

**Mr. Speaker:** Why should all of us take the responsibility?

**Shri S. M. Banerjee (Kanpur):** On this subject, I would like to say that in the other House there is no Adjournment Motion. Here, we use our right to give notice of Adjournment Motions only thinking that you are kind enough to admit them as Calling Attention Notices. Of course, I do not impute any motives to the Ministers, But I gather from Members that for the last three or four months the Ministers do not pay any attention to calling attention notices or take them seriously.

**Mr. Speaker:** The moment I receive a notice, if I do not disallow it, I send it to the Minister for information so that he might just give his reaction whether he has got any information or not. If he has not got the information, certainly he can ask for some time. In that case, I do not bring it immediately before the House, because then the answer of the Minister would be that the information is being collected, and I do not want to waste the time of the House. So, in such cases, I ask the Government to get the information.

**Shri Daji (Indore):** Then the Minister goes and gives a reply in the Rajya Sabha.

**Mr. Speaker:** The question that Shri Mukerjee has raised is very important. If that has happened, it is certainly very unfortunate. I will look into it.

**Shri S. M. Banerjee:** If it is an adjournment motion, Government immediately take notice of it.

**Shri Hari Vishnu Kamath (Hoshangabad):** It will help us to assess the manner in which things happen yesterday if you would kindly enlighten the House as to whether the notice was disallowed by you straightaway, or it was admitted by you and sent to

the Minister, and the Minister refused to give a reply here and preferred the other House. What actually happened yesterday?

**Mr. Speaker:** I will look into it. Now, we will take up the Calling Attention Notice. Shri Bade.

12.07 hrs.

#### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

#### COLLISION OF HOWRAH-MADRAS EXPRESS WITH A LORRY AT AN UNMANNED LEVEL CROSSING

**Shri Bade (Khargone):** Mr. Speaker, I 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 reported collision of the Howrah-Madras Express with a lorry at an unmanned level crossing between Amanabrolu and Karavadi stations on the 5th December, 1963 resulting in the death of four persons".

**The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy):** Sir, on 15th December 1963 at 9.51 hours while train . . .

**Mr. Speaker:** Which was the date?

**Shri S. V. Ramaswamy:** 5th December.

**Mr. Speaker:** I understood him to say 15th December.

**An Hon. Member:** We also heard him like that.

**Shri S. V. Ramaswamy:** I am sorry. It is a slip of the tongue.

**Shri Nambiar (Toruchirapalli):** But there should not be any slip at least in the running of the trains.

**Shri S. V. Ramaswamy:** Sir, on 5th December 1963 at 9:51 hours while train No. 37 U.P. Howrah-Madras Express was running between Ammanabrolu and Karavadi station the Vijayawada-Bitragunta Broad Gauge section of Southern Railway, it collided with a motor lorry at an unmanned level crossing situated at Kms. 304/4-3.

As a result of the collision, the driver of the motor lorry and four labourers travelling in the lorry were killed. The cleaner of the lorry, the only other occupant of the lorry, sustained simple injuries. The engine of the train sustained some damage. A relief engine with a doctor was rushed from Ongole, a station nearby. The injured person was attended to and brought to Ongole and admitted in the Government Hospital there for further treatment. The train was despatched on its onward journey with the relief engine after a detention of about three hours.

*Ex gratia* payment of Rs. 500 to the next of kin of each of the dead and Rs. 200 to the injured has been arranged by the Southern Railway Administration.

The cause of the accident is under investigation and an Officers' enquiry has been ordered. The view of the railway track from the road is clear.

**श्री बड़े :** इस प्रकार के अनमैड गेट्स पर एक्सीडेंट हो जाते हैं और लोगों को चाट लगती है और वे मर भी जाते हैं, उनकी हत्या भी हो जाती है। क्या शासन ने सोचा है कि वहाँ की स्टेट गवर्नमेंट्स को या तो बाध्य किया जाये या फिर अपनी पालिसी रिवाइज करके खुद ही वहाँ लेवल क्रॉसिंग पर फाटक लगाये जाये ? क्या आप अपनी पालिसी रिवाइज करने की सोच रहे हैं ?

**Shri S. V. Ramaswamy:** Sir, it has been repeatedly submitted to this House what our policy regarding unmanned level crossing is. Most of the

old cart tracks have now become roads used by lorries and trucks because so much of development has taken place in the road traffic. Therefore, a part of the cost of manning the level crossing should be borne by the State Governments.

**Shri Bade:** Are you going to revise it?

**Mr. Speaker:** Let him finish.

**Shri S. V. Ramaswamy:** Accordingly, the previous Railway Minister sent a letter to all the Chief Ministers of the States, requesting them to bear a part of the cost.

**Mr. Speaker:** That the hon. Member knows. Now he is making a suggestion whether, in view of the accidents that are taking place, Government will revise its previous policy and be agreeable to bear even the expenditure that has otherwise to be met by the States for manning the level crossings.

**Shri S. V. Ramaswamy:** There has been no revision of this policy, so far.

**श्री कछवाय (देवास) :** यह इन्क्वैरी यहाँ का जो रेलवे बोर्ड है, उसके कोई मेम्बर कर रहे हैं या रेलवे का कोई बड़ा सरकारी कर्मचारी कर रहा है ? मैं यह भी जानना चाहता हूँ कि जो व्यक्ति मरे हैं, उनको तद्काल कितना मुआवजा दिया गया है ?

**अध्यक्ष महोदय :** मुआवजे का जवाब तो मिनिस्टर साहब दे चुके हैं।

**Shri S. V. Ramaswamy:** I have said that an Officers' Enquiry has been ordered.

**Shri P. Venkatasubbalah (Adoni):** In view of the serious accidents that are happening at unmanned level crossings, would the Railway Administration think it desirable to make an *ad hoc* arrangement till they come

to an agreement with the State Governments to man all these unmanned level crossings?

**Shri S. V. Ramaswamy:** That would require a colossal amount of money . . . (Interruption).

**Shri Bade:** They are playing with the lives of the people.

**Shri S. V. Ramaswamy:** I am afraid, there is no such proposal.

**Shri P. C. Borooh (Sibsagar):** May I know whether this level crossing was quite a busy level crossing and should have been manned earlier? Why were steps not taken to man it and why was this kept unmanned up till now?

**Shri S. V. Ramaswamy:** The visibility was very good.

**Mr. Speaker:** He does not talk about visibility. He says that it was a busy crossing.

**Shri S. V. Ramaswamy:** If it had been a busy crossing, it would perhaps have been manned.

**Mr. Speaker:** That is what he says, namely, that it was a busy crossing and has not been manned.

**श्री रामसेवक यादव (बाराबंकी) :**  
अध्यक्ष महोदय, इस सेशन में यह दूसरी घटना है। आदमियों की जान जाया करती हैं इस तरह से और मंत्री महोदय जवाब दे दिया करते हैं कि राज्यों के चीफ मिनिस्ट्रों को लिखा गया है। मैं जानना चाहूंगा कि क्या मंत्री महोदय लोगों की जानों की कीमत को ध्यान में रखते हुए लेवल क्रॉसिंग के नीचे से रास्ता गुजारने के वास्ते केन्द्रीय सरकार के खर्च से व्यवस्था करेंगे।

**Shri S. V. Ramaswamy:** The policy with regard to underbridges is also there. If it is under a national highway, a share of its cost will have to be

borne by the Ministry of Transport and if it is within the State's authority, the State Government will have to bear a portion of the cost. These are the set principles.

**Shri S. M. Banerjee (Kanpur):** From the replies of the hon. Minister it appears to me that he is justifying these accidents in the name of financial difficulties and the responsibility of the State Government. I want to know whether it is a fact that the State Governments have flatly refused to do anything to man these gates and, if so, whether the Central Government is going to have more experiments with human lives or will it come to some positive solution.

**Shri S. V. Ramaswamy:** An assessment has been made for the density of traffic. We had proposed to the States to man 1,200—to be exact 1,187—of the unmanned level crossings out of 19,000.

**Shri S. M. Banerjee:** That is no solution. People have been killed.

**Shri Bade:** Every now and then it happens.

**Shri S. V. Ramaswamy:** A majority of the States have agreed to accept the responsibility for it and to bear full capital costs or to bear 50 per cent either of the capital cost or of the recurring expenditure. Some States have not yet agreed. But where the States have agreed we have taken action.

**Shri Daji (Indore):** In view of the fact that the surplus revenues of the Railways accrue solely to the Central Government, will the Central Government do something to advance sufficient amount of money to those States who have agreed or who are unable to take up immediately the work of manning the unmanned level crossings?

**Shri S. V. Ramaswamy:** May I submit that the States' share from the receipts from passenger Fare Tax comes to about Rs. 12½ crores and we are distributing to the States *pro rata*. They could advance their contribution from out of this.

**Shri Kapur Singh (Ludhiana):** May I know whether this Government realise that these tragedies are not really accidents but they constitute acts of culpable homicide arising out of the State's negligence; if so, for how long will this Government go on pleading the excuse of financial implications for not doing that which is their legal duty?

**Shri S. V. Ramaswamy:** If the truck and lorry drivers are rash and foolhardy in wanting to cross the railway track when the train is approaching and when the visibility is clear . . . (Interruption).

**Mr. Speaker:** Order, order.

**An Hon. Member:** It is callousness.

**Shri S. M. Banerjee:** He is giving the same reply.

**Mr. Speaker:** Order, order. One after the other hon. Members go on rising. The allegation is being made that it is on account of the State's negligence that these deaths take place. They are charging directly.

**Shri Kapur Singh:** Criminal homicide.

**Mr. Speaker:** Members are anxious to know whether really in view of all these facts Government is prepared to take some special steps so that something could be done in order to avoid all these accidents that happen so often.

**Shri S. V. Ramaswamy:** All that is possible is being done. (Interruptions)

**Mr. Speaker:** Order, order.

**Shri Ram Sewak Yadav:** What has been done?

**Shri Kapur Singh:** Nothing has been done. (Interruptions).

**श्री रामसेवक यादव :** अलावा बयान के इस सदन में कुछ नहीं किया गया ।

**अध्यक्ष महोदय :** अब इस तरह से तो नहीं चल सकेगा । एक एक आदमी सवाल कर सकता है ।

**Shri Bade rose—**

**Shri Ram Sewak Yadav rose—**

**Mr. Speaker:** अब आप बैठ जाये । Because every time there is occasionally an accident on the un-manned crossing, the Members do feel agitated though the difficulties of the Government are there. I do not deny them. But if the same answer is given that the States do not take the responsibility or the roads are to be built by them and you cannot take it up because the expenditure falls on the shoulders of the Central Government and all that, and daily the deaths take place, then of course, the agitation is justified.

**Shri S. V. Ramaswamy:** We have requested the State Governments also to have bumps at these unmanned crossings and to have signboards so that the road users may not drive rashly across the railway track. Some of them are cooperating, but others are not cooperating. We are pursuing the matter.

**Shri Ranga (Chittor):** Is the hon. Minister aware of the fact that in other countries, in Canada for instance and also in U.S.A. they have some kind of electrical mechanism by which there will be a bell ringing as soon as the train leaves one particular station and until reaches the next station, so that the bullock-cartwalas and other people are warned that the train is likely to come and, therefore, they should not cross the track? (Interruptions).

**Mr. Speaker:** Order, order.

**Shri Ranga:** That will not cost too much.

**Shri S. M. Banerjee:** That will cost more than the man.

**Mr. Speaker:** That will be a heavy expenditure, I think. It is not an easy thing.

**Shri Tyagi (Dehra Dun):** May I submit that writing letters or asking the State Governments to do something is not a satisfactory action. The House wants them to take some concrete action. The writing of letters or protests is not a satisfactory thing. They must operate.

**Mr. Speaker:** We might proceed. If the Members want a regular discussion, they might just give the notice..... (Interruptions).

**Mr. Speaker:** Order, order. If one hon. Member speaks at a time, then alone I can follow him. The practice of five or six Members standing up at a time and beginning to speak at a time must be avoided. One Member should be on his legs at a time.

**श्री यशपाल सिंह (कराना):** जो लोग कालिंग अटशन के सिग्नेटरीज हैं, जिन्होंने कालिंग की नोटिस दी है, उन को तो सवाल पूछने का मौका मिलना चाहिये।

**अध्यक्ष महोदय:** क्या मैं ने आप को नहीं बुलाया।

**श्री यशपाल सिंह:** जी नहीं।

**अध्यक्ष महोदय:** अच्छा, मुझ से गलती हुई। अब आप सवाल पूछ लीजिये।

**श्री यशपाल सिंह:** पिछले साल इसी सदन में यह कहा गया था कि १९,००० अनमैन्ड चौकियां हैं। अगर सरकार ने इस के लिये कुछ किया है तो इन १९,००० चौकियों में से कितने की कमी की गई है और यह काम कब तक पूरा हो जायेगा।

**Mr. Speaker:** Out of 19,000 un-manned level crossings, what is the number that has been provided with men on the spot?

**Shri S. V. Ramaswamy:** I could not off-hand give the figure. If the notice is given, I will furnish it. (Interruptions).

**Mr. Speaker:** Order, order. Papers to be laid on the Table.

12:18 hrs.

#### PAPERS LAID ON THE TABLE

##### MINES AND MINERALS (REGULATION AND DEVELOPMENT, RULES

**The Minister of Steel, Mines and Heavy Engineering (Shri C. Subramaniam):** I beg to lay on the Table a copy each of the following Rules under sub-section (1) of section 28 of the Mines and Minerals (Regulation and Development) Act, 1957:—

- (i) The Mineral Concession (Eighth Amendment) Rules, 1963 published in Notification No. G.S.R. 1595 dated the 5th October, 1963.
- (ii) The Mineral Concession (Ninth Amendment) Rules, 1963 published in Notification No. G.S.R. 1685 dated the 26th October, 1963.

[Placed in Library. See No. LT-2035/63.]

##### ANNUAL REPORT OF THE TRADE MARKS REGISTRY

**The Minister of Industry (Shri Kanungo):** On behalf of Shri Manubhai Shah, I beg to lay on the Table a copy of the Annual Report of the Trade Marks Registry for the year ending 31st March, 1963 under section 126 of the Trade and Merchandise Marks Act, 1958. [Placed in Library. See No. LT-2036/63.]