

[Mr. Speaker]

- (6) Shri A. V. Thomas
- (7) Shri H. V. Tripathi
- (8) Shri Karni Singhji
- (9) Shri A. K. Basu
- (10) Shri R. P. Nevatia.

I take it that the House agrees with the recommendations of the Committee.

Hon. Members: Yes.

Mr. Speaker: The Members will be informed accordingly.

*CORRECTION OF ANSWER TO
STARRED QUESTION NO. 5
DATED 16TH JULY, 1956.

TERMINAL TAX ON RAILWAY
PASSENGERS BILL*

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): I beg to move for leave to introduce a Bill to provide for the levy of a terminal tax on passengers carried by railway from or to certain places of pilgrimage or where fairs, melas or exhibitions are held."

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the levy of a terminal tax on passengers carried by railway from or to certain places of pilgrimage or where fairs, melas or exhibitions are held."

The motion was adopted.

Shri Lal Bahadur Shastri: I **introduce† the Bill.

INDUSTRIES (DEVELOPMENT AND
REGULATION) AMENDMENT
- BILL

The Minister of Heavy Industries (Shri M. M. Shah): I beg to move for leave to introduce a Bill further to amend the Industries (Development and Regulation) Act, 1951.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Industries (Development and Regulation) Act, 1951."

The motion was adopted.

Shri M. M. Shah: I‡ introduce the Bill.

TRAIN ACCIDENT BETWEEN JAD-
CHERLA AND MAHBUBNAGAR

Dr. Jaisoorya (Medak): On a point of information, Sir.

Mr. Speaker: I know hon. Members were anxious to know about the Hyderabad accident and the hon. Minister said he would place the matter before the House. He came to me yesterday with the information a bit late and therefore, I said he may place the matter this morning (Interruptions).

Shri Nambiar rose—

Mr. Speaker: The hon. Member represent the labour, and the hon. Minister is in charge of Railways. Nobody is gloating over the fact that so many people died. Let us hear the hon. Minister. There is no point in the labour accusing the Minister and the Minister accusing the labour.

Shri Nambiar (Mayuram): This is the second accident. The Board and the Ministry are responsible for it.

* See Part I Debates, dated 13th September, 1956, Cols. 2786—88.

** Published in the Gazette of India Extraordinary Part II—Section 2, dated 13-9-56—pp. 835—839.

† Introduced with the recommendation of the President.

‡ Published in the Gazette of India Extraordinary Part II—Section 2, dated 13-9-56—pp. 840—852.

They must explain to the people or they must quit.

Mr. Speaker: What is the good of anticipatory statements like this? The hon. Member will go to the spot and do what he can. I cannot understand this sort of interruptions. The hon. Members wanted a statement and the hon. Minister is making that statement.

Shri Gadgil (Poona Central): Let us not have a parliamentary accident on the last day!

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): On the 5th September, 1956, I had made a statement in this House regarding the train accident between Jadcherla and Mahbubnagar. In the course of this statement I had said that the Government Inspector had started his enquiry and had been requested to expedite his report. His preliminary report has been received. This contains descriptions of the accident and other particulars which are substantially the same as have been previously indicated to the House. The examination of witnesses and collection of data are still in progress and he has not yet been able to complete the investigation and fix responsibility. According to the procedure laid down, the final report will contain a detailed discussion of the evidence and his conclusions with regard to responsibility for the accident and any recommendations that he would like to make. I feel that the Government Inspector should be given necessary time to enquire into the matter in the most thorough manner, to do justice to the important and intricate task assigned to him.

I had previously said that we desired the fullest investigation to be made with regard to this matter and that the faults of the administration and individuals, if any, should be brought to light.

When the final report of the Government Inspector is received.

propose to refer it to a high level judicial officer for further scrutiny. He will be assisted by two competent technical assessors and will be given full discretion to call for or collect any additional evidence with a view to arrive at his conclusions and to fix responsibility.

Shri Kamath (Hoshangabad): May I seek one clarification? On the last occasion the hon. Minister said that depending upon the findings of the Government Inspector, he was not averse to a judicial enquiry.

Mr. Speaker: Even now he is agreeable to that.

Shri Kamath: No, Sir. Today he has shifted the ground. He now says that he will refer the report of the Government Inspector to a judicial officer for scrutiny. Does it mean that in no case will there be a judicial enquiry?

Mr. Speaker: I understood the hon. Minister to say that it will be automatic. This is a statutory obligation imposed upon the Government to have an enquiry by the investigating officer. After the receipt of the report, he will appoint a judicial officer with two assessors to go into this matter. That is what I understood.

Shri Punnoose (Alleppey): I think your interpretation is correct. But the hon. Minister said that the report will be given for scrutiny to a high judicial officer.

Shri T. B. Vittal Rao (Khammam): I want to know whether the judicial officer who is going to enquire will be invested with powers under the Criminal Procedure Code, 1898, so that he can summon witnesses and he can call the very inspector who has conducted the statutory enquiry to give evidence; he is liable for cross-examination. This power should be there. Otherwise, it is not a judicial enquiry at all. It is merely a scrutiny of the report.

Shri Nambiar: Apart from the fact that there is going to be an enquiry

[Shri Nambiar]

by the Government Inspector—it will be there in any case irrespective of whether it is a minor accident or a major one; here it is a case of train smash and the bridge giving way not only the first time but the second time we want to know whether the hon. Minister is prepared to have a judicial enquiry or not.

Mr. Speaker: Does the hon. Member mean to say that while an enquiry which is contemplated under the statute, that is, the Railways Act, is pending, another judicial officer should be appointed to go into the same matter?

Shri Nambiar: Yes, Sir. Let it be there. Why should he wait for the completion of the enquiry by the Government Inspector?

Shri T. B. Vittal Rao: It is being done in air crashes. While statutory enquiry is going on, judicial enquiry can also start. A person who is empowered to enquire the accident statutorily can be called upon as witness by the judicial officer and he is liable to be cross-examined on such important matters.

Dr. Jaisooriya: May I submit that the Government officer is only a technical expert who investigates into the causes? In other words, he comes as a witness to give technical expert evidence. That is all his position. But here the matter goes further. What we are asking for is a complete enquiry and unless you have a judicial enquiry in which these government officers come as technical experts to give their findings—that is all their function—we will not be able to know the correct position. Here the position does not stop there. I do not know the meaning of the word "reference". It is a very vague term. What is the meaning of the word "reference" and what is meaning of the word "scrutiny"?

Shri Lal Bahadur Shastri: I think the hon. Members have not understood me correctly. I do not want to shirk any enquiry from a judicial authority and I have made it very

clear. I have said that he will have full discretion and all the powers of a judicial officer when he looks into this matter. My words were "... will be given full discretion to call for or collect any additional evidence with a view to arrive at his conclusions and to fix responsibility". So, no restriction is being imposed on him.

The only point is that the Government Inspector for Railways is not merely conducting a technical statutory enquiry. He has to go into the causes of the accident and fix responsibility. So, his enquiry is not merely a technical enquiry. He has to fix the responsibility and find out the causes of the accident. So, there will be some material, not much material, available with this enquiring officer. When he has completed his report, all that material will be placed in the hands of the judicial officer or the Judge of the High Court or whoever it may be. Naturally, I want a High Court Judge to be appointed for this purpose. So, on that basis, he will go into the matter, make further enquiries and if he wants any additional evidence for coming to certain conclusions, well, he is free to do so. He can call for evidence, he can send for witnesses and he can cross-examine them. I do not know what other difficulty can arise. The point is quite clear.

Shri K. K. Basu (Diamond Harbour): May I ask one question? When a high judicial officer is appointed, if any party wants to submit something about the facts of the accident or the causes of it, will they be authorised to do so? If any outside party wants to bring some matters to light by means of a report or memorandum or statement and bring them to the notice of the judicial officer, will they be authorised to do so?

Mr. Speaker: They can do so. They can always send memoranda. Why should we go into the details about it? The hon. Minister says it is a judicial enquiry. It is something like a preliminary enquiry. Hon. Members who are practising in courts know what the term "enquiry" means.

In murder cases though the regular trial is made by the Sessions Judge, the committing magistrate has got absolute powers to recall witnesses, examine new witnesses etc. There is absolute authority and jurisdiction for him to do anything he likes.

Shri Sadhan Gupta (Calcutta South-East): What the Minister says is that the judicial officer, whoever he may be, will be entitled to call additional evidence. If, for instance....

Mr. Speaker: He said that the judicial officer can recall all the original witnesses.

Shri Sadhan Gupta: That is the point on which I want to be clear.

Mr. Speaker: Each hon. Member is going on getting up and repeating and asking the hon. Minister: is it right and is it proper. We cannot spend the time of the House like this. The hon. Minister has stated unreservedly that a judicial officer of the rank of a High Court Judge will go into this matter. He will receive memorandum and other communications from any side of the people who come there.

Shri Ramachandra Reddy (Nellore): I want to know the number of hours available for discussion today and the number of hours available to the Members.

Mr. Speaker: For how long would the House like to sit today? Hon. Members might make up their minds. I will make arrangements for Chairman.

An Hon. Member: We may sit up to 8 o'clock.

Shri K. K. Basu (Diamond Harbour): How many Ministers will intervene today?

Mr. Speaker: I understand that Mr. Alagesan will speak in reply to the one hour debate that was made by Mr. Feroze Gandhi. He told me that there are certain point that he would like to explain. Then the hon. Prime Minister would like to wind up the debate. Is any other Minister going to participate in the debate?

The Minister of Planning and Irrigation and Power (Shri Nanda): The Prime Minister is going to participate.

Mr. Speaker: Is any other Minister going to intervene?

Shri Nanda: Only the Prime Minister is going to speak.

Mr. Speaker: He wants to speak at about 5-15 P.M. But the House would be sitting for a longer time.

Shri Kamath: I must request you to kindly inform us of the approximate date of the next session.

Mr. Speaker: It must be about 12th or 14th of November. Deepavali comes on the 2nd. Some time after Deepavali. That was the original idea.

Shri Jangde.

RESOLUTION RE SECOND FIVE YEAR PLAN

श्री जांगडे : (बिलासपुर—रक्षित—
अनुसूचित जातियाँ): अध्यक्ष महोदय, कल मैं कह रहा था कि अपनी द्वितीय पंच-वर्षीय योजना में हमने देहातों की ओर ध्यान नहीं दिया है। मैं यह भी कहना चाहता हूँ कि हमारी आर्थिक व्यवस्था ऐसी है कि जिसके कारण गरीब गरीब होता जा रहा है और कतिपय लोगों के पास पूंजी बढ़ती जा रही है। इसकी मैं अपनी भाषा में समझाना चाहता हूँ। जब कभी हम देश में औद्योगिक नीति निर्धारित करना चाहते हैं, या हमें उद्योग को बढ़ाना होता है, तो हम पश्चिम की नकल करते हैं। हम रूस, अमीरीका और इंग्लैंड आदि की नीति का अध्ययन करने के बाद अपने देश के लिए औद्योगिक नीति अपनाते हैं। उसका नतीजा यह होता है कि हमारे देश में दो चार बर्षों के लिए फायदा तो जरूर नजर आता है, पर हमारे देश में स्थिर संतुलन नहीं हो पाता। इसका नतीजा यह होता है कि कतिपय लोग शहरों में जाकर बूस जाते हैं, शहरों की आबादी बढ़ती जाती है और शहरों के मुख्य मुख्य भागों में हमारे रईसों और सरमायेदारों के बड़े बड़े बंगले बनते