

Attack on Railway Passengers near Dharamtul (Assam)

*1318. **Shri P. C. Borooah:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that passengers of the night 61 Up train were attacked with "Khukri" in between Jagiroad and Dharamtul stations in Assam on the 14th March, 1960; and

(b) if so, the details of the casualties?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes, Sir.

(b) 17 passengers were injured, of whom 11 were admitted in hospital and 10 of them have since been discharged on 25-3-1960. The remaining one is progressing satisfactorily.

Shri Tyagi: What a shame!

Shri P. C. Borooah: May I know whether the culprit was sent to hospital for finding out whether he was not mad?

Shri S. V. Ramaswamy: All that I know is that he was handed over to the police.

Shri Hem Barua: May I know whether this incident occurred in the running train or when the train was in the yard?

Shri S. V. Ramaswamy: It was in the running train; between two stations, the incident occurred.

Shri Hem Barua: If so, how could it be possible for this culprit to get into a running train and inflict injuries on as many as 17 passengers in the train?

Shri S. V. Ramaswamy: It was not a culprit, but it was a passenger. There seems to have been a hitch between this Gurkha passenger and the co-passengers, and he seems to have taken out the 'Khukri' which he had with him, and hurt them pell-mell. Then, the train was pulled, and the train was stopped; the two police-

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men, that is, the GRP, who were in the train came and arrested him. That is the story.

Shri Hem Barua: May I know whether this man who ran amuck in the train was mentally unsound?

Shri S. V. Ramaswamy: I have no information about that. Evidently, he picked up a quarrel with the passengers, and he ran amuck.

Mr. Speaker: Is the case pending?

Shri S. V. Ramaswamy: All that I know is that he has been handed over to the police.

Mr. Speaker: He has been handed over to the police. What hon. Members are now saying will all be for his defence. If hon. Members are eliciting answers to such questions, then it will all be a defence for that man.

Shri Hem Barua: It is strange that a passenger should inflict injuries on other passengers.

Mr. Speaker: The hon. Member is a professor and not a lawyer. That may be a proper defence for the culprit.

Reservation for S.C. & S.T. on Railways

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Dr. Ram Subhag Singh:
Shri Siddiah:
Shri Harish Chandra
Mather:

*1319. Shri Aurobindo Ghosal:
Shri B. Das Gupta:
Shri Kalika Singh:
Shri Subodh Hanada:
Shri B. C. Majhi:
Shri S. C. Samanta:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Madras High Court have ruled that the reservation for Scheduled Castes and Scheduled Tribes for filling selection posts in Class III Railways Service was unconstitutional;

(b) whether it is a fact that the Railway Ministry have issued instructions that candidates from other communities appointed against vacancies reserved on Railways for Scheduled Castes and Scheduled Tribes candidates, after the posts are declared unreserved, shall rank junior to Scheduled Castes and Scheduled Tribes candidates entering service one or two years later; and

(c) whether it is also a fact that instructions have also been issued to medical officers not to record the height and chest measurements in the fitness certificates issued to Scheduled Castes and Scheduled Tribes candidates?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes.

(b) and (c). No such instructions have been issued.

Dr. Ram Subhag Singh: May I know whether it has been provided in a memorandum issued by the Home Ministry that there would not be any reservation in promotion posts, but a circular issued by the Railway Ministry in April last year does provide for reservation in promotion posts?

Shri S. V. Ramaswamy: I shall read out the relevant portion of the Home Ministry's order issued on 4th January, 1957. Therein, it has been laid down that the principle of reservation should be extended to all grades in all services which are filled by promotion through competitive examinations limited to departmental candidates and that the quantum of reservation in each case should be the same as has been prescribed for posts filled by direct recruitment through open competitive examinations for filling such posts. This is the order issued by the Home Ministry.

Shri Tyagi: Are Government aware of the fact that even in the British days, promotions were never allowed

on the basis of representation, communal or otherwise? Have Government made a departure from this policy? Was it duly considered by the Cabinet, or is it one single Minister who has issued such orders which are anti-social?

The Minister of Railways (Shri Jagjivan Ram): I repudiate this insinuation of being anti-social; any insinuation to that effect is more anti-social, and anybody who makes such allegation is more communal.

Shri Tyagi: This is communal; this is anti-social. I feel like that. The country feels like that.
(Interruptions).

Mr. Speaker: Order, order. I am sorry hon. Members are getting excited.

Shri Tyagi: This is an important matter. We are not a communal State.

Mr. Speaker: After all, this question has been put, and the answer is being given. The question hour ought not to be utilised for the purpose of expressing views as to whether it is good or bad. There are other remedies open to hon. Members. If the hon. Member wants to raise it, he knows what to do. Does the hon. Minister want to say anything?

Shri Jagjivan Ram: I am giving the answer. The hon. Member's question should not have been put with that adjective added to it. Only information should be sought. The Deputy Minister has read out the relevant portion of the Home Ministry's memorandum, and it is quite clear.

Now, there are certain categories of posts in the Government of India to which direct recruitment is not made. The whole cadre is filled only by promotion based on competition restricted only to departmental candidates, and if a certain percentage is fixed saying that of those posts filled on the basis of competitive examinations, some posts will be reserved for those communities which have not been

represented in the initial stage and will have no chance of representation in those categories of posts for a long time to come, I do not think that it is likely to affect the efficiency of the service.

Shri Tyagi: Is it not a fact that during the British days this claim was pressed by the Muslim League and it was rejected on the ground that it would be communal, and it was said that in the structure of the services, promotions were always based on efficiency or seniority and not on communal lines? There was no reservation like that then. Also, the Constitution does not envisage any such type of reservation.

Shri Jagjivan Ram: My hon. friend is too much excited. So far as promotions based on seniority are concerned, there is no reservation. This is only in cadres where the promotion is based on a competition restricted only to departmental candidates. Where the promotion is purely by seniority, there is no reservation.

Shri Tyagi: I want to clarify that promotion is essentially a departmental matter.... (Interruptions).

Mr. Speaker: Order, order. I am afraid we are going away from the main question. The simple question is whether the High Court has given any judgment and whether it has been followed up. What is the answer of the hon. Minister?

Shri Jagjivan Ram: The question has not been asked. To the question whether the Madras High Court have given a certain judgment, the answer 'yes' has already been given.

Mr. Speaker: It is being followed.

Shri Jagjivan Ram: Naturally, once a court gives a judgment, one has to abide by the decision of the court till that decision has been revised by a superior court.

Shri S. M. Banerjee: The other day it was stated in this House that Government contemplated approaching the Supreme Court against the judgment of the Madras High Court. I

want to know whether that is being done or not.

Shri Jagjivan Ram: That is what I have said. Once a verdict has been given by a competent court, Government abide by the decision of the court till that decision has been revised by a superior court.

Shri Tyagi: I am anxious to investigate as to whether the whole Government are responsible for this action. Was it duly considered by the Government? Or is it an act of a single Ministry?

Shri Jagjivan Ram: That raises a constitutional question. Any action done by any individual Minister is the joint responsibility of the entire Government.

Several Hon. Members rose—

Mr. Speaker: Next question.

Shri Narayanankutty Menon: One relevant question has not been answered. (Interruptions).

Mr. Speaker: Order, order. Hon. Members are unnecessarily getting excited over this matter. The Government, just like any other party, are entitled to take the matter to the Supreme Court. Until a stay order is obtained, they have to abide by the High Court's judgment. The Government have got the right to take the matter up to the Supreme Court. They may or may not exercise that right. They cannot commit themselves now.

Shri Raghunath Singh: I want to know whether appeal has been preferred to the Supreme Court.

Shri Narayanankutty Menon: Is it a fact that the Government, according to a newspaper report, are going to appeal to the Supreme Court?

Mr. Speaker: I am not going to allow that question. Hon. Members will bear with me. What is the meaning of obstructing me? Why is should Government be forced to say 'yes' or 'no' to that? They may

take legal advice. Every newspaper may have its own views. Is it not open to Government to take their decision? The High Court says the decision is wrong. The Government cannot be expected to keep quiet. Rightly or wrongly, they take a decision. If it has been adjudged wrong by one court, they would like to know from the highest court whether the decision is right or wrong. Why should they not be allowed to do it? Otherwise, how can they function? Therefore, I am not going to allow any such question in anticipation, 'Are you going to appeal to the Supreme Court or not?'. It is left to them to decide.

Some Hon. Members rose—

Shri Tyagi: You may also be pleased to clarify one important point.....

Mr. Speaker: I have decided to proceed to the next question.

Shri Harish Chandra Mathur: Mr. Speaker, you must at least listen to us. I am going to ask a question which has not so far been asked and it has nothing to do with the premises which you hold. I am asking an entirely new question. My name is also there.

Mr. Speaker: It is for me to decide whether sufficient supplementary questions have been allowed or not. The hon. Member may feel differently. He may not be satisfied with the answers given. But I have to proceed question by question, not exhaust the whole hour on one question.

Next question. **Shri Rami Reddy.**

Shri Sonavane: I rose on a point of order. I was not heard.

Mr. Speaker: I have proceeded to the next question. It cannot be taken up now.

Shri Sonavane: I want to raise a point of order.

Mr. Speaker: I have disposed of this question.

Shri Bahadur Singh: Shri Tyagi has made an insinuation. I think it should be withdrawn.

Mr. Speaker: Next question.

Tungabhadra Hydro Electric Project

*1320. **Shri Rami Reddy:** Will the Minister of Irrigation and Power be pleased to state:

(a) the progress made in the execution of the Tungabhadra Hydro Electric Scheme—Stage II;

(b) whether the required foreign exchange has been allocated;

(c) the amount of electricity that would be produced after the completion of the project; and

(d) when the project would be commissioned?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (d). A statement giving the information is laid on the Table of the House.

STATEMENT

(a) It has not been possible to take up the execution of the Project so far due to inadequacy of foreign exchange resources.

(b) Not yet. Efforts are being made to find foreign exchange resources for the Tungabhadra Hydro Electric Scheme (Stage II) along with certain other non-core power projects.

(c) 72,000 kW including 27,000 kW to be generated by the addition of 3 units of 9,000 kW in the second stage.

(d) Four units of 9,000 kW each have already been commissioned under Stage I. The taking up of work on four more units (one of Stage I and three of Stage II) will depend upon availability of foreign exchange. An indication of date of completion cannot, therefore, be given at present.

Shri Rami Reddy: May I know whether the Andhra Pradesh Government has made repeated representations to the Centre to include this project in the core of the Plan?