

[Shri B. N. Datar.]

certain acts of a criminal nature are committed, Government take recourse to the normal law and, therefore, it would be found that the State Governments have not been very profuse in the use of this Act. They have confined it only to those cases where, in the interests of the nation, for certain purposes which have been mentioned in section 3 of the Preventive Detention Act, it becomes necessary, or I would say, inevitable or unavoidable to have recourse to the provisions of the Preventive Detention Act. Therefore, so far as the first part is concerned, I would submit that the House would agree that there has been no abuse of the power given to State Governments under the Preventive Detention Act.

Secondly, so far as the actual use of the powers is concerned, it is also very sparing.

The second question is whether this Act should be removed from the Statute Book in the sense that the Government should not use it at all. So far as this latter question is concerned, I would appeal to hon. Members to consider the present situation. Has the present situation improved in any material particulars? Or the House might consider the other aspect also. Has the situation in some respects deteriorated so far as these anti-social elements are concerned? We have got a number of circumstances and all these have to be taken into account. I would not refer, except to a small extent, to what has unfortunately happened during the last week-end and recently. We have before us the instances of Kharagpur and Kalka. Further, I might add that we have a station Dungarpur, or something, in Rajasthan and there also certain robberies took place. They surrounded the station master and did not allow him to go. There were 500 people. I would request the House to see whether we are out of the woods. There are certain organised elements, certain anti-social elements, who would surely take advantage of any relaxation so far as the law is concerned.

If this is the present position, what we have to do is that we should consider this question from a practical point of view. And, as I have stated, during the last fifteen or eighteen months, the powers have been used very sparingly. Therefore, there is no reason to suppose that they would be used in a worse manner or that they would be abused by the State Governments during the remaining period, namely, about 18 months from now. This is the point that we have to consider and I would submit that, theoretically, it might be that it would not be proper to have a Preventive Detention Act on the Statute Book itself. That is a matter which we can understand. But the next question that falls to be considered is whether, after the Constitution had made it possible for Parliament to enact a law to permit detention, after such law was passed in 1950, and after the experience of nearly five years and odd months, there has been any decline in the resort to the provisions of the Preventive Detention Act. Therefore, if the five years' experience is any guide at all, in my opinion, it is a very eloquent guide and then, there is no reason why this Act should not be used at all whenever an occasion arises. During the coming 18 months also, we may not be out of the woods because, ultimately, it depends upon certain forces that are at work, and according to us, these forces are anti-social.

MR. DEPUTY CHAIRMAN: Shri Lal Bahadur will now make a statement.

5 P.M.

STATEMENT RE. INCIDENTS AT KALKA

THE MINISTER FOR RAILWAYS AND TRANSPORT (SHRI LAL BAHADUR): Sir, I have to make the following statement.

The Chairman, Railway Board, left Delhi by the Kalka Mail on the night

of the 20th May 1956, for Kalka on his way to Simla. At about 6 O'clock next morning, just before the arrival of the train at Kalka, about 30 members of the local Railway staff were noticed shouting slogans outside the station. The Assistant Transportation Superintendent, who was there, requested the crowd to stop the shouting of slogans, but they stated that they wanted to present certain demands to the Chairman, Railway Board. The Assistant Transportation Superintendent informed them that he would refer the matter to the Chairman. This was done on the arrival of the Chairman at Kalka, and he readily agreed to receive the demands. He moved up towards the narrow gauge platform. At this moment, a crowd carrying flags and shouting came on to the platform and squatted near the place where the rail-motor, which was shortly due to leave, was waiting. One of the workers then read out the charter of demands and handed it over to the Chairman. The latter, that is, the Chairman, addressed the staff who had gathered there, and informed them that some of the demands had already been considered in the past and decisions communicated to the staff. These and the fresh demands that had been placed before him would, however, be examined later.

While the Chairman, Railway Board, after addressing the workers, was returning to his carriage, as his programme was to proceed by a later rail-motor, the crowd insisted that the demands for passes and P.T.Os. to be made available by mail trains should be conceded forthwith, as they had already been submitted to the General Manager, and nothing had happened. They also pressed vehemently for the acceptance of the remaining demands. In the meantime, signals for the departure of the rail-motor, which was carrying passengers to Simla, were lowered, but the demonstrators squatted on the track in front of the rail-motor, and a few of them jumped on the bonnet of the rail-motor and declared that it would not be allowed to move until the demands of the

workers had been accepted. The police pleaded with the demonstrators to clear the car and the track, but the crowd declined to move away. As the Sub-Inspector of the Government Railway Police approached the demonstrators, he was surrounded by them and they took up a threatening attitude. Seeing that his life was in danger, he fired three rounds at the sky. The police had to resort to a mild lathi charge to clear the track and the car, which then left. But, in the meantime, it had been pelted with stones and some of the glass panes of the rail-motor had been smashed. The rail-motor left after a detention of 17 minutes.

The crowd having dispersed for the short interval, during which the rail-car left, collected again, and the police formed a cordon to prevent the crowd from proceeding to the Broad Gauge platform. Attempts to get the engine for the Kalka-Simla Mail out from the shed were unsuccessful, as the demonstrators had obstructed the track by jamming the points with ballast, and also by continuing to squat on the track. By about 8 O'clock, the size of the crowd increased to about a thousand, by the addition of workshop staff and outsiders. It broke the police cordon and came on to the platform where the carriage of the Chairman Railway Board, was stabled, and started shouting provocative slogans. Women-folk numbering nearly one hundred also joined the crowd and staged a 'siapa'. By 9 O'clock, the situation had become very threatening and the Assistant Superintendent of Police requested the Chairman, Railway Board, to leave his carriage, as he was in danger then. Throughout this period, the Assistant Superintendent of Police, a Director, of Administration in the Ministry of Food and Agriculture, who happened to be there, and the Assistant Transportation Superintendent, Ambala, kept on requesting the leaders of the crowd to use their good offices and persuade it to disperse. Their request was fruitless. The crowd insisted that at least the concession of P.T.Os. and passes being available by mail trains,

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should be conceded at once. The situation continued to be tense. The carriage of the Chairman, Railway Board, was surrounded. At this stage, some one from the crowd shouted that one of the workers had died as a result of the lathi charge. This was untrue, and this was the signal for attack on the police. The Station House Officer of the Government Railway Police was assaulted and attempts were made to snatch away his revolver. The Sub-Inspector of Police was manhandled and was bodily lifted by a member of the crowd. The police force, in danger of being outnumbered and overrun, opened fire on the crowd. Thereafter the crowd dispersed. This was about 10 A.M.

The grave turn in the situation necessitated the obtaining of police reinforcements from Ambala, which arrived at 11-30 hours, accompanied by the Assistant Inspector General of the Government Railway Police. A short while later, the Deputy Commissioner, Ambala, and the D.I.G. of the range also reached Kalka. The mob caused considerable damage to the hose pipes and couplings of the trains stabled in the yard. The staff also refused to work in view of the unsettled situation. Patrolling of the track was arranged. At 15-30 hours, the Chairman, Railway Board, left Kalka in a rail-motor along with other passengers who had been left behind in the morning. Crowds had collected at three or four places on the way, and there was a black flag demonstration at Simla on the arrival of the Chairman at that station.

Four persons were killed and four injured in the firing and eight received injuries in the lathi charge. Out of the injured, one died subsequently.

No train, with the exception of a rail-motor in the morning and another one in the afternoon, could be started from Kalka for Simla yesterday, and none has left today. No Broad Gauge trains also could leave Kalka yesterday, nor have any left today. The only Up train that could get through

to Kalka was the Kalka Mail this morning, which had to be signalled into the station by the Transportation Officer and the Pointsman who entered the cabin, in spite of its being surrounded by a mob. Efforts were made to move Broad Gauge trains from Kalka by sending engines and engine crew from Ambala, but these were unsuccessful due to the hostile attitude of the crowd.

Now, Sir, coming to the demands that were placed before the Chairman, Railway Board, at Kalka yesterday morning, these were as follows:—

- (i) That hill allowances should be sanctioned for the staff at Kalka on the same terms as is allowed to the staff posted at Simla.
- (ii) That the staff posted at Kalka, on the Kalka-Simla section should be permitted to travel by mail trains on their passes and P.T.Os. in relaxation of the restrictions that apply to short journeys.
- (iii) That a primary school should be opened at Kalka for the education of the children of Railway employees stationed there.
- (iv) That adequate provision for the construction of additional quarters at Kalka should be made.
- (v) That educational assistance be provided for the staff at Kalka.
- (vi) That a Pay Commission should be set up.

The first two demands were placed by the staff before the General Manager, during his inspection of Kalka station on 28th January 1956. He informed the staff that Kalka was not classified as a hill station for the grant of allowances to any Central Government staff, and that there was no justification for its inclusion with Simla. The matter had already been

considered in the past and it was decided that the allowance should not be paid. He also informed the staff that, as far as the availability of passes and P.T.Os. by mail trains was concerned, this issue had been examined by the Railway Board on several occasions in the past, and that there was a restriction on the minimum distance that a third class passenger could travel by a mail train, and that in spite of this, there was overcrowding on trains, and that a complete elimination of those restrictions for Railway employees was not possible.

As far as the matter of the provision of additional staff quarters at Kalka is concerned, no record can be traced of any special reference having been made on this matter to the Railway Administration, but generally speaking, there is a shortage of quarters all over, and provision for staff quarters is being made on all Railways on a programme basis, within the availability of funds.

The setting up of a Pay Commission is a matter that is of concern not merely to the staff at one station but to all Railwaymen and in fact to all Government servants. It is not a matter in which the Chairman of the Railway Board can give a decision.

It will be seen, as far as the demands are concerned, they were not pending for any length of time. On some of them, the exact position had been explained to the staff, and on one item at least, the Chairman was clearly not in a position to give a decision.

None of these demands has been raised at periodical meetings between the Union and the Administration at the divisional level or at the level of the General Manager of the Northern Railway. Failing settlement of these, they could even be raised by the National Federation of Indian Railwaymen with the Railway Board. It cannot be said, therefore, that a situation had arisen where the Workshop Branch of the Uttariya Railway

Mazdoor Union, which normally deals only with a Works Manager, should take the matter up directly with the Chairman, Railway Board. Hon. Members will see from the facts that I have given, that yesterday, incidents are in line with the pattern of happenings elsewhere in the country in the recent past. The continuation or repetition of such behaviour, the House will agree, can only bring suffering to Railwaymen and have adverse effect on the economy of the country.

SHRI BHUPESH GUPTA: (West Bengal): I rise on a point of submission. I still would urge upon you to consider my request for a discussion of this affair. I do not go into the merits or the demerits of the hon. Minister's statement, but from what I have seen in the press, some of the things are at variance with what the hon. Minister said. It is also most regrettable that not a word of regret should have been there in the statement about those who had been killed, or for their families. Now, the statement that has been read out raises the point that the whole matter should be gone into and discussed in this House.

MR. DEPUTY CHAIRMAN: You may seek clarification on any point, but you cannot make a speech.

SHRI BHUPESH GUPTA: I would ask for clarification later.

MR. DEPUTY CHAIRMAN: There could be no discussion of the statement now. We will see about your letter.

SHRI BHUPESH GUPTA: If you say that you will consider it tomorrow, it is all right. I would only request you to consider this matter, because there is something deeper in this than meets the eye. Tomorrow is the last day, and we can easily spare one or two hours for a discussion on this subject. We shall bring to light whatever we come to know about it, and then he can reply. I think that in Parliament, when such a thing happens almost under nose, very near us,

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we should do something more than merely listening to statements by the hon. Minister. This is what we feel. And as far as the incident is concerned, I would ask him one question, whether he is aware of the statement made by Mr. Ram Chandra, a Congress M.L.A. and President of the Northern Railway Mazdoor Union, who rushed to Kalka yesterday, that this firing was a cold-blooded murder and that no trade union could allow such state of affairs to go unchallenged. He is a pucca Congressman. I would like to know whether the hon. Minister is aware of the statement.

SHRI S. MAHANTY (Orissa): On a point of clarification. I want to know whether the firing order was issued by a Magistrate who was empowered for that purpose?

MR. DEPUTY CHAIRMAN: It is a matter for enquiry.

SHRI BHUPESH GUPTA: The whole statement is not made on enquiry; it seems.

SHRI S. MAHANTY: From the statement of the hon. Minister, it appears that the S.I. was the one who started the firing. I would like to know whether there was any responsible Magistrate who gave the firing order, or whether the Police Sub-Inspector opened fire of his own accord.

MR. DEPUTY CHAIRMAN: Has the hon. Minister any further information to give?

SHRI LAL BAHADUR: Infact, the Punjab Government will be investigating into all these facts.

SHRI BHUPESH GUPTA: Another question. Is he prepared to send a Parliamentary Delegation to the place?

MR. DEPUTY CHAIRMAN: I would not allow any further question.

SHRI SATYENDRANATH BOSE (Nominated): I would like to seek

certain additional information from the hon. Minister.

MR. DEPUTY CHAIRMAN: You cannot convert this into a Question Hour.

SHRI SATYENDRANATH BOSE: What I want to ask the Minister is this: What is the extent of damage to railway property, and what was the extent of the injuries on policemen before this firing was started, which resulted in the death of four Indians?

SHRI BHUPESH GUPTA: Five.

SHRI AKHTAR HUSAIN (Uttar Pradesh): What would have been the extent of the damage and loss of innocent lives had not the firing been resorted to at the time?

SHRI LAL BAHADUR: The extent of damage to railway property was not much.

SHRI BHUPESH GUPTA: Nothing.

SHRI LAL BAHADUR: You may say nothing. I agree with that too. But the situation was so tense and the attitude of the crowd was so threatening that any moment the policemen would have been attacked, and the Chairman of the Railway Board would also have been attacked. In fact, he was surrounded by a big crowd, and one of the Sub-Inspectors of Police was actually lifted up bodily by the crowd. That is the report I have received. When one of the other police officers went to them and asked, "What are you doing? Why are you lifting up this officer like that?" they assaulted that police officer, and in fact, an attempt was made to snatch the revolver which was on his body. So, in these circumstances, one did not know or does not know what would have happened. In fact, the police report says that the Assistant Superintendent of Police or the Officer who was there, found that his life was in danger and the whole police force—it was a small force of ten or fifteen men—was in danger, and they could have been overpowered by the crowd.

at any time, and they considered it advisable and safer to resort to firing. This is a matter, I am told, in which an enquiry has already been started, and the Punjab Government is looking into the whole matter.

MR. DEPUTY CHAIRMAN: No further questions.

MOTION RE WORKING OF THE
PREVENTIVE DETENTION ACT,
1950—continued.

SHRI B. N. DATAR: Mr. Deputy Chairman, I was pointing out to this House that it need have no misgivings about any excessive use of the provisions of the Preventive Detention Act during the 18 months that remain before the Act ceases to have effect. I may also in this connection, invite the attention of the hon. House to another circumstance. If the two statistical statements are very carefully looked into, it will be found that there are a number of States—a very large number of States, almost more than half the number of States—in which there have been no resort to the provisions of the Preventive Detention Act at all. It is only in the case of a few States where they had to take advantage of the provisions of the Preventive Detention Act for the purpose of preventing certain mischief that has been referred to in Section 3 of the Preventive Detention Act.

Then often-times, an objection is raised that the provisions of the Act are being used against certain political parties or politicians. I would point out again here that the provisions of Section 3 do not make it possible for the Government at all to use it against politicians or any political parties. In this connection, I would invite attention of the hon. House to the statistical information for the year 1954-55 and in particular, to the annexure to Statement 11 on page 15. There, the figures of detention under various clauses of Section 3 of the Preventive Detention Act have been ana-

lysed. You will find that out of 307 persons who have been detained for activities, 106 had been detained for violent activities, including indulging in such activities or preaching violence. Let me kindly be understood. 41 were detained for goondaism. There are certain parts even now where decoits still carrying on their nefarious work and there are others also where similar nefarious acts are being perpetrated and 41 are the cases of goondaism. 111 were in respect of communal activities. Now, wherever there are communal activities and they come within the mischief of Section 3, then naturally, resort has to be taken to the provisions. Then, there were 5 cases of espionage, 8 were ordinary criminal activities which are criminal under the penal law of the land and 36 cases were of harbouring of dacoits. Thus, you would find that so far as actual figures are concerned, if the figures are properly analysed, there can be no ground for supposition or criticism or misrepresentation that the provisions are used against one party or against other parties.

In this connection, I would also invite the attention of the House to a fact which is also very important that during 1950, as also upto May 1956, there were in all nine cases, in respect of which applications for writs or habeas corpus had been filed in the high courts or in the Supreme Court. I have got here figures to show that there were in all nine cases in the Supreme Court and all the high courts together. So far as the two cases in the Supreme Court were concerned, the applications were dismissed. So far as the cases in the high courts were concerned, there were in all 7 cases in all the high courts taken together. Out of these 7 cases, 4 applications for writs have been dismissed and only three have been allowed. Three out of nine. That is, you would find that even so far as judicial aspect of the matter is concerned, namely, the taking away of the liberty of certain persons, nine cases were presented before the courts of law, the highest courts of judiciary,