

by the Pakistani armed forces, Government of India will change the decision regarding the transfer of Berubari to Pakistan.

Shri Jawaharlal Nehru: It has nothing to do with it.

श्री भक्त वंशन (गढ़वाल) : श्रीमन्, वृत्ति पश्चिमी बंगाल और पाकिस्तान की सीमा पर आये-दिन इस तरह की घटनायें हो रही हैं, इसलिये क्या वहाँ पर अब आगे से पहरा देने में और कड़ाई कर दी जायेगी ?

श्री जवाहरलाल नेहरु : पहरा तो दिया जाता है । दरिया के बीच में जमीन है, जो कभी आती है, कभी जाती है और इसमें बहस हुआ करती है । सरहद पर कई जगह ऐसी बहस है । उसमें पहरा ज्यादा देने से कुछ स्यास तो हासिल नहीं होगा । एक बेजा कार्रवाई कोई करे, तो उसको वहाँ से हटाना है और हमने यह तरीका तय किया है कि बहस करके और साबित करके हटाये और ऐसा ही हमने किया है ।

(ii) COLLISION OF BUS WITH PASSENGER TRAIN NEAR SAMBHAR LAKE

Mr. Speaker: There is a calling attention notice.

Shri S. M. Banerjee: Sir, I have a submission to make. In respect of these train accidents, if an adjournment motion cannot be admitted even after the death of 26 persons, I do not know when we are going to censure the Government.

Mr. Speaker: I will advise the hon. Member not to take up an argument at this moment when we are taking up the calling attention notice. If he has a grievance, certainly he can come to me and we can discuss it.

Shri S. M. Banerjee: There is no grievance against you and I submit to your ruling. But calling attention notice will not give an opportunity to censure the Government. They are playing with human lives.

Mr. Speaker: That is why I am

advising him to come and discuss the matter with me.

Shri S. M. Banerjee: After the statement has been made, it will lose all its worth.

Mr. Speaker: He cannot have precedence over it? Is it his contention? He can come and discuss with me.

Shrimati Renu Chakravartty (Barrackpore): Sir, the point is this. Everybody feels perturbed about the manner in which we are having one accident after another. It is time that we had an adjournment motion before the House in order to censure the Government. It is not only to get information through calling attention notice. Suppose calling attention notice is given priority today, then the adjournment motion will not be considered and it will lose its validity.

Mr. Speaker: Hon. Member Shri Banerjee says that he had given notice of an adjournment motion yesterday and that it was not allowed. Is that right?

Shri S. M. Banerjee: No, no. This morning I gave an adjournment motion.

Mr. Speaker: That has not been allowed?

Shri S. M. Banerjee: In view of the fact that a calling attention notice was there. My submission is this. It is not a question of a calling attention notice. I submit to your ruling. But this is an opportunity where we get an occasion to censure the Government. 26 persons have been killed in this accident.

Mr. Speaker: All the facts need not be discussed here. There is one thing and I said it the other day also. Unless all the facts are known we cannot discuss the adjournment motion. Even now, if all the facts have been stated by the Government and in the face of those facts if the hon. Member feels that there ought

[Mr. Speaker]

to be a motion for adjournment, he can come to me.

Shri S. M. Banerjee: The facts are known. It is an un-manned gate. There is gross negligence on the part of the State and the Central Governments, both.

Mr. Speaker: Yes. There is a general question; there are so many accidents taking place. We are having a discussion on that and we have already fixed some time, I think. I will rather ask the hon. Minister to just tell the House, because that discussion has already been fixed, when it would be convenient for him to discuss all these railway accidents that have taken place. So far as the particular question now is concerned, I disallowed that because I had this notice also, and there is nothing for the present, unless the facts reveal that there was some such thing, on which censure can be made. How can I allow it? (*Interruption*). Order, order. Let us hear the facts, and then, afterwards, even if there are facts that are brought out and a censure motion is called for and there is a failure of the Government, certainly I can consider it.

Shri Nambiar (Tiruchirapalli): These accidents are repeatedly taking place. That itself is sufficient to censure the Government. Dozens of people are being killed.

Mr. Speaker: Order, order.

Shri Vasudevan Nair (Ambalapuruzha): 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:

"The collision of a passenger train and transport bus near Jaipur resulting in the death of 26 persons and injuries to several others."

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): On 11th June, 1962, at about 11.25 hrs. while 9 Up Phulera-Jodhpur-Marwar Passenger was running between Phulera and Sambhar Lake Stations of Western Railway, a passenger bus collided with the train at an unmanned level crossing gate situated near the Outer Signal of Sambhar Lake Station.

As a result of the collision, the bus was smashed. Seventeen passengers of the bus died instantaneously, one died on the way to the hospital and seven expired later in the day in hospital.

Another 23 passengers of the bus received injuries.

The injured were rendered first aid on the spot. Medical aid was procured locally from the Civil and Salt Hospitals, Sambhar Lake. The Railway Doctor and other railway officials also immediately rushed to the site. The injured were promptly taken to the Sambhar Lake Salt Hospital of whom, 6 were treated as outdoor patients. Later 6 of the injured who had sustained grievous injuries were sent by the railway medical van to Sawai Man Singh Hospital, Jaipur on the advice of the medical authorities at Sambhar Lake Salt hospital.

The Senior Deputy General Manager of Western Railway has visited the injured in the hospitals and the site of the accident.

The visibility from the railway line as also from the road is reported to be clear.

A Senior Scale Officers' Joint Enquiry has been ordered to investigate the cause of the accident.

Shri Vasudevan Nair: As has already been stated, it is very serious matter, and this accident is, so far, the last of a series of such accidents, and the Government is having a kind

of routine departmental enquiry. I want to know from the Minister what is the difficulty in constituting an enquiry with a high court judge. Let it be a judicial enquiry because such accidents have been taking place almost every day.

The Minister of Railways (Shri Swaran Singh): Sir, you have been pleased to direct that this general question of accidents might be discussed and some time, I understand, has already been earmarked for that. The general question of accidents can be discussed and we will place all the facts before the House. We may have many faults, but so far as the present accident is concerned, I fail to see as to what really is the fault of the railways. It was day-time; it was mid-day. I know that all of us are extremely unhappy and grieved at the said demise of a large number of persons. It is a very painful thing for all of us to see, but we must see that the accident took place at mid-day and all users of road, particularly at unmanned level crossings, are expected to exercise their own caution also. When it is known clearly that there is a railway line ahead and the crossing is not manned, then the user of the road, whether he is a cart-driver or a bus-driver or a truck-driver, has also to observe due caution and see whether there is any traffic on the railway line. The train cannot be pulled up merely because a lorry is approaching. Therefore, while we may have many faults, on this particular occasion, although the result has been tragic, I do not see how the railways are *prima facie* at fault.

श्री बागड़ी (हिसार) : मैं अज़्रं करना चाहता हूँ कि हिन्दुस्तानी में भी कुछ बता दें तो बड़ी स्नेहबानी होगी

अध्यक्ष महोदय : अब आप सवाल भी करना चाहते हैं या नहीं ?

श्री बागड़ी : बगैर समझे क्या सवाल करूँ ?

अध्यक्ष महोदय : आप समझते हैं, आपको मालूम है, आपने नोटिस भी दिया है और अखबार में जो वाक्यात निकले हैं, उनका भी आपको इत्म है। आप सवाल करना चाहते हैं या नहीं ?

श्री बागड़ी : सवाल तो करूंगा ही।

जब से रेलवे मिनिस्टर साहबबने हैं तब से ऐसा कोई ही भाग्यशाली दिन होगा जिस दिन कि एक्सीडेंट्स की खबर सुबह अखबारों में पढ़ने को न मिलती हो। बार बार इस हाउस के

अध्यक्ष महोदय : आप क्या चाहते हैं ?

श्री बागड़ी : सवाल कर रहा हूँ। बार बार इस सदन में आपकी मार्फत सवाल किया गया है कि हाईकोर्ट के जज या किसी गैर सरकारी बोर्ड के द्वारा इनक्वायरी कराई जाए लेकिन आनरेबल मिनिस्टर साहब रेलवे कमिश्नर और इंस्पेक्टर पर ही अड़े हुए हैं और उन्हीं से इनक्वायरी करवाना चाहते हैं। इस मनहूसत से देश को बचाने के लिए क्या आनरेबल मिनिस्टर साहब और नहीं तो कम से कम कैबिनेट की मीटिंग बुला करके उनसे सलाह मशविरा करके कोई कदम उठाने की राय नहीं रखते हैं और क्या ऐसी राय नहीं रखते हैं कि किसी हाईकोर्ट के जज द्वारा या ट्रीब्यूनल के द्वारा इनक्वायरी करा ली जाए ताकि इस देश को आगे के लिए तो इन एक्सीडेंट्स से बचाया जा सके ?

सरदार स्वर्ण सिंह : मैं माननीय सदस्य को बतलाना चाहता हूँ कि यह कोई इतनी बड़ी बात नहीं है जिसके लिये कैबिनेट के पास जाना पड़े। अगर कोई जरूरत समझी जाएगी और जिस वक्त भी समझी जाएगी, जैसी कि पहले कभी समझी गई थी, आज से तीन, चार या पांच साल पहले, तो ज्यूडिशल इनक्वायरी भी हो सकती है। मगर जहाँ तक इस एक्सीडेंट का ताल्लुक है, मुझे बिल्कुल इस बात की समझ

[सरदार स्वर्ण सिंह]

नहीं आती है कि इसमें ज्यूडिशल इनक्वायरी भी क्या करेगी। दिन का वक्त था जब एक्सीडेंट हुआ, सामने एक लेवल क्रॉसिंग था, एक बस आई और उत्तने यह स्थान नहीं किया, ड्राइवर ने नहीं किया कि सामने गाड़ी आ रही है और वह बीच में टकरा गई। अब इसमें हार्दिकोर्ट जज या कोई और जज क्या करेगा समझ में नहीं आता है।

Shri Warior (Trichur): May I know how this gate or level crossing there is kept unmanned?

Shri Swaran Singh: There are thousands of gates in the country which are unmanned. This is not a practice peculiar to India. I know that in almost all railways throughout the world there is a very large number or a very large proportion of unmanned gates, the presumption being that the volume of traffic there is not such that the gates should be closed when the train is approaching, and the users of the road also take the precaution to see that the railway line is clear when they are using the road.

Shri P. K. Deo (Kalahandi): Is it not high time now that we considered the question of providing gate-keepers at every unmanned crossing?

Mr. Speaker: That is a matter for discussion.

Shri Hem Barua: The hon. Minister, by his statement, has tried to accuse the users of roads because of the unmanned gates and the accidents there. In view of the fact that road traffic has increased by a large margin, is it advisable to have unmanned gates where accidents might take place as has been witnessed in the present case?

Shri Swaran Singh: As you were pleased to remark while the last question was put, it is a matter for discussion. But I agree, as a matter of general principle, that if at any parti-

cular level crossing the volume of traffic on the road is large, we should provide a gate and it should be manned. But there is no evidence with me at present that the road in question is that type of road where either the volume of traffic on the rail is so large or the volume of traffic on the road is so large as to show that a case had arisen for the establishment of a gate and manning it.

श्री भक्त दर्शन : माननीय उपमन्त्री जो के वक्तव्य में कहा गया है कि साम्भर स्टेशन के थोड़ी दूर बाहर जाने के बाद ही यह एक्सीडेंट घटित हुआ। अतः मैं जानना चाहता हूँ कि कम से कम ऐसी जगहों पर जहाँ पर इतना ज्यादा ट्रैफिक होता है, अब कम से कम रेलवे बोर्ड कृपा करेगा कि वहाँ चौकीदार रख दिया जाए और गेट बनवा दिया जाए ?

सरदार स्वर्ण सिंह : इसका जवाब मैं पहले ही अर्ज कर चुका हूँ।

Dr. L. M. Singhvi (Jodhpur): Does the railway administration propose to provide any compensation or relief to those who are injured or to the families of those who are dead, without prejudice to their involvement or fault in the matter, because that may be a subject-matter of enquiry?

Shri Swaran Singh: The railway administration do provide *ex-gratia* compensation in certain cases. The general question of compensation is decided when railway passengers are involved by a statutory authority, namely, the Commissioner for Compensation.

Shri Mohsin (Dharwar South): Usually there is a gate or an iron chain in unmanned level crossings. May I know whether such a gate or chain was there in this case?

Shri Swaran Singh: I do not think there is always a gate or a chain at all unmanned level crossings.

Shri Tyagi (Dehra Dun): On a point of order, Sir, I beg to submit once again that you might perhaps like to fix a time for these notices, because already 40 minutes are over after the Question Hour and if there is no limit on the number of such questions, I think our programme will be upset.

Mr. Speaker: There are the last days of the session and notices for ordinary questions cannot be given. So, I have to allow in urgent cases short-notice questions also. There were three short-notice questions. Then, there are calling attention notices and adjournment motions. This is not the usual time that we take every day. But on some day, it may happen, I am trying to restrict the number as much as I can. But hon. Members should agree that I cannot allow 10 notices every day. There ought to be some limit.

Shri Daji (Indore): On a point of order, Sir. Apropos your suggestion, we have been cutting out adjournment motions generally and substituting them by notices of calling attention. In certain cases, when we do feel extremely exercised, an adjournment motion is submitted. I must respectfully submit that your power in the matter is restricted to deciding whether it is a matter of public importance, whether it is urgent and whether it is delayed or not delayed. Subject to these restrictions—if an adjournment motion fits into these three restrictions—it is the House which will have to decide whether an adjournment motion should be admitted or not. In this case, an adjournment motion had been tabled. The facts are before the House. 26 persons have been killed and the Minister....

Mr. Speaker: Order, order. I am not allowing him to make a long statement here.

Shri Daji: I am not making a long statement. I have hardly taken a minute. The Minister has refused any responsibility. That is what I am

submitting. You should give a ruling on this adjournment motion now.

Mr. Speaker: This is not a question of denying any responsibility or not. That enquiry would be made. The hon. Minister has only said that the users of the road have some responsibility and precaution to be taken. He was perfectly justified in saying that there are thousands of gates that are unmanned and if the public is using those roads which cross railway lines, certainly they have to exercise caution.

Shri S. M. Banerjee: He says, there is not sufficient traffic. Then the people should die like this!

Mr. Speaker: He said, it has to be seen whether the traffic justifies a man to be posted there. That point has to be considered. (Interruptions). There is nothing more that I can say at present. Papers to be laid on the Table.

Shri H. P. Chatterjee: On a point of order regarding what Shri Daji raised....

Mr. Speaker: The hon. Member should resume his seat. Shri Daji raised a point of order and I have said that there is no point of order. Now we should proceed further.

12.45 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER MOTOR VEHICLES ACT

The Minister of Shipping in the Ministry of Transport and Communications (Shri Raj Bahadur): I beg to lay on the Table a copy of Notification No. F. VIII (6)-MV/61 published in Tripura Gazette dated the 25th November, 1961 making certain amendment to the Tripura Motor Vehicles Rules, 1954, under sub-section (3) of section 133 of the Motor Vehicles Act, 1939. [Placed in Library. See No. LT-189/62].