

Parliament will be necessary to repeal the existing laws in the Union Territory of Chandigarh.

I commend this Bill to this august House for approval.

[Translation]

DR. LAXMINARAYAN PANDEYA (Mandsaur): This is a disrespect to the feelings of the Members. We have just been told that it is being passed. Had we been told earlier, we should have taken part in the debate.

[English]

MR. DEPUTY SPEAKER: The question is:

"That the Bill to repeal the Punjab Gram Panchayat Act, 1952 and the Punjab Panchayat Samities and Zila Parishads Act, 1961 as in force in the Union Territory of Chandigarh, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER: The House will not take up clause-by-clause consideration of the Bill.

The question is:

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

MR. DEPUTY SPEAKER: The question is:

"That Clause 1, the Enacting Formula and the Long Title stand part of the Bill.

The motion was Adopted

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

SHRI P.M. SAYEED: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

15.17 hrs.

RAILWAYS (AMENDMENT) BILL

As passed by Rajya Sabha

[English]

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN): On behalf of Shri C.K. Jaffer Sharief, I beg to move:*

"That the Bill to amend the Railways Act, 1989 and the Railway Claims Tribunal Act, 1987, as passed by Rajya Sabha, be taken into consideration."

* Moved with the recommendation of the President.

[Shri Mallikarjun]

MR. DEPUTY-SPEAKER Motion

moved:

Sir, under the provisions of Section 124 of the Railways Act, 1989 only the victims of passenger train accidents are entitled to compensation in case of injuries or their kith in case of death.

"That the Bill to amend the Railways Act, 1989 and the Railway Claims Tribunal Act, 1987, as passed by Rajya Sabha, be taken into consideration."

No compensation or insurance cover is available to the bonafide passengers who become victims of the incidents like terrorist acts, violent attacks, dacoities, bomb blasts, robbery, rioting, shoot-outs, fire and arson in trains or in waiting halls, cloak rooms, booking offices or on any platform or other places within the precincts of the railway station.

Mr. Acharia, I think we can pass this Bill without discussion.

SHRI BASUDEB ACHARIA (Bankura): No, Sir. There should be a discussion on the Bill.

Keeping in view the pressing demand in both the Houses of Parliament and also the changed social environments of the country, it is proposed to provide insurance cover to the bonafide passengers who become victims of the above mentioned untoward incidents in trains or in the station premises.

MR. DEPUTY-SPEAKER: Mr Acharia, it was decided so in the BAC meeting and you have got an opportunity to discuss the matter again on Railway Demands for Excess Grants. This is just relating to compensation which is a very small matter.

SHRI BASUDEB ACHARIA: No, Sir, this is a different matter.

No compensation will, however, be payable in case of death or injuries due to suicide or attempted suicide, self-inflicted injuries, criminal acts of the passenger and acts committed by the passenger in a state of intoxication or insanity, natural cause or disease or medical or surgical treatment unless such treatment is undertaken due to an injury caused by any of the untoward incidents or accident.

At the outset, I support the Bill and the move to include some of the incidents within the parameters of accident by widening the definition of accident and by including the attack by terrorists, bomb blasts and some other incidents connected with them.

In order to provide the insurance cover, it is imperative to amend the Railways Act, 1989 and also to make certain consequential amendments in the Railway Claims Tribunal Act, 1987 through this Bill.

The Railways Act was amended in 1989. There was a joint Select Committee to amend the Railways Act of 1898 and the Committee deliberated upon the Railway Bill and there were a number of suggestions. One such suggestion was that if the daily wage railway workers such as gangmen or engineering staff while working on the railway track happen to die due to some accident arising

out of derailment of passenger or goods train, that should be treated as a rail accident and the victim should be entitled to get compensation not as determined by the Workmen's Compensation Act but on par with railway passengers. We made some suggestions and a number of suggestions were accepted. In the Railways Act of 1898 the definition of 'passengers' was restricted to only those who are actual passengers. The railway employees on duty such as the guard, driver, assistant driver, ticket checking staff and other staff and are not included in this definition of 'passengers'. By an amendment of the Act, they are brought within the definition of 'passengers' if they are on duty and if they happen to die or get injured in the accident, they are treated as passengers and paid the compensation accordingly.

MR. DEPUTY-SPEAKER: Mr. Acharia, please conclude. We have to start the Private Members Business.

SHRI BASUDEB ACHARIA: The discussion can continue even on Monday. Why are you in such a hurry?

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): There are many victims who have been killed or injured in bomb blasts and other terrorist activities. Their condition will have to be looked into. Unless this kind of a Bill is passed, they cannot be helped. Therefore, I appeal to Shri Basudeb Acharia not to hold it up.

SHRI BASUDEB ACHARIA: But why was it not brought earlier?

SHRI VIDYACHARAN SHUKLA: It was brought earlier. But there had been

a series of adjournments of the House and the Bill could not be taken up. Moreover in the meeting of the Business Advisory Committee, we have decided to pass this Bill without discussion. Just because you were kind enough to allow Shri Acharia to speak, he should not take so much time. The victims of accidents can be helped by passing this Bill and not by delaying it.

SHRI BASUDEB ACHARIA: We too feel concerned about all those who died due to bomb blasts and other terrorist activities. But why was this not brought earlier?

SHRI VIDYACHARAN SHUKLA: This could not be brought earlier because we had a series of adjournments in the last three days.

SHRI BASUDEB ACHARIA: Why this Bill was not brought in the first phase of the Session?

MR. DEPUTY-SPEAKER: I think this amendment serves the immediate purpose. Still, if you wish to add something more, you have got an opportunity to say.

SHRI BASUDEB ACHARIA: The Minister can consider my amendment.

SHRI MALLIKARJUN: Sir purely as per my Statement, we have tried to give an insurance cover to the victims of terrorism and such other types of activities which are not covered at the moment by compensation rules. The hon. Member has suggested that if anybody, engineer or gangmen, while working in the track dies because of derailment of passenger or goods train he should also be considered for payment of compensation.

[Shri Mallikarjun]

There is a Workmen's Compensation Act and under that Act if any such incident takes place—if any person becomes a victim of derailment necessary compensation is paid to the victim as per the provisions of this Act. So, with these words I commend this Bill for passing.

SHRI BASUDEB ACHARIA: No, Sir. I have many more things to add. I know about the Workmen's Compensation Act and the amount paid under this Act.

MR. DEPUTY-SPEAKER: If we had sufficient time at our disposal we should have allowed you to speak at length.

SHRI BASUDEB ACHARIA: We can continue on Monday.

MR. DEPUTY-SPEAKER: The difficulty is that we have to pass it today itself. It was decided in the BAC that this will be passed today without any discussion.

SHRI MALLIKARJUN: I request the hon. Member to withdraw his amendment.

SHRI BASUDEB ACHARIA: I cannot withdraw my amendment. On the contrary, I request the hon. Minister to accept it. This is very simple amendment.

SHRI VIDYACHARAN SHUKLA: We will consider the subject matter of his amendment while taking up the Railways Appropriation Bill. I request the Minister to dwell at length on this point while replying to the Railways Appropriation Bill.

SHRI BASUDEB ACHARIA: So, you will consider this at that time.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: The House will now take up Clause-by-clause consideration of the Bill.

The question is:

"That Clause 2 stands part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause-3-Compensation an account of untoward incidents.

SHRI BASUDEB ACHARIA: Sir, I beg to move:

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after line 36, insert—

"124 B. When a railway worker while working on railway track or within any railway precinct dies due to an accident arising from the derailment of passenger or goods trains, the railway administration shall be liable to pay compensation to such extent as may be prescribed." (11)

Since the Minister has assured the House that while considering the Demands of Railways the Government will consider my amendment, I withdraw my amendment.

Now, I seek leave of the House to withdraw my Amendment No. 11 to Clause 3.

MR DEPUTY SPEAKER: Has the Hon. Member Leave of the House to withdraw his amendment.

SEVERAL HON. MEMBERS: Yes.

Amendment No. 11 was by leave withdrawn.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

MR. DEPUTY-SPEAKER: The question is:

"Clauses 4 to 13 stand part of the Bill."

The motion was adopted.

Clauses 4 to 13 were added to the Bill.

MR. DEPUTY-SPEAKER: The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

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

SHRI MALLIKARJUN: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

15.32 hrs.

COMMITTEE ON PRIVATE
MEMBERS' BILLS AND
RESOLUTIONS

Twenty Ninth Report

[English]

SHRI KIRIP CHALIHA (Guwahati): I beg to move the following:

"That this House do agree with the Twenty-Ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd April, 1994."

MR. DEPUTY-SPEAKER: The question is:

"That this House do agree with the Twenty-Ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd April, 1994."

The motion was adopted.