

this Session this Bill must be seen though at any cost. So, on behalf of the House must congratulate the Prime Minister for having given us this positive direction. This is the first step that has been taken. Let us hope in future we will be able to bring forward a comprehensive Bill.

SHRI GIRDHARI LAL VYAS (Bhilwara) : This is the second step.

SHRI P. VENKATASUBBAIAH : Sir, I cannot add more to what my Hon. colleague has said. But I am beholden to the Hon. Members for the kind sentiments and suggestions that they have made. As I said earlier this will receive our very serious and sympathetic consideration.

MR. DEPUTY-SPEAKER : The question is:

“That the Bill be passed.”

The motion was adopted

20.02 hrs.

INDIAN RAILWAYS (AMENDMENT) BILL

AS PASSED BY RAJYA SABHA

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI C.K. JAFFER SHARIEF) : Sir, I rise to move that the Indian Railways (Amendment) Bill 1983, as passed by the Rajya Sabha on 1.12.1983, be taken into consideration and passed.

Sir, as the Hon. Members have no doubt discerned, the Bill has the following three-fold objectives :-

- (i) to raise the maximum liability of the Railways for compensation for death or injury in a train accident from Rs. 50,000 to Rs. 1/- lakh with effect from 4-3-1983;
- (ii) to remove the legal bar on entertainment of applications for claims

for compensation beyond one year of the date of occurrence of accident; and

- (iii) to remove any doubts about the legacy of the appointment of ad-hoc Claims Commissioners for major accidents.

The decision to raise the amount of compensation has been taken to offset the effect of the rise in the cost of living since the maximum amount of compensation was last fixed at Rs. 50,000 in 1973. In taking the decision, the Government have been guided, among other things, by the recommendations of the Railway Reforms Committee on the subject.

The appointments of ad-hoc Claims Commissioners to determine claims arising out of major accidents have, in a few cases, been delayed due to unavoidable administrative reasons, for more than a year after the occurrence of the accident concerned. While Section 82C (1) of the Indian Railways Act 1890 stipulates that an application for compensation arising out of accident has to be made to the Claims Commissioner, the relevant provision in Section 82C (2) *ibid* does not empower the Claims Commissioner or any other authority for that matter, to extend the time limit for making application for compensation beyond one year of the date of occurrence of the accident. An amendment of Section 82C (2) has, therefore, become necessary in order that the victims of rail accidents or their survivors do not suffer for no fault of theirs in cases where the appointments of the Claims Commissioners materialise more than a year after the accident taking place. I must hasten to assure the House that the Government takes every possible care to ensure the appointment of the ad hoc Claims Commissioners with the minimum lapse of time, but delays have in some cases occurred nevertheless due to time taken in locating willing and suitable judicial officers in consultation with the State Governments concerned.

The Railways have streamlined their procedures in this regard in the light of the past experience, and it is hoped that cases of delays will be even more rare in future.

The amendment of section 82B to provide for appointment of a Claims Commissioner for Particular accidents in addition to those for local areas has become necessary to remove any doubts about the consistency of the provisions made in the statutory rules framed to carry out the objects of the said section with the working of the section itself.

With these few words, I commend the Bill for the consideration of the House.

MR. DEPUTY SPEAKER : Now Shri Ramavtar Shastri.

श्री रातावतार शास्त्री (पटना) : उपाध्यक्ष महोदय, मैं भारतीय रेल (संशोधन) विधेयक, 1983 का समर्थन करता हूँ; इस प्रकार का विधेयक इस सदन में बहुत पहले स्वीकृत हो जाना चाहिए था लेकिन लगता है कि सरकार ने पिछली रोटी खा रखी है जिसके कारण वह अच्छे कामों में दीर्घ-सूत्रता का शिकार हो जाती है। मैं उस के इस व्यवहार को अनुचित मानता हूँ।

यह अभीच बात थी कि जिन लोगों की मृत्यु हवाई जहाज की दुर्घटनाओं में हो जाती थी, उन्हें तो सरकार मुआवजे की रकम एक लाख रुपये देती थी और जिनकी मृत्यु रेल दुर्घटनाओं में होती थी उन्हें पहले तो कम, बाद में 50 हजार रुपये मुआवजा देने की व्यवस्था की गई थी। परन्तु खुशी की बात है कि अब रेल दुर्घटना में मरने वाले व्यक्तियों के आश्रितों को भी एक लाख रुपये मुआवजा दिया जाएगा।

सरकार मुआवजा देने का निर्णय करने के लिए दावा आयुक्त नियुक्त करती है परन्तु ऐसा करने में महीनों लग जाते हैं। अतः मेरी मांग होगी कि रेल दुर्घटना होने के 15 दिनों के अन्दर दावा आयुक्त की नियुक्ति कर दी जाया करे।

मुआवजा की रकम भी पूरी नहीं दी जाती। जो राशि दी भी जाती है, उसका

भुगतान करने में वर्षों समय लगा दिया जाता है; उदाहरण के लिए कुछ वर्ष पहले उत्तर बिहार में सहरसा जिले में वागमती नदी के पुल पर जो दुनिया की सबसे बड़ी रेल दुर्घटना हुई थी, उसमें मृतक व्यक्तियों के परिवार के लोगों को मुआवजा की राशि अब तक नहीं दी गई है। यह बड़ी ही शोच की बात है तथा यह रवैया सरकार की जन विरोधी नीति का द्योतक है। ऐसी स्थिति में मेरी मांग होगी कि रेल दुर्घटनाओं में मरने वाले व्यक्तियों के आश्रितों एवं परिवार के लोगों को दावा आयुक्त द्वारा रेल दुर्घटना होने के छः महीने की अवधि के अन्दर ही मुआवजे की एक लाख रुपये की राशि का भुगतान कर दिया जाया करे।

मेरी यह भी मांग होगी कि उन सभी दुर्घटनाओं को रेल दुर्घटनाएँ माना जाए जिनमें लोगों की मृत्यु रेल गाड़ी से कुचले जाने से हुई हो भले ही वे रेल से यात्रा नहीं कर रहे हों या रेल गाड़ियों में भगदड़ मच जाने के कारण हुई हो। मेरी यह मांग इसलिए है कि अभी कुछ दिनों पूर्व उत्तर प्रदेश के फैजाबाद के निकट एक भयंकर रेल दुर्घटना हुई थी, जिसे 15-11-83 को एक ध्यानाकर्षण प्रस्ताव पर हुई चर्चा के उत्तर में रेल मंत्री ने दुर्घटना नहीं माना था और मृतकों के परिवार के लोगों को मुआवजा देने से साफ इन्कार कर दिया था। अतः मेरे संशोधन को स्वीकार कर उक्त रेल दुर्घटना के मृतकों के परिवार के लोगों को एक लाख रुपये मुआवजा की राशि दी जाए।

मैं मंत्री महोदय से जानना चाहूंगा कि सन् 1980 से अब तक हुई रेल दुर्घटनाओं की संख्या कितनी है, उन में मरने वालों की कुल संख्या क्या है? कितने मृतकों को मुआवजा की राशि दी गई और प्रत्येक को दी गई राशि का कम से कम और अधिक से अधिक धीरा

क्या है ? जिन मृतकों के आश्रितों को मुआवजा की राशि नहीं दी गई, उन की संख्या कितनी है तथा उन्हें मुआवजा नहीं देने के क्या कारण हैं ? इतना कह कर मैं अपनी बात समाप्त करता हूँ ।

SHRI K.S. NARAYANA (Hyderabad) : welcome the Bill, and I take this opportunity to stress one point. I would not take more than two minutes of this House.

I speak about a matter about which we have been sore, viz. the metropolitan suburban railway system between the twin-cities of Hyderabad and Secunderabad. That system was laid about 80 or 100 years ago. So, far the line has not been developed. No electrification has been done. The same old coaches are running in the same old fashion. The city has grown manifold and the population is exceeding 32-38 lakhs of Hyderabad City. A lot of industrialisation has taken place. The city has spread enormously; and the railway needs are not being taken care of. I had stressed on this point when I participated in the Railway Budget that there is a need to double the lines and also to make a survey for the circular railway for the twin cities of Hyderabad and Secunderabad. I think we are giving a scope to our critics to say that Hyderabad or Andhra Pradesh is being neglected by the Centre, which is not proper and there is an urgent need to do it.

I would appeal to the Minister to expedite it because he is very considerate and he has been listening to me and helping me. I had represented for construction of over bridges also in the city. I had also represented for a bridge over one station and certain other things. But they have not been taken care of though after the advent of South Central Railway, many long distance trains have been introduced; and many comforts and facilities have been provided. I would like to compliment the railways for that. But the suburban system is very badly neglected. It is the same as it was laid—I do not remember it—may be 60 years or 70 years or 100 years back. That should be done. At least electrification should be taken up first. The Andhra Pradesh is surplus in electricity. There

would not be any problem. It is the fifth largest city. The first four cities in this country have been electrified. Why is this discrimination against the fifth city? I would appeal to the Minister, to the Railway Board and to the Railway Administration to consider these things sympathetically. Thank you.

श्री राजेन्द्र प्रसाद यादव (मधेपुरा) :
उपाध्यक्ष जी, मैं भारतीय रेल (संशोधन) विधेयक, 1983 का स्वागत करने और समर्थन करने के लिए खड़ा हुआ हूँ। इस विधेयक में भारतीय रेल अधिनियम, 1840 की धारा 82 क की उपधारा (2) में, "पचास हजार रुपये" शब्दों के स्थान पर "एक लाख" रुपये शब्द रखे जायेंगे और 4 मार्च, 1983 से ही रखे समझे जायेंगे। इसकी व्यवस्था आपने इसमें की है।

लेकिन मैं आपको बताना चाहता हूँ कि लोगों को मुआवजा मिलने में काफी बिलम्ब होता है। मैं आपको इसका एक उदाहरण देना चाहता हूँ। जैसा कि माननीय शास्त्री जी ने इशारा किया था कि दुनिया की सबसे बड़ी रेल दुर्घटना बागमती में घटी थी, मैं उसी जिले से आता हूँ। यह दुर्घटना 6 जून, 1981 को घटी थी और 9 अगस्त, 1982 को क्लेम कमिश्नर की वहाली की गई। आपके नियमों के मुताबिक अगर एक साल के अन्दर क्लेम कमिश्नर की बहाली नहीं होती है तो वह इन्फक्चुअस हो जाता है। उसमें उन्होंने संशोधन किया है। लेकिन हमारी समझ में यह बात नहीं आती है कि जब कोई रेल दुर्घटना होती है तो उसके आठ-दस दिनों के बाद ही क्लेम कमिश्नर की नियुक्ति क्यों नहीं होती? आप रेल दुर्घटना होने के आठ-दस दिनों के अन्दर एक पैनल बनाकर क्लेम कमिश्नर की नियुक्ति कर सकते हैं जिससे कि मुआवजे की राशि मृतकों और घायलों के परिवारों को शीघ्र मिल सके। बागमती की

रेल दुर्घटना के लिए रेलवे के क्लेम कमिश्नर की नियुक्ति 9 अगस्त, को हुई और आज तक उस घटना में मृतक और घायल लोगों के परिवारों को मुआवजा नहीं मिल पाया। मैं मंत्रीजी से आग्रह करूंगा और उनसे आश्वासन भी चाहूंगा कि कम से कम वे उनके परिवारों को मुआवजा तो दिलवा दें, जान की कीमत तो सरकार दे नहीं सकती है, और किसी की जान की कीमत लग भी नहीं सकती है। कम से कम मुआवजे की व्यवस्था तो सरकार कर दे।

हमने बीच बीच में इस प्रश्न को यहां उठाया था कि कम से कम मरने के बाद सब की जान का मूल्य तो बराबर आंका जाना चाहिए। जब एक आदमी की मृत्यु हवाई-दुर्घटना में हो तो उसके परिवार वालों को सरकार एक लाख रुपये मुआवजा दे और दूसरे आदमी की मृत्यु रेल-दुर्घटना में हो उसे 50 हजार रुपये का मुआवजा दिया जाए। लेकिन अब हमें खुशी है कि सरकार ने हमारी बात को माना है। लेकिन इसके साथ साथ मैं यह भी कहना चाहूंगा कि सरकार समय भी निर्धारित करे कि मुआवजा मिलने का समय ज्यादा से ज्यादा 6 महीने होगा। मुआवजे की राशि उन तक पहुंच जाए ताकि उनको लगे कि सरकार देख रही है और कुछ करना चाहती है। इसी संदर्भ में मैं एक बात और कहना चाहता हूँ। क्लेम कमिश्नर के लिए इलाहाबाद हाईकोर्ट के रिटायर्ड जज मिस्टर गुप्ता को बहाल किया गया था। लेकिन हमें यह कहते हुए दुःख है कि मुख्य दावा पदाधिकारी श्री आर.एल. सेठ ने उनको इस कदर परेशान किया, इसके लिए उन्होंने रेल मंत्रालय को भी लिखा लेकिन कोई कार्यवाही नहीं की गई। अंत में उनको इतना परेशान किया गया कि वे मर गए। इसमें प्रभारी पदाधिकारी श्री के.के.चौधरी ने इनकी काफी मदद करने की कोशिश की थी, लेकिन अंत में उन्होंने अपना

तबादला रेलवे बोर्ड में करा लिया। इस तरह के पदाधिकारी जिनके बारे में बार बार लिखा जाता है, हाईकोर्ट के जज द्वारा लिखा जाता है और हम सब लोगों ने भी इस बात को उठाया है लेकिन इस तरफ कोई कार्यवाही नहीं की गई। इस तरफ तबज्जह देने की आवश्यकता है।

तीसरी बात मैं यह कहना चाहता हूँ कि यह दुर्घटना क्यों हुई? यहां बड़ा नैरोब्रिज है। जून, 1981 में जो दुर्घटना हुई थी उसमें एक जानवर सामने आ गया था, एकाएक ब्रेक लगाने के कारण दुर्घटना हुई थी। जिसके बारे में चैयरमैन ने कारण बताया था कि तेज हवा के कारण दुर्घटना हुई है। मैं बताऊं उसके बाद 1983 में करीब एक दर्जन भैंसें कटी हैं जो उस ब्रिज पर जा रही थीं। ऐसा इसलिए होता है कि वहां आने जाने का और कोई रास्ता नहीं है। अतः ब्रिज सड़ सड़क की व्यवस्था की जानी चाहिए। इसी तरह के जो खुले ब्रिज हैं वहां पर रेलिंग लगाई जानी चाहिए। मंत्री महोदय से निवेदन है कि वे इस तरह का काम करें कि मुआवजा देने की जरूरत ही न पड़े।

इसमें बताया गया है कि यह मार्च से लागू होगा। इसमें मैं यह जानना चाहता हूँ कि 8-10 लोगों को जो मुआवजा दिया जा चुका है क्या उनको भी एरियर दिया जाएगा और कब तक दिया जाएगा। दो साल इस घटना को हो गए हैं।

अंत में मैं शास्त्री जी की बात का समर्थन करता हूँ कि टिकट लेकर जो चलते हैं उनको तो दुर्घटना में मुआवजा दिया ही जाता है, लेकिन उस परिसर में जो लोग घायल हुए हैं उनको भी मुआवजे की व्यवस्था की जानी चाहिए।

मैं चाहूंगा कि मंत्री जी इन बातों पर ध्यान दें और आवश्यक कार्यवाही करें।

SHRI SATISH AGARWAL (Jaipur) :
 Mr. Deputy-Speaker, Sir, I am conscious of the fact that it is going to be 8.30 P.M. and hence I will be very very brief in my comments so far as this Bill is concerned. I welcome this measure. I really wholeheartedly welcome it. As a matter of fact, this measure should have been brought long back, and retrospective operation has been given to Section 82-A with effect from the 4th day of October 1983. According to me retrospective operation should have been from the day one lakh of rupee has been made with regard to the provision in the Airlines. Anyway, now in this particular Financial Memorandum the Hon. Minister has mentioned that by increasing this limit from Rs. 50,000 to one lakh the likely expenditure from the Consolidated Fund of India would be approximately rupees one crore per annum if we calculate it at the rate of Rs. one lakh per head but according to the Government the likely number of persons who will be dead and the expenditure will be one lakh of rupees, and it is significant. Either this amount is less or the amount paid by way of compensation is much less, because the number of dead according to the past statistics is much more. I went through the questions and answers in the Lok Sabha as well as Rajya Sabha and I found from these questions that the total number of persons killed in 1981-82 was 658, in 1982-83-189 and from April, 83 to September 83-93. So, the total number of persons killed during the last 30 months comes to 940. That makes an average of practically more than 300 persons killed per year. This is according to the replies given to Parliament by the hon. Minister himself. The number of persons injured in 1981-82 was 1104, in 1982-83-537 and from April, 83 to September, 83-342. So, during the last 30 months the number of injured comes to 1983. According to my understanding, those who were killed or injured during the last 30 months are entitled to the payment of compensation. You are making a provision and you are assuring the House that you are increasing the amount from Rs. 50,000 to Rs. 1 lakh. But what has been your performance? In reply to Unstarred Question No. 1953 dated 3.3.83 in Lok Sabha the Minister gave details of compensation paid during 1981-82 to rail accident victims irrespective of the year of accident

as under: No. of persons-281; amount of compensation paid-Rs. 43.90 lakhs. So, the average amount of compensation to each person comes to Rs. 15,000. So much discretion has been given to the Claims Commissioners under the rules that hardly there may be any case where full amount of Rs. 50,000 has been paid.

In reply to another Unstarred Question No. 2448 dated 17th August, 1983 in Rajya Sabha where the Railway Minister was asked to give the figures with regard to the total amount of compensation paid and how many claims for compensation are still pending and what are the reasons for delay in finalising the same; he assured the Rajya Sabha that the information was being collected and would be laid on the Table of the Sabha. It is more than four months now but you have not been able to collect the information and lay it on the Table. This assurance you have not been able to fulfil. We are completely in the dark as to how many persons you have paid compensation and how many claims are pending. Would you enlighten the House as to which is the oldest list? And how many accident victims are there in 1981-82 and 1982-83 or earlier, who have not got the compensation? This is a serious matter which has to be looked into and the Minister should not feel contented only with regard to this that they are raising the limit to Rs. 1 lakh. This has no sanction unless you implement the whole law. None has opposed this Bill. We wholeheartedly welcome this measure. But we wish that the implementation of this law is also sincerely made by the Government. I would like the hon. Minister so far as this particular case is concerned, to enlighten the House with regard to the oldest case and the cases where the compensation is yet to be paid to victims of 1981-82 and 1982-83 or 1980-81 or any cases pending finalisation before 1980. What is the position? You must supply that information to the House if you have now otherwise as early as possible you must lay on the Table of the House and supply a copy to us, to those who have spoken about these facts. I sincerely feel that this amount will be meagre. Either the Government has not anticipated it well or does not like to pay full amount of compensation to these people. So, this amount, according to me, will be very meagre.

Lastly, I would earnestly request the Railway Minister that this Railway Act is dated 1890 and now it is 1983. This is 93 years old law. So, will you kindly consider a suggestion as to why we should not have a fresh look at the whole Indian Railways Act. So, you have some draft prepared with regard to the overall amendments in the Indian Railways Act to meet our present day requirements on changing situations in an free independent India, bring forward a Bill, refer it to a Joint Select Committee, let that Joint Select Committee examine the new provisions so that we have a new Indian Railways Act to meet the challenges over times. With these words I hope the hon. Minister will bear in mind the suggestions that we have made and also examine the question whether, as in the airlines, we could have some sort of a system of introducing insurance for traveling in Railways. Whether some sort of a group insurance scheme or individual insurance scheme whosoever wants to have an insurance of that type, for particular journeys or for particular months or half-yearly or yearly, as we have got for air journeys, can be introduced in the Railways also, that should be examined. With these words, I finish. Thank you very much.

SHRI C.K. JAFFER SHARIEF : Sir, I am grateful to the hon. Members for their valuable suggestions and for welcoming the measure that the Government have taken. With regard to the information sought by the hon. Member Shri Satish Agarwal, the position with regard to the pending compensation claims cases up to September 1983 on all the Railways is as follows.

Killed	—	479
Injured	—	306

With regard to the suggesting made by the hon. Member regarding insurance, a committee had been appointed to go into the question. Apart from the senior railway officers, the Committee also consisted of representatives of the General Insurance Corporation of India so that the question of evolving a scheme for insuring the passengers could also be examined in depth. The Committee has recently submitted its Report which is under the active consideration of the Government.

With regard to what Shri Ramavatar Shastri and Shri R.P. Yadav have said about Bagmati railway accident, Shri B.D. Gupta was appointed as Claims Commissioner. He disposed of about 36 cases of death, 15 cases of injury and 8 cases of loss of property. Payments are also being arranged in respect of about 25 cases of death and injury which had been decided by Justice Gupta before his death. Unfortunately, since he has died, we had to go in for another Claims Commissioner and Justice H.C.P. Tripathi has been appointed as Ad Hoc. Claims Commissioner in place of Justice B.D. Gupta. He has taken over charge on 15-11-1983. So, it is under process.

The whole problem was the time consumed in finding Claims Commissioner, in consultation with the Judicial authorities and the State Governments, which has to be approved by the Railway Board. To avoid this delay, the power has now been delegated to the General Managers so that it can be done quicker.

Another problem was the lapse of one year. To remove that difficulty, a provision has now been made that it will be from the date of the appointment of the Claims Commissioner. So, people who become victims will not suffer because of the delay in the Appointment of the Claims Commissioner.

I agree with the suggestions made by the hon. Members. But, so far as this measure is concerned, I would request them to appreciate the spirit of the Bill. This is brought forward purely on humanitarian considerations. The revised amount of Rs. 1 lakh has already been effective from 4-3-83.

Now without taking much time of the time, I would request Shri Ramavatar Shastri not to press his amendment. With these words, I would request the House to Pass this Bill.

MR. DEPUTY-SPEAKER : The question is :

“That the Bill further to amend the Indian Railways Act, 1890, as

passed by Rajya Sabha, be taken into consideration."

The motion was adopted

MR. DEPUTY-SPEAKER : We will now take up clause by clause consideration.

Clause 2— Amendment of Section 82-A

SHRI RAMAVATAR SHASTRI (Patna) : I beg to move :

Page 1, line 9, —

add at the end—

'and the following proviso shall be inserted after sub-section (2) namely :—

"Provide that the amount of one lakh rupees shall be paid to the members of the family of the persons killed in railway accident by the Claims Commissioner within a period of six months from the date of occurrence of the accident.

Provided further that all accidents in which people are run over by train and killed even though they may not be travelling by train or are killed as a result of stampede in the train shall also be deemed to be railway accidents."

MR. DEPUTY-SPEAKER : I shall now put amendment No. 1, moved by Shri Ramavatar Shastri, to the vote of the House.

The amendment was put and negatived

MR. DEPUTY-SPEAKER : The question is :

"That clause 2 stand part of the Bill"

Clause 2 was added to the Bill

Clause 3 to 5 were added to the Bill.

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

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI C.K. JAFFER SHARIEF) : I move :

"That the Bill be passed"

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed"

The motion was adopted

20.33 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 22nd December 1983 Pausa 1, 1905 (Saka).