

12.43 hrs.

INDIAN RAILWAYS (AMENDMENT) BILL

Mr. Speaker: The House will now take up the Indian Railways (Amendment) Bill.

Shri Khushwaqt Rai (Kheri): On a point of order. Yesterday, when the House adjourned, we were discussing the Report of the University Grants Commission, and we were given to understand that that discussion would be continued today. But, now, this Bill has been given precedence over that. This means that the Report of the University Grants Commission will not be discussed today, because at 2-30 P.M. the non-official business will start. Secondly, this also means a sort of inconvenience to us, because we did not have this information that this Bill would be taken up today.

Shri Tyagi (Dehra Dun): If you would permit me, I would like to raise another little issue. I was holding the floor of the House when it adjourned yesterday. Now, I am in mid-stream, and I have not yet finished my speech. I do not mind this Bill being taken up, but it must be recorded that when next time the motion regarding the Report of the University Grants Commission is taken up for discussion, I shall hold the floor again.

Shri Ranga (Tenali): There is another small difficulty. I do not know whether I am anticipating it. I believe that the motion in respect of the Indian Railways (Amendment) Bill is that it should be referred to a Select Committee consisting of Members of this House only and not a Joint Committee consisting of the Members of this House as well as of the other House. That also is likely to create a lot of trouble, and it is for the hon. Minister to consider whether it would not be better for him to wait until the next session.

Mr. Speaker: How can there be trouble? The hon. Minister wanted this Bill to be referred to a Select Committee, so that, during the recess, the Select Committee may go into this matter, and, therefore, I allowed him to bring this up. There is nothing lost if the discussion on the Report of the University Grants Commission stands over. Occasionally, we can do this, because we are not so rigid. After all, this discussion can stand over, because it is not going to a Select Committee. But if this Bill does not go to a Select Committee, we may not find time for Members to sit conveniently on the Select Committee and consider this Bill.

Shri Ranga: There should be a Joint Committee.

Mr. Speaker: As far as Shri Tyagi is concerned, he will never leave his hold on any particular discussion, when he has caught it once. Therefore, he can continue his speech on the Report of the University Grants Commission. There is no difficulty about that.

As for the Bill, the change is allowed in exceptional cases.

The Deputy Minister of Railways (Shri Shah Nawaz Khan): I beg to move:

"That the Bill further to amend the Indian Railways Act, 1890, be referred to a Select Committee consisting of 21 Members, namely Shri S. A. Agadi, Shri Frank Anthony, Shri M. Ayakkannu, Shri Pulin Behari Banerji, Shri Naushir Bharucha, Shri Laxmanrao Shrawanji Bhatkar, Shri Ranbir Singh Chaudhuri, Shri N. R. Ghosh, Shri Yadav Narayan Jadhav, Shri Banarsi Prasad Jhunjhunwala, Shri Liladhar Kotoki, Dr. Sushila Nayar, Shri Sarjoo Pandey, Shri Nanubhai Nichhabhai Patel, Shri Balasaheb Patil, Shri Ram Garib, Shri Vutukuru Rami Reddy, Shri Radha Charan Sharma, Shri Shobha

[Shri Shahnawaz Khan]

Ram, Shri Sinhasan Singh and Shri Jagjivan Ram, with instructions to report by the first day of the next session.”.

This Bill, the text of which has already been circulated to hon. Members envisages a fundamental change in the law of this country relating to the responsibility of a railway administration as carrier of animals and goods.

Although in certain other countries, the responsibility of railways from the very beginning has been that of a common carrier, the responsibility of the Indian Railways has been that of a bailee.

The Railway Freight Structure Enquiry Committee (1955-57), who were asked to examine the statutory provisions dealing with the responsibility of railways as carriers, recommended that the Indian Railways should assume common carriers' responsibility. The Committee observed that the public would derive much satisfaction from a radical change from bailee's responsibility to that of a common carrier, and that this change is bound to tone up the administrative machinery of the railways in respect of effective prevention of transit losses.

Taking into account all aspects of the problem, it is proposed that railways should assume the responsibility of a common carrier instead of that of a bailee. As bailees, the railways are required to take as much care of the goods entrusted to them for carriage as a man of ordinary prudence would, under similar circumstances, take of his own goods of the same bulk, quality and value.

However, closely following the legal position in the United Kingdom, it is proposed that the basic responsibility of our railways for loss, destruction or deterioration etc. of animals or goods be as set out in the proposed section 73.

When the railways assume this responsibility, broadly speaking, they will be liable for loss of or injury to goods while in transit by rail, arising from any cause whatsoever, unless such loss or injury is proved by the railways to have been caused by an act of God, or by an act of war, or by an act of public enemies or is proved to be consequence of inherent vice in the thing carried or is attributable to the consignor's own fault.

Even where the loss is proved by the railways to have been caused by the excepted perils, just referred to by me, the railways will not be absolved of their responsibility unless they further prove that they had used reasonable forthought and care in the carriage of animals or goods.

The result of the changes proposed will be that the railways will be paying claims for compensation in many cases where they are not paid at present, for example, in cases of losses due to running train thefts, damage by wet in transit in spite of bailee's care having been taken etc.

Another important change proposed is that in respect of goods which are not removed from the railway premises at destination within the free time allotted therefor, the railways shall assume responsibility of a bailee for a period of 30 days after the termination of the transit.

I have given only a broad outline of the more important provisions contained in this Bill. The Select Committee to which I propose that the Bill be referred by the leave of the House will have ample opportunity for examining all the provisions in detail.

I move that the Bill be referred to the Select Committee.

Mr. Speaker: Motion moved:

“That the Bill further to amend the Indian Railways Act, 1890, be

referred to a Select Committee consisting of 21 Members, namely Shri S. A. Agadi, Shri Frank Anthony, Shri M. Ayyakkannu, Shri Pulin Behari Banerji, Shri Naushir Bharucha, Shri Laxmanrao Shrawanji Bhatkar, Shri Rambir Singh Chaudhuri, Shri N. R. Ghosh, Shri Yadav Narayan Jadhav, Shri Banarsi Prasad Jhunjhunwala, Shri Liladhar Kotoki, Dr. Sushila Nayar, Shri Sarjoo Pandey, Shri Nanubhai Nichhabhai Patel, Shri Balasaheb Patil Shri Ram Garib, Shri Vutukuru Rami Reddy, Shri Radha Charan Sharma, Shri Shobha Ram, Shri Sinhasan Singh and Shri Jagjivan Ram, with instructions to report by the first day of the next session."

अलग से विचार होगा। इस के सम्बन्ध में क्या कोई निर्णय किया गया है?

प्रध्यक्ष महोदय : प्राज सुकार है इस लिये फुर्सत नहीं मिलेगी।

The Committee was appointed on the advice of the Minister. Has that Report been placed on the Table of the House?

Some Hon Members: Yes.

Mr. Speaker: I am sure that in all such cases where matters are referred by Government to a Committee for report, they will themselves move the House. If they do not, the hon. Member may certainly give notice and it will come up next time. There is little time today. We cannot get along with it today.

12.52 hrs.

The Govt. in favour of the Indian Railways (Amendment) Bill—contd.

12.50 hrs. =

RE: REPORT OF THE ALIGARH MUSLIM UNIVERSITY ENQUIRY COMMITTEE

श्री प्रकाशकीर शास्त्री (गुडगांव) : प्रध्यक्ष महोदय, एक जानकारी मैं लेना चाहता हूँ। पिछले दिनों अलीगढ़ विश्वविद्यालय के सम्बन्ध में एक प्रस्ताव प्राया या तब प्राप्त कहा था कि रिपोर्ट आने पर इसी अधिवेशन में हम उम पर विचार करेंगे, यिका मंत्रालय के अनुदानों पर जब चर्चा हुई थी तब भी इस के लिये यह कहा गया था कि इस प्रश्न को न सोड़ा जाये किंकि इस प्रश्न पर सेपरेट बहस होगी। प्राज जब यह अधिवेशन समाप्त हो रहा है, तो मैं एक व्यवस्था चाहता हूँ कि अगले अधिवेशन में जब यूनिवर्सिटी शान्ति कमिशन की रिपोर्ट पर बहस होगी तो इस विषय को भी उस के साथ सिवा जावेगा या

INDIAN RAILWAYS (AMENDMENT) BILL—contd.

Shri T. B. Vittal Rao (Khammam) : While I support the motion for reference to the Select Committee the Indian Railways (Amendment) Bill, I admit that I have not given sufficient thought to this Bill at all as I should have done, because I thought it would not be coming up during this Session. But I am glad that Government have decided to take it up this time so that by the time we meet next, we can have the Select Committee's Report.

The railways are going to assume a great responsibility on themselves. For instance, the annual goods traffic earnings of the railways are to the tune of Rs. 250 crores. As regards these goods which are going to be transported, the common carrier liability will be assumed by the railways, and as regards the goods which have not been taken delivery of at the respective stations after they have been transported to their destinations.