

**Bikaner Railway Station in the Works Programme and when it is likely to be taken in hand?**

**The Deputy Minister of Railways (Shri Shah Nawas Khan):** The question of extension of the existing Bikaner Railway Station is linked with the proposal for diversion of the railway line between Bikaner and Lalgarh, put forward by the Rajasthan Government. The Rajasthan Government has been advised that the diversion would not be a feasible proposition. To overcome the difficulties experienced by the people of Bikaner, a road overbridge could be provided near Dungar College if State Government agree to bear the costs on the usual terms. The matter is still under consideration of the Rajasthan Government. The question of extension of the Bikaner Railway Station can only be finalised after receipt of the final reply from the State Government.

#### **Suratgarh Mechanised Farm**

**181. Shri Karni Singhji:** Will the Minister of Food and Agriculture be pleased to state:

(a) the acreage so far brought under irrigation at Suratgarh Farm in Rajasthan during each Agricultural year ever since its inception;

(b) the kinds and quantity of cereals produced year-wise, during the above period; and

(c) the gross and net income accrued, year-wise, during the above period; and

(d) capital and recurring expenditure incurred year-wise, during the above period?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) to (d). A statement giving the information is laid on the Table of the House. [See Appendix I, annexure No. 72.]

#### **Bikaner Railway Workshop**

**182. Shri Karni Singhji:** Will the Minister of Railways be pleased to state:

(a) the number of coaches and other products being manufactured annually at the Bikaner Workshops of the Northern Railway; and

(b) the percentage of these with the annual requirements of the Northern Railway?

**The Deputy Minister of Railways (Shri Shah Nawas Khan):** (a) and (b). A statement is laid on the Table of the House. [See Appendix I, Annexure No. 73.]

12-04 hrs.

#### **MOTIONS FOR ADJOURNMENT**

##### **CALLING IN OF TROOPS AT JAMSHEDPUR**

**Shrimati Resu Chakravartty (Bazirhat):** I beg to submit a few words on the adjournment motion given notice of yesterday regarding the calling of troops for the suppression of a strike in Jamshedpur, and you have been pleased to state that there is no option, according to the Criminal Procedure Code, for the Central Government, and that the Central Government cannot prevent the officers from assisting the magistrates when called upon to do so. I would like to submit to you that when it is a question of calling out of troops, the Central Government has to give concurrence in the matter and without that no officer can call out troops, and as such it is within the purview of this House. If we allow that troops may be called to the aid of civil power for crushing any labour dispute, then, in future, it will be a very serious matter. Therefore, I would like you to reconsider this matter and let the matter be brought before the House.

**Shri S. M. Banerjee (Kanpur):** I have an adjournment motion, today, on the same subject. In 1953, as far as I remember, the troops were called in Calcutta when a strike was going on for what was generally known as one-pice battle against the tram fare. I remember I was not a Member at that time, and they allowed this two-and-a-half-hour discussion on that

[Shri S. M. Banerjee]

subject only because troops were called in in Calcutta to suppress a popular movement of the people. So, I submit that a proper discussion is absolutely necessary to safeguard the interests of the people in general and the workers in particular

श्री सुरज लाल (रसडा) : मेने भी एक एडजर्नमेंट मोशन का नोटिस दिया था। वह रेलवे मिनिसट्री से सम्बन्धित था।

Mr. Speaker: Order, order. We are dealing with some other matter

Shri Tangamani (Madurai): This adjournment motion is also in my name. You were pleased to say that it will stand over till today. Although there is a provision in the Criminal Procedure Code, unless this House is in a position to interfere, whenever troops are called, I am afraid that the troops will be called indiscriminately also. On the 19th May of this year, when the troops were called, the police were really strengthened by that, and police firing took place and poor people were killed.

Mr. Speaker: We are on the question of law in this matter.

Shri Tangamani: Troops were called to suppress and bring down the port and dock workers' strike also, and when the troops were there, the police opened fire and people were killed in Madras. The presence of the troops actually gives more encouragement to armed police and firing takes place. So, I submit that this matter is an urgent matter of public importance.

Shri S. A. Dange (Bombay City—Central): May I submit a few words before the answers are given? This matter, I submit, should be gone into thoroughly if not on this adjournment motion, then, by some other method. The role of troops in labour disputes has now become a very acute question. We have two recent cases, one in Jamshedpur and the other in Bombay in connection with the port and dock workers' strike and also in

Madras. So, the subject is now before the people in a very sharp manner, as to whether the troops can be called in any labour dispute; the moment there is an apprehension that something is happening which cannot be controlled either by the employer or by the ordinary police, whether the troops can be called and obtained by a magistrate and whether an officer, on his own, can send the troops and whether the Central Government need not pay any attention at all to the military being used in such matters, which would mean that the Central Government has no authority on the troops or that sanction is not required. That means the military becomes a force at the disposal of any magistrate to whom a call is made by any employee. This is a serious situation and it involves certain matters of principle in administration also. Therefore, I would like to know the position on that, and I would request that the question be discussed in a better way.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): May I make it clear that troops are not called in in labour disputes? It is an entire misapprehension. They are called in when damage is done, in order to protect property or to protect something. It is not for a labour dispute that they are called in at all. They have no business to interfere in labour disputes. They are called in, because, as a result of a labour dispute, it is possible that a situation may arise which may endanger human life or property or important installations. Take Jamshedpur, with large installations. They have to be protected. Merely because there is a labour dispute, we cannot take the risk of having those vital installations damaged. So, that is the principle.

Shrimati Renu Chakravarty: Was any such damage done?

Shri Anthony Pilai (Madras North): May I correct the Prime Minister?

**Mr. Speaker:** Order, order.

**Shri Jawaharlal Nehru:** I am not going into any facts. My colleague, the Labour Minister is there. I am not going into the facts of the case in Jamshedpur or elsewhere. I am merely stating the principle that troops are not called in in labour disputes. As a result of the labour dispute, if a situation arises which has done damage or is likely to do grave damage to life, property and important installations, then, they have to be protected.

**Shri Anthony Pillai:** Are the police not called?

**Shri Jawaharlal Nehru:** The decision for that lies with the local Government. If the local Government wants the aid of the military, military aid for the civil power, then it calls for them. These are the rules, and there are very detailed rules about it as to why and how they should be called. It is obvious that in every such matter, the human element comes in. The person in charge has to take a certain decision which may or may not be right, and one has to consider that later. But one cannot, when a situation arises, of grave damage, wait for some kind of permission to be sought from a distant place, a thousand miles away, when by the time that permission comes the damage may be done or the situation may become much more serious. Therefore, inevitably in such cases, there is a certain amount of devolution of authority. It is often said that there is far too much of bureaucracy and centralisation. One cannot in a situation like this deal with it from the Centre. Of course, in major matters, we have to be referred. I repeat that troops are not used in labour disputes; they are not meant to be used. But they are used when there is this kind of grave damage.

**Some Hon. Members rose—**

**Mr. Speaker:** I shall certainly hear all hon. Members who will throw light on this matter. I disallowed the notice of the motion for adjourn-

ment given by Shrimati Renu Chakravartty on this ground. I have written like this, "Under section 129 of the Criminal Procedure Code, a magistrate may call upon any officer in charge of troops to disperse an assembly and the officer is bound to do so. There is no option and the Central Government cannot prevent the officer from assisting the magistrate." The Central Government has no jurisdiction. It is provided in the Cr. P.C. "There is no default on the part of the Central Government in this matter. This is purely a matter of law and order in a State and it does not make a difference if it is in connection with labour strike. The motion is disallowed." All the same, the hon. Member wanted to have this matter cleared up on the floor of the House.

I have extracted the relevant sections of the Cr. P.C. So long as those sections remain on the statute book, I do not know what responsibility there is on the part of the Union Government here. Any adjournment motion is a matter of censure or taking them to task for having committed a wrong or not having taken action where action was called for. Section 129 of the Cr. P.C. says:

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

Section 130 says,

"(1) When the magistrate determines...."—not even the State Government—"to disperse any such assembly by military force, he may require any commissioned or non-commissioned officer in command of any soldiers.... to disperse such assembly by military force 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."

[Mr. Speaker]

Then, sub-section (2) is important;

"(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in doing so, he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons."

So, in view of section 130(2) read with section 129, it is clear that the person who can order these troops to come in is the Magistrate on the spot, not even the State Government nor the Union Government. Once the magistrate of the highest rank finds that the ordinary police are not enough to disperse the assembly and he is helpless, he calls the Military officer to come to his help. It is the duty of the officer to come to his help so long as the Cr. P.C. is there, and so long as it is not abrogated. It is the duty of the officer to come to his rescue and use such force as may be necessary.

Under these circumstances, I thought there was no default on the part of the Union Government here. Apart from any other things, it does not make any difference if the situation should have arisen out of a trade dispute. If persons take the law into their own hands and commit damage or there is apprehension that they may commit damage the person on the spot is the best person to judge and if he requisitions the help of the armed forces, it is the duty of the officer to come to his rescue. So, I do not know how I am called upon to allow these adjournment motions. All the same, to clear up this matter, I have allowed the hon. Member to raise this matter.

So far as Mr Dange's suggestion is concerned, it has been answered to some extent by the Prime Minister. I leave it to the House and to him. If the matter comes up, I shall consider whether it is appropriate or not to allow that matter to come up. So far as the adjournment motion is con-

cerned, I do not think any arguments have been placed before me to revise my opinion in having disallowed the motion.

Shri S. A. Dange: I just want to seek a clarification and also to make a remark that the troops which were called in the port of Bombay were asked to assist in operations of clearing of the docks. As a result of that operation, the docks were damaged and loading and unloading was done with the aid of the troops. So, there was no question of saving the docks from damage. Again in Jamshedpur, if the troops were put near open-hearth furnaces, I could have understood it. But they were parading the streets; naturally, the Tata machinery was not lying on the streets to be protected. It was not for the protection of property that troops were called.

Shri Jawaharlal Nehru: The account that the hon. Member has given is very very far remote from the truth. I have asked my colleague, the Defence Minister, who is looking after this matter, to state the facts, if you and the House so wish.

Mr. Speaker: It is purely a question of law as to how far it is the liability or responsibility of the Central Government here if troops have been ordered by the local magistrate and he can do so even without the consent of the State Government. It is a far-off cry in Delhi asking them to be responsible for all that has happened there.

So far as the point made by Mr. Dange that the troops came in not for the purpose of dispersing the crowd and protecting property, but for something else, I am not in a position to say anything. That is not relevant for this purpose. That matter should have come up separately and certainly I would have considered it. But for this purpose that is not relevant.

So far as this adjournment motion and a similar motion tabled by Mr. Banerjee is concerned, both of them are disallowed.