

## LOK SABHA DEBATES

### LOK SABHA

Thursday, March 22, 1973/Chaitra 1,  
1895 (Saka)

The Lok Sabha met at Eleven of the  
Clock

[MR SPEAKER in the Chair]

#### ORAL ANSWERS TO QUESTIONS

**Army called for Maintenance of Essential Services and for Controlling Law and Order Situation**

\*421 PROF NARAIN CHAND PARASHAR: Will the Minister of DEFENCE be pleased to state

(a) the number of occasions along with the names of the places and the States in which the army has been called out to assist the Civil authorities in the maintenance of essential services and for controlling the law and order situation during the calendar year 1972 and the months of January and February 1973,

(b) whether the State Governments concerned obtained the approval of Central Government before requesting the Officers in Command of the army in the States concerned, and

(c) whether any senior military Officer has recently disapproved of the tendency of deploying armed forces for the purposes of controlling political and violent agitations for regional purposes?

**THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA):** (a) During the calendar year 1972 and

the months of January and February, 1973, the army was called out on 8 occasions for the maintenance of essential services and on 17 occasions for maintaining law and order. Further details are given in statements laid on the Table of the House. [Placed in Library See No LT-4556/73]

(b) According to standing instructions of Government the prior approval of the Central Government is not required before army assistance is sought by State Governments for maintaining law and order. However, according to the same instructions, troops are made available for the maintenance of essential services only after approval by the Central Government.

(c) Government are not aware of any such statement having been made by any senior military officer.

**PROF NARAIN CHAND PARASHAR:** While we are appreciative of the good work done by the army on the various occasions mentioned in the statement, may I know who bears the expenditure incurred on these occasions?

**SHRI VIDYA CHARAN SHUKLA:** I suppose the State Governments bear the expenditure.

**PROF NARAIN CHAND PARASHAR:** Since the answer to part (c) of the question is "No", may I know whether he is absolutely sure that no senior army officer has made such a statement, because it amounts to some sort of politicalisation of the issue? If not, will this question be gone into in detail?

**SHRI VIDYA CHARAN SHUKLA:** We have gone into this question in detail. Part (c) has been answered after ascertaining all the facts.

**SHRI INDRAJIT GUPTA:** In view of the fact that the so-called law and order breakdown seems to be on the increase for various reasons, may I know whether the Government is thinking of some other means of dealing with such situations rather than committing the armed forces to this job, in view of the fact that it cannot be good even for the morale of the armed forces to be brought in repeatedly to perform such duties which are not normally their duties, apart from creating certain ideas also in the minds of certain people in the armed forces that the civil authorities are unable to function without the help of the armed forces?

**SHRI VIDYA CHARAN SHUKLA:** I generally agree with what the hon. Member has said. Neither we, nor the State Governments, wish that the troops should be called in for maintenance of law and order, unless it is absolutely essential or imperative. Normally, the civil law and order machinery is used and then, if necessary, they call their own armed constabulary, the BSF and the CRP. Only when it becomes absolutely essential in the judgment of the civil authorities who are in-charge of law and order that all such action is taken. But I must assure the hon. Member that if this is done, it is done absolutely as a last resort, not as a matter of routine or in any other manner.

**SHRI INDRAJIT GUPTA:** I wanted to know whether the Government are considering the political implications that may arise out of the army's feeling that they have become indispensable to the maintenance of civil authorities.

**SHRI VIDYA CHARAN SHUKLA:** As I said, we share the same feeling.

Therefore, the question of considering it does not arise.

**SHRI P. VENKATASUBBAIAH:** At one time, when the popular Government was in Andhra Pradesh, the army was also requisitioned. Now, the law and order situation has been brought to normal. In order to remove the misapprehensions among the people there, is the Government seriously considering, since it is under the President's Rule, to withdraw the army as soon as possible?

**SHRI VIDYA CHARAN SHUKLA:** The army units are in their normal places of deployment. They are not deployed for non-military duties at present there.

**श्री प्रदल बिहारी बाजपयी :** आज जो कानून है उसके अन्तर्गत अगर डिस्ट्रिक्ट मैजिस्ट्रेट या डिप्टी कलक्टर चाहे तो वह सेना की सेवाये प्राप्त कर सकता है। क्या सरकार इस प्रश्न पर विचार करेगी कि यह मामला डिप्टी कमिश्नर पर नहीं छोड़ा जाना चाहिए, कि सेना को बुलाया जाये या न बुलाया जाये बल्कि यह निर्णय राज्य स्तर पर होना चाहिए, जिससे इसके बारे में किसी तरह के दुरुपयोग की सम्भावना न रहे या जहाँ पर सेना को बुलाना टाला जा सकता है वहाँ पर टाला जा सके ?

**श्री बिद्या चरण शुक्ल :** माननीय सदस्य बात ठीक कह रहे हैं। नार्मली यानी साधारणतया यही होता है कि यदि ऐसी कोई आवश्यकता पड़ती है तो राज्य स्तर पर निर्णय लिया जाता है लेकिन जब कभी कभी आपातकालीन स्थिति स्थानीय रूप से हो जाती है तो उस समय जो सबसे बरिष्ठ अधिकारी वहाँ रहते हैं मैजिस्ट्रेट उनको अधिकार रहता है कि इस तरह की मदद या सहायता मांग

सकें। पर साधारणतया ज्यादातर यही होता है कि वे राज्य सरकार के द्वारा प्रापर चैनल से इस सहायता को मांगते हैं और उनके बाद उच्चस्तरीय विचार विमर्श के बाद ही इस बात को तय किया जाता है कि ऐसी बात की जाये या न की जाये। इसलिए अपवादस्वरूप यदि कहीं ऐसी कोई दुर्घटना हो और उसके लिए ऐसी आवश्यकता पड़े तभी इस अधिकार का उपयोग डिस्ट्रिक्ट मैजिस्ट्रेट या सीनियर आफिसर के द्वारा किया जाता है नहीं तो वे स्वयं इस अधिकार का उपयोग नहीं करते हैं।

**SHRI MUHAMMED KHUDA BUKHSH:** May I know whether the Central Government have instituted inquiries after every such deployment of armed forces in aid of civil authorities and found any justification or no?

**SHRI VIDYA CHARAN SHUKLA:** This sort of inquiry does not arise because the responsibility of making a judgment and taking action lies on the civil authorities of the State concerned. We cannot caution their judgment and go into the question of exercise of that judgment.

**श्री डी० एन० तिवारी :** क्या सरकार इस पर विचार करेगी कि कहीं घातक में कोई स्टेट गवर्नमेन्ट मिलिट्री का डेप्लायमेन्ट न कर ले इसलिए कोई नाम बनायेगी कि जिस समय ऐसी स्थिति होगी तभी घातक दी जायेगी अन्यथा नहीं ?

**अध्यक्ष महोदय :** यह तो बताया जा चुका है बाजपेयी जी के सवाल के जवाब में।

**श्री विद्या चरण शुक्ल :** यह तो हरदम देखा जाता है कि इस तरह की कोई स्थिति न निर्मित हो और घबराहट में आकर ऐसी कोई चीज की जाये—यह तो जरूर देखा जाता है।

**SHRI H. M. PATEL:** May I know whether the expenditure on such occasions is borne by the State Government, and if so, would he indicate the items of expenditure? Does it mean everything that the armed forces cost or what are those items of expenditure?

**SHRI VIDYA CHARAN SHUKLA:** I do not have the precise information with me. But, I suppose that the recurring expenditure would be borne by the State Government. That is to say, the expenditure on transport, movement, etc. But the pay, allowances, etc., would normally be borne by the employer, i.e., the Central Government.

**Indian citizens arrested in Bangladesh during War**

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\*422. **SHRI ARVIND M. PATEL**  
**SHRI VEKARIA:**

Will the Minister of DEFENCE be pleased to state:

(a) the names and number of Indian citizens who were arrested along with the prisoners of war in Bangladesh during the 1971 War and are now in Indian Jails;

(b) whether Government of India had been approached for their release; and

(c) if so, the reaction of Government of India thereto?

**THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA):** (a) to