

[Mr. Deputy-Speaker]

I have received notice of the following adjournment motion. (*Interruption*).

Shri V. G. Deshpande (Guna): This involves a privilege of the Members of this House. Against the provisions of the Constitution, they have been illegally detained in custody, and that is why they cannot attend the House. I therefore request that the Chair may kindly direct the Privileges Committee to take up this matter.

Mr. Deputy-Speaker: If any hon. Member who thinks that it is a breach of privilege raises the matter in the proper manner as provided for by the rules, I will consider the same.

MOTIONS FOR ADJOURNMENT

FIRING ON REFUGEES AT YOLE CAMP

Mr. Deputy-Speaker: I have received notice of the following motion for adjournment from Shri Hiren Mukerjee, namely, to discuss the situation arising out of the police firing on refugees at the Yole Camp, Dharmasala, Kangra district, Punjab (India), which resulted in the death of eight persons and serious injuries to twenty-two persons.

May I know from the hon. Minister what the situation is?

The Minister of Rehabilitation (Shri A. P. Jain): On the 3rd instant, the Joint Secretary of my Ministry, accompanied by the Additional Secretary of the Food and Agriculture Ministry went to the Yole Camp to work out a scheme for the rehabilitation of the refugees living there. They received seven deputations of the refugees who were proposed to be settled in different places. It is incorrect to say that these officers refused to receive any deputation. When the last deputation came, it consisted of some agriculturists, who insisted that they were not prepared to go and settle in Jammu, but on the other hand they would settle only in some part of India like PEPSU or the Uttar Pradesh. There is no land available for settlement of agriculturists in either of these provinces or in any other place. They were therefore told that land was available in Jammu and they must settle there. They refused to do it, whereupon they were informed that those of them who refused to go and settle will no longer be kept on doles. When these officers came out, about a thousand displaced persons gathered round the jeep, did some injury to the jeep and also assaulted some of

the persons sitting in or near the jeep. These officers could come out of the crowd, and they informed the Deputy Commissioner about the incident. A proper report was also lodged in the Police Station. Police investigations were started, and the Police arrested one person on the 5th instant. That person was taken to the Police Station, which is situated at some distance from the Yole Camp. A mob consisting of about 4000 strong surrounded the Police Station and some firearm was used, by which the Deputy Superintendent of Police and a Head Constable were injured. Thereafter, perhaps previously as well, there was plenty of stone-throwing, with the result that eight other policemen also received injuries. Then fire was opened by the police and three persons were killed on the spot and ten persons were injured. These ten persons were taken to the hospital where subsequently two of them died. The Deputy Superintendent of Police also succumbed to his injuries. Thus, there have been altogether six deaths—one of the Deputy Superintendent of Police and five of the displaced persons.

It will be seen that the matter is purely one of law and order. The State Government has already ordered a magisterial enquiry which is being held. Important officials of the State Government have visited the place and everything is being done to look into the matter. I submit that so far as Parliament is concerned, the adjournment motion is out of order, because law and order is a State subject.

Shri H. N. Mukerjee (Calcutta North-East) rose—

Mr. Deputy-Speaker: I have seen the explanatory memorandum sufficiently.

Shri H. N. Mukerjee: May I submit a few points which arise out of the statement made by the hon. Minister?

The hon. Minister has admitted that the Central Government officers who went to this particular refugee camp had made certain suggestions regarding the rehabilitation of the refugees concerned. From the side of the refugees we get reports that those suggestions were not thrown over board by the refugees just like that. They merely said that they do not want to be sent back to a dangerous area in Jammu very near the frontier of Pakistan, but were willing to be rehabilitated in other areas of Jammu. Anyhow the matter is under dispute. Since the whole incident arose out of the action

of certain Central Government officers and it led to the death of quite a number of persons, and perhaps the condition of those who were injured is giving cause for anxiety, this is a matter which should be looked into very much more deeply.

Besides, the enquiry which has been ordered by the Punjab Government, full three days after the occurrence, is a mere departmental enquiry, while the nature of the happenings is such that we feel that a very different kind of enquiry—an open, non-official judicial enquiry—is called for. All these matters require to be agitated and that is why I submit that this is a matter which is not germane purely to the jurisdiction of the Punjab Government. The Central Government has a great deal to do with the incident and there are so many other matters which we would like to agitate in this House.

Mr. Deputy-Speaker: I have heard both the hon. Member as also the spokesman on behalf of Government, the hon. Minister. I would not even have heard both sides, but for the fact that this relates to the firing on refugees and the Central Government is taking a very large interest in their rehabilitation. The detailed manner in which refugees have to be settled, the places where they have to be settled, all these are matters entirely in the hands of the State Governments and the Centre has only an advisory capacity.

Shri S. S. More (Sholapur): Are we not the controlling authority?

Mr. Deputy-Speaker: Apart from that, 'law and order' is entirely a State subject. (*Interruption*) Hon. Members have only a right to represent; they have no right to go on commenting while I have to come to a conclusion.

Shri S. S. More rose—

Mr. Deputy-Speaker: I have heard hon. Members sufficiently.

Shri S. S. More: Can we not go into legal aspect of the jurisdiction of the Central Government?

Mr. Deputy-Speaker: But there is a way of expressing it—not laughing it out.

That is the position of the Central Government. So far as the firing is concerned, it is no doubt an unfortunate incident. Personally I am against

the use of violence against anybody; so is the Government also, I am sure. Unfortunately six persons have died. But this is not a one-sided affair. The Deputy Superintendent of Police also was killed. Violence seems to have started somewhere and the Government, naturally, to preserve law and order, had to resort to firing. The State Government has ordered a magisterial enquiry. To suggest to them from this House that they should have a judicial enquiry into the matter is not proper. It is a judicial enquiry because the District Magistrate has been put in charge of it. It is not a mere departmental enquiry.

Shri S. S. More: Has there been separation of the judiciary from the executive?

Mr. Deputy-Speaker: I am not prepared to go into that matter. The District Magistrate is a District Magistrate all the same.

Pandit Thakur Das Bhargava (Gurgaon): It is a magisterial enquiry: it is not a departmental enquiry.

Shri A. P. Jain: A First Class Magistrate is making an enquiry.

An Hon. Member: Why can it not be an open affair?

Mr. Deputy-Speaker: Hon. Members forget that there is a Legislature working in the State of Punjab. Neither the Government nor the hon. the Home Minister is directly interested in the enquiry. Under these circumstances to suggest that there should be a judicial enquiry is not proper. I am sure that every step will be taken to see that there is a proper enquiry and the facts of the case are placed before the Government, before the House and before the public when the time comes. Under these circumstances, all proper and legitimate steps are being taken. I do not think the proceedings of this House should be interrupted by any adjournment motion. The matters that have been referred to by the Deputy Leader of the Communist Party will be taken into consideration in making the enquiry by the authorities that have been appointed to make the enquiry.

I do not think it is a proper case for me to grant my consent to raise this motion in debate.