

# LOK SABHA DEBATES

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## LOK SABHA

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*Wednesday, July 24, 1985/Sravana 2, 1907*  
(Saka)

*The Lok Sabha met at Eleven of the Clock.*  
[MR. SPEAKER *in the Chair*]

### ORAL ANSWERS TO QUESTIONS

[English]

Air India Boeing Crash into Atlantic  
Ocean

\*21. †SHRI R.M. BHOYE:

SHRI RAMASHRAY PRASAD  
SINGH:

Will the Minister of TOURISM AND  
CIVIL AVIATION be pleased to state:

(a) whether 'Kanishka' an Air India  
Boeing plane crashed into Atlantic Ocean  
while on its way to India from Montreal;

(b) if so, the full details thereof includ-  
ing the number of persons killed;

(c) the nature of assistance being given  
and the action being taken by Government in  
this regard;

(d) whether any evidence has so far been  
surfaced to pinpoint the exact cause or  
causes of the crash;

(e) the number of bodies recovered;

(f) the details of compensation being  
given to the next of the persons killed and

steps taken to disburse the compensation  
quickly; and

(g) the estimated loss to Air India due  
to this crash?

THE MINISTER OF STATE IN THE  
MINISTRY OF TOURISM AND CIVIL  
AVIATION (SHRI ASHOK GEHLOT): (a)  
Yes, Sir.

(b) to (g). A Statement is given below:

### STATEMENT

Air India Boeing 747 aircraft 'Kanishka'  
crashed on 23rd June, 1985 in the Atlantic  
Ocean about 185 nautical miles southwest  
of Shannon (Ireland) around 0713 hours  
GMT corresponding to 1243 hours IST. The  
ill-fated aircraft was operating a scheduled  
flight AI-182 on Montreal-London-Delhi-  
Bombay route and had 329 persons on board  
including 22 crew members. The aircraft was  
cruising at a height of 31,000 feet at the  
time of the crash.

No survivors were found.

On receipt of the information, emergency  
cells were constituted at Air India booking  
offices in Bombay and Delhi Airports.  
Direct telephone lines for attending to  
queries from the public were provided at  
Delhi and Bombay and these telephone  
numbers were given wide publicity through  
radio, television and news papers.

Air India provided free transportation to  
London/Cork and back to one relative per  
family of the victim. In certain cases, this  
facility had to be provided to even more than  
one person. Free hotel accommodation, food  
and transport and a cash allowance for  
meeting contingency was provided to each  
next of kin who went to Cork in connection  
with the crash. Facility for free transporta-  
tion of dead bodies to destinations in India  
was also provided to the next of kin.

The Central Government have appointed a sitting Judge of the Delhi High Court as a court to carry out a formal investigation of the accident. The Court has been asked to submit its report to the Government by 31st December, 1985. The cause or causes of the accident would be known only after the Court completes its investigation and submits its report to the Government.

131 bodies were recovered.

The amount of compensation payable to the heirs of the passengers of the crash is governed by the Warsaw Convention 1929 as amended by the Hague Protocol 1955 as incorporated in the Carriage by Air Act 1972. The liability of Air India is limited to French 2,50,000 (US\$ 20,000) per passenger. However the Carriage by Air Act permits the carrier to agree to pay higher liability and accordingly Air India has accepted the liability upto a maximum of US\$ 75,000 per passenger.

Baggage liability is to the extent of US\$ 20 per kg. for registered baggage and US\$ 400 for unregistered baggage.

The actual compensation payable will be determined in accordance with the general principles and law based on the assessment of the pecuniary loss sustained by the heirs. Air India will render all assistance to the next of kin for ensuring quick completion of formalities for the purpose.

The crew are covered under the Corporation's Self-Insurance Scheme to the following extent:—

- |                    |                  |
|--------------------|------------------|
| 1. Commander       | — Rs. 2,25,000/- |
| 2. First Officer   | — Rs. 2,00,000/- |
| 3. Flight Engineer | — Rs. 1,75,000/- |
| 4. Cabin Crew      | — Rs. 1,20,000/- |

In the case of death by accident while on duty, the crew are eligible to additional compensation at the rate of sixty times the basic pay.

(g) The aircraft was fully insured. The compensation payable to the next of kin of the passengers is also covered by insurance. The payment to the heirs of the crew is covered by Air India's Self Insurance Scheme.

As a result of the loss of this aircraft,

Air India had to suspend the once weekly 747 flight between India and Canada as a result of which Air India would suffer an estimated net loss of revenue of about Rs. 3.40 lakhs per round trip.

[Translation]

SHRI R.M. BHOYE: Mr. Speaker, Sir, I want to know from the hon. Minister whether it is a fact that when the Jumbo jet 'Kanishka' took off from Montreal, there was electricity failure at the airport at that time. The second thing which I want to know is whether it is also a fact that two passengers who had tickets for travel up to Bombay got down at Toronto.

SHRI ASHOK GEHLOT: Sir, the hon. Member has asked two questions. The first is whether two passengers had got down at Toronto. There is no question of two passengers getting down at Toronto because that was Flight No. 182 from Montreal. So far as the second question relating to electricity failure is concerned, we do not have any such report.

SHRI R.M. BHOYE: Mr. Speaker, Sir, I also want to know from the hon. Minister the number of bodies recovered so far.

SHRI ASHOK GEHLOT: Sir, 131 bodies have been recovered so far.

SHRI RAMASHRAY PRASAD SINGH: Mr. Speaker, Sir, I want to know from the hon. Minister whether strict security measures, as required, were observed by the Government of that country before the plane took off and whether the baggage of the passengers was thoroughly checked, because it has been reported that some snag had developed in the equipment for checking of baggage?

SHRI ASHOK GEHLOT: Sir, although the security is the responsibility of the Government of the country from where the plane takes off, yet Air India had installed its own machine. ..

SHRI INDRAJIT GUPTA: That machine had gone out of order.

SHRI ASHOK GEHLOT: You ask a separate question and I shall reply to that.

SHRI INDRAJIT GUPTA: I am not asking any question. I am just telling.

**SHRI ASHOK GEHLOT:** You should not ask questions while sitting.

**MR. SPEAKER :** He is not asking, he is promoting.

**SHRI ASHOK GEHLOT :** So far as the question of laxity in the security arrangements is concerned, I have not received any report to this effect. An inquiry commission has been set up which will go into all the facts. Only thereafter, I shall be able to say something and if any such thing comes to light, I shall inform the hon. Members about that.

[English]

**SHRI MURLI DEORA :** In the statement it is said that the compensation paid to the heirs of the passengers is US \$ 75,000 i.e. Rs. 9 lakhs while to the heirs of the cabin crew it is Rs. 1.2 lakhs plus sixty times the basic pay, that means, Rs. 1.8 lakhs. Do you not think that it is not substantial to the heirs of the cabin crew? Will the Minister consider the question of increasing the compensation?

[Translation]

**SHRI ASHOK GEHLOT :** Sir, as per the insurance of the passengers, they will get a maximum of U.S. \$. 75,000. It is not necessary that everybody will get this much of amount, the amount can be less also. Different factors will be taken into consideration for this purpose. So far as the question of cabin crew is concerned, the commander will get Rs. 2,25,000, Flight officer Rs. 2,00,000, Flight Engineer Rs. 1,75,000 and the cabin crew Rs. 1,20,000 each. Besides, they will get 60 times their basic pay.

In addition to this, it has been decided in the recently held meeting of the Air India Board that each member of the cabin crew will get Rs. 2,00,000 as ex gratia grant. This will not be reduced in any way.

[English]

**SHRI AMITABH BACHCHAN :** Mr. Speaker, Sir, will the hon. Minister inform me whether it is a fact that the machines

employed for detecting explosives were, in fact, out of order for two days before the flight commenced, and why this snag was there for so long? The other thing is that the dogs that were employed to smell explosives, apparently went berserk when they were shown the luggage hold of the airlines in question, and subsequently two or three baggages were picked at random and checked. When the machines were not working, when the dogs were going berserk, why was it that just a couple of bags were picked at random and checked when the entire baggage should have been checked?

[Translation]

**SHRI ASHOK GEHLOT :** So far as the question of the machine going out of order is concerned, that machine had not been out of order for two days. As such, before the arrival of the flight, 60 per cent of the baggage was checked by that very machine and, at that point, the machine went out of order. Therefore, the rest of the baggage was checked with the equipment called P.D. 4 and then the baggage was loaded. Three pieces of baggage about which the hon. Member might have got information from some other sources, which was reported in the Press also aroused suspicions and were separated from the rest and detained. By that time, the plane had taken off. Thereafter that baggage was kept in the de-compression compartment. The dogs also sniffed the baggage. This baggage was carried to the de-compression compartment because a suspicion had arisen initially. Then these packages were opened, but nothing objectionable was found in them. Therefore, I feel that the precautions which were required to be taken were actually taken.

[English]

**SHRI KAMAL NATH :** Sir, the Voice Recorder and the Data Recorder have been recovered. These will give us some lead possibilities of the crash. But we cannot depend on these, we have to look at some other facts and some other perspectives. One of the things is that as on date, to my knowledge and to my information, there are about 11 bodies for which there have been no claimants. There were 329 passengers on

board and 131 bodies have been recovered so far. Now, out of these passengers, is it a fact that for some of them there is no enquiry from anyone, there is no relation or there is no friend who has come forward to make any claim or who has come forward even to enquire any details? If that is a fact, does it not mean various things? It could mean that somebody was travelling in a different name, it could mean that somebody was inognito. So, my pointed question is whether there were any passengers on the aircraft for whom there have been no claimants, no enquiries, and whether the 11 or 12 bodies which are still unclaimed are so because they are not identifiable or because no one wants to claim them.

[*Translation*]

SHRI ASHOK GEHLOT : I think, so far as the question asked by the hon. Member is concerned, it is a fact that 117 bodies have been identified and 14 bodies are such as have not been identified so far.

SHRI KAMAL NATH : Why so?

SHRI ASHOK GEHLOT : The answer to this question can be given only after the facts are known on receipt of the full report of the inquiry. Right now, I can only say that the bodies are being preserved there and the coroner of that place is of the opinion that under the rules the bodies will be kept till the 30th of this month and thereafter these will be buried. We have given full facilities for the next of kin to go there and identify the bodies and bring them back.

[*English*]

SHRI KAMAL NATH : What about passengers? No enquiry has been made about the passengers.

[*Translation*]

SHRI ASHOK GEHLOT : We have given facilities to the next of kin. The inquiry is being held and the facts will be brought before the House, as and when they come to light.

[*English*]

DR. DATTA SAMANT : Sir, a High

Court Judge has been appointed to investigate. In Bombay, there have been three or four sittings of the High Court Judge with 3 or 4 experts, two of whom are foreign experts. They have heard the tapes and CVR, and preliminary enquiries have been made after hearing all these. Second thing is that the wreckage of the plane has been found.

This is a very sad and serious incident. Therefore, every citizen of the country wants to know the cause of this with such inquiries that have already been conducted and the wreckage that has been found. In Bombay three sittings were held and the High Court Judge and three or four foreign experts were also there. They also had the preliminary hearing of the statement of the CVR. I understand the final verdict on this inquiry will be given in the month of December. By that time I think everything will cool down. In the country lot of tensions are there in all the States and I do not like to comment and add something to it, but I want to point out that everybody in the country wants to know whether the disaster was as a result of a blast or engine failure or a leakage of the petrol. People are very keen to know about this. Therefore, we do not want to wait until December. Therefore, I would like to know whether the Government will be able to tell us the probable cause of this incident they have arrived at with this preliminary inquiry.

[*Translation*]

SHRI ASHOK GEHLOT : I think, it will not be proper to express any opinion when a court is carrying out investigations. I can assure the hon. Member that our hon. Members have expressed their great sorrow on the incident, the House had also observed silence in this regard and this matter is not going to cool down by December.

Everybody knows that it is a disaster of such magnitude that words fail us to console the affected families. I think, it has been taken with all seriousness. During the meeting of the Consultative Committee attached to this Ministry, the Prime Minister had also constituted a committee of M.Ps. in view of the importance of the security ; this committee is considering further lightening of security measures. We have decided to discuss this subject at the next meeting also.

Therefore, I am of the view that this matter is not going to cool down. The facts which will emerge will be closer to truth and further security measures will be discussed in that light.

[*English*]

DR. DATTA SAMANT : With the inquiry conducted so far, what is the probable cause they have found out ?

MR. SPEAKER : That is all right now.

SHRI INDRAJIT GUPTA : I would like to ask a question regarding the identification of victims. In such disasters it is very difficult sometimes to identify the victims because of the decomposition of the bodies and so on. But as far as I know in all such cases one of the most scientific methods used is to identify them by the teeth. There is a science known as Forensic Odontology, which is used extensively in advanced countries to identify the victims of fires and earthquakes and drownings and so on because the records of their teeth are generally available with some dental surgeons. So, if the names of the passengers are broadcast and televised regularly, then such Odontologists and specialists are likely to come forward and tally the records.

The newspapers reported that two doctors—I do not know what kind of doctors they are—from India had been sent there to help in the identification. I would like to know whether it is a fact or not. And if it is a fact, what kind of doctors they are. I would also like to know whether in such investigations we are depending on the foreign sources or we have thought of sending anybody from our country, who is an expert in forensic Odontology to try this method of identification.

[*Translation*]

SHRI ASHOK GEHLOT : Sir, I agree with the hon. Member that one can be identified on the basis of one's teeth and it is considered to be the most acceptable proof. With this end in view, the company which we had hired gathered all the details of the next of kins and it was announced that those who wanted to go to cork should

carry with them, besides other things, the profile of the teeth, to facilitate identification. No such profile is kept in our country, but we have heard that the practice of keeping such a profile exists in Canada. Thus, many bodies have been identified through that method also. The full profiles of the teeth of the bodies which are still un-identified and about which the hon. Member has raised a question, I am told, are being preserved so as to facilitate investigations even at a later stage.

So far as the question of sending doctors in concerned, we had, in fact, sent two doctors. Both of them were experts. They were sent to render assistance in the work of autopsy which was being conducted there. At the same time, they could also find clues to the cause of the accident.

SHRI INDRAJIT GUPTA : My question was why a specialist in forensic odontology was not sent alongwith the doctors who could assist in identifying, the bodies from the profiles of the teeth ?

SHRI ASHOK GEHLOT : Even if such an expert was not sent, the profiles of their teeth have been preserved and, as such, no difficulty is likely to arise in that account. The people who went there have identified the bodies after observing all the factors.

[*English*]

SHRI SHIVENDRA BAHADUR SINGH : I would like to know this information from the hon. Minister. For a year or two the Air India have been warned against sabotage especially in Canada and the U.S. They have been having their own Air India security staff. They thoroughly check every passenger and everything. Now may I know from the Minister whether those security staff have been thoroughly screened? Are they from any other Airlines like PIA who been thrown out or dismissed people from Air India who have entered into this kind of security jobs at various airports?

[*Translation*]

SHRI ASHOK GEHLOT : I do not

have information about it at the moment. I shall order an inquiry if the hon. Member furnishes some information in this regard.

[English]

#### Assam-Nagaland Border Clashes

\*22. †SHRI INDRAJIT GUPTA :  
SHRI S.G. GHOLAP :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government's attention has been drawn to the serious border clashes between armed police forces of Assam and Nagaland in the Merapani area in Assam in the first week of June this year; and

(b) if so, the details thereof and the step being taken by Union Government to settle the dispute permanently?

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN) : (a) Yes, Sir.

(b) Exchange of fire between police forces of the two states started in the Merapani area along Assam-Nagaland border on the afternoon of 4th June, 1985 and continued intermittently till the evening of 6th June. In this firing, 28 Assam Police personnel, 6 Nagaland Armed Police personnel and 13 civilians were killed.

Ceasefire and dis-engagement of forces was effected through discussions between the two State Governments, at the official as well as at the level of Chief Ministers. Consultations are being carried out with the two State Governments on the steps to be taken to settle the dispute on a permanent basis.

SHRI INDRAJIT GUPTA : There are various types of border disputes and these are not new in this country. Even now there are some pending disputes for example between Punjab and Haryana, between Karnataka and Maharashtra and so on. I would like to know from the Minister how long these disputes between Assam and Nagaland in certain border areas were continuing? Is it not a fact that these disputes are continuing for several years? If so, why did the Government of India not act earlier in order to get the dispute settled so that the agreed

border could be defined and delineated on the ground also? Why was this not done? Why was this situation allowed to develop to a stage where it led to this kind of an armed clash? Does it not also show that so far as the Centre is concerned, there was a total failure of intelligence, either political intelligence or security intelligence, or even inner—party intelligence, because they all belong to the same party, and Chief Minister are coming to Delhi frequently for consultations? If all types of intelligence which feed the Centre which feed the Centre with information and the possibility of any new development taking place, have all failed, is that the reason why the Centre did not act and was taken by surprise?

SHRI S. B. CHAVAN : So far as the intelligence part of this incident is concerned we had the full information about it right from 26th of May. As soon as the Centre got the information I have sent wireless messages to both the Chief Ministers and repeated the same to the Governors requesting them to review the situation because we had the information that tension was building up and it was very necessary that the Chief Ministers of both the States should intervene in the matter to defuse the whole situation.

So, there is no question of any failure of Intelligence in this respect. It is true that there are a few border disputes among different States, and in this particular case of Assam and Nagaland, it has been there for some time and Mr. Sundaram was appointed as the Advisor to assist the Home Ministry in this matter. Mr. Sundaram had gone to both Nagaland and Assam, discussed the entire issue with them. On one side one State Government was prepared to accept the recommendations of the Sundaram Committee while the other State Government was not prepared to accept it and that position still continues. And that is why it has become necessary now that we have to persuade both the State Governments to agree to a particular person who will be acceptable to both and whose decision both the parties will be prepared to accept.

SHRI INDRAJIT GUPTA : The Minister did not specifically tell us from how many years this dispute has been pend-