दूर नहीं करती है। हमारे यहां कहावत है "देखते देखते पल्टू मल्लाह को बाह खींच ले गया।" वही हाल आज हमारे यहां हो रहा है।

SHRI H. R. GOKHALE: About land ceiling legislation, I put it in general terms. I said land reforms legislation. We are aware and we know that such orders have been issued by courts and I will not be able to tell just now specifically with regard to Patna High Court. But I have progressed this information and I will lay it on the Table of the House.

With regard to transfers, the hon. Member said, I know of a few cases, although not many, where transfers have been stayed by the High Court which, in my humble opinion, was beyond the jurisdiction of the courts concerned.

SHRI H. N. MUKERJEE: In view of the Government's professed policy in this regard, whatever be the genuineness behind it and in view of the fact that moral support to this matter of chance in our law has come pre-eminently from some very eminent jurists, may I know how it is that this delay goes on taking place and what are the actual bettlenecks which stand in the way of Government's putting into practice the policy which it professes even through the mouth of the Law Minister himself?

SHRI H. R. GOKHALE: It has come to our notice, as I said, and it is true that sections of opinion which include jurists have supported the move to curtail the jurisdiction of the courts. But there are many legal impediments also and we are working on those legal impediments. For example, one thing you know, the question as to whether the change in the power of judicial review affects the basic features of the Constitution is still pending decision in the court. But, I do not mean to say that we will wait till that, but what I am saying is that all these aspects have to be examined before anything is thought of.

MR. SPEAKER: Next question—Shri Hari Singh—absent. Shri Sakti Kumar Sarkar—also not here. Shri R. S. Pandey.

Accident at unmanned Level Crossing between Patas and Daud

+

*282 SHRI R. S. PANDEY:
SHRI JAGANNATH MISHRA:

Will the Minister of RAILWAYS be pleased to state:

(a) whether train and truck collision on 19th May, 1975 at the unmanned level crossing between Patas and Daud in Poona resulted in the death of more than 60 persons;

(b) has any enquiry been instituted in the matter; and

(c) if so, the findings thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI BUTA SINGH): (a) and (b). Yes, Sir.

(c) The accident was due to the driver of the motor truck having driven it into the unmanned level crossing in a rash and negligent manner in the face of the approaching train. The owner of the truck, who was actually driving it; has been held responsible for his failure to stop at the Warning Boards and to look out for the approaching train at the unmanned level crossing. He also carried excess persons in his goods truck in contravention of the Motor Vehicles Act.

श्री राम सहाय पांडे : श्रीमन, रेलवे के इतिहास में बगैर रेल के फाटक के होने वाली दुर्घटनाओं में यह सब से बड़ी दुर्घटना है जिस में करीब 60 व्यक्ति दुर्घटना के शिकार हो गये और उन की मृत्यु हो गई

और उन में बच्चे थे, स्त्रियां भी और पुरुष थे। यह ठीक है कि ट्रैक तेज रफ्तार से आई और रेल निकल रही थी, लेकिन यह इसलिए हुआ कि फाटक पर चौकीदार नहीं था। अगर वहां पर फाटक होता और चौकीदार होता, तो ये जो 60 आदमी बिना कारण मर गये, ये न मरते और यह दुर्घटना न हुई होती। तो मैं सरकार से जानना चाहता हूं कि देश भर में ऐसे स्थान कितने है जहा पर न फाटक है और न चौकीदार है। कितने ऐसे फाटक हैं जोकि खुले रहते है और वहा पर कोई चौकीदार नहीं है। अगर फाटक और चौकीदार नहीं है, तो सरकार उस सम्बन्ध मे क्या करने जा रही है।

रेल मंत्रालय में राज्य मंत्री (श्री मुहम्मद शफी कुरेशी) : मैं खुद मौके पर गया था। वहां पर एक बारात जा रही थी और उस ट्रक मे करीब 80 आदमी थे और ड्राइवर की फ्रंट सीट पर हो 6 आदमी बैठे हुए थे। उस समय पुलिस की चैकिंग हो रही थी और ड्राइवर ने पुलिस से बचने के लिए एक ऐसा रास्ता अख्तियार किया जहा पर अनमैन्ड रेलवे क्रासिंग थी और वहा पर बदकिस्मती से यह एक्सीडेंट हो गया। इण्डियन रेलवेज मे करीब 40 हजार क्रासिंग हैं और उन सब को मैन करना बड़ा मुश्किल है।

श्री राम सहाय पांडे : दूसरी बात यह है कि बारात जा रही था, तो आप समझ सकते है कि उस मे दुल्हा भी होगा। तो वह विदा हो कर दुल्हन को ला रहा था या शादी करने जा रहा था। उस दुर्घटना मे जो लोग उस के शिकार हुए, उन मे दुल्हा भी था। आप सोच सकते है कि दुल्हा किस कल्पना से दुल्हन को लेने जाता है और अगर वह शादी के बाद उस को ले कर आ रहा था, तो सुहागरात का बात भी सोच रहा होगा। मैं आप से यह जानना चाहता हूं कि जो लोग मरे हैं उन को आपने कुछ मुआविजा दिया है ?

श्री मुहम्मद शफी कुरेशी : वहां पर मौके पर जा कर तकरीबन डेढ़ लाख रुपया हम ने उन लोगो के परिवारों को दिया है। और आम विस्पाइ जो मदद उन को चाहिए थी, वह मुकम्मल तौर पर उन को दी गई है।

श्री जगन्नाथ मिश्र : अध्यक्ष महोदय, मंत्री महोदय, के जवाब से प्रश्न यह उत्पन्न होता है कि रेलवे फाटको पर उन का कोई आदमी नही रहता है। क्या मैं जान सकता हूं कि क्या वे यथासम्भव फाटक पर एक चौकीदार दिया करेंगे जिस से इस तरह की घटना फिर न हो।

दूसरी बात यह है कि जब रेलवे की दुर्घटना होती है, तो उस दुर्घटना मे मरने वाले लोगो को 50 हजार रुपये हर्जाने के दिये जाते है। तो क्या इस मे मरने वालों को भी कोई मुआविजा देने की व्यवस्था है। अगर नहीं है, तो क्यो नहीं है ?

श्री बूटा सिंह : अध्यक्ष महोदय, अभी जैसा कि राज्य मंत्री ने बताया है कि लेविल क्रासिंग देश मे करीब 40 हजार के है। इसलिए सब जगहो पर आदमी नहीं रखे जा सकते हैं।

जहा तक कम्पेन्सेशन की बात है, यह ऐसी दुर्घटना नही थी जिस को सही मायने मे रेल दुर्घटना माना जा सके क्योकि अगर कोई जानबूझ कर रेल के सामने आ जाए, तब तो सब को कम्पेन्शेसन देना बडा मुश्किल है।

श्री जगन्नाथ मिश्र लोग क्या जानबूझकर मरने आते है।

अध्यक्ष महोदय : आर्डर प्लीज।

SHRI N. K. SANGHI: May I know from the hon. Minister, since it is a

matter of 40,000 un-manned Railway crossings, what is the phased programme to man them in the next five to ten years?

SHRI MOHD. SHAFI QURESHI: The matter is reviewed every year. I think more than 14,000 gates are manned. The upgradation to man them takes place on the basis of density in any particular area.

Installation of Captive Power Plants financed by World Bank Loan

*283. SHRI D. D. DESAI: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the fertilizer plants at Gorakhpur, Durgapur and Trombay are to have captive power plants financed by World Bank loan;

(b) if so, the particulars thereof; and

(c) whether the State Governments have certain objections to the installation of these captive power plants?

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): (a) and (b). A sectoral loan amounting to $105 million dollars has been negotiated with the World Bank mainly to improve capacity utilisation in the fertilizer industry; this loan would also cover the foreign exchange cost of the setting up of captive power generation facilities at Gorakhpur, Durgapur and Trombay. The capacity of the power plants proposed at these places and their estimated cost would be as under:

Project	Cost	Capacity
Gorakhpur	Rs 17 crores	12·5 MW ×2
Durgapur	Rs. 15 crores	15 MW
Trombay	Rs. 7 crores	18 MW

(c) While the Governments of Maharashtra and U.P. have agreed to setting up of captive power generation facilities at Trombay and Gorakhpur respectively, discussions are still in progress with the Government of West Bengal in regard to captive power facility at Durgapur.

SHRI D. D. DESAI: The States in which the fertiliser plants are located have suffered continuously for several years shortage of power and power cuts. The Minister said that two of the States have finally agreed to the installation of their own power plants, and the third one has yet to give its reply. Will not the Ministry exercise its own judgment and discretion in view of the repeated failures of the States to supply continuous power to the fertiliser plants which are not being utilised to the full capacity and there is repeated shortage of fertilisers in the country? Sir, the hon. Minister knows that there is repeated shortage of power in the country May I know whether any steps have been taken to intimate to the Bharat Heavy Electricals about the needs and the specifications of the plant so that they may make advance preparations and be ready to make quick deliveries? Has he worked out with the labour organisations and the management of the concerned fertiliser plants about the necessity to utilise upto 80 per cent of the installed capacity of those plants and this new power plant to be installed?

SHRI C. P. MAJHI: State Electricity Boards are under the central of the State Governments. Whenever electrical plants are installed, in regard to fertiliser projects, etc. the State Governments should be consulted and then only we can instal those power projects. FCI has no discretion to instal its own plant without consulting State Governments. Regarding steps to improve upon the functioning of the fertiliser plants, several steps are being taken and we