

[Shri C. D. Deshmukh]

comparatively backward States with a small proportion of urban population. Probably any excessive attempt to standardise the sales tax in all the States will involve considerable adjustment in tax rates, exemption limits, etc. Such adjustments may actually cause other hardships to the local population or loss of revenue to the State Governments concerned. On these grounds, it may not be desirable, even if it were to be feasible from the constitutional point of view, to enlarge or aim at an excessive degree of uniformity or standardisation.

From the point of view of the Constitution, the position is that there is no enabling provision for the Centre to take over this levy except under article 249 on a resolution of the Council of States and under article 353—emergency provisions—but, in effect, the taking over of sales taxes for any purpose like standardisation, uniformity and so on, can only be done with the consent of the State Governments which I am afraid is unlikely to be given in view of the fact that this is the only expanding and important source of revenue left to the State Governments after the losses of revenue which some of them have voluntarily elected to suffer under the head "excise".

Then the question arises: do we give up any attempt at rationalisation which it is universally recognised will be in the interests of the country at large or in the general economic interest of the country? The answer is that we can only have recourse to persuasion. We may bring persuasion to bear on State Governments in the matter of some kind of uniformity of rates of tax, exemption limits, ranges of commodities tax, the mode of taxation and so on. There are beginnings of such uniformity as for instance in the matter of taxation of luxuries. It is our intention at an appropriate moment to call together the Finance Ministers of the various States as soon as it is feasible in order to pose the problem of rationalisation before them and to take counsel. We realise that any significant modification will necessarily involve a review and survey of the whole field of the financial resources of States. At the moment there is a likelihood of that field being affected by the findings of the Finance Commission. It may be after receipt and acceptance of the recommendations of the Finance Commission that the time will be appropriate for comparing notes on the question of the rationalisation of sales taxes in India.

Mr. Speaker: Motion moved:

"That the Bill to declare, in pursuance of clause (3) of article 286 of the Constitution, certain goods to be essential for the life of the community, be referred to a Select Committee consisting of Shrimati B. Khongmen, Dr. Ram Subhag Singh, Shri Tulsidas Kilachand, Acharya Shriman Narayan Agarwal, Shri P. T. Chacko, Shri B. Das, Shri Gurmukh Singh Musafir, Col. B. H. Zaidi, Shri S. V. L. Narasimham, Shri S. V. Ramaswamy, Shri G. D. Somani, Shrimati Sucheta Kripalani, Shri Rajaram Girdharlal Dubey, Shri Keshav Dev Malviya, Shri Arun Chandra Guha, Shri Liladhar Joshi, Shri Balwant Sinha Mehta, Shri Dev Kanta Borooah, Shri Sarangadhar Das, Shri Mahavir Tyagi, Shri M. V. Krishnappa, Dr. Shaukaullah Shah Ansari and the Mover, with instructions to report by the 12th June, 1952."

FIRING ON RAILWAY EMPLOYEES AT GORAKHPUR

Mr. Speaker: The House will now proceed with the half-hour discussion on points arising out of the answer given on the 20th May, 1952, to starred question No. 56 regarding firing on railway employees at Gorakhpur. As we have started five minutes late we shall sit five minutes late and make up the thirty minutes' time.

Shri A. K. Gopalan (Cannanore): This question is a matter of very great public importance. I have got two petitions said to be copies of petitions sent to the Prime Minister and the Railway Minister, one by the leader of the delegation and another by the father and widow of the late Shri Jivnand who was killed on 24th May in the Gorakhpur firing.

According to these reports, briefly, the incident was as follows:

"On 23rd April 1952 a peaceful demonstration waited upon the C.O.P.S. to oppose shifting Claims and Rates Branches work and to press upon the C.O.P.S. to confirm all the temporary staff who have at least served for more than 2 years.

The C.O.P.S. asked the demonstrators to send their representatives to him. One Shri T. N. Shastri was sent in. But immediately to the surprise of the demonstrator the C.O.P.S. was seen chasing the said clerk out of his office uttering most abusive

languages. Furthermore he man-handled the said clerk before the demonstrators. The demonstrators then proceeded to G.M. to put this unhappy incident before him. The G.M. turned the delegates out of his office compound and called for police. The D.M. came in with a number of armed constables, he ordered the demonstrators to get out of the G.M.'s office compound. The demonstrators obeyed his orders and went out on the Road, and as they were about to disperse the D.M. caught hold of T. N. Shastri and arrested him which followed to further 9 arrests. This was a pure and simple provocation by the T.M., G.M., and the D.M. The demonstrators dispersed and the following morning i.e. on 24th April 1952 the clerks formed a demonstration and were marching to the G.M.'s office through Loco Works-shop Gate in protest of the arrest of the above mentioned 10 persons. But in the meantime they were checked on their way by the Police and D.M. The latter, without giving warning, ordered for mass arrest and within few minutes about 61 clerks were arrested, brutally dragged and by force showed in two lorries.

On 25th April 1952, when a demonstration was marching towards T.M.'s Office very peacefully it was brutally Lathi-charged by the Police and fired upon by the orders of the D.M. In all 22 rounds were fired. As a result of which 2 died (one on the spot named Sukhoo and the other in Hospital) and their dead bodies were not even delivered to their rightful owners in spite of their demanding to perform their rites and 17 men got severe injuries. This gave rise to further deterioration of the situation. As this firing was deliberately done is evident from the fact that the D.M. had said to Shri Singhasan Singh M.P., Congressman, that he wanted a show down in this case and that he was prepared to meet every consequences, prior to firing."

Mr. Speaker: Order, order. I may just invite the attention of the hon. Member to one aspect of the case. So far as the conduct of the police is concerned, it is entirely a matter within the jurisdiction of the Uttar Pradesh Government. I have admitted the question and also allowed the discussion because the point at issue, so far as the Central Government is concerned, is the alleged misbehaviour of a high official towards the staff of E. I.

Railway and I presume it was that misbehaviour that started with the railway official that was responsible. So, in view of the fact that a railway official is concerned with the incident, I have thought it proper to admit this discussion; otherwise, if it were merely a case of law and order and firing by the police, howsoever sympathetic I may have been, I would have regretted that the matter could not be discussed here and said that the proper forum was the U.P. Legislature.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): Even if the firing be on railway employees?

Mr. Speaker: It may be any employee. It is they who are responsible for law and order. The Central Government might, if it thought so, take up cudgels on behalf of its employees, but, on law and order aspects, the position is very clear. Since the high-handedness of a railway official was alleged, I thought the House may know what the facts are. But so far as the conduct of the Police or the D.M. is concerned, it will not be proper for us to enter into a discussion on that aspect, except to get from the hon. Minister such facts as he can give.

Shri A. K. Gopalan: I do not want to say anything about the firing or the conduct of the Police or the District Magistrate. I want to show that the General Manager is responsible for this incident. According to this petition, when the clerks were approaching him to place their representation before him, he called the District Magistrate. As General Manager, it was his duty, when 700 clerks came in a deputation, to receive them and give them a reply to their representation. Instead of doing that, he brought the police. On one day one man was arrested; the next day 61 persons were arrested; and on the third day, even without seeing their petition or hearing their representation, firing was resorted to. For three days consecutively from 23rd to 25th the General Manager resorted to the District Magistrate's help and the police's help. The General Manager without any responsibility brought the police and he was thus responsible for the incident.

Whenever such firings take place, and when the responsibility for it is that of an officer under the control of the Central Government it is certainly the duty of this House to see and the Minister concerned to see what the reasons are and whether the facts represented by the officers and by those on behalf of the dead are correct. In this case, the lives of two people were lost and all because only on a representation of the clerks firing was

[Shri A. K. Gopalan]

resorted. If lives of human beings are taken so cheaply, especially by an officer under the Central Government, and that too without listening to the clerks who have so many things to represent, because they are discontent and want many things like permanency of service—if that is done, then certainly it is the responsibility of the Railway Minister and the Central Government to order an enquiry and see who was responsible. In this case, why did the General Manager get the D.M., by which this unhappy thing took place and human lives were lost? Unless such enquiries are ordered, every General Manager or other responsible officer under this Government can bring the police and order firing, and afterwards say "Oh, the crowd was unruly and we had to resort to firing". I am not questioning the action of the D.M. or the police, because I cannot do that here. I am only questioning whether the General Manager had not a duty to see these people when they approached him? Had he behaved well, this thing would not have happened. Not only that, when he found that the situation was bad, he should have wired to the Railway Minister and taken his advice. Had this been done, the firing and killing on the 25th would have been avoided. It is very clearly stated in the petition that the District Magistrate was a relative of the General Manager and the latter brought the D.M. to precipitate matters and not to solve the trouble. The action of the General Manager was very bad in this case and as a responsible officer, instead of trying to meet the deputationists and giving them some reply, he acted in this manner. Even after the arrests on the first two days, had this matter been brought to the notice of the Railway Ministry or the Minister here, the incident of the 25th would not have happened. The General Manager, instead, provoked the workers. He provoked the entire incident and he was responsible for the firing.

What I request is that an official enquiry, an open, judicial enquiry, may be made into this incident, so that such things may not happen hereafter. This incident has led to considerable agitation and petitions have been received from the relatives of the deceased. It is said that the General Manager did not even take the dying declaration of the deceased. When the wounded were sent to the hospital, the General Manager insisted that no treatment should be given to them in the hospital. The deceased were in the hospital for more than ten

hours and their dying declaration could easily have been taken. It is alleged that the bodies of the dead were not handed over to the relatives, because the General Manager wanted to hide the whole thing.

We, therefore, request that there must be an impartial judicial enquiry about the whole incident. When workers represent their grievances, it must not be returned with bullets and lathis. Even if the authorities cannot do anything, their representation must at least be heard personally. If the General Manager could not do anything, he should report to the Minister so that such things may not happen.

Mr. Speaker: Hon. Members will bear in mind that the discussion is limited to thirty minutes. Mr. Gopalan has taken about 12 to 13 minutes. Therefore, members who want to put questions will first give time to the hon. Minister to have the facts from his side laid before the House.

Then, under the rules, only those persons, who have given intimation or notice about participation in the discussions, will be called upon—time permitting—to put questions or ask for further explanations and clarification.

Shri Sinhasan Singh (Gorakhpur Distt.—South): I want to say a few words because I was an eye-witness of the whole thing.

Mr. Speaker: Has he given notice?

Shri Sinhasan Singh: No, Sir.

Mr. Speaker: Then he has no right to take part in the discussion.

The Minister of Home Affairs and States (Dr. Katju): This discussion, I submit, is misconceived. The complaint is really about what happened on the 25th of April with which the General Manager has nothing to do. It was entirely a concern of the District Magistrate and the Superintendent of Police and other people who were responsible for the preservation of peace.

So far as the General Manager is concerned, he came into the picture only on the 23rd of April. Now, in order to save time, what I propose to do is to place before the House one or two passages from the report of enquiry made by Mr. Hifazat Hussain, who is one of the most senior officers of the Uttar Pradesh Government. He is a Commissioner and he had personally nothing to do with this affair at all and he held the enquiry in a most

impartial manner. He went to the spot on the 2nd, 3rd and 4th of May and he visited the site. He examined no less than 21 witnesses of whom seven were injured and whom he examined in the hospital.

So far as this attack on the General Manager is concerned, to be quite accurate, I should like to read from paragraph 9 of Mr. Hussain's report.

Dr. S. P. Mookerjee (Calcutta South-East): I suggest the whole report may be laid on the Table.

Mr. Speaker: It is no use laying it on the Table now. He is just giving extracts as explanation.

Dr. Katju: Otherwise, I can say it in my own language; but this will be more authoritative:

"There has been a continuous chain of agitation in one form or another by the railway employees at Gorakhpur and noisy demonstrations were becoming a feature of their agitation. Recently, according to the statement of the General Manager, an agitation was started by some temporary clerks and members of the O. T. Railway Employees' Union to exempt the former from appearing before the Railway Service Commission. When the Commission started work on the 18th of April in the Junior institute, their work was also hampered by noisy demonstrations and man-handling of candidates, preventing them from appearing before the Railway Service Commission, with the result that the attendance up to the 23rd of April varied between 3 and 11, against over 50 men called per day."

Fifty men were called for examination by the Commission, and only between three and eleven were allowed to approach the Commission.

On the afternoon of the 23rd April a crowd of demonstrators assembled in front of his office at about half past five and demanded his presence outside. After an unsuccessful negotiation with some of the representatives of the demonstrators, and finding that their disturbing slogans were continued, the General Manager telephoned to the District Magistrate and the Superintendent of Police to request them to take charge of the situation. And thereupon the District Magistrate and the Superintendent of Police came on the scene and spoke to the men and dispersed them. Then they were satisfied that the situation was grave and they promulgated an order under

section 144 of the Criminal Procedure Code.

On the 24th that order was disobeyed and there was a long procession, a large number of people gathered together, and they wanted to interrupt and interfere. The District Magistrate went and made some arrests.

On the morning of the 25th the situation was that thousands of people attended. They wanted first to capture the engine shed, so that they might dislocate all traffic. When the engine shed was cordoned off by the police, they went to the platform, and then they went to the east cabin. The east cabin was cordoned off, and then there were brick-bats thrown in large numbers. The District Magistrate was in danger, and he ordered firing. Some rounds were fired and men were injured. The firing was preceded by a lathi charge. The lathi charge had no effect. And ultimately the crowds dispersed.

The charge was made that there was nothing done, that no care was taken of the wounded. I should like to deal with this matter. The Commissioner says that after the end of the firing the District Magistrate and the Superintendent of Police went over the ground with the intention of picking up such of the injured persons as might be found there. They came across no such persons. The statement from the injured persons themselves, who have said that they were taken to the railway hospital by their comrades, is corroborated by the statement of the General Manager that at about ten o'clock, that is within half an hour of the firing, the District Medical Officer, Gorakhpur phoned that sixteen persons had been brought to the hospital, eight injured by bullet wounds and eight by lathi wounds. And instructions were given that immediate attention should be given to them and that they should be properly looked after. Two persons succumbed to their injuries and the rest got well. After the examination of the entire evidence, the Commissioner comes to the conclusion as follows: "I unhesitatingly accept the statement of the District Magistrate when he says 'at the time I ordered firing, I was quite convinced in my mind that there was no other way to stop the mob in their fury to proceed towards us to overwhelm us' and no less than 17 persons of the railway staff and the Police were injured by brick-bats. The Commissioner further states: "My finding is that the firing ordered by the District Magistrate was fully justified". We are not concerned with it here because that

[Dr. Katju]

is a matter entirely for the State Government. So far as the 'poor General Manager is concerned, I respectfully submit that he was on the scene on the 23rd April and it is a remarkable proposition that if the General Manager is not able to dash round the number of demonstrators, then he should go very quietly into his office and phone the Railway Minister or the Railway Board here and then ask for further instructions, if his post is in danger. The proper thing is to refer to the District Magistrate and ask him for protection. It is railway property; it is railway traffic and an engine shed and you know that Gorakhpur is one of the great headquarters of the Railways. I therefore submit that this point has really no substance.

Shri Velayudhan: May I know whether the District Magistrate himself fired as well as the Police Officer?

Dr. Katju: That is not so. The District Superintendent of Police said specifically that as soon as he received instructions, he directed the fire to be opened by the Police, but when the District Magistrate saw that he himself was being attacked by two persons, he had a revolver and he shot. He, however, missed his mark.

Shri Velayudhan: May I know whether the ground, where this occurrence happened, was a cemented floor and there were no brick-bats or stones even within half a mile circumference of that place?

Mr. Speaker: That is a different matter.

Shri N. S. Nair (Quilon cum Mavelikara): May I know whether the 17 persons alleged to have been injured by brick-bats also included the 16 persons injured by bullet wounds and lathi charges? Were they one and the same or are they different persons?

Dr. Katju: Sixteen persons from the members of the public; 16 on the other side by brick-bats and out of the 16 members of the public, eight by lathi charges and eight by bullets.

Shri N. S. Nair: It was stated that the station personnel—16 persons—were taken to the Railway hospital and it was also reported by the hon. Minister that 17 persons injured were also railway servants. That is why I had to ask for clarification.

Dr. Katju: They were railway servants, police constables and other people.

Shri N. S. Nair: How many were police constables and how many railway servants?

Dr. Katju: They were in the hospital itself. The other persons were indoor patients, whom the Commissioner found in the hospital. Otherwise, it was a question of railway servants.

श्री रामजी वर्मा : मैं माननीय मंत्री जी से यह जानना चाहूंगा कि जिन लोगों को गोली लगी थी और जो मर गये उन का पोस्टमार्टम हुआ ।

[**Shri Ramji Verma** (Deoria Dist.-East): I would like to know from the hon. Minister whether there was post-mortem examination of the bodies of those who lost their lives as a result of the firing?]

डा० काटजू : जरूर हुआ होगा क्योंकि यह तो रूल है कि जो इस तरह से मरता है उस का पोस्ट मार्टम होता है ।

[**Dr. Katju:** It must have taken place because, as a matter of rule, bodies of such persons are generally subjected to post-mortem.]

श्री रामजी वर्मा : लेकिन जहां तक मुझे मालूम है नहीं हुआ ! एक बात और.....

[**Shri Ramji Verma:** But so far as my information goes this was not done in the case. One thing more.....]

Mr. Speaker: Order, order. The hon. Member is proceeding to question with regard to details. He can have the information but he is going into details which are within the proper or exclusive knowledge of the U.P. Government. It is no concern of us as to what further things were done. We may raise questions so far as the Railway management is concerned. He may put other questions.

1 P.M.

श्री रामजी वर्मा : जिन लोगों को गोली लगी थी उन को किस ने हास्पिटल में भर्ती कराया ।

[**Shri Ramji Verma:** Who were the persons who took the injured to the hospital and got them admitted there?]

डा० काटजू : कमिश्नर साहब की रिपोर्ट में यह लिखा है कि उन के अजीज खुद उनको

रखे हास्पिटल में ले गये जिन लोगों को गोली या चाट लगा था।

[Dr. Katju: The report of the Commissioner reveals that the injured persons were taken to the railway hospital by their relatives.]

श्री रामजा वर्मा : उन लोगों के मर जाने के बाद फिर लाश वारंसा को क्या तर्हों दी गई ?

[Shri Ramji Verma: Why were the bodies of the deceased persons not handed over to their relatives?]

Mr. Speaker: That is a different question.

An Hon. Member: On a point of order, Sir. The hon. Minister said that there is a report by the Commissioner. May I know whether this Commissioner was authorised by the Government of India to enquire.....

Mr. Speaker: Order, order. The hon. Member, not having given notice of participation, is not entitled to put any question. I am first calling upon those who have given notice.

Shri K. Subrahmanyam: He is not present.

Shri Nambiar (Mayuram): I have given my name, Sir.

Mr. Speaker: No, no notice has come.

Shri Nambiar: I have given.

Mr. Speaker: When? I will call upon him if he has given notice. But I find he has not.

Shri Nambiar: I have sent my notice to the Secretary.

Mr. Speaker: When?

Shri Nambiar: Shri Velayudhan took my letter also.

Mr. Speaker: I do not know. I think he may better settle that with his colleague. We are losing time on this. Shri Velayudhan may put his question.

Shri Velayudhan: What has the Minister to say regarding the complaint that even the dying declaration of the person was not taken and the dead body was not handed over to the relatives?

Dr. Katju: I am not quite certain about that. Dead body is generally given over. But, that is not the mistake of the General Manager. I think 31 P.S.D.

you were thinking of the General Manager.

May I just make one statement with your permission, Sir? It was complained that the District Magistrate and the General Manager are relatives. Thus, I understand, is absolutely incorrect. The District Magistrate is Mr. C. D. J. Dubey, IAS. The General Manager is Mr. G. Pande. I understand there is no relationship between the two.

Shri Velayudhan: Regarding this enquiry a commission has been appointed. Will the Minister be kind enough to consider whether an impartial enquiry cannot be conducted in this matter?

Mr. Speaker: Order, order; he is not asking for information.

Shri Velayudhan: Will he kindly consider this?

Dr. Katju: I have myself complete faith in the Commissioner and in this enquiry.

Shri Velayudhan: Any compensation to the dead?

Mr. Speaker: Mr. Gopalan may put any question or speak if he has anything to say. There is hardly one minute now.

Shri A. K. Gopalan: In view of the agitation in the country, will the hon. Minister see that an open judicial enquiry is held so that the people may know that whatever the Commissioner has said about the happenings is correct?

Dr. Katju: The answer is that this enquiry is quite sufficient for us.

Shri Velayudhan: No, no; it is not sufficient for us.

Shri A. K. Gopalan: My question was that it was not sufficient.....

Mr. Speaker: He has given the reply. The hon. Member will see that their point is now a little different and entirely within the jurisdiction of the U.P. Government. They are finding fault with the behaviour of the police. They want an enquiry whether the firing was justified; they want to know how far the hospital authorities there dealt with the whole question. These are not questions for the Central Government. I made it clear in the beginning that I allowed this question and even this discussion because a high official of the Railway was alleged to be responsible. It was his conduct which could be, really speaking, the subject matter of the discussion here. Let it be clear.

Shri A. K. Gopalam: Will the hon. Minister lay the report of the Commissioner on the Table of the House so that we can understand it?

Dr. Jaisoorya (Medak): On a point of order, Sir,.....

Mr. Speaker: There is no time now to raise a point of order. Will the hon. Minister place on the Table a copy of the report?

Dr. Katju: I really do not know as to whether a report, which is the property of the State Government, can be laid on the Table of this House.

Shri Velayudhan: The Minister himself has referred to that.

Mr. Speaker: Order, order; that is not the way of conducting the proceedings. I was making a request.

Having referred to a document which was the property of another Government, the hon. Minister should place it on the Table.

Dr. Katju: If it is the general desire of the House, I shall certainly lay it on the Table. I hope they will profit by it.

Shri N. S. Nair: On a point of order, Sir,.....

Mr. Speaker: No point of order now; he may raise it next time when a discussion takes place. The half-an-hour is over.

The House then adjourned till a Quarter Past Eight of the Clock on Thursday, the 29th May, 1952.
