

**BUS-TRAIN COLLISION AT
 MADURAI***

of the country as a whole is improved. For that reason I would request the new Enquiry Committee to adopt a criterion which we can understand.

Mr. Deputy-Speaker: The House will now take up the half-an-hour discussion.

As regards indebtedness the non-Deputy Minister said that the indebtedness is due to various causes, the purposes are different etc. It may be true. All the same, the agricultural labourer has to incur debts either for education of his children or for the wedding of his daughter or for his own second or third marriage—because he must have human power to improve his agricultural operations. For that purpose, he has to incur certain debts and these debts are of such a nature that he is not able to repay. Therefore, I would suggest that agriculture should be subsidised. Because, an agricultural labourer does not get employment all the year round. He is engaged only for 4 or 5 months and for the rest of the 7 months he has no work. Therefore, some ancillary industries should be started to help them, because they are already very much indebted.

Shri Tangamanj (Madurai): The necessity for this half-an-hour discussion arises out of the answer given on the 11th August 1961 to Starred Question No. 405 regarding the bus-train collision at Madurai. I shall briefly explain the circumstances that led to this accident and also the reasons which prompted me to come forward with the demand for a half-an-hour discussion and I hope that the Minister will go into greater detail about the various aspects and see that justice is done to those people who suffered and that there is some check or some preventive measure is taken against this kind of collision in future.

In reply to my question, the hon. Deputy Minister of Railways, Shri Shahnawaz Khan, stated:

Lastly, I come to intensive cultivation. The hon. Minister was pleased to refer to intensive cultivation. Evidently, he means scientific cultivation. Here people are owning only half an acre or one acre of land, or one or two bighas of land. We cannot have scientific cultivation or cultivation of the intensive type, because our agriculturists are not having large areas. Therefore, I suggest that people who are having small holdings of 1 or 2 acres or bighas of land must be given some sort of help. With these observations, I commend the motion for the acceptance of the House.

Mr. Deputy-Speaker: The question is:

"That this House takes note of the Report of the Second Enquiry on Agricultural Labour in India (Vol. I—All India), laid on the Table of the House on the 21st December, 1960."

The motion was adopted.

"At about 13:55 hours on 27-2-61 (and not on 22-2-1961) while train No. 187 Madurai-Rameswaram Down Passenger was on the run between Madurai East and Silaiman stations, a city bus collided with the train at an unmanned level crossing. As a result of this accident, 2 occupants of the bus died and eight others were injured seriously."

Here I shall say that out of the two people who died, one is a textile worker. He died, leaving five children and he was the sole bread-winner for that family. The other was a student who was travelling with his mother, and the mother witnessed the boy being crushed to death. Eight others were injured seriously. I had occasion to meet almost all these seriously injured persons and none of them was in a fit position to continue any avocation.

Then I asked whether any compensation has been paid to the families. The reply was "No, Sir". Then I wanted to know whether steps have

*Half-an-hour discussion.

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been taken to provide the level crossing with suitable gate and gate-keeper. The reply was "the question of providing a gate and gate-keeper is under correspondence with the Madurai Municipality".

To give a complete picture, this Madurai-Rameswaram line probably in the old days was not so busy as it is today. At that time when this particular level-crossing was left unmanned, probably there might not have been so much traffic in the railways. Now, you will find, 4 or 5 times the trains are running and the goods traffic is also sufficiently heavy. This railway line separates a small area with a population of about 6,000 to 7000, and it is known as Anupanadi, from the city of Madurai. Now, Anupanadi forms part of the city of Madurai and I think it is municipal ward No. 32 or so. So, every day there are two buses running, one from the central bus stand to Anupanadi, a distance of 3½ miles and another number bus from the Collector's office to Anupanadi, which is also a distance of about 3½ miles. Their numbers are 6 and 4A and the frequency is half-an-hour. In other words, every ten minutes you will find a bus crossing through this level crossing. During the rush hours, particularly between 8 and 11 in the morning and between 5 and 7 in the evening—these are the crowded hours—there will be more buses.

16 hrs.

I just wanted to build the case that it is not only road traffic which has increased, but rail traffic has also increased. Anyone seeing this unmanned gate will find that this is not the usual unmanned gate. It is a huge one where at least one bus can go and other can come from the opposite direction. It is a very broad one. That is more or less the picture. If any bus comes from Anupanadi side to Madurai City, because of the low level of

the road and the bend that is there in the rails, it will be very difficult to sight the oncoming train. Unless the engine driver takes special care to blow the whistle, it will be extremely difficult to spot whether a train is coming or not. Actually, this accident took place in broad daylight when the bus belonging to the Southern Roadways, which is manned by TVS, was coming from Anupanadi and there was a collision. Fortunately, though the bus overturned it was again able to retain its original position, thereby the number of people killed was less. Two people were killed on the spot and eight people received serious injuries, as I have already explained. This thing happened in the City where I come from and the place which I represent in this House.

It is a remarkable thing to see how the Railway administration moves. Soon afterwards I brought it to the notice of the concerned authorities. Then I wrote a letter to the General Manager. I think this letter was dated the 3rd June. Promptly I received a reply saying that he was going to send the engineering expert, DME or somebody, to this particular place to find out whether the rail traffic as also the road traffic will warrant such a gate being put and manned. An unmanned gate means that there are no gates at all. An enquiry was made. From the letter that I have received I will read what he says. He says:

"It is presumed that the unmanned level crossing under reference is the one at Railway Mileage J. 310/22-23 between Madurai and Silaiman Railway stations. If so, it is feasible to convert this level crossing into a manned one and provide necessary gates."

He has come to the conclusion that the traffic there warrants a manned level crossing.

The Deputy Minister of Railways (Shri S. V. Ramaswamy): Feasible to convert.

Shri Tangamani: Yes. Then he says:

The cost of the provision of gates and carrying out other incidental improvements to the level crossing as stated above should be borne by the local Road Authorities only, since as per rules in force on the Railways, any improvements to an existing level crossing owing to increase of road traffic can be taken up only at the cost of the Road Authorities.

The local Municipality, who is the road authority in this case has been addressed to bear the above charges and necessary further action will be taken in the matter on hearing further from them."

Now six months have passed and we are told that we are in correspondence with the local authorities. I want to know whether another accident should take place before some gate is put up there. People do not want accidents to happen everyday. So, actually what is happening is that by turn people are keeping a watch at the gate. This is the unfortunate thing that is happening because they do not want to lose lives. The Railways are uncooperative. They are addressing the Municipal Corporation. I do not know what the Municipal Corporation are wanting. Any normal human being going to that area will say that for having left an un-manned gate all these days, the Railway authorities must be penalised. That is the position. Today the Railway General Manager says that this is an improvement. If an overbridge or underbridge is built, I can understand that that will be an improvement. This is not one of those C Class level crossings. It ought to have been upgraded already. On a previous occasion—I am not able to put my finger on the exact date—we were told in this House that there are about 31,000 level crossings. Out of them, 12,000 are manned and 19,000 un-manned. Year by year we are upgrading them.

This is a gate which ought to have been upgraded. If, today, they are not going to upgrade it, I am only sorry about the obstinacy of the Government and the Ministry and the way they are not able to see these things.

I remember there was a Railway Accidents Enquiry Committee report in 1954. Appendix E, page 49 of the report of the Reviewing Committee (Review of the Report of the Railway Accidents Enquiry Committee—1954), item 11 deals with collisions between trains and road vehicles at a manned level crossing. They deal only with manned level crossings. From 1-1-53 to 10-1-54, there were 27 accidents of which 6 were in the Southern Railway, that being the highest, three each in the Eastern and Western Railways, five each in the Central, Northern and North-Eastern Railways. There were several recommendations also. Probably, they did not know or they did not apply their mind to accidents which take place in these so-called un-manned gates.

There was another interesting discussion as to what these manned gates and un-manned gates are. In reply to Starred Question No. 1316 dated 17th March 1959 by Shri S. M. Banerjee, whether a truck collided with a goods train at a level crossing near Salampur on 26-2-59, we were told, Yes; four people were killed and one injured. There is then a rigmarole about manned and un-manned gates. Ultimately, the Speaker intervened and said, he must say whether there is a door for it or not, whether there is an automatic opening or not. Ultimately, he said, there is no gate, there is no man there.

Finally, I think, sometimes, the impression that gathers round is that an un-manned gate may be a gate, may be a level crossing which has got a gate, but there is no man there, because the railway station is adjoining. I believe there are two or three types of gates: engineering gate, traffic gate, etc. Some gates are not manned by a man on the spot,

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because, the man comes from the railway station. The pointsman may be deputed. As soon as he finds that the train has gone, he closes it. That is one type. Here, it is completely deserted, what we call in Tamil 'anadi' gate: nobody worries about anything that happens in that part of the world. That happens in a desert. This is right in the city of Madura where the road traffic is heavy, where the rail traffic is heavy. This callousness, I submit, must end.

Another point which I would like to make and on which I want an answer is whether any enquiry has been held by the Ministry and what is the result of the enquiry and whether as a result of that accident, any compensation has been paid to any of these people, and if there has been a claim for compensation, whether they have at least collected the money from the company. The T.V.S. Bus company, namely the Southern Roadways—they are also very rich people, probably one of the biggest road transport operators in the whole country. It is only a private limited concern, a family concern. I think they run trucks, city buses, and passenger transport—about 700 or 800 buses—probably the biggest fleet owner in this country. I do not grudge that. At least they will be in a position to pay. Whether the Railways are quarrelling with them or they are quarrelling with the Railways, in that process, the families of the two people who were killed, have been stranded, and 8 persons who were seriously injured are not getting any benefit. I would like to know whether any such thing has been done. I would like to know whether, at least now,—six months have passed since the accident took place—the Government and the Ministry will see to it that immediately a level crossing is properly put with gates and manned also, so that there will not be at least future accidents in this area.

Mr. Deputy-Speaker: Shri N. R. Muniswamy; one or two questions.

Shri N. R. Muniswamy (Vellore): I will ask one or two questions. After hearing the speech, I find that the initial responsibility evidently does not lie with the Ministry. I would like to put this question. On whom does responsibility lie? When a particular individual runs a train, it is a dangerous thing and it must be safeguarded that injury is not caused to anybody. Whatever may be the ingress, that the road is passing through a municipality, whether it is manned or un-manned, is it no man's responsibility? As long as it is un-manned, the responsibility is no man's responsibility according to them. I would only request that the railways must take the responsibility of manning it and see that they do not cause any injury to anyone who might pass that way unwarily. I only want that responsibility should lie with them or with anybody else. I would also like to know on whom the responsibility lies, according to law.

Shri Bibhuti Mishra (Bagaha): Is there any scheme with the railway authorities to construct underground bridges or over-bridges so that such accidents may not happen? In my district, a train collided with a bus and two people died. This kind of accident happens usually.

Shri N. B. Maiti (Ghatal): May I enquire whether the road was built before or after the railway was constructed?

Mr. Deputy-Speaker: Would that make a difference in avoiding accidents?

Shri N. B. Maiti: The difference would be this. If the railway line was laid afterward, then it was the duty of the railways to fix up the gate and also man it, because it was encroaching on the road and it had come up afterwards.

Shri Narasimhan: When such accidents take place, resulting in

deaths, is there a kind of police enquiry to determine the responsibility of the railways versus the bus, and do they give any report as to who was neglectful, whether the driver of the train or the driver of the bus?

Shri Subbiah Ambalam (Ramana-thapuram): In view of the fact that this level-crossing is in the midst of the city of Madurai and also in view of the fact that there is a lot of bus traffic as well as railway traffic, may I know whether Government will sponsor a scheme or investigate the possibility of constructing an over-bridge in this area?

Shri S. V. Ramaswamy: At the very outset, I would express sympathy to the bereaved families. Nobody wants to have an accident, and untimely or premature death is a thing which we all abhor. If we can avoid accidents, it is altogether good. But, at the same time, I would like to submit that in this case, no claim for compensation is admissible, because the accident occurred in broad daylight, when the bus driver crossed the railway track with a train at very close range and there was no negligence on the part of the railways.

My hon. friend has put a series of questions. A claim for Rs. 45,000 was received from the widow of one of the deceased, namely Mr. Subbiah Naidu, but it was repudiated.

My hon. friend here has asked something else. He asked whether there was an enquiry by Government. As soon as an accident happens, just as in the case of a road accident, the driver is supposed to report to the nearest police station as to how the accident has happened, likewise, we have got regulations under which the driver and the guard have got to report to the next railway station as to what happened and so on. And depending upon the nature of the accident, a junior-scale officer's

enquiry or a senior-scale officer's enquiry is held, and we get their reports. It is on the basis of these things that it has been found that there has been no negligence on the part of the railways.

Shri Tangamani: In this case, who instituted the enquiry, and who conducted the enquiry?

Shri S. V. Ramaswamy: We ourselves conducted the enquiry. On the report of the engine driver and the guard, we ourselves instituted the enquiry.

Shri Tangamani: Was it by the Government Inspector of Railways?

Shri S. V. Ramaswamy: There was one by the police. The State authorities have their own separate enquiry.

So far as this case is concerned, my hon. friend has been labouring under a difficulty. First of all, there is no liability on the part of the railways. It was purely negligence on the part of the bus driver. Now, this is not a case of any train collision or train accident, and, therefore, it will not come under the Indian Railways Act, that is, section 82(a) to 82(j). If at all any claim lies, it will lie under the Indian law of torts or the Indian Fatal Accidents Act of 1855, in which case, they will have to prove negligence on the part of the railways. It is up to them.

Shri Narasimhan: Was there a railway in 1855?

Shri S. V. Ramaswamy: I think they were just starting. It is an old Act of 1855, called the Indian Fatal Accidents Act. It covers this also.

Now, let us see the broad picture, let us have a realistic approach. My hon. friends asked: is there any question of manning these immediately? The broad facts are these. We have in the railway system 35,000 route miles and about 50,000 track miles. We have

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got 31,600 level crossings. Of these 12,600 are manned; about 19,000 are unmanned. It is not as if we want to inconvenience anybody. When the railways are laid, we consult the State authorities as to what should be done and where. Subsequently if within ten years there should be any alteration, then also we do it, but if after that development takes place, it is a matter for consideration whether anything should be done, not by the railways alone, because, as you are well aware, towns expand, population increases, what was a wilderness is now a growing town, as in this case in Madurai. This is one of the suburbs, about four miles away from the heart of the town. One or two years back I believe the municipality extended their limits and that is why this remote village comes within the municipal limits. Now they say this is an unmanned level crossing, therefore it must be made a manned one.

Hitherto the traffic was very little. There was no bus traffic. Perhaps it was a cart track. Therefore, there was no need for manning at all.

The point I wish to urge is that each one of the level-crossings cannot be separately taken up and dealt with *ad hoc*. A principle has got to be laid down. If these 20,000 crossings are to be converted into manned as my hon. friends would like, it would involve a colossal amount of money. On an average each level-crossing with gate lodges and quarters for the gate-men roughly costs about Rs. 10,000. On capital account alone it will come to Rs. 20 crores for the railways. Then the recurring expenditure of salaries of gate-men will come, on an average to about Rs. 5,000 per level crossing. That again will come to about Rs. 10 crores by way of recurring expenditure.

The question is: firstly, whether the railways can afford this; secondly, whether the railways should bear this; thirdly; in view of the statistics

with regard to the accidents, whether it is justified. I will just give the statistics.

As I said, it gives no pleasure to anybody that people should die by accidents. We would very much like that there are no accidents at all, but surprisingly enough, they are few considering the vast network of railways and the number of trains that we run. We run about 4,600 passenger trains and about 2,500 goods trains per day, in all about 7,000 trains per day running round the clock.

Since we are dealing with the unmanned crossings, I will leave out the manned ones and give the figures. In 1957-58 the number of accidents was 92; number killed 22, injured 115. In 1958-59, the number of accidents was 95; killed 26, injured 71.

Shri Narasimhan: For the whole of India?

Shri S. V. Ramaswamy: For the whole of India.

In 1959-60 the number of accidents was 88. It has come down. The number killed was 11, injured 84. So, the figure is slowly coming down. I am sorry I have not got the figures for 1960-61, but there is a steady decline in the accidents even at unmanned level crossings.

In view of this, in view of the number of trains, in view of the number of track miles, in view of the road traffic, in view of the pedestrian traffic and so on and so forth, my very humble submission is that accidents are not very large. And to meet this to incur an expenditure of Rs. 20 crores on capital account and Rs. 10 crores recurring would not at all be justified.

There has been development of cities and towns. Villages become towns, towns become cities and cities metropolises.

In view of all this what is it that should be done? It is a Welfare State in which we have to look to the convenience of the people, no doubt. It is not as if railway traffic alone has increased. It must also be taken into consideration that road traffic has also increased. If road traffic has increased, if cities have grown, if there are more and more buses, if people from outlying areas have also been tagged on to municipal limits, are the Railways solely responsible to meet this charge?

On the analogy of the case for over-bridges and under-bridges which question has been raised in this House by my hon. friends, a policy decision has been arrived at after consultation with the Ministry of Transport and the Planning Commission.

We are talking of unmanned level-crossings and thinking of converting them into manned ones. There is also the other case of having over-bridges or under-bridges and removing the level-crossings altogether. Then, what is the policy?

The policy is this. If the railway track traverses a National Highway, then, it is for the Ministry of Transport to build up the approaches on either side and the Ministry of Railways would cover only the track with the over-bridge. It has been accepted. The liability of the Railways is limited strictly to the bridge over the track. If it crosses a State highway, then the State Government has similarly to build the approaches. If it is within municipal limits the municipality must find the necessary funds.

As a matter of fact, the Planning Commission has gone to the assistance of these local authorities. They find that sometimes the local bodies may not have the necessary finances to meet the expenses of constructing the approaches. Therefore, they have circularised the State Governments that

they have set apart some moneys from which they can take a loan for the purposes of constructing these over-bridges and end approaches. That is the extent to which the Planning Commission has gone. Therefore, in the matter of the over-bridges and the under-bridges, the liability and the responsibility of the Railways is strictly limited to the boundaries of the railway property, i.e., constructing the over-bridge over the railway in order to link up the two approaches.

So, by a parity of reasoning I would urge that it is necessary that where the increase is due to road traffic, there must be an understanding between the two authorities to effect the necessary improvement to relieve congestion. That, I submit, is a sound proposition which is worth considering.

It is in this connection that the Railways are in communication with the Madurai Municipality.....

Shri Tangamani: There is the question of manning this level-crossing.

Shri S. V. Ramaswamy: We have to find out what is it that they are prepared to pay for.

My hon. friend, Shri Muniswamy asked me, who is liable. Is it not the case that people who run the railways are liable? I put the question the other way. If people run into the trains who is liable? That is our case. These drivers are reckless.

An Hon. Member: In this case it was open daylight.

Shri S. V. Ramaswamy: We know how reckless the motor drivers are.

Shri Tangamani: They would not have done this if there had been a gate. I would only invite the hon. Minister to go to the place and see things himself.

Shri S. V. Ramaswamy: I shall be there during the AICC Session and see.

Mr. Deputy-Speaker: Would the discussion be postponed till that time?

Shri S. V. Ramaswamy: No, Sir. The hon. Member was inviting me to come and see it and I accepted the invitation and I gave him the time.

Mr. Deputy-Speaker: Is it an invitation for the Ministers only or for others also?

Shri S. V. Ramaswamy: You are most welcome, Sir..... (*Interruptions*).

Shri C. R. Narasimhan: Visitors should avoid accidents at that site.

Shri S. V. Ramaswamy: My friend, Shri Maiti asked the question whether the road came first or the railways came first. It is a very pertinent question; the railways were there long ago.....

Mr. Deputy-Speaker: Pertinent, because it supports the railways?

Shri S. V. Ramaswamy: I was submitting that the crossing was unmanned because there was no traffic. We are taking precautions.....

Mr. Deputy-Speaker: The 20,000 unmanned crossings are not manned at one time. The railways would be taking up a few every year? Is the the position?

Shri S. V. Ramaswamy: It is a matter of negotiations. If we find that traffic density has increased....

Mr. Deputy-Speaker: That is the case of Shri Tangamani.

Shri N. R. Muniswamy: There is also a curve, Sir, and nobody could see the coming train.

Mr. Deputy-Speaker: That was the second reason.

Shri S. V. Ramaswamy: I submit that the road traffic density has increased.

Mr. Deputy-Speaker: Therefore, the road and the railways should come together.

Shri S. V. Ramaswamy: It is a matter for probing into; we should probe into the situation, find out the difficulties and resolve them.

Mr. Deputy-Speaker: Shri Tangamani would not be able to do that; he would not be able to bring together the road and the railways.

Shri S. V. Ramaswamy: We, on our part are communicating with the Madurai Municipality to see what could be done.

Mr. Deputy-Speaker: The discussion is closed. The House stands adjourned.

17.28 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, September 1, 1961 | Bhadra 10, 1883 (Saka)