

same. It is desirable that the regulations, orders and tradition, which have been followed in the services in the past should continue.

12 hrs.

CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE

ALLEGED FIRING ON THE EMPLOYEES
OF GUN AND SHELL FACTORY,
COSSIPORE, CALCUTTA

SHRI H. N. MUKERJEE (Calcutta North East) : Sir, may I just submit one thing ? After this Calling Attention Notice elicits some facts could you be pleased to reconsider the Adjournment Motion of which we gave you notice ?

MR. SPEAKER : Let us see.

SHRI H. N. MUKERJEE : Sir, I call the attention of the Minister of Defence to the following matter of urgent public importance and request that he may make a statement thereon :

"Reported firing on the employees of Gun and Shell Factory, Cossipore, Calcutta, by Defence Security Corps on the 8th April, 1969 resulting in death of five employees."

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI L. N. MISHRA) : Mr. Speaker Sir, an unfortunate incident occurred yesterday the 8th April 1969 at about 07.30 hours at the Gun and Shell Factory, Cossipore. Information so far available indicates that a gate meeting was held at about 07.00 hours outside the Gun and Shell Factory, Cossipore during which agitational speeches were made. According to the usual practice, the factory gate is closed at 07.30 hours after the muster and then re-opened again after a short time to admit late-comers so that a proper record of late-comers can be kept. According to this practice, factory gate No. 3 was closed at 07.30 hours after muster. A large number of workers outside the gate forced an entry into the factory premises. The workers attacked the Defence Security Corps person-

nel and the Durwans on gate duty, during which a musket was snatched from one DSC personnel and the Manager (Admn.) on gate duty were assaulted. Faced with this situation, the DSC personnel opened fire in self-defence. It is reported that ten rounds were fired, and nine persons received gun shot injuries. Five persons are reported to have died. Prompt medical aid to the injured was rendered by the factory medical authorities.

Police authorities were immediately informed by the management and a Magistrate was also requested to come. The Army's assistance was sought for guarding the installation and an infantry company is in position in the factory from approximately 10.30 hours on 8th April, 1969.

According to our information, Shri D.P. Chakraborty, Manager (Admn.), Shri B.M. Gupta, Assistant Manager and Shri J. M. Ghosh, Assistant Manager, and one Durwan have been arrested by the Police.

The Chief Security Officer of the DGOF is holding an inquiry into this occurrence. An Army Court of enquiry will be held. The factory has been closed with effect from 2.30 p. m. yesterday and will remain closed today also. The workers are reported to have left the factory premises yesterday evening.

The DGOF has sanctioned an *ex-gratia* compensation of Rs. 10,000...

MR. SPEAKER : Rs. 1,000/-

(*Shri L. N. Mishra then sat down*).

THE MINISTER OF DEFENCE (SHRI SWARAN SINGH) : Sir, may I complete the statement ?

The DGOF has sanctioned an *ex-gratia* compensation of Rs. 1,000/- for the family of each deceased worker and Rs. 500/- for each worker injured.

SHRI H. N. MUKERJEE : I am sorry the Minister takes such a cavalier view of an incident which is so serious. Within a few days attacks against workers have taken place in Central establishments in West Bengal, and the statement says things which

[Shri H.N. Mukerjee]

are entirely contradicted by Ministers of the West Bengal Government, who have gone on record. According to the Ministers of the West Bengal Government, including the Deputy Chief Minister who is so ably conducting the law and order portfolio, the firing was without provocation, that the report of the rifle being snatched was fictitious—'fictitious' is the word used by the Minister of Parliamentary Affairs in West Bengal—that the firing was done on point—blank range, that not a single personnel of the Security Staff nor any officer was injured, and in spite of all this five people have been killed. And according to the reports in the papers there was a meeting at the gate of the factory which concluded at five minutes before 7.30 a. m. and the workers were going inside the factory when they were stopped even before 7.30 and a situation was created where suddenly, precipitatedly, without provocation firing was resorted to. In view of this I would like to know how it is that the Minister considers that an army court of inquiry would satisfy the needs of the situation, when the Central Government is putting forward a case which is entirely contradicted by the State Government, when the State Government is asking for the military personnel involved in the matter to be handed over to the police for legal proceedings to be taken against them, when the entire question of the Centre-State relationship in regard to the use of CRP, which is successor of the Crown Reserve Police of the British days and all that sort of thing, when the whole thing is on the anvil, how is that the Minister merely tries to satisfy the House by reference to an army court of inquiry. I would like to know if the Minister has got into contact with the Government of West Bengal, if the Minister has tried to understand the situation along with the Government of West Bengal and tried to solve the situation in a manner which would really produce results, which would be good for the workers as well as for the whole of the country.

SHRI SWARAN SINGH : I would like to assure the House we not take a light view or, as the hon. Member has said a cavalier view or attitude in this respect. It is a very serious matter, because the Gun and

Shell Factory is a very important defence property which is engaged in the important task of manufacturing very vital equipments for the defence forces.

SHRI VASUDEVAN NAIR (Peer-made) : In spite of that, workers are murdered every day in this country.

SHRI SWARAN SINGH : So far as this incident is concerned, my colleague, Shri L. N. Mishra spoke to the State on telephone. The officers of the Defence Ministry have spoken to the officers of the West Bengal Government. We are in touch with them. Our attitude is not to hide anything, or come in the way of whatever legal procedures or processes have to be gone through.

SHRI S. M. BANERJEE (Kanpur) : Why has no Minister gone there ?

SHRI K. N. PANDEY (Padruma) : Why these threats ?...(*interruptions*).

MR. SPEAKER : Order, order. All of your will get a chance. Now let us hear the reply to the question, which is a pertinent question, raised by Shri Hiren Mukerjee. As he has himself stated, it is a serious matter...(*Interruptions*). My fear is that the importance of the question will be reduced if the attention of the House is diverted. The Centre-State relationship is a very important question. If some interruptions come the importance of this question will be reduced. Therefore, I would appeal to hon. Members to patiently hear the reply. It is no doubt a very serious matter. If the reply of the Minister is not satisfactory, certainly Shri Banerjee and Shri Jyotirmoy Basu can ask questions.

SHRI SAMAR GUHA (Contai) : If the Minister were taking a serious view of the whole thing, he would have flown to that place instead of having a telephonic talk.

SHRI SWARAN SINGH : The Defence Security Corps personnel are governed by the Army Act and it is according to law that an Army Court of Inquiry has to be constituted to look into the incident, investigate the matter and take appropriate action. That is perfectly according to law.

It is also a fact that a case has been registered by the West Bengal Government police. They are investigating and some

arrests, as has been mentioned by my colleague, have already taken place. Our approach in this matter is to have the best possible inquiry into this matter.

It is one of those cases where I am myself initiating action even to hold a high-power judicial inquiry so that everything may come to light and we may be able to find out as to what happened, what were the circumstances and what is the best way of dealing with the situation. We are approaching this question in that manner.

We are conscious of the fact that there are several matters involved in this. It is not our desire either to hustle or to hide anything but we must at the same time adopt procedures which are legal and correct and which also inspire confidence. That is precisely the spirit in which we should approach this problem.

SHRI INDRAJIT GUPTA (Alipore) : This is a very tragic incident because it involves, apart from anything else, the major defence establishment of this type in the country which manufactures shells for the army. Before Shri Kashi Nath Pandey gets so excited he should remember if he has read the papers carefully this morning.

SHRI K. N. PANDEY : I will correct the information.

SHRI S. M. BANERJEE : You will correct the information. You are interested only in the sugar industry.

SHRI K. N. PANDEY : The State Government has allowed these people to make provocative speeches. It is the Communist Government there...*(Interruption)*

SHRI INDRAJIT GUPTA : I was requesting Shri Pandey not to get excited and he got excited again immediately I said that.

SHRI SONAVANE (Pandharpur) : Why should Shri Banerjee get excited ?

SHRI INDRAJIT GUPTA : You are also getting excited.

SHRI S. M. BANERJEE : I am excited because five of my workers have been killed. I have known them for the last 20 years.

MR. SPEAKER : You have known them for 20 years. Now you wait for 20 minutes.

SHRI INDRAJIT GUPTA : A gentleman, called Shri Madan Sen Gupta, who is the Secretary of the INTUC Union at that plant—therefore, he must be well known to Shri Pandey—has issued a statement on behalf of the INTUC Union protesting in the strongest possible terms against this killing of workers. So, there is no need for his boss to get so excited here.

SHRI K. N. PANDEY : These people were allowed for five days to make provocative speeches...*(Interruption)*

SHRI S. M. BANERJEE : These people were not taken back after the assurance of Shri V. C. Shukla twice that temporary employees will be taken back. That assurance has not been fulfilled and we will go on agitating throughout the country for its implementation. What do you say ?

MR. SPEAKER : Shri Banerjee has finished his chance now. Shri Pandey will now reply to the question of Shri Banerjee.

SHRI JOTIRMOY BASU (Diamond Harbour) : You are never so unkind.

SHRI INDRAJIT GUPTA : It is a serious matter.

In the statement that the Minister has read out there are certain obvious omissions which I must place before you. In the first place, we do not know whose report is this, on the basis of whose report they are making this statement in this House. We do not know whether the report has been taken from the sources exclusively of the management of the factory or of the DGOP's Office or whether the State Government was at all asked over the telephone as to what their version of the fact was. We are not told about that.

Secondly, strangely enough a very vital fact is not revealed to us at all to who give the order to fire. Here, he says, in the statement :

[Shri Indrajit Gupta]

"The workers attacked the Defence Security Corps personnel and the Durwans on gate duty, during which a musket was snatched from one DSC personnel and the Manager (Admn) on gate duty were assaulted".

That means, according to the statement, the Manager (Admn) was at the gate—he was on gate duty. The next sentence says :

"Faced with this situation, the DSC personal opened fire in self-defence."

Would it, therefore, be illogical to conclude that the Manager (Admn) was at the gate duty, Mr. D. P. Chakraborty, is the gentleman who actually ordered them to open fire? Otherwise, we have to say that they opened fire on their own without any orders from superior officers. I do not think normally such a thing happens. Therefore, Mr. Chakraborty must be the gentleman who is to be blamed for giving the order to open fire although the Minister has cleverly glossed over it.

There is a report this morning in the newspapers that the General Manager of the Factory knew nothing of the firing and he did not order it but the Manager (Admn), Mr. Chakraborty, said he had taken permission from the General Manager for the firing. So, the General Manager says, "I do not know anything about it", and this gentleman, Mr. Chakraborty says, "I took permission from the General Manager". But the Minister says absolutely nothing about it. He keeps quite about that.

There is one more thing. In the statement, he has said that an army court of enquiry is necessary because DSC personnel are army personnel. Therefore, their conduct will be enquired into, I presume, by an army court of enquiry. But the previous sentence says :

"the Chief Security Officer of the DGOF is holding an inquiry in this occurrence."

I would like to know what is the necessity of this procedure. Why should the Chief Security Officer under whom the Security Forces operate be entitled to hold an inquiry into the whole incident? What kind of an

inquiry? It will be a hoax. Therefore, apart from these obvious defects and deficiencies in the statement, I would only say, in conclusion, that, eventually, the matters will have to be brought to light by some impartial inquiry, by some high-powered inquiry, because the versions of the State Government and the Central Government do not tally at all. In conclusion, I would just draw your attention to the fact that this is becoming a pattern which is most disturbing. It may be beyond the competence of the Defence Minister to answer this point—the Prime Minister has thought it desirable just at the moment to go out. What exactly is happening? If in Central Establishment located in States where the State Governments do not belong to the party which is ruling at the Centre, if a series of incidents like this take place, what is going to happen? It happened in Durgapur only the other day. The workers demonstrate or agitate or something, they are fired upon by a force which is a Central force, whether it be the C.R.P. or whether it be the U. P. Armed Constabulary or whether it be the Defence Security personnel, and then the State Government carries out the arrest of either certain members of that administration or of officers who are employed in the Central Government. This is what is happening and is bound to happen now.

I want to know whether instructions have been given at the Central Establishments to their security personnel or the Central Police Forces which are posted there that they need not be afraid because the State Government does not have any control over them and they are free to do what they like. If that is what is going to happen and the State Government retaliates by arresting officers belonging to the Central Government how the Central and State Governments, going to function?

My hon. friend, Mr. Benerjee, asked why some Minister did not go there immediately. Somebody should have gone there. In such a serious situation, at least, they could have talks with the State Government about it. If they do not go there, if they are afraid of being arrested there, they could inform the State Ministers to come here provided they guarantee that they will not be arrested. Is this the pattern of Centre-State relationship that is going to

develop? I would request the entire Government here—it is not only a matter of one Ministry—to take up this matter very seriously because, in future, unless there is some pattern of functioning by which the Central and State Governments on occasions like this can get together and have mutual discussions to decide how to handle the situation, unless this is done, the Centre-State relationship will break. They are sitting here and the State Government is sitting in Calcutta and they are issuing statements contradictory to each other. There is nobody to make any suggestion how the parties are to be brought together and how the matter is to be satisfactorily investigated and settled. Is this the way the Central Government and State Government are going to function?

I hope this matter will be speedily investigated and for the future, Mr. Chavan and the Prime Minister too will lend their thought to this matter. This is becoming a dangerous precedent. If that is the way we go on, then the whole pattern of Centre-State relationship is going to break down completely.

SHRI SWARAN SINGH : I fully appreciate the importance of the issues involved and I, for one, would not like to jump into the fray by issuing one type of statement or another type of statement. It is not for me to criticise the statements that have appeared in the newspapers as having been made by West Bengal Ministers because I would not like to comment on these unless I have got an authentic report from Government itself about the statements that are said to have been made. It is a common practice and a rule of prudence that in matters which are under investigation either by the police or by any other authority, no statements on the merits of dispute or the merits of the occurrence are made, particularly by persons in authority, because the very act of making a statement might prejudice the ultimate determination of the point which is in dispute. So, I would not like to go into any details...

SHRI INDRAJIT GUPTA : You have already gone,

SHRI SWARAN SINGH : ...and would not like to comment upon the authenticity or upon the content of the statements because I have read only the Press reports and I would like to assure the hon. Member that I have gone through all those statements that have appeared in the various newspapers, but after having gone through all those, I do not feel I am the wiser by that because the versions do not quite tally. It is quite elementary that in an incident of this nature whether people have died as a result of firing and the processes of investigation have been initiated—actually some offices have been arrested—for any Minister, for me or for any other responsible person, to make a comment upon the rights or wrongs of the incident will not be correct...

SHRI INDRAJIT GUPTA : You have done that.

SHRI SWARAN SINGH : I have done that because your party and yourself are asking me to make a statement. But even there I have carefully avoided saying anything on my own and I have said that this is what has been reported to me...

SHRI S. M. BANERJEE : By whom?

SHRI SWARAN SINGH : My report is from the D. G. O. F. We are also in touch with the State Government. As I have said already, Shri L. N. Mishra actually got in touch with them. I would appeal to the hon. Member not to look at either my statement or the statement of West Bengal Government in any form except that this is the report with the West Bengal Government as it has appeared in the newspapers and what I say is what has been reported to me. I have already said that I am initiating action, so that a high-power judicial inquiry is held and they go into the whole aspect, go into causes and go into the nature of the incident. As Mr. Indrajit Gupta himself has said, there should be some high power judicial inquiry. I have already said that and I stand by that. I would, in this background, appeal to the hon. members not to go into the merits of the case as might be put forward

[Shri Swaran Singh]

either by the police or by me, because, this is what has been reported to me and what the West Bengal ministers have said if they have made any statements, is the report that went to them from their agency...

SHRI JYOTIRMOY BASU : No ; the Minister visited.

SHRI SWARAN SINGH : Even if the Minister visited himself, he would have heard from others. I have enough of judicial experience not to be hustled to make a statement merely on hearsay—whether he is a friend or foe, he makes a statement and on that basis I jump to the conclusion ; that is not the way. Complicated matters of fact and matters where there are two versions cannot be sorted out merely by the amateurish way of rushing to the spot and trying to find out for oneself. This is the function of law, of various investigating agencies, and we should permit them to function rather than impose ourselves. I would appeal to the hon. members that they should not forget that they are not only union leaders but they through their party are also in government there ; they have the government machinery to initiate action, to hold inquiry and then place it before a court of law or a judicial forum. Let us remember that we—even I or anybody else who happens to be a Minister or Member—are not investigating authorities. We should not arrogate to ourselves the functions which, in law, are entrusted to others. This should be our approach and I would appeal to the hon. members that they should not raise any controversy over this.

SHRI JYOTIRMOY BASU : This incident that has happened in Cossipore has actually killed 4 persons from bullets and injured 11 people. One Bihari worker friend ours Mr. Fouzdar Paswan, who came there for his livelihood was bashed in his head to death and his dead body was hidden in the bathroom guarded by a jawan of the factory. The whole thing is unwarranted. This is a paper from Calcutta. My party Secrerary, Mr. Sundarayya, came flying this morning with the news that the workers were rushing to

meet the Welfare Officer of the factory to say certain things about the difficulties they were facing. At that moment, this man, Chakravarty—it is all a pre-arranged thing it seems—ordered firing. Immediately the Defence Security Force without giving any warning, without doing a lathicharges, without firing a single tear gas shell, resorted to firing. There was no brick-batting and there was no damage to the Government property, either inside or outside.

MR. SPEAKER : That is your report.

SHRI JYOTIRMOY BASU : Four Ministers of the United Front Ministry personally went there, stayed there for 3 to 4 hours and investigated. If they want to call them liars, I do not know.

SHRI SWARAN SINGH : I never said that. He is putting words into my mouth.

MR. SPEAKER : That is why I said that there are two versions.

SHRI JYOTIRMOY BASU : Two incidents have happened during this short span of 6 weeks of the United Front rule. One is the CRP firing Durgapur and the second one is this firing and bashing in the head. In the background of Centre's hostile attitude towards the United Front Government it has naturally raised certain justified misgivings of something deeper at work behind.

I would require the hon Minister to state here categorically whether he is going to institute an impartial inquiry. If so, how soon and what is the composition ? Is he going to hand over the Police-wanted personnel to the local police so that the law can take its own course ? Would he give adequate compensation to the dependants of those people killed there and, if so, how much and how soon ?

SHRI SWARAN SINGH : I would like to say categorically that it is not fair that the Centre's attitude towards the United Front in West Bengal is in any way hostile. It is an insinuation which is unjustified and there was absolutely no occasion to make that insinuation.

The second point is about the substance of the incident itself. It appears that my earnest appeal to the hon. Members not to comment upon the substance of the incident has fallen on deaf ears. (*Interruptions*) When a matter is under investigation by Police...

SHRI S. M. BANERJEE : On a Point of order, Sir.

MR. SPEAKER : I will call you.

SHRI SWARAN SINGH : In a matter when their own Police is looking into the case, would they like to prejudice the investigation of cases by comments of senior Members of the Party, by hon. Members of this House or by statements made by their own Ministers to give opinion on the facts of the case? Then what is the use of investigation or inquiry? What is the use of going to courts of law? We should resist this temptation of ourselves pronouncing upon the substance of the incident. It is a matter for investigation by the Police or by the army authority or even by the other inquiries which might be initiated. The other point that is mentioned is this why this thing is happening. Well, I must confess that I myself feel greatly disturbed as to why this did happen there and why should there be an incident of this nature. He has asked me this question, but I would myself like to be enlightened as to why suddenly this turn of events took place and why the workers are adopting a certain attitude. I do not know the background myself. But that is a matter which can be gone into... (*Interruptions*).

SHRI SAMAR GUHA : The Minister himself is making a reference to it... (*Interruptions*).

SHRI SWARAN SINGH : The other question that was asked was whether it is our intention to institute a high-powered inquiry and if so how soon. It is our intention to institute a high-powered inquiry either by a High Court Judge, serving or retired, or even by somebody higher than that, if possible and we are initiating action immediately to institute

such an inquiry. The other point was as to whether the defence security personnel will be handed over to the Police or not. I have said already that an Army Court of Inquiry is being instituted and they will look into it and whatever is the legal procedure under the Army Act will be followed. I need not go into the legal procedure. The Army Act has laid down the conditions under which those who are subject to Army discipline, if they commit any offence, are to be handed over to the Police and when they are to be tried by Court Martial. The manner of dealing with them is laid down there. This is not a matter within my discretion. It is a matter laid down by law and law will take its normal course.

MR. SPEAKER : What about the compensation?

SHRI SWARAN SINGH : I have already said that some amount *ex-gratia* has already been paid. We will examine the case further and if any further amount has to be paid, we will certainly not hesitate to do that.

MR. SPEAKER : Now Shri Banerjee can raise his Point of Order.

SHRI S. M. BANERJEE : I may invite your attention to the Rules. Here it was mentioned that we should not ask about the substance. But the Rules are very clear on the subject. This is a Calling Attention Notice and we are putting questions. The Rule clearly says that no motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter shall ordinarily be permitted to be moved. Here it is a court of enquiry under the Army Act. I understand that the Chief Security Officer is not a judicial officer. He is the head of the Defence Security Forces.....

MR. SPEAKER : He said that it will be a High Court Judge.

SHRI S. M. BANERJEE : The only question is whether we can make a reference to it or not. He said that we should not

[Shri S.M. Banerjee]

ask about the substance because it is under inquiry. That applies only if it is an inquiry under the Commission of Enquiry Act. So, I request you that we should be permitted to put questions on substance also.

MR. SPEAKER : There is no question of any rule. He has given information which he got from certain authorities. You are giving the facts which you got not only from the Minister, but also from other sources such as respected Party leaders like Shri Sundarayya. Now that a judicial enquiry is announced...

SHRI S. M. BANERJEE : In that case let us have a condolence meeting.

MR. SPEAKER : A stage will come when we will have to pass condolence resolutions also. Do not take this serious matter to the limit where everybody will laugh at us. It is serious, but there is a much more important and much more bigger question involved here. This is only a particular incident. There is a bigger issue and perhaps one Minister alone cannot answer that question. Perhaps this Cabinet and their Cabinet and leaders of both the Governments may have to sit together. Perhaps it may have to be on an All India basis also involving leaders of Parties and Governments. It is a bigger question involved. But we should not touch that here. The Defence Minister alone cannot answer this. That is a much bigger matter. So, the hon. Member may kindly ask his question about this now.

SHRI S. M. BANERJEE : From the statement, we find that the hon. Minister has said :

"Information so far available indicates that a gate meeting was held at about 0700 hours outside the Gun and Shell Factory, Cossipore during which agitational speeches were made".

I as the president of the All India Defence Employee's Federation wish to make it clear that after the solemn assurance was given in the House by Shri Vidya Charan Shukla, Minister of State in the Ministry of Home Affairs on the 14th of this month that all employees including temporary employees with the exception of

a few dozens will be taken from among those who had participated on the strike of 19th September, 1968 and after he had confirmed that again on 28th March, 1969 when he was intervening in the debate on the Demands of for Grants relating to the Home Ministry, people took it more seriously ; I can tell you that the assurance of the Minister is taken seriously. On the basis of that assurance the workers thought that the temporary employees would be taken. But when the officers said that the Minister could say any damn thing in Parliament but they were not to abide by it and they would care two hoots for it and they would only go by the letter and spirit of the order and not by the Minister's assurance, naturally we on behalf of the federation decided that people should hold mass meetings outside the factory for half an hour demanding reinstatement of the workers who were on the verge of starvation, because six thousand men are still on the verge of starvation.

This meeting was held at 0700 hours and was addressed by the general secretary of the Mazdoor Union, Gun and Shell Factory, Cossipore. Just at 0725 hours what happened was this. I am speaking not on the basis of the press reports, but I had contacted the president of the union, Shri K. G. Bose, the general secretary and also an MLA of the West Bengal Assembly and also Mr. Jatin Chakravarty, Minister of Parliamentary Affairs in the West Bengal Government. I had a telephonic talk with them for nine minutes each and I am speaking on the basis of the information that I got from them.

The meeting ended at 0725 hours. Mr. D. P. Chakraborty, who is very well known for his highbrowed attitude because he was the vigilance officer under the DGOF, who is the most unworthy son of a worthy father, Shri Tripurari Chakraborty, one of the most respected men of West Bengal, was the duty officer at that time.

MR. SPEAKER : Let him come to his question now.

SHRI S. M. BANERJEE : I am only contradicting the statement of the hon. Minister. So, kindly allow me.

At 0725 hours, the people were going. I have served in an ordnance factory for 20

years and I know how the gates are closed, when five hundred or six hundred people are waiting outside. It is not closed in such a manner that it results in a stampede or in injury to anyone. The closing of the gate is always done in this manner. First, one gate is closed and then another gate is opened, because if the workers are late, they will be marked late and the wages will be deducted for half an hour.

But this gentlemen Shri D. P. Chakraborty ordered the gates to be closed. The Defence Security Corps personnel wanted to close the gates. There was some scuffle, and a worker was injured very badly. A worker wanted to take that person on his lap; he wanted to take that boy of 22 or so lap and put him before the Labour Officer to show what had been done. When the workers were going to see the Labour Officer whose room was just a hundred yards away and not just 50 yards away from that place, Shri D. P. Chakraborty said :

इनको अन्दर जाने मत दो, ये गड़बड़ करेगा ।

'Fire, fire, fire'. He said 'fire' thrice, and this was the result that three or four of the Security Corps men started firing at blank range and killed that man. I was rudely shocked when I came to know it. The body was there. The injured man was lying there. They sat on his chest and shot at him. The first man who was shot at was that injured man. This was what had happened. There are just there narrow gates there. One gate was barricaded by the Defence Security Corps. When the search is going on, so that people could not come out, all the gates are closed. So, all the gates were closed.

Today, we are observing the Jallianwala Bagh Centenary. All those people were killed and they were not even allowed to run. Those four people were killed. One man died at the R. G. Kar Hospital; another man was mercilessly beaten to this extent that he was dumped in a lavatory from where he was actually taken out afterwards.

I would like to know from the hon. Minister whether this has been brought to his notice. Four Cabinet Ministers were

there and three of them had visited the place. The hon. Minister of Defence may not believe that statement because they belong to the UF Government, but he would only believe the statement of Shri Thimma Reddy against all opposition because he belonged to the Congress Ministry. I do remember all this. This is double-dealing.

I would like to ask the hon. Minister why he did not visit the place. We knew it yesterday afternoon, and we contacted our people and got the information. He could have contacted the DGOF, because the DGOF was at Dehra Dun along with Shri L. N. Mishra, and he had come with him; he could have visited in the night. In the meantime, the UF Government has arrested all these murderers. There were four people there; three of them have been arrested; the fourth one, Mr. Verma has just been sneaked out and he is absconding and he has not been arrested. He also should have been arrested. I am glad that those officers were handcuffed like criminals.

SHRI RABI RAY (Puri) : They are criminals.

SHRI S. M. BANERJEE : And they should have been charged under section 302 Cr. P. C.

The hon. Minister has said that they are governed by the Army Act. But I would like to ask him whether they get the Army Pay. No. In fact, we fought for the Defence Security Corps people and we said that they were full-fledged Army people, but we were told that they were only half-Army and half-civilian people. It was in 1951 or 1953 when their pay was revised and they were brought on the civilian list. There was a similar incident in Khamaria, in Jabbalpur and other places.

So, I would request the hon. Minister to do one thing. Up to this time, we had thought that it was the monopoly of the Home Minister to create trouble for the UF Government. I would like to ask the Defence Minister why he should also become a party to the nefarious activities. We had respect for him and his Ministry. Why should he also become a party to these nefarious activities? I would like to ask whether he is prepared to receive a delega-

[Shri S.M. Banerjee]

of the federation from Calcutta and those Ministers who had made that statement and discuss the entire issue. Here and now, I would urge upon you to allow a discussion, because the facts are to be brought to the notice of the House that these are daylight murders which have taken place at Cossipore.

MR. SPEAKER : I think this has already been answered by the hon. Minister.

SHRI S. M. BANERJEE : But one point should be answered, namely whether those employees who were addressing the meeting have not been taken back as yet.

SHRI SWARAN SINGH : Certainly, some Minister should go from here, my colleague Shri L. N. Mishra or the Deputy Minister or myself. One of us can go to make an on-the-spot study. We shall do that. But I would again appeal to hon. Members about one thing. Our going will have its own effect in the sense of easing tensions and trying to restore normalcy. But so far as the process of law is concerned, namely whether it is an inquiry by the police, investigation by the police or inquiry by the Chief Security Officer or inquiry by an Army court of inquiry, that is something which should proceed according to law and according to normal procedure. That is all that I am submitting.

The hon. Member tried to make a distinction about the Chief Security Officer holding the inquiry. He has forgotten that the police is investigating the case and they have actually made arrests. In a matter which is under investigation by the police, surely we do not discuss on the floor of the House the rights and wrongs of the actual incident.

SHRI JYOTIRMOY BASU : Is he sheltering someone ?

SHRI SWARAN SINGH : It is a matter which will be gone to by the police. That is the normal procedure. I have further said that I am initiating the move to constitute a high-power judicial inquiry so that the whole thing might come out. In the fact of this, I fail to understand what particular thing hon. Members are urging now, because I have gone to the farthest limit to their viewpoint.

I would also like to add with your permission that it was an unfair suggestion or a fling at the Home Minister when the hon. Member said that he wanted to be hostile or he did not want to act in the interests of the State Governments. That was an absolutely unjustified remark for which there was no warrant.

SHRI JYOTIRMOY BASU : That is what the hon. Minister is saying.

SHRI SWARAN SINGH : The Home Minister, the Prime Minister and I myself are in touch with the whole matter. We have already had discussion, and it is as a result of that that I have made this announcement that we are constituting a high-powered judicial inquiry.

SHRI S. M. BANERJEE : The hon. Minister has evaded my main question, namely whether those employees have not been taken back as yet, in spite of the assurances of Shri Vidya Charan Shukla, Shri Y. B. Chavan, Shrimati Indira Gandhi and Dr. Ram Subhag Singh. All of them had promised that they would be taken back, but nobody has been taken back, with the exception of two who have been transferred to Kanpur, because they were told that unless they agreed to go to Kanpur the orders of suspension would not be cancelled.

MR. SPEAKER : That is a different question altogether.

SHRI S. M. BANERJEE : That is one of the reasons given. I would like to know whether the hon. Minister is prepared to have a discussion on this matter, invite a delegation from the federation and discuss the entire issue when he happens to go there and whether he is likely to discuss the matter with the Chief Minister or the Home Minister of West Bengal.

MR. SPEAKER : Dr. Ramen Sen.

SHRI S.M. BANERJEE : He has not answered. Then you allow us a discussion.

SOME HON. MEMBERS : No.

SHRI S. M. BANERJEE : Why not ?

DR. RANEN SEN (Barasat) : Since yesterday we are getting trunk calls from our friends who has visited the area, some of whom were present when the shooting took place. We are also told that the Central Government, the Defence Ministry and officials concerned, instead of trying to help the normal process of law functioning there are trying to put all sorts of obstacles, giving rise to a sense of suspicion born out of the past experience of West Bengal people about the attitude of the Central Government towards the UF Government which is reinforced by the present attitude which is also under suspicion and doubt in West Bengal, that the Defence Ministry is trying to obstruct the normal process of law which should actually operate in West Bengal in this case.

It is reported in the newspapers and we are also told on the 'phone that the Home Minister, West Bengal, demanded of the DGOF that all those personnel, not only officers but even the sentries who fired on the people, should be handed over to the State police. We are informed that the DGOF has refused to do so, and ultimately the Deputy Commissioner of police somehow or other entered the factory gate and caught hold of these three gentlemen while another officer escaped. But none of the security personnel could be arrested.

I want to know whether the suspicion that the Central Government and the Ministry are trying to create difficulties for the West Bengal Government which wants to see the law takes its normal course is not substantiated by the fact that the Minister makes a statement here without making any reference to the talks he had with the West Bengal Ministers on the subject. So it is a fact or not that the report that Shri Misra got from the Minister when talked with him on the 'phone has been suppressed and only the DGOF'S report has been given to the House? I say this because his talk with the Minister must have been related to this particular incident and nothing else. Secondly, is it true that the Home Minister, West Bengal, wanted all those people involved in the shooting to be handed over to their police, a

request which was rejected by the DGOF? If so, what steps are the Government of India going to take in regard to handing over the guilty or allegedly guilty persons to the custody of the State police? Thirdly, will the army court of inquiry stand in the way of the normal functioning of the law courts in West Bengal in regard to this case? If it does, what would be the attitude of the Central Government in regard to this?

SHRI SWARAN SINGH : I will confine myself to the specific questions he has put. One was concerning the talk my colleague, Shri Mishra, had with the Ministers there. This was about the general situation; as regards the actual facts, at the stage he got into touch with them, they themselves were investigating. The talk was with a view to find out what the situation was; there was; no talk going into the merits of the case.

As regards the press report which he quoted in which the Home Minister of West Bengal had said that the defence security personnel should be handed over to them, I have already touched upon it. This is a matter governed by law. Whatever are the legal procedures, we do not grudge. Equally the West Bengal Government should not grudge that; if there is a procedure in the Cr. P. C. that has to be followed. If there is a procedure in the Army Act, that has to be followed. That should be appreciated rather than be highlighted in this form.

About the third question, I have partially covered it, because the Army itself lays down the procedure for courtmartial and investigation by a court of enquiry. That will be gone into and thereafter a decision can be taken as to what happens to those persons. I would appeal to the hon. member not to have any suspicion that might be lurking in the mind of his party or of the ministers, there. We on our side want to function in the normal manner, recognising whatever is their authority and their jurisdiction; and, we expect them to recognise what is our authority and our jurisdiction.

DR. RANEN SEN : I seek your protection, Sir. I asked whether it is a fact

[Dr. Ranen Sen]

that the Home Minister of the West Bengal Government wanted from the D. G. O. F. that all those persons involved in the shooting should be handed over and D.G.O.F. refused to do it and whether this is an attempt to obstruct the normal functioning of law.

SHRI SWARAN SINGH : In the first instance, no request as much has been made. But I have seen press reports and I cannot comment purely on that. I presume that after the legal advisers of the Home Minister of West Bengal have examined the provisions of the Army Act, I am sure they will advise him as to what is the procedure to be followed. It is not something on which publicly a demand can be made I should reject or accept that. It is a matter of law governed by statute. If a proper request is made, we will examine it on merits.

SHRI S. M. BANERJEE (Kanpur) : Sir, we want a discussion on this.

MR. SPEAKER : I cannot say anything about it now on the spot.

12.53 hrs.

QUESTION OF PRIVILEGE AGAIN- ST EDITOR OF "BASUMATI"

MR. SPEAKER : On the 21st March, 1969, Shri Samar Guha had sought to raise a question of priviled in respect of the editorial published in the *Basumati* dated the 18th Mach, 1969, As decided by the House, the Editor was asked to state what he had to say in the matter.

I have now received a letter dated the 31st March, 1969 from the Editor of the *Basumati* in which he has stated *Inter alia* as follows :—

"From the report of the proceedings of Lok Sabha on the 3rd of March last of reported in several papers, including *Amrita Bazar Patrika* on 4th March, 1969, an impression was created that Shri Samar Guha, M. P., opposed the admission of the short notice question put by Shri Jyotirmoy

Basu regarding the recall of the West Bengal Governor, Shri Dharma Vira... On the basis of that report the editorial in question was published in *Daily Basumati* on the 18th of March, 1969...Having regard to the statement of Shri Samar Guha I find that the said reports on the basis of which the said editorial was written were not correct and I regret that the said editorial was written on anerroneous, though bonafide, impression of the stand taken by Shri Samar Guha, M P. In any event no personal reflection was meant against Shri Samar Guha."

In view of this, I think the matter may be dropped and the Editor asked to publish the factual position in the next issue of his paper.

I take it that the House agrees.

SHRI SAMAR GUHA (Contai) : He has expressed his regret and he says there is no reflection. He should publish that.

MR. SPEAKER : Order, order. No discussion on it now.

12.55 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REORT OF BHARAT ELEC- TRONICS LIMITED FOR 1967-68

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI M. R. KRISHNA) : Sir, on behalf of Shri L. N. Mishra, I beg to lay on the Table a copy of the Annual Report of Bharat Electronics Limited, Bangalore, for the year 1967-68 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A of the Companies Act, 1956. [*Placed in Library. See No. LT-657/69.*]

REVIEW ON THE WORKING OF THE MINERALS AND METALS TRADING CORPORATION OF INDIA, ETC.