



Toppled and mangled: Rescue operations under way following the train accident near Kantakapalli station in Vizianagaram district of Andhra Pradesh on Sunday. ANI

A.P. train crash toll rises to 14; 'signal jump' suspected cause

The Hindu Bureau

KANTAKAPALLI (A.P.)

The death toll in the train accident near Kantakapalli station in Vizianagaram district of Andhra Pradesh rose to 14, and the number of injured has gone up to 38, according to officials who apprised Chief Minister Y.S. Jagan Mohan Reddy of the tragedy when he met the victims at a hospital in

Vizianagaram on Monday. Railway officials, however, put the toll at 13 and the injured at 30.

Railway officials primarily suspected that the Rayagada passenger train overshooting the signal was the main cause of the fatal accident that occurred on the Chennai-Howrah main line.

Divisional Railway Manager (DRM) Saurabh Pra-

sad, who was monitoring the relief and rescue operations, told *The Hindu* on Monday: "The Palasa passenger train was going on the middle line and is said to have slowed down. In the meantime, the Rayagada passenger train overshoot the signal and hit it from behind."

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Activ

A.P. train accident death toll rises to 14

Mr. Prasad added that, in the impact, three coaches of the Palasa passenger, and the locomotive and two coaches of the Rayagada passenger were badly damaged and overturned and thrown beside the track.

"The data logger, speed recorder, and other records have been seized. A full-fledged inquiry is being conducted to arrive at the exact cause of the accident," he said.

'No KAVACH'

"The KAVACH system is not available on both these trains," the DRM said in response to a query. Experts say that if the anti-collision KAVACH system was in place it could have helped avoid the accident.

"In the past, a train used to be given the green signal when the train ahead crossed the station. Now, a train behind is being given the green signal, barely after the one ahead crosses 500 m. The speed in the section was also increased from 90 kmph to 120 kmph, and all these factors could have played a part in the accident," said a railway source. "As it was a Sunday, the two trains were less crowded. Had it been a weekday, there would be more employees and students, and the toll could have been much higher," the source added.

The railway sources expressed doubts about the theory that the loco pilot had jumped the signal, and said it could be a fault in the signalling system.

Speaking to *The Hindu*, a senior officer of the Waltair Railway Division said a train signal was said to have "overshot" (technically known as 'Signal Passing at Danger' or SPAD) when the loco pilot ignores the red signal (danger) to stop the train.

SC puts Maharashtra Speaker on deadline over defection pleas

Narwekar told to decide disqualification petitions in 'Sena versus Sena' dispute by Dec. 31, and against NCP's Ajit Pawar faction by Jan. 31, 2024

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Monday directed Maharashtra Assembly Speaker Rahul Narwekar to decide disqualification petitions filed under the Tenth Schedule (anti-defection law) of the Constitution against the Chief Minister Eknath Shinde camp in the Shiv Sena dispute by December 31, 2023.

A three-judge Bench led by Chief Justice D.Y. Chandrachud ordered the Speaker, in his capacity as a tribunal under the Tenth Schedule, to decide the disqualification petitions against the breakaway faction headed by Deputy Chief Minister Ajit Pawar in the Nationalist Congress Party (NCP) dispute by January 31, 2024.

"So we are giving the Speaker two months to decide the disqualification petitions in the Shiv Sena case and a month more in the Nationalist Congress Party case. That is fair. It is reasonable time," Chief Justice Chandrachud addressed the lawyers on

Power play

Recent judgments in which the SC dealt with the power of Speakers under the Tenth Schedule:

■ In *Keisham Meghachandra Singh versus Manipur Speaker* (2020), a three-judge Bench led by Justice R.F. Nariman said Speakers should decide disqualification petitions within a maximum three months unless there are "exceptional circumstances"

■ In the Karnataka MLAs' disqualification case (2019), a three-judge Bench led by Justice N.V. Ramana had held that a Speaker who cannot stay aloof from the pressures and wishes of his political party does not deserve to occupy his chair



both sides.

The Chief Justice said the need to bind the Speaker to deadlines had come after giving him repeated opportunities to conclude the disqualification proceedings.

The court took matters into its hands after the Secretary, Maharashtra Legislative Assembly Secretariat, filed an affidavit that the Speaker could only decide by February 29, 2024.

Before election

"We do not want this to creep into the next election schedule... The proceedings cannot wrangle on until the next elections are announced. This has to come to an end within a

fixed date," Chief Justice Chandrachud responded firmly to the affidavit during the hearing.

He noted that a Constitution Bench had directed the Speaker in May to conclude and pronounce the final orders in the Shiv Sena case. "Our Constitution Bench judgment was in May 2023. The incident [Shiv Sena split] happened in 2022," Chief Justice Chandrachud pointed out the delay.

There are 34 disqualification petitions pending before the Speaker in the Shiv Sena case and nine in the NCP matter.

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SC puts Maharashtra Speaker on deadline

Solicitor-General Tushar Mehta urged the court to give the Speaker time till January 31, 2023, taking into account the intervening Deepavali holidays and the Assembly's shift to Nagpur for the 15-day Winter Session in December.

Senior advocates Kapil Sibal and A.M. Singhvi, appearing for the Uddhav Thackeray and Sharad Pawar loyalist camps which were part of the Maha Vikas Aghadi government overthrown by the Eknath Shinde-BJP alliance in the State, said any ambiguity in the deadline or any further delay would "subvert the anti-defection proceedings".

Mr. Singhvi said the court ought to take into consideration the past months that the Speaker had to decide the case.

Chief Justice Chandrachud made it clear in the order that "procedural wranglings" should not delay the Tenth Schedule hearings in both cases.

In an earlier hearing in October, the court had slammed Mr. Narwekar for reducing the anti-defection proceedings to a "charade", saying that he cannot "merrily" defer hearings and has to decide before the next elections.

The Speaker had disregarded the court's order on September 18 to prepare a schedule to complete the disqualification proceedings under the Tenth Schedule against the Shinde camp. The Bench had at the time given Mr. Narwekar a week to prepare the timeline and submit it in court.

Lost voice

India should have made efforts for a consensus on the Gaza vote at the UN

India has explained its decision to abstain at last week's vote at the UN General Assembly (UNGA) for a ceasefire in the Israel-Palestine conflict as its way of protesting the omission of any "explicit condemnation" of the heinous October 7 terror attack by Hamas militants on Israel. India's principled stand on terrorism, which the Deputy Permanent Representative to the UN articulated, cannot be questioned. However, the death toll is rising and the need for global solidarity to stop the violence is imperative, a task that New Delhi, with its traditionally balanced position on the issue, and its recent G-20 role in bridging global divides, would have been well suited to play. Every other country in the neighbourhood, in the extended BRICS grouping and much of the developing world, was part of the 120 countries that voted for the UNGA resolution on Friday. Regardless of its reasoning, New Delhi had other options which it overlooked or ignored. The resolution at the emergency special session entitled "Protection of civilians and upholding legal and humanitarian obligations" does include a paragraph "condemning all acts of violence aimed at Palestinian and Israeli civilians, including all acts of terrorism and indiscriminate attacks". India could have played a prominent diplomatic role with countries proposing the resolution to ensure clearer mention of the October 7 attacks, including during Prime Minister Narendra Modi's recent conversation with Jordan's King Abdullah bin Al Hussein about the conflict. India's leadership of such an amendment may have fared better than the Canadian proposal that failed to secure two-thirds of the UNGA membership present. Alternatively, India could have voted for the motion, while recording in its Explanation of Vote (EoV) that it regretted the omissions of the specific references to the October 7 attacks, which is what France did. In its EoV, India did not itself name Hamas for the terror attacks, nor has it so far designated Hamas as a terror group, leaving some doubt about the explicit mentions that New Delhi had wanted. On the other hand, if India wanted to convey a strong line on fighting terrorism, it could have voted against the resolution, along with the U.S., the U.K. and Israel.

India's abstention indicates a shift in the Modi government's stand, seeking a 'safe' position, rather than taking a stand on the violence in Israel and Palestine. This is a departure from India's UNGA vote in 2018 that called for Israel to cease "excessive force" in retaliatory strikes on Gaza at the time, and is more in line with its decision to abstain on votes at the UN in 2021 on resolutions critical of Russia's war in Ukraine. The government lost an opportunity to make India's voice heard in the growing geopolitical conflict. Abstaining on a matter of global importance without making efforts to forge a consensus is out of sync with a desire to be the voice of the Global South, or for a seat at the global high table.