

या तो पुलिस की नीति यह थी कि फायर हवाई करें या उन को गिरफ्तार करें लेकिन हमारी पुलिस दोनों नीतियों में विफल रही है, न तो उन लुटेरों को गिरफ्तार कर सकी और न ही उन को जल्मी कर सकी, क्या इस की तह के अन्दर केन्द्रीय सरकार की यह नीति तो नहीं है कि न ही ऐसे लोगों को गिरफ्तार किया जाय और न ही उन्हें जल्मी किया जाय, अगर ऐसा नहीं है तो फिर उन को गिरफ्तार क्यों नहीं किया गया ?

श्री जवाहरलाल नेहरू : ऐसी कोई नीति नहीं है लेकिन माननीय सदस्य ने सुना होगा कि एक पुलिस का अफसर पहुंचा । अब एक आदमी के लिये १०, १२ या अतिने भी वे लोग रहे हों उन को पकड़ना उस के लिये ज़रा दुश्वार हो गया इसलिए उस हालत में जो कुछ वह कर सकता था उस ने किया यानी तमंचा चला कर उन को भगा दिया ।

श्री रघुनाथ सिंह (वाराणसी) यह जो पकिस्तानी लोग धर आये थे क्या उन के पास हथियार भी थे ?

श्री जवाहरलाल नेहरू : अब हथियारों के बारे में तो हमारे पास कुछ नहीं लिखा है ।

(ii) DUMRAON RAILWAY ACCIDENT INQUIRY COMMISSION

Shri Yogendra Jha (Madhubani): Sir, under rule 197, I beg to call the attention of the Minister of Railways to the following matter of urgent public importance and I request that he may make a statement thereon:—

Reported premature winding up of its work by the Dumraon Railway Accident Inquiry Commission.

The Minister of Railways (Shri Swaran Singh): The Commission of Enquiry constituted by Government on 27th July, 1962 to enquire into the serious accident of 6 Down Amritsar-Howrah Mail at Dumraon on the night of 21st July, 1962, held preliminary discussions at Delhi on 31st July, 1962 and 1st August, 1962. They inspected

the site of accident on 13th August, 1962 and commenced their sittings at Patna from 25th August, 1962. Necessary press notices had been issued earlier requesting members of the public who are in a position to assist the Commission to send their memorandum so that the Commission may decide as to who should be called for evidence.

On 25th August, 1962 while arguing the case on behalf of the Railways, Shri Sanyal, Additional Solicitor General of India, referred to certain documents and informed the Commission that the Police were in possession thereof. Shri R. K. Singh, the Counsel on behalf of Bihar State on being questioned stated that these documents were in the custody of a Sub Divisional Officer, Buxar. The Commission thereupon felt that the subject matter of the enquiry may be subjudice and asked the Counsel to look into the matter and to find out the exact position. Subject to this, the proceedings were continued on 25th August, 1962.

No sittings took place on Sunday, the 26th August, 1962.

On Monday, the 27th of August, 1962, Shri Sanyal stated that if cognizance had been taken of the case by a criminal court, the proceedings of the Commission will amount to parallel investigation and that such an investigation may amount to contempt of the criminal court. The Commission asked Shri R. K. Singh, Counsel for Bihar State, if the case relating to the above railway accident had gone to the criminal court and if the criminal court had taken cognizance thereof. Shri Singh stated that no cognizance had yet been taken and that such cognizance would be taken on 30th of August, 1962. He also expressed the view that a long time would elapse before the criminal court deals with the matter and that the enquiry by the Commission can be finished long before that. Shri A. K. Dutt, Counsel on behalf of one of the Cabinmen stated that if cognizance had been

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taken by the criminal court it would not be possible for the Commission to continue the proceedings. As the Commission felt that Shri R. K. Singh may not be fully conversant with the facts of the case, he was asked to look into the matter carefully and give in writing the correct facts relating to the proceedings that had been taken on the first information report which had been filed soon after the accident. The Commission further requested Shri Singh to see that the criminal court does not take cognizance of the case meanwhile. Shri Sañyal expressed the view that it would not be proper to continue the proceedings in the circumstances of the case.

On 28th August, 1962, Shri Singh, Counsel for the Bihar State, produced a hand-written document giving copies of various orders that had been passed by the SDO, Buxar and the Munsiff Magistrate, Buxar. Shri K. P. Verma, arguing the case on behalf of the Bihar State on 23th August, 1962, verified the facts of the case from Shri Singh in the presence of the Commission and thereafter stated that cognizance of the case had been taken by the Criminal Court on 24th August, 1962. He stated that according to the Bihar Government, the proceedings in the Criminal Court and the inquiry by the Commission may continue simultaneously.

Shri Sañyal, however, submitted that the inquiry by the Commission at this stage was bound to prejudice a fair trial and that it was not the intention of the Government that inquiries by the Commission should, in any way, prejudice a fair trial of the persons accused in a Criminal Court. The Commission agreed with Shri Sañyal's contention and adjourned the hearing and informed all concerned that a fresh date for recording evidence would be fixed if and when necessary.

Further course of action will be decided on receipt of a report from the Chairman of the Commission.

श्री योगेन्द्र झा : इस तरह की घटनायें आये दिन होती रहती हैं घटनास्थल किसी न किसी राज्य क्षेत्र में हो सकता है। इस तरह अगर राज्य सरकार की पुलिस ने अदालत में मुकदमा दायर कर दिया तो जांच कार्य संभव नहीं है। क्या समस्या के इस पहलू की ओर सरकार का ध्यान गया है? अगर हां, तो इन कानूनी अड़चनों की सतत सम्भावना से निपटने के लिये सरकार ने कुछ निर्णय किया है? अगर हां, तो वे निर्णय क्या हैं?

सरदार स्वर्ण सिंह : यह जरूरी सवाल है। पहले भी इस किस्म की हालत पैदा हुई थी। पंजाब में एक एससीडेंट हुआ था—मोहड़ी ऐक्सीडेंट—उस में कमिशन ऑफ इनक्वायरी बैठाया गया था लेकिन पंजाब सरकार ने वह मुकदमा नहीं चलाया था। उन्होंने शायद अभी अदालत में चालान पेश नहीं किया था। कमिशन ऑफ इनक्वायरी के फैसले के बाद फिर अदालत में उन्होंने मुकदमा दायर किया था। यह एक अहम बात है। इस पर विचार कर के कोई ढंग निकाला जायगा ताकि एक ही मामले के मुताल्लिक दो अलहदा जगह यानी फौजदारी अदालत में और हाई पावर कमिशन दोनों के सामने वह रीज चालू न रहे। कुछ इस के मुताल्लिक सोचा जायगा कि क्या किया जाय।

श्री योगेन्द्र झा : अध्यक्ष महोदय, एक प्रश्न मैं और करना चाहता हूँ।

अध्यक्ष महोदय : एक से ज्यादा नहीं कर सकते।

Shri Nambiar (Tiruchirapalli): May I know whether the Government are aware of the reported statement of the Chairman during the course of the enquiry on the 28th asking a question to Mr. Sañyal, Counsel for Railways as follows: "The Central Government have come to the conclusion that no useful purpose will be served by continuing this Commission and therefore, it should cease to exist: is that

the idea?" And the counsel said: "It may be. I am speaking on instruction." If that is so, what sort of instruction has been given to the counsel by the Central Government or the Railway Administration of the Eastern Zone?

Shri Swaran Singh: If the hon. Member has carefully heard the statement that I made—and I presume that he has heard it—this question would not arise, because I have attempted to give in the statement that I placed before the House the various stages of argument that were entered into and what Mr. Sanyal stated. It is very difficult for me to contradict or confirm something that has appeared in the press. What I have stated is a fact that Mr. Sanyal did point out that if there were proceedings going on simultaneously before a criminal court and a commission of inquiry, then that would not be a situation which would be fair....

Mr. Speaker: But the hon. Minister can say this much namely whether the record in the papers is according to the facts, whether that is correct or not; according to the hon. Member, this ought not to be the correct statement.

Shri Swaran Singh: I think that it was not necessary to give any instructions to Mr. Sanyal, because this was a purely legal matter, and he stated the legal position.

Shri Namblar: He has said that he had received instructions.

Shri Swaran Singh: He was not given any special instructions. No instructions as such were given.

Shri S. M. Banerjee: Since this has raised a legal point, may I know whether the opinions of the Law Minister and the Attorney-General have been taken on this matter?

Mr. Speaker: The hon. Minister has said that this would be looked into as to how the two things can be reconciled.

Shri S. M. Banerjee: Without instructions, how did Mr. Sanyal make that statement.

Mr. Speaker: That is being looked into, as the hon. Member desire. This is what the hon. Minister has stated.

Shri S. M. Banerjee: My fear is that this inquiry might be hushed up because of this reason.

Mr. Speaker: The hon. Minister has said that that is not the intention Government have yet to decide how the inquiry can be conducted when the two things are running parallel.

Shri Indrajit Gupta (Calcutta South West): May I know whether the hon. Minister's attention has been drawn to the remark made in the court by the chairman of the inquiry commission that he feels that somebody is trying to stifle the proceedings of the inquiry and that he is feeling thoroughly frustrated? Is he aware of this fact?

Mr. Speaker: Where is that stated?

Shri Indrajit Gupta: This is also stated in the same paper; you like me to read it out?

Mr. Speaker: That must be read out from the paper, if it is there; those words must be read out.

Shri Indrajit Gupta: This is what the chairman has stated:

"I feel that the Dumraon accident is a very serious one. The public and Parliament are interested in it. I am feeling frustrated in the matter. We are appointed for a purpose, and we are unable to go on."

What has led to this frustration?

An Hon. Member: What is the name of this paper?

Shri Namblar: The *Searchlight* of Patna, dated the 29th inst.

Shri Indrajit Gupta: In this connection, is the hon. Minister also aware

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of the fact that when this commission called for the papers in connection with the police proceedings or the criminal case proceedings, they have refused to submit those papers before the commission.

Shri Swaran Singh: Two questions have been asked by Shri Indrajit Gupta. I could not really say whether the retired High Court Judge did make that remark, because I would like to verify it. I have not yet been able to get a report from him. He is a retired judge of a High Court, and normally, I shall go by what he says.

So far as the other aspect is concerned, I have already said that when certain documents were required by the commission of inquiry it was reported that those documents were in the possession of the police and were in a court of law, and on the following day, copies of those documents were produced.

Shri Indrajit Gupta: They were not produced. That is the whole point.

Shri Mohammad Elias (Howrah): May I know whether it is a fact that there is serious difference of opinion between the Central Government and the Railway Administration regarding the further proceedings of this inquiry?

Shri Swaran Singh: No, there is no such difference of opinion.

Shri Daji (Indore): Is it also a fact that the chairman has openly expressed in court that the Bihar Government was not only not co-operating but trying to forestall the inquiry, and he resented it, and if so, what steps have Government taken to see that the inquiry is carried through to the end?

Shri Swaran Singh: With regard to the first part of the question, my reply is that I cannot say anything unless I have verified it from the retired judge of the High Court who is the chairman of the commission; and the

second part of the question does not arise.

Shri Daji: I want to know what steps Government have taken to see that the inquiry is carried through to the end. How does it not arise? It is most relevant.

Mr. Speaker: The hon. Minister has said already what Government are doing with regard to the conduct of that inquiry.

Shri Daji: The House does not know it.

Mr. Speaker: The hon. Minister has made that statement just now, and the House knows it.

Shrimati Renu Chakravartty (Barrackpore): May I make a submission? Because it was stated earlier that this commission was being constituted, therefore, we did not go further into the matter at that stage. Now that this question has come up, before the Parliament adjourns will the hon. Minister tell us definitely what the position is? Otherwise, this very serious accident will just go by default.

Mr. Speaker: That is exactly what the Minister has tried to tell us.

Shrimati Renu Chakravartty: We should know the position before Parliament adjourns.

Mr. Speaker: He has told us that there are two parallel inquiries now, one with the police and the other with the Commission. Papers were asked for by the Commission. They were with the custody of the police, and, therefore, could not be sent there. Government have to consider how the Commission can proceed further. Government have not terminated the Commission. That is what I could gather from the hon. Minister's statement.

Shrimati Renu Chakravartty: We have got a feeling by the answers given by the hon. Minister which we

have to express. Whether this Commission is terminated or not, on that point he has neither confirmed nor denied. We would like to give him some time. Within the next ten days before Praliament adjourns, will he be in a position to inform us as to what exactly is the position and what he proposes to do regarding the inquiry into the Dumraon accident?

Shri Swaran Singh: I will definitely inform the House as soon as we have taken a decision after consulting the State Government, if necessary, as to what should be done in the circumstances.

Mr. Speaker: Members only desire that before we adjourn, that information might be given.

Shri Swaran Singh: I will try.

Shri Hari Vishnu Kamath (Hoshangabad): Next Friday.

Shri Nambiar: If the information can be given earlier, he may do so.

Mr. Speaker: Order, order. As soon as it is collected, he will give it. We have pointed out that it should be done before Parliament adjourns.

12:26 hrs.

RE: CALLING ATTENTION NOTICES
RE: RAIL MISHAP NEAR
SAHARANPUR

Mr. Speaker: I have received a large number of calling attention notices about the recent mishap on the railway near Saharanpur.

Shri Tyagi (Dehra Dun): It is a daily routine.

Mr. Speaker: There is an adjournment motion also which has been tabled. The hon. Minister would like to make a statement at 4 P.M. I have asked him to make a statement at 4 P.M.

Shri S. M. Banerjee (Kanpur): That was exactly what I wanted to bring to notice. Here was a lead-on collision. We got the news yesterday.

Yesterday itself at 2 O'Clock I had tabled an adjournment motion.

Generally I table calling attention notices, but in the matter of railway accident, I am sure you will agree with me that the stage of calling the attention of the hon. Minister is past, and the stage comes when he has to be pulled up and asked to resign. So I want that the adjournment motion should be admitted.

Mr. Speaker: Order, order. I will consider that after the facts are stated in Parliament.

Shri S. M. Banerjee: It may be kept pending.

Shri Narendra Singh Mahida (Anand): The Prime Minister wants to make a statement.

Shrimati Renu Chakravartty (Barrackpore): I would also submit that this is a proper case in which an adjournment motion should be permitted. Here is a railway accident. How many people have been killed again? (Interruptions).

Mr. Speaker: No one has been killed.

Shri Raghunath Singh (Varanasi): Nobody has been killed. (Interruptions).

Shri Ram Sewak Yadav (Bara Banki): Attempt has been made to kill, but fortunately no one was killed.

Shri Raghunath Singh: He must withdraw it... (Interruptions).

Shrimati Renu Chakravartty: 66 have been injured. It is not a small number. I would urge that this is a situation where discussion by way of an adjournment motion is called for.

Mr. Speaker: Let me have the facts. Then I will certainly look into the case for an adjournment motion.

The Deputy Minister in the Ministry of Railways (Shri Shah Nawaz Khan): I was at Saharanpur yesterday at 6 P.M. There were only seven persons in the hospital; all the other received minor bruises and after first-aid they had gone. I think by now three more must have left the hospital.