

should continue and that they ought to be taken in the new High Courts, naturally, we shall be guided by their advice. I would therefore submit that this is not a matter in which any judge can be nervous because what we want to see is that all the High Court judges come of a very high order for the simple reason—apart from other weightier reasons—that we are going to enhance their pay; and, in some cases, the pay is enhanced by Rs. 1000 per month. That is a circumstance which the House will kindly take into account. I would point out that these judges need not be nervous about their future.

I have also to point out that in cases where they do not come up to the expectations of the Chief Justice, then we shall try, to the extent we can, to have them absorbed wherever it is practicable. Therefore, I think all the important points that have been made have been answered by me.

Shri Frank Anthony: What about the all-India services?

Shri Datar: So far as that service is concerned, we have got now two All-India services, the I.A.S. and the I.P.S. Though such a service can be constituted by the Central Government, still hon. Members will realise that the advantage of such a service will only be taken up by the State Governments and, therefore, we desire that we should carry with us the largest measure of agreement or consent so far as this question is concerned.

When, for example, the I.A.S. and the I.P.S. were instituted in the time of the first Home Minister of India, then, naturally, we had the consent of all the States. And, I would point out that so far as the various services that my hon. friend has mentioned and have been mentioned also in the S.R.C. Report, this question has got to be taken up with the State Governments and their consent obtained. They are not Central Services; they would be largely, All-India Educational and All-India Engineering Services or other services. The ques-

tion of instituting some more services is under consideration, and therefore this reform can only be brought into existence provided the State Governments agree.

I would point out to my hon. friend that we are a federation and our State Governments are autonomous and, therefore, we have to be extremely solicitous about the views of the State Governments. I would request the hon. Member Shri Anthony not to make light of this autonomy that is possessed by the State Governments. We shall carry the State Governments with us to the extent, it is necessary and, if, for example, we do not carry them with us, we shall wait for some time and we shall bide our time. I am confident that gradually all the State Governments would accept the advice that we give or the proposals that we make in this respect.

Mr. Speaker: We shall stop this Bill for a while; the Railway Minister has to make a statement.

TRAIN ACCIDENT BETWEEN JADCHERLA AND MAHBUBNAGAR

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): Mr. Speaker, Sir, I can very well realise the feelings of the hon. Members of this House over the tragic railway accident that took place near Hyderabad the other day. This being the second accident in that State, it has naturally caused much concern and I am in entire agreement with the House that a full and thorough enquiry should be made and, as the Prime Minister has rightly said, all steps taken to prevent such happenings.

Many of the details of the accident have already been given to this House by the Deputy Minister on the 3rd and I need not cover the same ground. I have visited the site and I must say that I was amazed how a small rivulet could lead to this great disaster. It is so difficult to believe that a small stream which normally carries a few feet of water would rise so suddenly within a few, perhaps 2 to 3 hours.

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And it is only by sheer chance that, except for the two third and one upper class bogies, the remaining carriages were saved without even being derailed. The two bogies were, however, completely smashed and the third one still stands dipping into the river. Destiny seems to have played its own part.

I now wish to report certain further details of this accident to supplement the information already given by the Deputy Minister.

A month prior to this accident the approaches of this bridge had been breached at about 14-30 hours on 1st August, 1956 due to a heavy rush of water caused by the bursting of the Pochani-Kunta tank situated about 1½ miles upstream of this bridge. The breaches in the railway bank were repaired and traffic was restored by 15-37 hours on the 2nd August, 1956 after the bridge and its approaches had been inspected and certified as safe by the Divisional Engineer.

The records scrutinised so far show that this bridge had stood well since construction and no abnormal flow of water through the bridge nor any serious damage to the structure or even to the approaches seems to have occurred prior to the 1st of August 1956.

The breaches on 1st August, 1956 gave an opportunity to the engineers to make a thorough inspection of the bridge structure including the back of the abutments and wing walls and they found that the main parts of the structure, namely, the foundations, the abutments, the wing walls and the girders had suffered no damage and were in good condition.

From 2nd August, 1956, when the traffic was restored, up to the 9th August, all trains were required to stop at the bridge and then proceed at a speed of 5 miles per hour. Thereafter, the speed of trains was raised to 10 miles per hour and this was further relaxed to 20 miles per hour

on 13th August, 1956. Finally, on the 21st August, the speed restriction was completely removed. It will thus be seen that after the breaches on the 1st August, 1956, the speed restriction for the movement of trains over the bridge had been relaxed by stages with the progressive consolidation of the repaired portions. From the 21st August, 1956 up to the date of the accident, trains continued to run at normal speeds and no untoward report had been received from any running staff during this period.

The House would naturally like to know what check and supervision the Engineering officials exercised on this section during the month of August. It has been reported that the Divisional Engineer had inspected the track twice by trolley and train during the month of August, the Assistant Engineer did so 5 times and the Permanent Way Inspector 11 times. It would, therefore, appear that adequate inspection of this section of the line including the bridge and its approaches had been made prior to the date of the accident. It has also been reported that regular monsoon patrolling had been in force on this section and in addition 2 Bridge Watchmen had been specifically appointed, after 1st August, 1956, to keep a watch on this bridge in shifts.

This bridge, including the approaches was obviously intact and safe for the passage of trains when 805 Down Goods train passed over it at about 21.00 hours that is, 9 P.M. Between this and the time of the accident, that is, within a gap of 3 hours and 45 minutes, some defect or defects had developed either in the approach or the bridge itself or there was human failure in the management of the train, or, perhaps, there was a combination of some such defects. It is but natural that the hon. Members would like to know what actually caused this tragedy. It is quite clear that there was an unprecedented flow of water in the stream just before the time of this accident. This is also borne out by the overflowing of the stream at

the road bridge about half a mile down-stream which was not only overtopped but 3 to 4 ft. of water must have overflowed the roadway itself. There was either a sudden cloudburst in the catchment area of the stream and maybe some other tank had burst or water overflowed into that stream from some other source. These are matters for investigation. We want the fullest investigation to be made in regard to this matter, and I am not against a judicial enquiry being held. I do not want that anything should be suppressed or the mistake of the Railway, if any, not brought to light. The Senior Government Inspector, as hon. Members are aware, has already visited the site and has started his enquiry. He has been requested to expedite his report and on its receipt it will be subjected to quick and careful examination. And it will then be the appropriate time to decide about holding a judicial enquiry. The nature of such an enquiry being highly technical, it will of course have to be conducted with the association of one or two technical assessors.

I would have liked to give my own impression of the accident, but this would not be appropriate at this stage. I would request the House to wait till the receipt of the findings of the Government Inspector of Railways.

I would also like to inform the Members of the House that detailed instructions exist in regard to periodical examination of bridges and their maintenance in proper condition. All bridges are thoroughly inspected by the Assistant Engineer in charge immediately after the monsoons and any defects noticed—however minor they may be—are recorded in the bridge register. Necessary repairs are immediately started. These bridge registers are then submitted to the Divisional Engineer who also inspects such bridges as call for his inspections and records his orders.

In addition to the orders that exist with regard to the annual inspection

of bridges and their maintenance, special instructions were issued in December 1954 by the Railway Board after the Jangaon accident in Hyderabad which were full and comprehensive. Copies of these detailed instructions would be placed on the Table of the House tomorrow.

During the rainy season, the bridges and banks likely to be affected by floods are closely watched and specially so during the night. Men are posted who have full authority and means to stop trains from proceeding further by the display of adequate signals and use of fog signals etc. These men are also required to send immediate information to the nearest station if there is any danger to the approaching train. However, in this particular case, I was told that the Chowkidar posted at this bridge was not present there at the time of the accident, and that, according to his statement, he was present at another bridge a little distance away. All this, however, will be cleared at the time of the enquiry.

I met the driver and the two firemen also. They were injured and were suffering from shock. I had a few words with the driver about the speed of the train, whether headlights were on, and if he could see the water on the bridge, but I cannot at present divulge his reply as he will have to appear before the Enquiring Officer. Besides, he was lying in the hospital when it was, perhaps, not advisable on my part to have even put these questions to him.

I visited the hospitals and saw the injured passengers. They had all minor or simple injuries except two or three and especially one who lay in a somewhat delirious and semi-conscious condition. All possible care is being taken of them and let us hope for their early recovery.

Needless to say that this accident has grieved me most, and I feel sadder after having seen the things at site. The memory of the unfortunate per-

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sons who were killed will haunt me, perhaps, for a long time to come. The death roll, I am now advised, has reached the figure of 117.

I have already asked the Railway Board to get all the bridges in the State and the area round about checked and the formations also inspected through an expert body who should include at least one competent Engineer not in Railway Service. The Committee should submit their report at the earliest so that action may be taken on their recommendations before the next monsoon. A Sessions Judge is also being appointed by the Hyderabad Government for considering cases of claims for compensation.

I must acknowledge the immense co-operation the Railways have received from the Hyderabad Government, and I would like to take this opportunity to thank that Government and the Chief Minister for the same.

Shri H. N. Mukerjee (Calcutta North-East): I am unhappy that Government still, fights quite shy of a judicial enquiry. The Minister has told us that this is a matter which involves technical determination, but we are quite used to having Judges assisted by technological expert as assessors or otherwise. In this matter, so much public feeling has been aroused that it is only fair that there should be a judicial determination of the position. On the last occasion.....

Mr. Speaker: I thought he agreed to such an enquiry.

Shri T. B. Vittal Rao (Khammam): He is likely to appoint a judicial officer; it is not a judicial enquiry at the moment.

Shri Lal Bahadur Shastri: I have said in my statement that as soon as the report of the Government Inspector of Railways is received, we will examine it quickly and then it is for the House to decide. If the report of the Enquiry Officer is unequivocal and the findings are quite clear, if it is found that the Railways are at fault

or particular officers or engineers are at fault or the formation of the bridge was not properly looked after, I do not think there will be any need for a further enquiry. But I have not a closed mind on the subject. I might say that if their is a clear finding by the Government Inspector of Railways, then it may not be necessary to make any further enquiry. But in case if any points are left in doubt that we should appoint a judicial enquiry, then the Judge can be helped by two technical assessors.

Shri Kamath (Hoshangabad): Did the hon. Minister, while he was on the spot, care to ascertain whether it is a fact that the President or Secretary of a local Railway Union had warned the Stationmaster and the Railway Authorities there about the weakness of this particular bridge just 24 hours earlier?

Shri Lal Bahadur Shastri: I have met that young man and had a talk with him. It is perhaps not proper to discuss that matter further because he himself will appear before the Enquiry Officer and make his statement. Perhaps it might prejudice his case—I wanted to say something, but I do not think it would be proper to say anything now

Shri Krishnacharya Joshi (Yadgir): May I know whether all the dead bodies have been identified and may I also know the total number of tickets issued?

Shri Lal Bahadur Shastri: I cannot give the exact number, but it seems the third class bogies were deeply full and they were overcrowded. Only about 23 or 24 passengers were left unhurt. The rest of them either died or are in the hospital because they were injured. As regards the identification, more than 50 per cent have been identified.

Dr. Lanka Sundaram (Visakhapatnam): The hon. Minister said that the departmental enquiry is under way. Can he give an assurance to this

House that the report will be made available to this House before the House adjourns? Or will it be postponed to the next session? The scope of the judicial enquiry is contingent upon this particular enquiry.

Shri Lal Bahadur Shastri: If the hon. Member waits for a few days, in fact, the general rule is that the Government Inspector submits his interim report in about a week's time; we will be requesting him specially, in fact I am asking the Chairman of the Railway Board to telephone him that he should, if possible, submit his report earlier. Before the House adjourns, I think it will be possible for me to come to some decision on this matter.

Shri T. B. Vittal Rao: Why not appoint a judicial enquiry straight-away? The one which is being conducted by the Senior Government Inspector of Railways or Inspector of Railways—I do not know who is there at the spot—is a statutory enquiry that has to be done. But a judicial enquiry can be straightaway appointed.

The other day when you, Sir, disallowed the adjournment motion, you gave us some sort of an assurance that after the hon. Minister comes back, he will make a statement, and on that statement we could have a discussion. I am absolutely unsatisfied with the way in which the statement has been made.

5 P.M.

Mr. Speaker: All that I can say is this. The hon. Minister himself has gone there. From the manner in which he made the statement here, it is quite clear that he is more agitated over this matter, or at any rate, he is equally agitated as the hon. Members. He has, in addition, had the opportunity of seeing and witnessing the harrowing sight there. He never wanted to hide anything; he has also said in answer to further query as to how long we have to wait here, that he will make an announcement or statement in the House soon and also come to a decision in regard to this matter. It is not going to be put off

indefinitely; even before the House adjourns he will come in again. Then, it is the time for us, after looking into all these things, to take a decision. If the report categorically condemns the railway authorities unequivocally, there will not be any need for a further enquiry. It is only if there is a doubt and some attempt to cover up, an independent authority should come in. If this statutory authority itself condemns that it was due to the neglect of somebody or it was due to any other cause or that some authority was responsible for this, it is unnecessary to pursue this matter. In these circumstances, there is no good forcing this issue now. Everything is being done and nothing will be hidden from this House. Therefore, let us wait.

Shri T. B. Vittal Rao: How about a discussion here?

Mr. Speaker: Discussion after all material is got. The hon. Minister has gone there himself and he says that he will get all material and place it before the House. Let us wait and see.

Dr. Lanka Sundaram: Will the hon. Minister give us an assurance that the report will be made available at least twenty-four hours before the House adjourns? Then the House can come to a decision and decide the issue. It should not be laid on the Table on the last day just before the House adjourns.

Shri Gadgil (Poona Central): Sir, the House could not insist that the report must be submitted before the House adjourns. The matter must be thoroughly gone into. It is a very serious matter. Perhaps you will remember that there was the Behta accident and it took nearly six months to submit the report. The report was so complete that one could do adequate justice. In order to do adequate justice to this and to avoid a further repetition, I would like the hon. Minister not to hurry up the matter but to give us a thorough and complete report.

Shri N. C. Chatterjee (Hooghly): That was a judicial enquiry conducted by the Chief Justice of the Allahabad High Court.

Shri C. K. Nair (Outer Delhi): I want an important matter to be brought to the notice of the hon. Minister. He has said that the inspection of such bridges will be ordered after the monsoons are over. But, I feel the other way. Why not take it up immediately? Because, some of the symptoms could be observed only during the floods and the monsoon season. It will not be possible after they are over.

Shri Lal Bahadur Shastri: I would like the hon. Member to go through the instructions that will be placed on the Table of the House and then, I am almost certain, that he will be quite satisfied with the instructions that are being issued or have already been issued.

Shri H. N. Mukerjee: May I ask your guidance on a particular matter? On this occasion, as on some previous occasions, Members of this House give notices of adjournment motions. I want your guidance, as I said, on this matter. Notice of an adjournment motion is given to you and then, you call upon the Minister to give us a statement according to his information and then usually you reserve your judgment. Now, what happens is this. The Minister gives a set of facts and his own observations. He is very entitled to do it and naturally he has given us the information which is, usually, more authentic than others. We also, on our side, have certain other items of information which may very well be used in ascertaining the exact position. We want, therefore, that the House should have an opportunity of discussing the matter, not in a carping way, so that the real ascertainment of the position can be done and steps be taken to determine the issues involved.

What happens now? The Minister gives a statement and we can only ask a few desultory questions, while

we have in our possession a large number of suggestions. Maybe, we have some information which militates against certain assumptions made by the Minister. But, we have no opportunity because you decide not to allow the adjournment motion, to give them in this House. We do not get an opportunity of placing whatever we know before the House and before the country and help the Government to espouse their cause. That is why, I want from you some kind of guidance in regard to this matter, because we do not know how else we can bring up before the country the facts which we know. Our sources of information may not be as authentic as his or as authoritative as his but there are sources of information which we consider to be at least worthy of serious consideration by the Government and by the country. That is why I bring this point before you.

Shri Lal Bahadur Shastri: Sir, about the discussion, it is for you to decide as you think best. But, at the present moment, any discussion is not possible. At least, I shall find it very embarrassing to state facts here or to express my views on the accident, when an enquiry is going on. So, till the enquiry has been concluded, it may perhaps not be useful to have a full discussion in this House.

Secondly, I do not want to say anything about the judicial enquiry. I am prepared to have the fullest enquiry or full investigation in order to satisfy the people as well as the Members here.

Thirdly, about the protection of the bridges, I have said that we will set up an expert committee for the examination of these bridges and that it will be appointed now; it will also include a non-railway engineer. I think these are the three important matters.

Shri T. B. Vittal Rao: There is one important point.

Mr. Speaker: We cannot go on indefinitely. (*Interruptions.*)

Some Hon. Members: Order, order.

Shri T. B. Vittal Rao: Sir, who are they to say 'Order, order'? They are not entitled to do so.

Mr. Speaker: I say: Order, order. The hon. Member has been very patient and I have always noticed him to be the embodiment of patience. Suddenly, he loses that, now.

Now, the real issue is this. The hon. Deputy Leader of the Communist Group has just said that the House is anxious and he is also anxious that the House should have an opportunity to discuss this matter. Apart from the Government, the hon. Members from that area and others also have received some information about this matter and they want that this matter may be brought before the House and the country at large. A departmental enquiry does not mean that the railway superintendent enquires. It is the person of the postal department or a person who is directly under the Communications Ministry. He looks into this matter. That is what has been going on for sometime. In addition, an enquiry is asked for by the House.

Now, the hon. Minister has stated that within a week the report will be submitted. He has asked the Chairman of the Railway Board to hasten it and got it much early. He has also given an assurance to the House that he will come to a decision on this before the House adjourns. So, I think that the hon. Minister will come to the House as soon as the enquiry is over, before the House adjourns. Then, immediately, we shall come to a conclusion as to whether we should have a discussion over this matter or what exactly has to be done further. After that, if it is found to have a judicial enquiry, the House can decide or the House may be satisfied with the report. I am prepared to do whatever the House wants. In these circumstances, I am only informing the hon. Minister, as he himself said, that the present enquiry may be concluded as quickly as possible and the material should be placed before the House. He

may also give us what exactly his reaction is and what the Government is going to do on this matter. There will be enough time thereafter for the House to take a decision.

Shri Matthen (Thiruvellah): Will you please give an assurance that you will not adjourn the House until the report is placed on the Table of the House?

Mr. Speaker: The hon. Members have got into the habit of asking for assurances from everyone. I ask the hon. Member to give such an assurance.

CONSTITUTION (NINTH AMENDMENT) BILL—contd.

Mr. Speaker: The House will now take up further consideration of the Constitution (Ninth Amendment) Bill. We have disposed of clauses 11 to 10 and clauses 20A and 25. I will now put the amendments to the vote of the House.

Shri Datar: Amendment No. 213 is a Government amendment.

Mr. Speaker: I will first put the earlier ones to the vote of the House. I will just state the position for the information of such of the hon. Members who were not here at that time. We took up clauses 2 to 10 and we disposed of all the amendments except some amendments relating to clauses 2, 3 and 8. They alone are outstanding because at the time when the decision was challenged we had to put them off as the House was thin at that time being the lunch interval. We have passed part (i) of Government amendment No. 127 which reads:

(i) Page 2, line 23—

add at the end:

"but excluding the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956".

territories