Rs. 5.8 lakhs.

### River Ferry Service Fares

\*183. **Shri Rajendra Singh:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that Ghat to Ghat booking between Paleza Ghat and Mahendrughat is not open;

(b) whether the passengers travelling between these stations have to pay the penalty viz., twice the ordinary fares;

(c) if so, the reasons therefor; and

(d) the action Government propose to take in the matter?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) Yes.

(b) to (d). There are separate ferry services licensed by the State Government exclusively to cater to the passenger moving from one ghat to the