

House of the two unfortunate accidents which occurred on 1.8.1995.

In the first accident, train Ni, 3151 Sealdah-Jammu Tawi Express was following the goods train between Asansol and Dhanbad at a stations known as Kaiubathan. The goods train which reached early was sent to the loop line to allow the fast express train to pass through the station on the main line. After the goods train was received on the loop line the point was not changed for the main line. The Cabin ASM was not therefore able to get the signal for the main line, and he told the Block Maintainer about it who presumably short circuited the relay, because of which he found home signal became green. Since the point was not set and the Express train came on the same loop line on which the goods train was standing, it resulted in the collision. The express train (Sealdah-Jammu Tawi Express) had 17 coaches. The Engine mounted the last wagon of the goods train. The first coach next to the engine — SLR — was completely smashed. The second coach — GS — was also partially smashed. The third coach — GSCN — got derailed by one trolley. The balance of 14 coaches were on rails and were despatched to Jammu at 2108 hours.

There had been overcrowding of passengers in SLR and the second GS coach. Those passengers are mostly commuters and the casualty is also from these two coaches. In this accident, 45 passengers died and 146 injured 38 severely and 108 simple injuries. The Cabin ASM, the Block Maintainer and the Signal Inspector are absconding and they are placed under suspension.

In the second accident of 8448 Hirakhand Express derailment at 15.30 hrs. between Barpali and Dngripali stations on Sambalpur-Titlagarh section of Sambalpur Division of South Eastern Railway, 4 coaches got derailed. In this accident, one person was killed and 24 suffered injury.

An ex-gratia payment of Rs. 5,000/- each to the next of kin of the dead, Rs. 1,000/- each to the grievously injured and Rs. 250/- each to the passengers who suffered simple injuries has been granted. Already an amount of Rs. 63,000/- has been distributed. However, a compensation of Rs. 2.00 lacs is given to the next of kin of those dead through the Claims Tribunal as and when the next of the kin of the dead proves that he is the right heir and makes a claim.

The accident is again because of human error similar to one that occurred in Tamilnadu recently. The Government and the Railways on their part have been continuously counselling the staff of the safety category and they are also being given refresher courses. In spite of this, wherever there is an error, we have been taking deterrent action. We are also upgrading our technologies as and when the Safety Commissioners have made such recommendations to eliminate the human error to the best of our ability. In fact, in the present accident, already there is a panel working to find out the reason that permitted the express train to pass through without the point set.

Meanwhile, the Safety Commissioners who are working under the Ministry of Civil Aviation have been conducting statutory enquiries on all serious railway accidents. However, in view of the serious accidents in the recent 2-3 months resulting in the death of more number of human lives which have shaken the confidence of the travelling public, I have decided to withstand a judicial enquiry by appointing a Judge of the Supreme Court in consultation with the Chief Justice of India to go into the aspects of both the accidents so that not only deterrent action is taken on the responsible officials and also it will help us to restore confidence in the minds of the travelling public, by unearthing all vagaries of the system. The findings of such a Commission will be mandatory to the Railways to implement them in a time bound manner. The purpose is to eliminate the total failure of the human factor and to take advantage of the technological advancements to ensure fool proof safety and security to the travelling public.

All Railway workers and I express our deep condolences to the bereaved families and also express sincere sympathies to the injured.

I trust the House will join me in extending heartfelt condolences to the bereaved families.

There have been two accidents: one had happened in the Eastern Railway and the other in the Southern Railway, in Tamilnadu. These accidents will be enquired into by a judge who will be appointed for enquiry in consultation with the Chief Justice of India.

(ii) RAJIV GANDHI ASSASSINATION CASE THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI P. CHIDAMBARAM) : I wish to make a brief statement on some aspects on the investigation and trial of the "Shri Rajiv Gandhi Assassination Case".

At the request of the Government of Tamilnadu, a Special Investigation Team (SIT) constituted in the CBI, took over the investigation of the case on 24.5.91. Within the limit of one year prescribed by law, the SIT thoroughly investigated the case and filed the charge sheet on 20.5.92. Of the 41 accused, 26 are facing trial in CC 3/92, 12 are dead and three, to whom reference will be made hereinafter, are absconding. 251 charges were framed by the Designated Court against the accused in November/December 1993.

Owing to the attitude taken by the accused, and consequent legal proceedings in the Designated Court, High Court and Supreme Court, there have been several critical interruptions in the trial. Nevertheless, the trial has proceeded and 134 witnesses have been examined so far. Besides, a large number of documents and material objects have been marked. Hon'ble Members will appreciate that this case is a complex case and it is of paramount importance that the trial proceeds in accordance with law, without giving room for any mistake or legal error. I have reviewed the progress of the case and I may assure Hon'ble Members that all possible steps are being taken to ensure successful completion of the trial.

During the course of investigation in the case, SIT (CBI) cited V. Prabhakaran and Pottu Omman as accused. They were absconding. Hence, on 31.1.92, the prosecution applied for and obtained an order from the Designated Court which proclaimed Prabhakaran and Pottu Omman as absconders and also issued non-bailable warrants of arrest the two accused.

At the instance of SIT (CBI), on 27.12.93, Interpol circulated to all member countries a Diffusion notice against V. Prabhakaran and Pottu Omman. In April 1994, at the instance of SIT (CBI), Interpol also circulated a Red Corner Notice to all member countries against the two accused. Both notices specifically mentioned that the extradition of the accused will be requested. In response, the authorities in Sri Lanka informed SIT (CBI) that the absconding accused were in Jaffna where there was no civil administration and no inquiries could be conducted.

Twenty-six accused are being tried in CC 3/92. The case against the other three accused, V. Prabhakaran, Pottu Omman and Akila, being absconding accused, has been split up and numbered as CC 11/92. Witnesses have been examined and documents have been marked in CC 11/92.

After a careful review of the legal position, the stage of the trial in CC 3/92 and the materials brought on record in CC 11/92, Government have concluded that it would be appropriate to invoke the applicable laws of India and Sri Lanka and ask, once again, for the arrest and for the extradition of V. Prabhakaran and Pottu Omman, as well as Akila. Hence, SIT (CBI) was advised to apply for and obtain fresh warrants of arrest against the three accused. On 29.5.95, the Designated Court has granted fresh non-bailable warrants of arrest against the said three accused for their apprehension and extradition to India. The Court has also permitted SIT (CBI) to transmit to the Government of Sri Lanka for the documents required for the purpose of extradition.

The Government have decided to send three requisitions to the Government of Sri Lanka for the extradition of the three accused. These requisitions have been sent this morning through a Special Messenger.

STATUTORY RESOLUTION RE: APPROVAL OF CONTINUANCE IN FORCE OF THE PROCLA- MATION IN RESPECT OF JAMMU AND KASHMIR — Contd.

MR. DEPUTY SPEAKER : Now we shall resume the Statutory Resolution regarding approval of continuance of the Proclamation in respect of Jammu and Kashmir.

Now I call Shri Inderjit to speak.

SHRI INDERJIT (DARJEELING) : Mr. Deputy Speaker, Sir, I am grateful to you for giving me a chance to participate in this debate. Sir, I shall try to be very brief and express some of my concerns in the very limited time available to

Sir, I welcome the Government's decision to go ahead and try and hold elections in Kashmir as early as possible. But, in this context I would like to strike a note of caution. We have been talking in terms of a 'low poll' or 'no poll'. But, Sir, if we go in for a poll, there are two possibilities. We may have a 'low poll' or 'no poll' at all. There could be a total boycott, as pointed out by my namesake also. This is something we have to be concerned about. And I do not think that we should go ahead with our elections in Kashmir unless we are able to ensure that there will be some poll at last. A 'no poll', Sir, would send out a very dangerous signal. It would have dangerous implications and this is something we must guard against.

So, my first point is that 'no poll' is something to be avoided and we should ensure that there would be at least a 'low poll' is something to be avoided and we should ensure that there would be at least a 'low poll'. I think till we are able to do that, we should not think in terms of holding elections. Sir, this is most necessary against the background of the decision of almost all the parties in the Valley to boycott the poll. As pointed out by my friend, Shri Indrajit Gupta, earlier, in Assam there was a boycott. But the situation was qualitatively different. Assam is not Kashmir and we cannot afford to take this chance. I feel this is something which we must bear in mind.

Sir, the second question, which I would like to address to myself very briefly is the question of the so-called migrants. I think it is a matter of great shame that we have refugees and displaced persons within our own free India. And, I think, it is even a greater shame that we have chosen to call them migrants. I do not think that they chose to become migrants on their own. They were forced to leave. They are displaced persons and to the extent we call them migrants, I think, we are dishonestly trying to disown responsibility for what has happened.

In my view, we must also provide adequate opportunity for all these people who were forced to leave the Valley to be able to exercise their franchise. We have two alternatives. One is to go in for the postal ballot, which I think is the least we can do. The other alternative — personally I would welcome this other alternative — is that we could take groups of these people even with all the required security into Kashmir to cast their votes. I would like to see one basic point asserted that Kashmir belongs as much to the Kashmiri Pandits as to those who have chosen to stay on. Actually it is not just the Kashmiri Pandits but there are a large number of Kashmiri Muslims too who have come out. Therefore, I think, we could, perhaps, make this offer to such of the people as are listed in the electoral lists in the State of Jammu and Kashmir and are willing to go back to Jammu and Kashmir under security protection for a few days or for a week. It is a signal which I would like to send across the world at large that these people also have a claim on Kashmir.

Sir, having said this, I would like to deal with one other aspect — since I said I shall be very very brief — and that aspect is the question of autonomy. There is a great deal of talk about autonomy and I venture to submit