

detriment of the workers if they want some constructive trade union movement and if they want that the Railways and the Railway workers should progress.

I close with only one sentence, with my sincere appeal to the hon. Railway Minister. I maintain that the 10,000 workers in the Lilloah Workshop were a misguided lot. They were instigated by agencies which the Railway Administration and the Government have never been able to find out. Those workers should be treated sympathetically. The Railway Administration should find out ways and means to see that their 15 days' wages that had been cut as a result of this lock-out and these activities are restored to them. In what from they can be restored is for the Railway Administration to consider.

With these words I again want to congratulate Shri Dassapa and I hope that he will definitely reorientate the labour policy on the Indian Railways under his regime.

10.31 hrs.

RE: MOTIONS FOR ADJOURNMENT
AND CALLING ATTENTION
NOTICES

ALLEGED REQUISITIONING OF TROOPS AND
CURFEW IN SHILLONG.

Mr. Speaker: I will now take up the adjournment motions.

The Minister of Home Affairs (Shri Nanda): Mr. Speaker, Sir, in the statement made yesterday by Government on the disturbances in Shillong, it had been stated that details were awaited about an incident which occurred in the evening of February 18. The Government of Assam have reported that at about dusk on February 18, crowds were moving about in the Noghthymai Umpling area. They were, however, persuaded to go back to their houses.

At about the same time, another crowd set fire to a police post at Laitumkhrah and threw stones at the police beat house. A fire brigade vehicle was sent for. This vehicle, which was accompanied by a police party, encountered road blocks on the way but managed to get near the building on fire. The vehicle was severely attacked with stons and arrows were shot at the police party by the crowd which was blocking one of the roads leadin to the interior. The unlawful crowd was warned to disperse but it paid no heed to the warning and continued to attack the fire brigade and the police party. The police were then compelled to open fire as a result of which the crowd dispersed.

As regards the calling in of troops, it has been ascertained that on a requisition by the District Magistrate, the State Government arranged with the Army authorities in Shillong to have a company of troops to stand by as a precautionary measure so that in case the District Magistrate found it necessary to requisition their services under the Criminal Procedure Code, they may be readily available. The intention was that troops would be available for deployment under orders of a Magistrate should the need arise, and their presence itself was bound to have a steadying effect. The troops were required to go round the affected localities and for patrolling purposes but were not committed in any other way. If they were to be used for dispersing unlawful crowds, this would have been done under proper orders from a Magistrate who was attached to them. The troops were not, in actual fact, used to take action against unlawful crowds and they did not use force or open fire. As regards the Barabazar area, the troops were used on requisition by the District Magistrate for intensive patrolling only and there was a Magistrate with them. It was also expected that the mere presence of the troops would deter lawless elements from

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breaking the curfew and indulging in acts of violence. The civil administration fully retained its powers and responsibilities in the area.

It will be seen that the troops were called in by the State Government and were not actually utilised by the Magistrate for dispersal of illegal gatherings. The State Government was quite competent to ask for such assistance. The Central Government did not send the troops nor suggested to the State Government that they may use them. The incidents as well as the handling of the situation were matters which concerned the Government of Assam, and the Central Government did not play any part. As such there is no occasion for an adjournment motion in this House.

Mr. Speaker: In view of the facts that have been stated by the hon. Home Minister, does Shri Swell want to say anything about the Centre's responsibility? Does he still hold that there is Centre's responsibility?

Shri Swell: Sir, as I submitted yesterday, this is a version given by the State Government. But I have here in my hands a telegram from an M. L. A. of Shillong.

Mr. Speaker: How did the military arrive there according to his information?

Shri Swell: He just states that the military took over.

Mr. Speaker: The military might have taken over. But who called them?

Shri Swell: That has not been stated here. He only states that the military took over.

Mr. Speaker: We take it that the District Magistrate asked for the military help and they came over?

Shri Swell: I can't say anything about it.

Shrimati Renu Chakravartty (Barakpore): The civil authorities have asked for the help of the military. The military had been deployed, as far as I could make out from the statement of the hon. Minister and it corroborates what came out in the *Statesman* of yesterday that the military was used—it was not used for firing—and it was used for all other purposes and it was in the Bara Bazar area. In the papers also it is reported that Bara Bazar area was under troops and they were actually physically present and they were moving about and they brought about order in that area. That is, more or less, corroborated by what the hon. Minister has said. On earlier occasions also, whenever troops had been called out even in aid of civil power, that question has been permitted to be raised in this House as the troops are directly under the Centre. Under the circumstances, my feeling is that it becomes a matter for the Centre to discuss it.

Mr. Speaker: Can she quote any instance which was raised in the form of an adjournment motion?

Shrimati Renu Chakravartty: Sir, adjournment motions have hardly ever been allowed. But I remember, when there was an increase in the tram fares and that movement took place in Calcutta, the military was called out and there was a route march through Calcutta. The matter was raised but it was not permitted on other grounds. That it was something within the purview of the State Government was not urged on that occasion. I remember that very clearly. They said, "No, this is not a question of the failure of the Government" etc. etc. But when the troops were called out, it was not ruled out on this plea that it is something that cannot be brought up in this House. That is my point.

Shri Daji: Sir, before I make a submission, I want to seek a clarification.

Mr. Speaker: Let me answer Shrimati Renu Chakravartty first. She has only said that it was raised here in this House only because the troops had been called. I was only going to tell her that at present I am dealing with the adjournment motion and I want only to know whether there has been a failure on the part of the Central Government or whether it was the responsibility of the Central Government.

Shri Daji: Before I make a submission, I want to seek a clarification, through you, from the Minister. Day before yesterday the hon. the Home Minister did make a mention of some magistrate. But he was not clear and he wanted some facts. Yesterday, the whole statement—as we were told by the Minister of State, a statement as sent from Assam—was read out and there was no mention of the magistrate. Magistrate seemed to have evaporated yesterday and the name of the magistrate has re-appeared to day. So, I would like to seek a clarification as to what happened to the magistrate in yesterday's statement and how has he been smuggled in today's statement?

Mr. Speaker: There is no question of smuggling. (*Interruption*) Order, order, Shri Bade.

Shri Nambiar: You, Sir yourself asked.....

Mr. Speaker: It was not said yesterday that there was no magistrate. We should take everything in proper perspective. Because there was no specific mention that the magistrate made that order I put that question. Shri Bade.

Shri Bade (Khargone): The Central Government was asked to help the State Government by calling the troops and the troops are under the Central Government. When the troops are called and they are there, to keep the law and order and they were also patrolling that area, we

should consider the adjournment motion here. I fully support Shrimati Renu Chakravartty.

Shri Hari Vishnu Kamath: (Hoshangabad): May I make a submission? The hon. Home Minister, if I have heard him aright, did not say in his statement who or which authority summoned those troops. That is still not clear.

Mr. Speaker: It was the district magistrate.

Shri Hari Vishnu Kamath: The hon. Minister has not said so. He has not said clearly that the district magistrate summoned the troops. How they came there is not clear. In the absence of a categorical statement as to who called them, the House should presume that the Armed Forces which are under the Central Government are acting at the instance, express or implied, of the Central Government, unless a statement is made to the contrary; but no such statement has been made by the hon. Minister on that point at all. I have heard the hon. Minister carefully, and he has not said that the magistrate called the troops. Will the hon. Home Minister clarify this point?

Shri Nambiar: Anyhow we have to discuss this here.

Mr. Speaker: When there are unlawful assemblies and they are to be dispersed, Chapter IX of the Criminal Procedure Code will apply, and the relevant sections are sections 127 to 132. This chapter deals with unlawful assemblies.

My lawyer friend Shri U. M. Trivedi has just begun to agree with me, because I see that from his smile.....

Shri Hari Vishnu Kamath: His smile is misleading sometimes.

Mr. Speaker: Section 127 provides that when there is an unlawful assembly, the civil authorities can use civilian help in order to disperse the unlawful assembly; the magistrate can requisition any civilian for his help and then cause that unlawful assembly to be dispersed.

Shri Bade: Civilian troops? I could not follow what you were saying.

Mr. Speaker: I was saying that the magistrate can requisition the help of any citizen and ask him to help him in dispersing the crowd. That is the scope of section 127.

Then, we come to section 128. When the magistrate has commanded that unlawful assembly to disperse, or even without its being so commanded if it appears to him that they would not disperse, of course, he can use force, but that is also only civil force and not any military force.

Then, we come to section 129, which reads thus:

"If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by the Armed forces."

That is under section 129, he can cause it to be dispersed by the Armed Forces.

Shri Bade: Not troops?

Mr. Speaker: The definition of the term 'Armed Forces' is also given in section 132. 'Armed Forces' means the military, naval and air forces'. Now I hope it is clear to the hon. Member Shri Bade.

So, under section 129, the magistrate can requisition the Armed Forces whenever he feels it necessary to have that aid.

How that is to be done is described in section 130. That section reads thus.

"When a magistrate determines to disperse any such assembly by the Armed Forces, he may require any officer thereof in command of any group of persons belonging to the Armed Forces to disperse such assembly with the help of the Armed Forces under his command and to arrest and confine such persons forming part of it as the magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law."

Shri Hari Vishnu Kamath: The Home Minister's statement is not clear as to how the magistrate acted at that particular moment.

Mr. Speaker: I am clear about it. That statement has been made already.

Then, I shall read out section 130 (2), which deals with the objection that has been raised. It reads thus:

"Every such officer shall obey such requisition....."

This is most material, because it would have been a failure to the part of the Central Government, if the military officer or the Armed Forces officer had not obeyed that requisition; if he had not obeyed, then there would have been failure on the part of the Central Government to comply with that requisition.

Shri Nambiar: Then, the adjournment motion can come in. Whether he acted properly or not is a question for us to discuss here.

Mr. Speaker: No, no. I do not think that that follows from what I have said; if that is the conclusion that he has arrived at, it means that I have not been able to elucidate the point at all. 'Every such officer shall obey such requisition.' If the District Magistrate thought that he should have the aid of the military, and he got it—that was given to him—that was in exercise of the powers that he had. If the

military had not complied with that, that would have been a failure on the part of the officer and he would have been court-martialled or treated like that. So far as section 130 is concerned, the civil authorities are in charge of the military also and they direct them to arrest any person, confine any person or use any force.

In these circumstances, I do not find there has been any occasion where Central responsibility has been fixed or there has been any failure on the part of the Central Government by the Magistrate summoning those troops at that moment. Therefore, I cannot give my consent to the adjournment motions.

There are seven calling attention notices. So far as they are concerned, if the Members want to elicit any facts, I will certainly allow them to put a question each.

Shri Swall: You have been pleased to decide that the adjournment motions cannot be admitted. I bow to that decision. But may I know from the Home Minister whether he is prepared to use his good offices to see that the situation in Shillong is controlled, brought to normalcy, that whatever misunderstanding there has been between the people and the State Government is, in the interest of the country, it being a border area, removed? Is he prepared to go to Shillong himself and to have an impartial inquiry into what has happened there and to try to use his good offices in the interest of the people and the security of the country?

Shri Nanda: So far as the responsibility of the State is concerned, of course it remains. But to the extent any good offices on my part can help, I shall be most glad and willing to do so.

Shrimati Renu Chakravartty: Is it not a fact that this is the first time that Shillong has seen such a situation and such firings continuing, not for one day but for about three or four days? Even yesterday the papers reported firing. Is there any truth in the allegations that now it has almost been declared as a war between the Khasi people and the State arising out of the background of a series of incidents which have taken place? Is there going to be an inquiry into it by the Central Government?

Shri Nanda: I understand such an unfortunate situation had not arisen before. What has happened is very regrettable. It is a matter for judgment as to what further things have to be done. That will have to be considered.

Shrimati Renu Chakravartty: This is a very serious situation. My question is whether any inquiry is going to be made by the Centre into this.

Mr. Speaker: That he can say only after getting in touch with the State Government.

Shrimati Renu Chakravartty: They will white-wash everything. This is much more serious.

Shri Warrior: As regards restoration of law and order, the situation is still not under control, and firing is still continuing in Shillong. What is Government's information? Even yesterday, there was firing. But Government has no information further to what is already stated.

Mr. Speaker: It is not a general question. It is about calling attention notices with respect to certain facts and certain incidents that happened.

Shri Warrior: Those incidents are continuing.

Mr. Speaker: That is the difficulty. They might have fresh notice if it is continuing, to have it discussed, if it

[Mr. Speaker.]

is admissible. I do not promise that it will be.

Shri Warrior: The Minister may make a statement.

Mr. Speaker: The question is: Why is it continuing, what are the circumstances; we are reading in the papers that it is still continuing.

Shri Nanda: I have given the information, the latest I have received. It is very bad if the things continue. Therefore it means that the State Government should do both the things, that is, try to see that the people are persuaded not to behave in that manner, and also to see that if any such situation occurs, it uses the necessary powers.

Shri Swell: Why not persuade the State Government?

Mr. Speaker: Shri Swell will now keep silent.

Shri Daji: At the outset I assure you that we share the anxiety that the incidents have continued for three days continuously. I may also impress on the Government through you that it is a border area, with Nagas and Pakistan both giving trouble. That is why the situation is likely to be more explosive. Considering this and the fact.....

Mr. Speaker: Now he can come to the question.

Shri Daji: that we have responsible information that the trouble started with the misbehaviour of the police, and that the police force continues to misbehave by spitting on the face of women.....

Mr. Speaker: Order, order.

Shri Daji: We have received a telegram from a responsible M.L.A. to that effect.

Mr. Speaker: Has he any question to put?

Shri Daji: Will the Government intervene to see that both the steps which the hon. Minister stated are speedily taken by the State Government and the matter is settled?

Shri Nanda: I fully understand, realise, appreciate, the gravity of the situation, and in my answer to Shri Swell I have already stated that we will try to do whatever best we can do in the circumstances.

Shri Swell: Will you go to Shillong?

Shrimati Jyotsna Chanda (Cachar): May I know whether the Government considers that any other force or any other agency is acting behind this?

Shri Nanda: At least the information with me does not lead up to that.

Shri Bade: My name is there.

Mr. Speaker: I have not seen it.

Shri Bade: I gave notice on that very day.

Shri Swell: The Minister was going to reply to my simple question whether he will go to Shillong to use his good offices.

Mr. Speaker: As to whether he can go or not, he can meet and discuss with him.

Shri Bade's name I do not find here. (*Interruption by an hon. Lady Member*). Can I do her this favour? She can see it, if she wants. I do not find Shri Bade's name here.

Shri U. M. Trivedi (Mandsaur): He may be allowed one question.

Mr. Speaker: I will not have that departure.

1859 Re: *Missing I.A.F. PHALGUNA 1, 1885 (SAKA) Railway Budget—1860 Aircraft* *General Discussions*

Shri Sweel wants an answer to that simple question whether the Minister is going there.

Shri Nanda: The Government has to discharge its responsibility; whether through the person of the Minister or otherwise, it has to discharge it.

The Deputy Minister in the Ministry of Defence (Shri D. R. Chavan): So far it has not been traced.

16:53 hrs.

MESSAGE FROM VICE-PRESIDENT
DISCHARGING THE FUNCTIONS
OF PRESIDENT

Mr. Speaker: I have to inform the House that I have received the following message dated the 20th February, 1964, from the Vice-President discharging the functions of the President:

"I have received with great satisfaction the expression of thanks by the Members of the Lok Sabha for the Address I delivered to both the Houses of Parliament assembled together on the 10th February, 1964."

16:53½ hrs.

RE: MISSING I.A.F. AIRCRAFT

Shri Bade (Khargone): I want to have one information more. What has become of that plane which is missing? There are rumours that it is in Pakistan. I want to know whether they have got any information or not. We are very keen to know it.

Mr. Speaker: I will try to find out, or I will send word to the Defence Minister to find out if he has got any later information.

An hon. Member: The Deputy Minister is here.

Mr. Speaker: Has he got any information?

16:54 hrs.

RAILWAY BUDGET—GENERAL
DISCUSSION—contd.

Shri Alvares (Panjim): The hon. Minister for Railways has succeeded in presenting a Budget that has met with the approval of a large section of the community, but I do not think that on the performance and the prospects of the railways in future this optimism or complacency is justified. If they examine the issues more carefully from the point of view of performance or from the point of view of its financial implications or from the point of view of the vast labour complex of twelve lakhs of railway employees, I do not see any justification for the complacency that is shown there. It is only the other day that the Deputy Chairman of the Planning Commission had stated that the public sector enterprises should pay a minimum ten per cent dividend on capital-at charge. Government is investing large sums of money in public enterprises and this money should not be locked unfruitfully and public sector enterprises should come at least to the standard of profit that the private sector enterprises are showing today. Public sector enterprises are exempt from various forms of taxation of the corporate sector. This dividend shown by the railways does not therefore justify the complacency in regard to the discharging of its financial responsibility to the general revenues. That is why, when the net income of the Railways has dropped by about Rs. 7 crores since last year, this complacency