

[Shri Rohanlal Chaturvedi]

statement showing the Supplementary Demands for Grants for Expenditure of the Central Government on Railways for the year 1969-70.

### EIGHTY-THIRD REPORT OF THE PUBLIC ACCOUNTS COMMITTEE (1969-70)

श्री तारकेश्वर पांडे (उत्तर प्रदेश) : महोदय, मैं 1967-68 के वर्ष के लिये विनियोग लेखे असैनिक (डाक-तार), (रेलवे) और (रक्षा मेवाओं) में बनाये गये मतदान अनुदानों से अधिक राजश्यों तथा प्रभृत विनियोगों और लोक लेखा समिति के 31 वे प्रतिवेदन (1968-69) में उल्लिखित सिफारिशों पर सरकार द्वारा की गई कार्यवाही के सम्बन्ध में लोक लेखा समिति (1969-70) के 83 वे प्रतिवेदन की एक प्रति सभा-पटल पर रखता हूँ।

### THE CENTRAL RESERVE POLICE FORCE (AMENDMENT) BILL, 1968 —contd.

SHRI N. PATRA (Orissa) : Madam Deputy Chairman, I rise to support the Central Reserve Police Force (Amendment) Bill, 1968. The new provisions of this Bill envisage in the units of the Central Reserve Police Force an increase from 44 to 52 battalions. While speaking on the Bill, some of the Members Opposite raised objections to the introduction of the Bill saying that it will interfere in the autonomy of the State Governments and, therefore, they thought it was not necessary. The Members objecting belong to the State of West Bengal. Now, this is not a new measure. The only new provision sought is to raise the number of battalion or group centres from 44 to 52.

Madam, after the last general election, since the last two years, the trend in the country is towards creation of disturbances in different spheres of life of the country. Unruly workers at so many places have resorted to gheraos in spite of the Supreme Court's ruling to the contrary. Last February when there were some communal disturbances in my State the Chief Minister of Orissa called for the help of the Central Reserve Police Force. There

was some disturbance but no sooner some force reached Orissa than it had instantaneous effect and the trouble subsided. So this kind of force had a salutary effect. Therefore, there is no reason why there should be any objection. Now two stalwarts of the C.P.I. (M), the Chief Minister of Kerala State, and his party chief, Mr. A. K. Gopalan, and one of the topmost leaders of that party, Mr. B. T. Ranadive, have stated categorically that their participation in the democratic form of government is only to wreck it from within. This was the process adopted by Indian politicians when there was a boycott call in the Central Assembly...

SHRI BHUPESH GUPTA (West Bengal) : Is it proper for the hon. Member to quote a Member of the other House when he has already laid on the Table the statement he made? It is there and there is no word 'wreck' used there.

SHRI N. PATRA : I am simply stating bare facts. This has been published throughout and a lot of criticism has been made and replies have been given. There should be no objection to this. Therefore, under these contingencies, the Government have a right...

THE DEPUTY CHAIRMAN : It is now 1 O'Clock. You can continue after Lunch. The House stands adjourned till 2 P.M.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at two of the clock, THE VICE-CHAIRMAN (SHRI D. THENGARI) in the Chair.

SHRI N. PATRA : Mr. Vice-Chairman, Sir, before the lunch-break, I was referring to the stand taken by the Indian politicians during the struggle for independence. A section of them thought of boycotting the elections to the Central Assembly. But there was another section which thought it fit not to boycott the Central Assembly and the popular elections but to enter the Central Assembly and try to break it from within. That position does not hold good now. We are a free, independent, democratic country and we have declared our objective as the attainment of a democratic socialistic State. Radical reforms to ameliorate

the conditions of the people and to speed up development can be done through discussions through the process of Parliament and elected legislatures.

I was referring to the fact that the Chief Minister of a State, Mr. E.M.S. Nambudiripad and his party chief, Mr. A. K. Gopalan, a Member of the other House, justified the declaration of one of their party leaders, Mr. Ranadive that they are participating in the democratic form of government only to avail of that opportunity to wreck it from within. If representatives of people, holding the reins of power, justify attempts to wreck the Constitution from within, then I say that there is ample justification for the Central Government to view this development very seriously. Therefore, it is in the fitness of things that they thought of raising the strength to 52 battalions. So why should there be any objection from the Opposition that the Central Government by this Act is taking away the powers of the States or is interfering in the affairs of the States? How far is their objection justified? Their intention is to usurp power and they can come out and do whatever they like according to the thoughts of Mao, their philosopher and guide. We know who is who and where the extra-territorial loyalties of some men are. But if they want to come to the Parliament and seek to wreck this system, we should take a serious view of this attempt. There is nothing in this Bill which could be objected to. It is a well-thought out legislation, and there are certain improvements made.

Previously, unless a call was given, unless there was specific proof of any disturbance, the battalions posted in different parts of the country would not take action. But that atmosphere is not prevailing now. We do not know what will happen at any particular time. I will quote an incident which happened last week at a place about 10 kilometres from my place on the Andhra-Orissa border. A farmer of Paluru village who had some land properties there received an anonymous letter that his life would be in danger. He never cared for that because he was not a turbulent kisan. Kisans need not be turbulent nowadays because they have their own forums now to ventilate their grievances and to organise and to protect their rights. He was stabbed to death and his property and grains

were looted. So, incidents of this type are not confined to capital cities alone. The political parties have penetrated deep into the countryside.

The Central Government, to preserve law and order and to assure safety to its citizens, should think of posting these battalions not only in places where they have got Central Government properties, plants, etc., but also in the rural areas. If they do not do that, I do not know what will happen. People receive Mao's thoughts, Naxalite sermons and the support of representatives who want chaos in the country. In such a situation, the Government has done well to think of raising the strength of the Reserve Police Force. Clause 2(i)(a) says :

"active duty" means the duty to restore and preserve order in an area where there is any disturbance of public peace or where any such disturbance is apprehended.

One can sometimes apprehend what may happen. Therefore, one must be very alert if we want an orderly government. Another improvement made in this Act is this. Since 1949 when the Central Reserve Police Force was contemplated, it has undergone a thorough change and its scope of work has been expanded. Therefore, they wanted to change the name of 'Commandant' into that of 'Director General.' It is in the fitness of things to give this Force status and authority and they have done well in giving up the name of the Commandant and raising it to the status of Director General and it is but appropriate.

Under section 9 of the original Act, it is said, "transportation for life for a term of seven years" for a soldier, for a man on duty, if he infringes the rules or does any irregular or illegal act or obstructs the process of work and he shall be punishable with transportation for life for seven years or with imprisonment for a term which may extend to 14 years. In this amending Bill, they have deleted the words "with transportation for life for a term of not less than seven years", and it is an improvement and it is humanitarian.

I support this Bill from every aspect. But I must warn the Government to see that they post these battalions not only near the projects and all that but they must also think of safeguarding the theatre of the green revolution.

**SHRI LOKANATH MISRA (Orissa) :** Mr. Vice-Chairman, Sir, I want to make it clear that my party goes to support the Central Reserve Police Force (Amendment) Bill now under discussion in the House.

**SHRI BHUPESH GUPTA :** What about you ?

**SHRI LOKANATH MISRA :** I am speaking on behalf of my party. My party supports this Bill because it considers that under the present circumstances in the country, such a Force is very necessary. Now, it is the expansion, not the creation. It has already been created; the expansion becomes necessary in view of the gloomy picture and to maintain tranquility in the country.

I agree with those friends, particularly friends who spoke the other day that law and order is a State subject. That is in the Constitution itself whether I say it or he says it, and it is an accepted fact, and there should be absolutely no dispute about the interpretation of it. But in certain cases, what has happened is startling enough to make us think about it, whether there should not be a Central Reserve Police Force to go to the aid of certain States when they try to uphold the Constitution. As indicated by the previous speaker, there have been certain public statements by eminent persons in this country, persons who call themselves 'eminent' and whom the Prime Minister considers eminent. And they have made hold to make statements both in India and abroad that they would wreck the Constitution by taking advantage of constitutional institutions and constitutional methods. Government is very silent, conveniently silent, about these statements and observations by the so-called eminent people. Now, I feel that I should not expect anything from them even though the statements are in breach of the Constitution, and nothing is being done. People who had Governments and who carry these convictions how far they would be able to uphold the Constitution and try to preserve the peace in the country is anybody's guess. If they want to wreck the Constitution by taking advantage of the democratic institutions, then the natural conclusion is that they would get into the institutions and behave in an unruly manner inside the Houses and make these Houses publicity forums for them to be made

heroes and go out and inspire the people on the lines of the speeches they made in the Houses. Therefore, it is time now that the Government of India should be cautioned that something should be done against anybody who preaches violence, who preaches against the provisions of the Constitution. If any of them had moved an amendment to the Constitution and discussed it on the floor of the House about the amendment, I feel he is always allowed to do it. In fact, Mr. Bhupesh has to his credit the maximum number of amendments standing in his name in the Rajya Sabha. Who denied the right to him? But if somebody, if the Chief Minister of a State, starts talking of wrecking the Constitution through revolution, through bloody rebellion, can anybody tolerate it, anybody who is democratic-minded? Therefore, if Chief Ministers start behaving as irresponsible administrators, the Government of India cannot keep silent and allow them to carry on the administration with the police force in their hands alone. So, in that context, I would say that the attempt on the part of the Home Ministry is commendable, commendable in the sense that the Reserve Police Force can come to the aid of those Chief Ministers or the administrators of those States who want to uphold the Constitution. May be a time will come when hooligans will be let loose by the Chief Ministers who believe in revolution and in bloody rebellion for changing the Constitution.

**श्री राजनारायण (उत्तर प्रदेश) :** और अगर प्राइम मिनिस्टर ऐसा करने लगे तो क्या होगा, गुरु ?

**SHRI LOKANATH MISRA :** I am coming to it. I will argue both ways also. So, I say that such a police force would be of great necessity and great value if there is a need for it, when the time takes a turn for such a bloody revolution and rebellion.

**SHRI BHUPESH GUPTA :** You want to stop revolution by the Central Police Force !

**SHRI LOKANATH MISRA :** I believe in democratic revolution all the time. The Prime Minister resorted to bank nationalisation and I democratically oppose it, when I do not accept it.

**श्री राजनारायण :** एक सवाल का जवाब दे दीजिए। लोकनाथ मिश्र जी कहते हैं कि वे डेमोक्रेटिक रेवोल्यूशन में बिलीव करते हैं। मान लीजिए कि जिन्नी जनता है इस समय देश में वह तलवार लेकर ही रेवोल्यूशन करना चाहती है तो क्या इसका मतलब होगा कि you will accept it?

**श्री प्रतुल चन्द्र मिश्र (बिहार) :** तलवार की जरूरत ही नहीं पड़ेगी।

**SHRI RAJNARAIN :** Democracy means the system of votes. अगर वह समझ गये, हों कि वोल् की सिस्टम से इस पार्टी की सरकार खत्म नहीं होगी तो क्या होगा ?

**SHRI BHUPESH GUPTA :** Mr. Lokanath Misra, you are not conversant with the laws of revolution, I am not asking you whether it is bloody or not bloody. All seem to have great faith in the Police Force that it can deal with a revolution, great faith in the Reserve Police Force. I hope you will ask the girl guides to stop the revolution.

**SHRI LOKANATH MISRA :** Now, there have been two questions, Sir. You will kindly give me some time because I have to reply to them also. Number one. Mr. Rajnarain posed a question : If a time comes when a majority of the people would start thinking that they have to fight out the cause of the country with swords rather than with votes, what will happen? Would that be the approved act, the approved democratic method? According to my interpretation, I say categorically "No" to it because we have a Constitution and I believe that the Constitution is sovereign in this country. Whatever is enshrined in the Constitution, we have to abide by that.

**श्री राजनारायण :** तो आप कांस्टीट्यूशनल कहिये। फिर डेमोक्रेटिक शब्द न इस्तेमाल कीजिये।

**SHRI LOKANATH MISRA :** That is what we adopted. Each one of us accepted it and we have taken our oath in the name of the Constitution and I believe that the Constitution is sovereign. That is my interpretation. That is how I understand it. You

might be having a different understanding and a different interpretation, but this is what I understand. Therefore, any other method which is not democratic, is not an acceptable method under the Constitution.

Then, Mr. Bhupesh Gupta's question was as to how I could repose so much confidence in the Central Reserve Police Force. Now, if at any time the Central Reserve Police Force would be used, it would probably be used against me and my party and all peaceful parties in the country. The way things are moving now, I consider Mr. Bhupesh Gupta to be already 50 per cent in possession of the Government of India. At least if he is not physically a participant in this Government, he is mentally...

**SHRI RAJNARAIN :** Mentally.

**SHRI LOKANATH MISRA :** ... already associated with it, closely associated with it and he has publicly made statements supporting this Government.

**SHRI BHUPESH GUPTA :** Where did I make such statements?

**SHRI LOKANATH MISRA :** You can ask anybody in the country and he would say the communists are with the Government.

**SHRI BHUPESH GUPTA :** If my memory fails me, you should help me. Where did I make such a statement? I never made any such statement...

**श्री राजनारायण :** प्राइम मिनिस्टर इन्दिरा कहा है।

**SHRI BHUPESH GUPTA :** ... nor did I ever uphold the Prime Minister.

**SHRI LOKANATH MISRA :** If the Prime Minister says that 95 per cent of the people of the country are with them, she has probably committed an arithmetical error because, Mr. Vice-Chairman, your party and my party are definitely opposed to the recent bank nationalisation and whatever trend the administration has taken. Yours and mine put together comes to 12 per cent in the country, 12 per cent of votes, in favour of both of us...

**SHRI BHUPESH GUPTA :** Are all votes against the nationalisation?

**SHRI LOKANATH MISRA :** All our voters are naturally against it... (Interruptions)

THE VICE-CHAIRMAN (SHRI D THENGARI) Please do not interrupt

SHRI BHUPESH GUPTA . Are you prepared to contest a bye-election on the question of nationalisation in your constituency ?

SHRI S S MARISWAMY (Tamil Nadu) Yes

SHRI LOKANATH MISRA : I am prepared to take such a challenge in any rural constituency I cannot speak of the urban constituency.

SHRI S S MARISWAMY : Even in an urban area

SHRI LOKANATH MISRA . I cannot say about any urban constituency where people like Mr Bhupesh Gupta are the most vocal even though taking the maximum advantage. . .

SHRI BHUPESH GUPTA You are not being fair to yourself. Urban people have seen you more often than they have seen me After all, you are a film actor

THE VICE-CHAIRMAN (SHRI D THENGARI) Please do not interrupt

SHRI LOKANATH MISRA . Sir, I am sorry. . .

THE VICE-CHAIRMAN (SHRI D THENGARI) Please come to your point Your time is over.

SHRI KRISHAN KANT (Har- yana) : The time of your party is over.

SHRI LOKANATH MISRA . Those who are unwittingly walking into the communist camp should know their future better than they know my future.

THE VICE-CHAIRMAN (SHRI D. THENGARI) Please come to your point

SHRI LOKANATH MISRA Sir, the other day in Kisananj there was a people's court set up and the people's court, I am told, was set up on behalf of the Communist Party (Marxist) And that self-appointed people's court fined somebody Rs 500. . .

SHRI S S MARISWAMY : Where ?

SHRI LOKANATH MISRA : . . . in Kisananj, on the border of West Bengal and Bihar The trouble arose when the person who was fined did not deposit the money . . .

AN HON MEMBER : Where was he to deposit the money ?

SHRI LOKANATH MISRA . He could have deposited the money with the so-called judge, the Marxist judge

The previous speaker probably did not know the entire facts about what happened on the Orissa-Andhra border. What he intended probably to say and what I have read in the newspapers is that the head of a particular man, who was a middle-class peasant, was hung at the outside door of that particular peasant's hut after it was severed from the body and in his blood it was written on his wall, "This is the 71st head that we are presenting to the villagers" or something like that It was written in his blood Supposing the police cannot cope with this large-scale hooliganism, large-scale massacre, then, who is to come to the aid of the poor people ? It is only the Central Reserve Police Force that could be requested to come to their help, to the help of the police of the State I am told that the Naxalites who are functioning around the border of Andhra Pradesh-Orissa, have their own doctors They have their own nurses In case of any casualty or any injury to any of those Naxalites, they can immediately be treated. They come in a truck loaded with medicines, loaded with arms, ammunition, and what not, and they try to put up a fight. If they see that the police could outnumber them, then, they try to escape. If they see that they could outnumber the police, then, they start shooting They get into the villages, catch hold of one or two persons in their way who happen to be comparatively a little richer, and execute them publicly or behead them publicly. It is only through this process of intimidation, force and the spreading of an atmosphere of horror, that they believe that they could come to power because they know that they can never come to power in a country like India through the ballot box. So, they are resorting to these activities If you want to check, if you want to uphold the Constitution, if you want to . . .

SHRI BHUPESH GUPTA . "They" means who ?

SHRI LOKANATH MISRA : The Naxalites. I do not mean "you". You do not resort to these things. The Communist Party of India has got subtler methods of working. The communists do not resort to such crude

forms. The crudes are only the Naxalites. You have a much subtler form in which you ask and invite others to walk into your camp. May be, even the most powerful person, when you invite, will walk into your camp and you will brainwash him...

**SHRI BHUPESHI GUPTA :** But I have not succeeded with you.

**SHRI LOKANATH MISRA :** It is because I stay out.

Now, Sir, the other spectacular advantage in having a Central Reserve Police Force would be that they would have a national outlook instead of a parochial or regional outlook. Whenever they are asked to go to a certain area and are asked to function there, they would have a much wider national outlook. So, their very approach to the problem in the area would be much more objective than that of the local police. But it should be only in case of an emergency, it should be an occasional affair. It should not be a matter-of-course thing.

I now come to the last point, Sir, and it is a very important point of the Bill. I was talking of the Naxalites. I hate them because of their ideology and actions, their misdeeds. Here there is another Naxalite in the garb of a Minister in the Centre.

**SHRI MULKI GOVINDA REDDY (Mysore) :** Who is he?

**SHRI LOKANATH MISRA :** I have read in the newspapers today. I have read in the "Hindustan Times"—"Legal action against Azad demanded". Sir kindly allow me to read this portion.

"Leader of the Jan Sangh party in the Rajasthan State Assembly, Bhairon Singh Shekhawat, has demanded legal action against Union State Minister for Labour and Employment, Bhagwat Jha Azad for 'delivering a speech' in Jaipur yesterday against Constitutional provisions."

Sir, it is the Constitution that has kept him there as a Minister drawing a salary of Rs. 2,250 with all other facilities and enjoyments.

"In a letter addressed to the State Home Minister, Damodar Lal Vyas, Mr. Shekhawat alleged that while inaugurating the sixth conference of the All-India Bank Employees Federation,

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Mr. Azad remarked, 'we will not let the capitalists' Rightist Government function in the country, and in case it happened there would be bloodshed in the streets'".

Now, Mr. Vice-Chairman...

**SHRI KRISHAN KANT :** That was the plea for a constitutional Government.

**SHRI LOKANATH MISRA :** If the Constitution is not being run properly, that is not my responsibility. Primarily it is your leaders' responsibility.

I was therefore startled how such a gentleman who has his convictions can still continue as a Minister in the Centre. I would urge through you that the Prime Minister should take note of this and straightway dismiss this gentleman, because he says he has absolutely no confidence in the present Constitution. He says it has gone into the hands of capitalist rightists. Does he think Mrs. Indira Gandhi to be a capitalist rightist? Does he consider the Acting President to be a capitalist rightist? What does he mean thereby? People cannot have it both ways. He cannot get the maximum advantage out of this Government by continuing as a Minister of State and then start propagating all kinds of things against the Constitution. Therefore, I demand that he be dismissed immediately and through you I would like the Prime Minister to take notice of this.

**श्री राजनारायण :** एक मिनट के लिये मैं निवेदन करना चाहता हूँ। मैं अभी अभी भागवत झा आज़ाद से सेन्ट्रल हाल में इस संबंध में बात कर रहा था। तो चूँकि हमारे मित्र ने उसको उठा दिया, मैं अगर उसको सफ न कर दूँ, तो मैं अपने कर्तव्य की अवहेलना करूँगा...

**उपसभापति (श्री दत्तोपन्त ठेंगड़ी) :** संक्षेप में।

**श्री राजनारायण :** ...तो भागवत झा आज़ाद ने कहा : भाई मैंने यह कहा कि केवल बैंकों के नेशनलाइजेशन से कोई काम नहीं होगा जब तक कि गरीबों को उनके मीन्स, गरीबों को उनकी जरूरतों को पूरा करने का, आवश्यकताओं की पूर्ति का साधन नहीं दिया जाय तब तक उनकी गरीबी दूर नहीं होगी, बेकारी दूर नहीं होगी, तो ऐसी स्थिति आ सकती है

[श्री राजनारायण]

कि यह जो शोषित पीड़ित गरीब किसान मजदूर हैं वह सड़कों पर निकल जायें और वहां पर खून खराबी हो जाय। यह हमको स्पष्टीकरण दिया और हम अपने मित्र को बताना दे कि विनोबा जी को ले, विनोबा जी भागवत झा आजाद नहीं है... (Interjections)

उपसभाध्यक्ष (श्री दत्तोपन्त ठेगड़ी): आर्गुमेंट नहीं चाहिये। आप बैठिये।

श्री राजनारायण : विनोबा जी ने कहा अगर देश की गरीबी रोकी नहीं गई तो उनको शक है कि इस मुल्क में खूनखराबी हो जायेगा। (Interruptions)

श्री लोकनाथ मिश्र : यहां पर कोई मिनिस्टर होकर, पब्लिक एक्सचेकर का पंसा लेकर कैसे कह सकता है।

श्री राजनारायण : यह सही है, हमने कहा उनको यह नहीं कहना था कि अगर राइटिस्ट गवर्नमेंट बन जायेगी तो ब्लडशेड हो जायेगा। तो उन्होंने एक्सेप्ट किया दबी ज़बान से कि हां इसका यह मतलब निकलता है क्योंकि हमने कहा : Indira's Government is the most re-actionary rightist

Government तो इन्दिरा Most reactionary rightist Government होते हुए क्या ब्लडशेड नहीं होगा। तो उनको शरम आनी चाहिये, इसलिये उनको वहां से हट जाना चाहिये।

SHRI BHUPESH GUPTA : Mr. Vice-Chairman, we have listened to the mis-conceived political speech of our friend, Mr. Lokanath Misra.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : You will have your chance when you will be replying.

SHRI BHUPESH GUPTA : I am not replying now.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : Then wait for a while. Now Mr. Mandal.

श्री बी० एन० मंडल (बिहार) : सभापति जी, जो यह विधेयक इस हाऊस के सामने प्रस्तुत किया गया है और जिसका समर्थन

स्वतंत्र पार्टी के मेम्बर, मिश्र जी ने, किया है मैं उसको विरोध करना हूँ। उन्होंने कुछ आर्गुमेंट इसके पक्ष में दिया है उस आर्गुमेंट में जितनी बातें कही गई हैं वह एक दूसरे को काटती हैं। एक तरफ तो उनका कहना है कि कास्टीट्यूशन के मुताबिक सारी बातें होनी चाहिये दूसरी तरफ उनका यह भी कहना है कि अगर सविधान के मुताबिक काम होने पर भी कोई ऐसी परिस्थिति आए जिस परिस्थिति में देश में जनतंत्र नहीं रहे तो दूसरी बात भी करनी चाहिये, यानी सविधान के खिलाफ भी करना चाहिये। वर्तमान देश की परिस्थिति देखते हुए, इस विधेयक के गैर-संवधानिक होते हुए भी इसीलिये उन्होंने इस बिल को सपोर्ट किया है। यह बिल 1949 ईसवी में पास हुआ था, उस समय हिन्दुस्तान का सविधान पास नहीं हुआ था और हिन्दुस्तान का जो सविधान है उसके पास होने के बाद यह इम्फक्चुअस हो गया, इसका कोई असर नहीं रहा। इस बिल को सेन्ट्रल गवर्नमेंट इनकट करन चाहती है। सेन्ट्रल गवर्नमेंट का जहां तक संबंध है, अगर कास्टीट्यूशन को देखा जाय तो उसमें जो सेवेन्थ शेड्यूल है और उसका जो स्टेट लिस्ट है उसका जो आईटम एक और दो है उसके मुताबिक जो राज्य सरकार है, उसके हाथ में लाॅ एन्ड अर्डर और पुलिस का विषय चला गया है। इसलिये जिस दिन में यह कास्टीट्यूशन पास हुआ है, कास्टीट्यूशन के पास होने के बाद यह बिल इम्फक्चुअस हो गया है। स्टेट गवर्नमेंट या सेन्ट्रल गवर्नमेंट से ऐसी कोई कार्यवाही नहीं की गई है जो 1949 वाला कानून सविधान के मुताबिक हो, न उस ऐक्ट या सविधान को अमेन्ड करके या किसी और तरह से यह काम किया गया है। जो उनको कई राज्यों द्वारा बग़वत का डर है, वह डर सही है। आज हिन्दुस्तान में कुछ राज्यों में जिस तरह सरकारें कायम की हुई हैं और उनमें जिस ढंग से, कास्टीट्यूशन के मुताबिक, देश में जनतंत्र की परिस्थिति रखने के लिए काम करना चाहिये, उस ढंग से काम नहीं हो रहा है। उस सरकार के लीडर या

उसकी पार्टी संवैधानिक परिस्थिति नहीं रखना चाहती, यह बात भी सही है। एक तरफ तो स्वतंत्र पार्टी जिन लोगों को रेप्रेजेन्ट करती है हिन्दुस्तान के कपिटलिस्ट वर्ग को, उन लोगों ने इस ढंग की स्थिति हिन्दुस्तान में पैदा कर दी है जिसमें कि हिन्दुस्तान का जो साधारण आदमी है, गरीब आदमी है, उसका जीवन मुश्किल हो गया है। जब तक कांग्रेस में दो विचारधाराएँ कायम हो चुकी हैं। एक धारा तो वह है जो स्वतंत्र पार्टी के विद्वानों को मानती है और दूसरी धारा है जो सोशलिज्म को या कम्युनिज्म को पसन्द करने वाली है। कांग्रेस ने जो यहाँ पर प्लान चलाया है उस प्लान में कहा कि इसमें प्राइवेट और पब्लिक दोनों क्षेत्र रहेंगे। इस सब का नतीजा यह है कि इस देश के पूँजीपतियों को बढ़ावा मिला है। इस देश की आर्थिक स्थिति ऐसी जटिल हो गई है, इतनी कठिन होगी है कि साधारण लोग उस स्थिति में और अधिक समय रह नहीं सकते हैं। लोग अपनी तकलीफों की वजह से उनसे छुटकारा पाने के लिये जो भी पार्टी, जो भी आदमी, जिस तरफ उनको ले जाना चाहेंगे उस तरफ ले जा सकते हैं। ऐसी स्थिति में हिन्दुस्तान का संविधान टूटने वाला ही है चाहे इसको कम्युनिस्ट पार्टी वाले तोड़ें या स्वतंत्र पार्टी वाले तोड़ें। आज की स्थिति में स्वतंत्र पार्टी वाले भी तोड़ने पर उतारू हो गये हैं क्योंकि वे चाहते हैं यहाँ पर पूँजीवादी डिक्टेटरशिप कायम हो, दूसरी तरफ कम्युनिस्ट वाले भी चाहते हैं कि यहाँ पर डिक्टेटरशिप कायम हो, प्रोटेक्टोरियेट डिक्टेटरशिप कायम हो, जिसका मतलब होगा उनकी पार्टी की डिक्टेटरशिप कायम होना। आज इस तरह की स्थिति आ गई है। इसलिये जनतंत्र की रक्षा के लिए संविधान की रक्षा जरूरी है। चूँकि यह 1949 का कानून संविधान विरोधी कानून हो गया है इसलिये इस पर जो संशोधन पेश किया जा रहा है वह भी संविधान विरोधी और नाजायज है। सरकार को चाहिये कि इस संशोधन विधेयक को वापस कर ले और

जो कानून है पहले उस कानून को फिर से कांस्टीट्यूशन के मुताबिक बनाया जाय या संविधान का ही संशोधन किया जाय। इसकी कोशिश सरकार को करनी चाहिये जो कि अब तक नहीं की गई है।

जहाँ तक रिजर्व फोर्स का मसाला है यह मैं मानता हूँ कि जिस ढंग की स्थिति आ गई है इस स्थिति में अगर मेन्ट्रल गवर्नमेंट के हाथ में रिजर्व फोर्स रहे तो उपयोगिता हो सकती है; लेकिन जो कुछ भी हो वह संविधान के मुताबिक ही होना चाहिये। जब तक वह फोर्स संविधान के मुताबिक नहीं बन पाता है, तब तक तो स्थिति को संभालने के लिए उनके हाथ में मिलीटरी तो रहती है। राज्य में गवर्नर केन्द्र की ओर से रहता है। राज्य की सरकार द्वारा संविधान विरोधी काम होने पर केन्द्र अपने हाथ में पावर ले सकती है और जरूरत होने पर मिलीटरी के जरिये सारे का मारा काम कर सकती है। लेकिन मैं चाहता हूँ सरकार जो कुछ काम करे वह संविधान के मुताबिक करे। अगर इस रिजर्व फोर्स को रखना ही हो तो कानून के मुताबिक उसको रखा जाय। अभी हाल में जिस तरह से रेलवे प्रोटेक्शन फोर्स कायम किया गया, इंडस्ट्रियल सिक्योरिटी फोर्स या बोर्डर सिक्योरिटी फोर्स कायम किया गया, इस तरह की पुलिस की बदली केन्द्र सरकार किसी न किसी तरह के बहाने से कर रही है और यह कांस्टीट्यूशन के खिलाफ काम है। इस तरह केन्द्र की सरकार खुद ही कांस्टीट्यूशन के खिलाफ काम करती है। और जब कोई दूसरी पार्टी या आदमी कांस्टीट्यूशन के खिलाफ काम करता है चाहे वह देश हित समझकर ही करता है, तो सरकार उसके लिए बुरी भली बात कहती है। सरकार को इस तरह की बात कहने का हक नहीं है जब कि वह कांस्टीट्यूशन के विरुद्ध काम करती है। इसलिए मेरा सरकार से यह कहना है कि यह जो 1949 का रिजर्व पुलिस फोर्स वाला ऐक्ट है वह संविधान के मुताबिक नहीं है। अगर वह इस ऐक्ट को लागू ही चाहती है तो पहले उसे संविधान में संशोधन करना



[श्री बी. एन मडल]

होगा तब वह इस तरह का बिल ला सकती है वरना उसे डम बिल को वापस ले लेना चाहिये।

आज देश में जो स्थिति है उस स्थिति में सरकार खुद भी मविधान के मशा के मुताबिक काम नहीं कर रही है, दूसरी ओर वह मविधान विरोधी काम के लिए कम्युनिस्ट पार्टी के ऊपर दोष लगाती है। आज देश में जिम तरह की स्थिति कायम हो गई है उस स्थिति में जनता सतुष्ट नहीं रह सकती है। जनता यह देख रही है कि सरकार जो शासन चला रही है वह ठीक से नहीं चला रही है। अगर सरकार अपना इंतजाम और शासन ठीक तरह से नहीं चलायेगी तो जनता खुद इस काम को सम्भाल लेगी और वह भागकर कम्युनिस्ट के पास चली जायेगी। अगर सरकार चाहती है कि जनता कम्युनिस्टों के पास न जाय तो उसे इस देश में अच्छी तरह से और जनता के फायदे के लिए इतजाम करना चाहिये। उसे ऐसा इतजाम और शासन चलाना चाहिये जिस के जरिये गरीबों का भला हो।

जहां तक बैंको के नेशनलाइजेशन की बात है, वह तो उसने अच्छा काम किया है लेकिन जो देश में पूजीपति लोग हैं उन्हें यह उनका खराब काम मालूम पड़ता है। इसके साथ ही मैं सरकार से यह भी निवेदन करना चाहता हू कि जहां तक प्राइवेट प्रापर्टी का सबध है, एक आदमी के पास उतनी ही प्रापर्टी होनी चाहिये जिससे कि वह अपने परिवार का अच्छी तरह से पालन पोषण कर सके। और अपने परिवार के परिश्रम से उत्पादन कर सके। उसके बाद जो भी उसके पास अतिरिक्त प्रापर्टी होगी वह पब्लिक के पास चली जानी चाहिये। इस तरह का सुझाव मैंने इस सदन में कई बार दिया था कि जितनी भी लोगों के पास फालतू प्राइवेट प्रापर्टी है उसको सरकार अपने कब्जे में कर ले। जो मजदूर प्राइवेट प्रापर्टी नहीं रखते हैं, जिन्हें रहने के लिए मकान नहीं है, उन्हें सरकार इस तरह की प्रापर्टी लेकर दे सकती है। लेकिन सरकार हमारी बात तो सुनती ही नहीं है

क्योंकि कांग्रेसी सरकार भी तो जनतंत्र को दिल से नहीं चाहती है और वह जनता में बुद्धि विभ्रम फैलाकर जनतंत्र के खिलाफ काम करती रहती है। आज हमारी सरकार का यह रवैया है कि वह दोनों दलों को खुश रखना चाहती है। एक तरफ तो वह अमेरिका को खुश रखना चाहती है, स्वतंत्र पार्टी को खुश रखना चाहती है और दूसरी तरफ वह रूस वालों को खुश रखना चाहती है और समाजवाद का नाम लेने वाली जितनी पार्टियां हैं उनको भी वह खुश रखना चाहती है। सरकार ने इस तरह से दुविधावाली नीति अपना रखी है। आज सरकार ने इस तरह की परिस्थिति देश में बना दी है कि जब कोई पार्टी कोई बात करती है तो वह उसके ऊपर दोष मढ़ देती है लेकिन सरकार आज इस तरह के काम कर रही है कि उसे खुद इस तरह का दोष अपने ऊपर लेना पड़ेगा।

यह जो सेन्ट्रल रिजर्व पुलिस फोर्स का ऐक्ट है वह गैर कानूनी है और इसमें सरकार जो सशोधन करने जा रही है वह भी गैर-कानूनी है। इस सशोधन के जरिये सरकार आइ० जी० डी०, आई० जी०, डायरेक्टर जनरल, इन सब लोगों की बहाली करने जा रही है। यह तो सरकार की एक चाल है क्योंकि वह इस तरह की बात करके अपने भाई बन्धु और जो बड़े बड़े लोग हैं उनको वहां पर रखना चाहती है। उन लोगों के लिए कुछ किया जा सके, इसलिए उसने इसमें इस तरह का प्राविजन किया है ताकि आई० जी०, डी० आई० जी० और डायरेक्टर जनरल को इस फोर्स में रखा जा सके। आज सारे एडमिनिस्ट्रेशन में बड़ी बड़ी जगहों की अनाप-शनाप तरीके से श्रृष्टि की जा रही है। अपने भाई बन्धुओं को जगह देने के लिए ही इस तरह की पोस्टे बनाई जा रही है। सरकार अपने दोस्तों को सरकार की नौकरियों में भरने के लिए इस तरह नई नई जगह बना रही है जो कि उचित मालूम नहीं देता है। आज सारे देश में इसी तरह का वातावरण सरकार ने बना दिया है। यूनीवर्सिटियों पर यूनीवर्सिटियां बनाई जा रही हैं और नई

नई पोस्टें बनाई जा रही हैं सिर्फ इसलिए नहीं कि हिन्दुस्तान को जनता को उनकी ज़रूरत है बल्कि अपने लोगों को प्रोवाइड करने के लिए यह काम किया जाता है। इस तरह की बात यह सरकार कर रही है। इसलिए मैं इस बिल का विरोध करता हूँ और मैं चाहता हूँ कि सरकार खुद सविधान के मुताबिक, उसकी स्प्रिट के मुताबिक काम करे ताकि देश में जनतंत्र अच्छी तरह से चल सके। उसे इस तरह से काम करना चाहिये जिससे देश की आर्थिक स्थिति, सामाजिक स्थिति और राजनीतिक स्थिति दृढ़ बनी रहे। मैं चाहता हूँ कि सरकार इस ऐक्ट को वापस ले ले और अगर उसे ज़रूरत हो पड़ती है तो आर्मी द्वारा वह कार्य करा सकती है।

SHRI BHUPESH GUPTA : I do not wish to speak much on this because the other points will be covered by my friend, Shri Achuta Menon. I have risen only to invite the attention of the Government to one or two points. I ignore the speech made by my friend, not out of disrespect towards him but because he was wholly irrelevant in this matter—I refer to the speech of my friend Mr. Lokanath Misra. I thought he was in the mood of a comic show. I am sure that if it was his performance in the streets, he must have been a box office success. We are not discussing comics here.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : You make a complete speech because each Party will have only one speaker.

SHRI BHUPESH GUPTA : It does not matter. That is not the rule, others can also speak. I would like to say that as far as the Force is concerned it is absolutely outside the Constitution in a moral sense. It is possible for the Government to pass such a law and I am not saying that it is constitutionally illegal but the fact remains that law and order is the exclusive subject of the States and the Central Reserve Police Force and certain other Forces of the Central Government have been created to interfere in the internal affairs of the States and with the autonomy of the States. That is our objection. That is why we think that this force should not be supported or sanctioned money and surely it must not be allowed to expand,

in fact it should be wound up. If my friend thinks that the Central Reserve Police Force is needed to deal with a bloody revolution, he has neither understood the Police Force nor has he understood the revolution. He has only shown some calculated ignorance—I will not put it as real ignorance but a studied ignorance—on the subject because he had to say something of that sort. Now the background in which the Force is operating is quite interesting. The tendency of the Central Government is to interfere in the internal affairs of the States and use every opportunity and occasion to do so. Presently I will invite your attention to a letter written by M.O.H. Farook, Chief Minister of Pondicherry. It is a D.O. Letter No. Nil, dated 17th July 1969, written to Mr. Chavan, the Union Home Minister. That only shows how the Central Government is behaving with the State Governments and it comes from a Chief Minister, may be it is a small State but that does not detract from the seriousness of the matter. He says :

“I understand that the C.B.I. has been instructed by the Ministry of Home Affairs to investigate into the assault of one Sowri of Karaikal. The incident happened at Karaikal and the Superintendent of Police, Karaikal has made a thorough investigation in the matter and found that the said allegation is baseless. It appears to me that the same has been motivated by some disgruntled politicians to defame the ruling party.

In this connection I am pained to note that the above investigation has been ordered by the Home Ministry without consulting the Chief Minister and without obtaining any report from the Government of this Union Territory. I do not know whether this matter has been brought to your notice before ordering for such investigation. Further I do not also want to stand in the way of investigation by the Government of India in such matters. But I feel that it should have been done after consulting the Chief Minister of this Territory for the reasons that the manner in which the investigation has been ordered has created political repercussions here . . .”

“The Leaders of the Opposition Parties have taken advantage of the above position and they have started

[Shri Bhupesh Gupta]

voracious propaganda stating that myself and my Cabinet colleagues have been overruled in the matter by the Central Government in ordering the above investigation. I hope you will quite appreciate our feelings due to this propaganda. Hence I bring the above factors to your notice.

With regards

Yours sincerely,  
M O H FAROOK"

Now this letter is from Mr M O H Farook, Chief Minister, Pondicherry, to Mr Y B Chavan, Union Home Minister, and the letter speaks for itself, and it is that the Central Government investigates into affairs in a State in regard to matters which relate to the State Government without even a courteous reference to them and the Chief Minister has to launch a complaint with the Union Home Minister here. Now this is the mentality which is developing in the Union Ministry.

In this connection the same Chief Minister also made a public statement. I have got a copy of the statement. There he has said:

"Under these circumstances the interference of the Central Government in the law and order problems of this territory without even consulting the State Government or the Ministry is to be condemned. The sending of teams in the name of Central Investigation Bureau without even consulting the State Government shows that the elected Government is being treated with scant respect and this act besides being totally undemocratic poses a threat to the people of this territory. It is unfortunate that the Central Government have a responsible Department like the Central Bureau of Investigation with a view to satisfy the whims of the local Congress Party. The Central Government should at least in future desist from such interference."

He further revealed that he has written to the Union Minister for Home Affairs lodging his protest in the matter.

I have read out from the statement. What does it show? It shows that the Central Government functions in this manner over the heads of the State Governments disregarding the provisions of the Constitution, taking things from out of the domain of a State Government

into their sphere of operation, even without consulting the authorities in the State concerned.

Now I would like to know, well, whether to promote such a thing the Central Reserve Police is being used and kept in the various States. Many of the States do not want the Central Reserve Police—the West Bengal Government does not want it—and yet they have been kept there. Although they have said that they will not be deployed without the consent of the State Government concerned, what has been happening, you know. In West Bengal the telephones of the Chief Minister and all other Ministers are being tapped by the Centre and we have been knowing it, they are being regularly and systematically tapped, and it is impossible for the Ministers to function in the State. I am sure the Chief Minister of Orissa is not being spared despite his great sympathies for the vested interests. Anyway, as far as we are concerned, in West Bengal the Ministers' telephones are being tapped and the Chief Minister's telephones are also being tapped by the Home Ministry, and, I know, some day more facts will come to light, and I should think that the West Bengal Government should make this known through the floor of the Assembly and otherwise how their telephones are being tapped. Number one.

The other several Forces are being run the Central Reserve Police—the Railway Protection Force of course is there—the Border Police Force under Rustomji, and the Industrial Security Force has also been created and kept in the States. Mr Chavan, we thought, was not concerned with the law and order of a State as such. It is the responsibility of the States and I am sure he is not the Defence Minister of the country, nor a military man. But he has got all kinds of Forces. Some day, we believe he may demand the Army, the Navy, the Air Force and everything else to be placed at his disposal. Now this is the position. Now this is happening and you know from the

**SHRI LOKANATH MISRA** We are told you are trying to take away the CBI from him. Is it so?

**SHRI BHUPESH GUPTA** I do know about that. I do not know it may be somebody else. The issue is not who holds the Departments. The issue is how the Departments are used.

It is now known to the West Bengal United Front Government that during an entire period of twenty years the intelligence was organised only against the Left parties; the intelligence was not organised against the Congress Party at all. Because of that there was corruption: there was blackmail; there were many methods of malpractices indulged in by the Congress leaders, which is why they have gone down. But it has been revealed that the entire outfit of the Government of West Bengal under the Congress was directed against the Opposition Parties and not at all against the Congress Party. Why? Let them explain. Now today we find that the Central Reserve Police is being kept in the State in order to pressurize and bully the State Government and to keep them under constant threat of immediate operation from Delhi. We know how the Central Reserve Police Force was called to suppress people's action, especially when they thought of dismissing the Ministry: in fact, they dismissed the United Front Ministry. It is always a standby for the Central Government. It is not used, at least the State Government do not think that it is used, for very good reasons.

**SHRI S. S. MARISWAMY :** I want a clarification. If some other people, who have come to power in certain States, because of their ideological affinity with various other nations outside India, indulge in some sort of anti-national activities, who would take care of them?

**SHRI BHUPESH GUPTA :** My friend, Mr. Mariswamy, for whom I have got the greatest regard, is answering a question which reminds me of the write-ups in the *Swarajya* by an eminent leader of the country. He is in his old age but writes all kinds of things, you know. The same thing is repeated here by you. Well, that Government has been elected by the people trouncing the Congress.

**SHRI S. S. MARISWAMY :** They stand in the name of the Constitution when they stand for election, but after getting into power they want to take a stand against the Constitution.

**SHRI BHUPESH GUPTA :** That again, Mr. Vice-Chairman, is rather intriguing to me. He says that when we stand for the election we stand for the Constitution and after getting elected we stand against the Constitution. Now you have seen me, many of you have

seen me for sixteen years here. How many Constitutions I have killed? I am killing my own physical constitution—I am very nearly killing it. But I have at no time killed anything here.

**SHRI S. S. MARISWAMY :** When the Congress amended the Constitution seventeen or eighteen times killing it thereby, you were supporting the Government.

**SHRI BHUPESH GUPTA :** Again Mr. Masani's philosophy, you see. Between Rajaji's philosophy and Mr. Masani's philosophy my friend is being tossed about. You extricate yourself from it and you will see the position. (Interruptions) Of course, the Constitution was amended, for good reasons sometimes and for bad reasons at other times.

**SHRI S. S. MARISWAMY :** Mr. Vice-Chairman, I want your protection. He is always indulging in guerilla tactics. I asked him a simple and straightforward question. Instead of answering that question, he is referring to Rajaji, Masani, and saying this and that. What is all this? Let the hon. Member answer my question.

**SHRI BHUPESH GUPTA :** My friend thinks I am indulging in guerilla tactics. Why should I?... (Interruptions)

**SHRI S. S. MARISWAMY :** You do not answer me straight. You go in a roundabout manner without answering me. That is why I said "guerilla tactics".

**SHRI BHUPESH GUPTA :** You came to ask this from me via Rajaji and I also travel the same route to reach you; nothing else.

**THE VICE-CHAIRMAN (SHRI D. THENGARI) :** Now you please wind up.

**SHRI BHUPESH GUPTA :** As I said, this is sheer bunkum—wrecking the Constitution. Who is wrecking the Constitution? If any party has shown proclivities for wrecking the Constitution, it is the Congress Party.

**SHRI S. S. MARISWAMY :** During the British days the Congressmen took an oath and went to office with a view to wrecking the Act. That was during the British regime, not when we had our own Government.

AN HONOURABLE MEMBER : This Constitution of India, was it put to the elected representatives of India ?

SHRI SUNDAR SINGH BHANDARI (Rajasthan) : Now they are not wrecking it; they are amending it.

SHRI BHUPESH GUPTA : No, no.

SHRI SUNDAR SINGH BHANDARI : We are amending it in Parliament.

SHRI BHUPESH GUPTA : They are misusing the office of Governor.

SHRI SUNDAR SINGH BHANDARI : That is another thing. That is not wrecking.

SHRI BHUPESH GUPTA : It is wrecking.

SHRI SUNDAR SINGH BHANDARI : It is not wrecking. Misusing the office of Governor and wrecking the Constitution are different things.

SHRI BHUPESH GUPTA : Constitution is not a book. Constitution is a system incorporating the norms and functions of the State, and the relations between the various organs of the State and the State and people. Now the moment you use the Governor—you have also said it—for serving your party ends, then you are wrecking the Constitution.

SHRI SUNDAR SINGH BHANDARI : It is misusing.

SHRI BHUPESH GUPTA : There you are wrecking the Constitution.

SHRI SUNDAR SINGH BHANDARI : Misusing.

SHRI BHUPESH GUPTA : Well, misusing? Quantity changes into quality; if you go on misusing it in this manner time and again, it is wrecked, it is subverted. Nobody takes the Constitution in one hand, and a hammer in another, and says, "I am wrecking it; I am wrecking it." It is not done like that. The Constitution is first eroded and attacked and then, gradually, its substance made less and less. Whatever is positive is degraded and thrown away from it, and only the form remains. That is how in some countries under certain constitutions, constitutions have been wrecked. Everybody knows that Hitler wrecked the Weimar Constitution without making even a single amendment of the Constitution.

SHRI S. S. MARISWAMY : He was a dictator.

SHRI BHUPESH GUPTA : And the Weimar Constitution was supposed to be a liberal democratic constitution.

SHRI S. S. MARISWAMY : Do you support Hitler and applaud him for that action ?

SHRI BHUPESH GUPTA : My friend from the Swatantra Party should know that the Communist Party was the first to raise its banner against Hitler and a big part of Germany is now under socialism today. Your history is failing you now.

SHRI S. S. MARISWAMY : Not at all; my history is all right.

SHRI BHUPESH GUPTA : So let us not talk about the wrecking of the Constitution. Nobody has said that. The hullabaloo is created by the biggest wreckers of the Constitution themselves. Who else are the greatest wreckers of the Constitution than Mr. Nijalingappa, Mr. Atulya Ghosh and Mr. S. K. Patil ? Mr. S. K. Patil the other day made a speech at the Rotary Club on the 24th of this month. And how did he show respect to the Constitution ?

SHRI SUNDAR SINGH BHANDARI : We are discussing the C.R.P.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : You must finish now.

SHRI BHUPESH GUPTA : I am finishing because these people raised this point. I have got it here.

SHRI S. S. MARISWAMY : Even the file he carries is red.

SHRI BHUPESH GUPTA : The banks have been nationalised under the Constitution by Mr. S. K. Patil's own Government. But to the Rotary Club audience he said :

"They might go about nationalising everything in their reach. They might even nationalise marriages".

Is that the way to respect the Constitution ? Is that the way to respect the party and the Government of the party to which he belongs, of whose syndicate he is the prominent member ?

SHRI LOKANATH MISRA : But, Mr. Bhupesh Gupta, there is nothing unconstitutional about whatever he has said. What he has said is if the Government goes at the pace at which they

are going in favour of nationalisation some day they might even nationalise marriages. What is unconstitutional about it?

**SHRI BHUPESH GUPTA :** Because it shows the greatest disrespect to the Constitution.

**SHRI LOKANATH MISRA :** Not to the Constitution; to the party. He may have utter contempt for his own party.

**SHRI BHUPESH GUPTA :** The report goes on to say that Mr. S. K. Patil stated his considered view that public opinion in the country was being raped. When the banks were nationalised in response to public opinion, the great champion, Mr. S. K. Patil, the self-styled founder of democracy in India, the man who raved at Bangalore, says the masses are being raped. I cannot imagine a greater insult to the masses committed by a man in the name of giving a lecture on Constitution. You read this speech. I think the Rotary Club speech of Mr. S. K. Patil should be circulated as a scandalous, scurrilous, filthy, foul, most destructive speech that one can imagine.

**SHRI ABID ALI (Maharashtra) :** That is what the Communists are! all that.

**SHRI BHUPESH GUPTA :** Mr. Vice-Chairman, that is why I say...

**SHRI SUNDAR SINGH BHANDARI :** Your dictionary seems to fail you.

**SHRI BHUPESH GUPTA :** I am surprised that the very gentlemen who are supposed to be the custodians of the Constitution for the last twenty years are subverting it, wrecking it, violating it, disgracing it, defaming it by their actions and conduct and they had the temerity to get up at the Bangalore session and harangue to the nation that others are wrecking the Constitution. The wreckers of the Constitution sit in the Treasury Benches. If there are people who wreck the Constitution they are in the Congress Party and those people have no respect to their own party constitution and how can you expect them to have respect for the Constitution of the country? Otherwise how can you imagine the decision taken unanimously at the AICC of which Mr. S. K. Patil is a member could be assailed

by the hatchetman of reaction at the Rotary Club who accused the Government of raping the masses and compared nationalisation of banks scurrilously, to our everlasting shame, with nationalisation of marriages? This is how filthy counter-revolutionaries like Goebels and Goering had spoken in the past and for that had been spat upon by mankind and had been obliterated. But their spirit seems to live in Mr. S. K. Patil who at least in his physical appearance resembles Goering undoubtedly and I can imagine a Swastika on his...

**SHRI S. S. MARISWAMY :** Sir, my hon. friend, Mr. Bhupesh Gupta, used a word just now; he said they must be obliterated. How could he say that? And secondly it is really surprising for us to see that Mr. Bhupesh Gupta has become the custodian and protector of the Congress Constitution.

**SHRI BHUPESH GUPTA :** So many surprises there are. Now you decided to give your second preference votes to Mr. Sanjiva Reddy. I am not surprised at all.

**SHRI LOKANATH MISRA :** We decided to cast our second preference votes to Mr. Sanjiva Reddy when we found that you have become the A.D.C. of the Prime Minister.

**SHRI BHUPESH GUPTA :** Whatever you might say, we are not going to cast our votes second preference or 100th preference. You have announced without even being asked by Mr. Sanjiva Reddy that your second preference votes will go to Mr. Sanjiva Reddy.

**THE VICE-CHAIRMAN (SHRI D. THENGARI) :** You must wind up now.

**SHRI BHUPESH GUPTA :** Now, Mr. Vice-Chairman, I have been interrupted so much. I am winding up. When I wind up I wind up. Therefore I say, let them not talk about wrecking of the Constitution. This lip talk must end. As far as the Congress leaders are concerned, after all they are past-masters in wrecking everything including themselves. They have wrecked their own party. They have wrecked the Congress Party itself. We did not wreck the Congress Party. It is they who have wrecked it.

**SHRI CHANDRA SHEKHAR (Uttar Pradesh) :** What are you saying? The Congress Party is as solid as it was.

**SHRI BHUPESH GUPTA :** Mr. Chandra Shekhar, you have reason to be optimistic and confident because some of your good points are gaining ground; but the fact remains that the Congress Party was much bigger and much greater than it is today and if some people have gone out of the Congress Party it is because the wreckers are there at the top. Ask your Mr. Atulya Ghosh; he will give an object-lesson on how to wreck a party organisation.

**SHRI CHANDRA SHEKHAR :** But all of them will come back.

**SHRI BHUPESH GUPTA :** But as they come back they will bring Masanis with them and then you, Mr. Chandra Shekhar, will have to take the exit gate.

**SHRI CHANDRA SHEKHAR :** Mr. Bhupesh Gupta, you are suffering from some illusion. Times are coming when Masanis will have to go out of the Congress Party and men like Bhupesh Gupta, Rajnarain, Mulka Govinda Reddy and others will have to come to the Congress Party.

**SHRI BHUPESH GUPTA :** Mr. Vice-Chairman, he had invited us to enter the Congress Party.

**SHRI SUNDAR SINGH BHANDARI :** He has already gone into the Congress Party.

**SHRI BHUPESH GUPTA :** We shall more readily enter Hell than go into the Congress Party headed by the Congress Parliamentary Board whose plots are masterminded by the Syndicate. Mr. Chandra Shekhar, I am very glad that you are today under no threat of reprimand. That is great satisfaction to me because today you are for the time being at any rate in a position to exercise your fundamental right in Parliament without being ambushed by Mr. Morarji Desai or somebody else and called upon to explain the very legitimate conduct of yours in the House. Time has shown that you have been vindicated and the man who wanted to reprimand you has been thrown into the dustbin of history never to rise again. Mr. Vice-Chairman, I sit down. Therefore, I say that the Central Reserve Police Force is an instrument in the hands of the Central Ministry for its pressure tactics, for its interference in the autonomy of the States, for its malpractices and various other activities and we cannot allow the Central Reserve

Police Force to be expanded by eight battalions costing an extra sum of Rs. 5 crores. We do not think it is the function of the Centre. If the State Government is not in a position to look after law and order, help the State Government to develop its agencies by giving necessary aid, instead of tapping the telephones of Chief Ministers, putting your agents to spy on the State Ministers. Instead of doing that, help them. This is all that I have to say. I oppose this Bill as an atrocious measure betraying the attitude and mentality of the Central Government under Mr. Chavan and the Home Minister in particular.

**SHRI BRAHMANANDA PANDA (Orissa) :** Mr. Vice-Chairman, I have a submission to make. They were talking about preference votes. I would rather say that those who have a personal preference, they have always a second preference. Those who have a political preference have no second preference. Let me make it clear on behalf of the Jana Congress that we have a personal and political preference which has not any second preference.

**SHRI BHUPESH GUPTA :** For whom is that preference for?

**SHRI BRAHMANANDA PANDA :** It is for Mr. Giri.

**SHRI BHUPESH GUPTA :** Thank you very much. It is a good thing.

**SHRI ABID ALI :** Mr. Vice-Chairman, the matter is much more serious, the Bill under discussion, and jokes and references to matters which have no relevance to this particular subject-matter, have been indulged in here to divert the attention of the Government and of the country. These are frivolous matters raised in order not to take this particular item with the seriousness it deserves. It is not a question of the State or the Centre, this party or that party. The question is : who is to prevail here—the anti-national elements existing for the good of their foreign masters or India as a nation, its interests and all that it stands for? What has been happening in these few months has a bit shaken my confidence also. I am very much of an optimist. I believe in the strength of the nation and I want it to prosper. But our behaviour, for some years the behaviour of Congress Governments in having a sort of mania about democracy and its requirements, has in a way come in the way of dis-

charging their duties, so as to curb the anti-national elements. And what we are seeing today is the result of that, no action on the part of the Government. The hon. Member was referring to some tapping of telephones. Certainly the Central Government is not interested in knowing what the Ministers talk or what the Chief Ministers say on phone. Whatever be the troubles between the members of the communist parties themselves, whether China-followers or Russian-followers, one thing is certain that they are anti-Indian, anti-national. There is no doubt about it. So, it is a quarrel between themselves and their men in the telephone department may be tapping the telephone of one individual against another and keep their Ministers or party bosses informed of what is happening. Take this unfortunate ghastly violence on the border of Bengal and Bihar. With regard to that three Ministers from Bengal went there and they have issued a statement saying that the police had information, but did not act. They said, 'This much we are saying publicly that the police had information hours before the incident took place, but they did not act.' The rest, they say, they are writing confidentially to the Chief Minister. It is much more than this. My friend who has just spoken—of course, we have to maintain decorum by saying 'my friend'—the hon. Member was talking about second preference and third preference. The other day he was praising Mr. Giri so much. Then, I asked him this: When Mr. Giri is such a good man, a patriot and one who has undergone so much suffering and sacrifice, according to him when he was nominated by the Congress Party to contest the election of Vice-Presidency, he and his party ought to have voted for Mr. Giri, if he is such a good man. Why did they not vote for him? They did not vote for Mr. Giri then. Now, because the Congress has not nominated him for the Presidency, Mr. Giri has become a good man. That is their standard of assessment and the way of assessment. We do not follow that. We see it according to the requirements of the country who is fit for a particular post and according to we nominate whom we find to be fit. (Interruptions)

SHRI P. C. MITRA: Why do you object to that?

SHRI ABID ALI: We nominated him for Vice-Presidency because we found that he was fit for that. Now,

we have nominated a person whom we think is the most competent person for that particular post.

With regard to this particular item I would request the Government to realise that the time is coming, be ready, when they will have—the sooner they do it the better—all these anti-national elements, whether they are Ministers or Chief Ministers, wherever they may be.

SHRI BRAHMANANDA PANDA: Let them be thrown into the Arabian Sea—you would say.

SHRI ABID ALI: You take them and you yourself go there. Whatever they may be, take action against them, strong action against them. Avoid what is happening or what happened in Korea. Avoid what is happening in Vietnam and such places. Avoid that. If you want to avoid that and save this country, then take action, immediate action and effective action. Democracy should be there. Democracy must prevail. Democratic methods should become strong. These anti-national elements should be liquidated as soon as possible. Otherwise the nation would be in difficulty.

SHRI BRAHMANANDA PANDA: On a point of order. Mr. Abid Ali might remember it. During the last session or the one before the last session he put a question whether the Hindu Maha Sabha and the Jamat-e-Islami were anti-national organisations or not. I wanted the Home Minister to justify and say who is anti-national. He said that only those parties or individuals who thought and spoke on those lines. To that extent they are anti-national so far as secularism is concerned. So, when he says that all the anti-national elements should be thrown out of India into the Arabian Sea or elsewhere I would request him to classify and say who are the anti-nationals which Mr. Chavan could not justify or say that this particular party or individual is anti-national.

SHRI ABID ALI: If Mr. Chavan has said something different I do not hold any brief for him.

SHRI BRAHMANANDA PANDA: Now he forgets it.

SHRI ABID ALI: I was speaking about the anti-national elements. He knows who are the anti-national elements. If the hon. Member wants



[Shri Abid Ali]

more information. I can sit with him for hours together and convince him that these communists are anti-national

SHRI BRAHMANANDA PANDA  
You contradict the Home Minister

SHRI ABID ALI I will contradict anybody who is wrong and say what I feel, according to me, is right. Therefore, why this hesitation about taking action against those who are definitely, who are according to their own admission, propaganda literature and action, anti-national? There should be no quarter for them in any sphere of activity, in the political and social life of this country. Our friends are objecting to the Reserve Police Force being there, but it is very necessary to protect the national property and the national interests. National interests are much greater and more valuable than national property. National interests have to be protected. It has been seen how effective action was taken in 1964 in Jamshedpur and Rourkela when the Reserve Police Force was helpful to the local authorities to maintain order. In Ranchi in 1967 when so many cold-blooded murders took place when the opposition parties were in the Government in Bihar—of course a stage came when the Military had to be called, but if the Reserve Police Force had been sent there earlier those murders would not have taken place. At Durgapur and Cossipore it was very necessary for the Central Government to put there their Reserve Police Force. Otherwise all these would have been destroyed. Why? Not by fire or anything. There is a design of these anti-national elements in this country. They are not concerned with prosperity they are not concerned with wages they are not concerned with the employees they are not concerned with their bonus and prosperity. They are concerned with destruction so that there should be poverty in this country. The more poverty becomes prevalent here the more they feel they will have chances to prosper. By this particular programme of theirs they want everything to be reduced to ashes. Then their talk of revolution they hope would materialise. I am sure the Government of India by this time has become certain that the time has come for them to act more vigorously and without any reservation.

The Chief Minister of West Bengal said the other day perhaps the day before yesterday that the High Court ruling has demoralised the police

AN HON MEMBER Deputy Chief Minister

SHRI ABID ALI The Deputy Chief Minister is the *de facto* Chief Minister. The Deputy Chief Minister has said that the High Court ruling has demoralised the police. The High Court may condemn them but he assured the police, 'their condemnation will be immaterial so far as our relations with you are concerned those whom we think are doing their job well will be promoted'. That is what the Deputy Chief Minister has said. Their party organ from Trivandrum, published on the 25th, says that the Ordinance would only strengthen the party's views on the Constitution and the judiciary which it said only protected the vested interests. They have said that the judiciary also protects the vested interests. They have got this attitude. It is not that some Chief Ministers or some members of the Communist Party from the other House are saying that they want to break the Constitution. That is the purpose of their very existence. They exist for that purpose. They have been proclaiming that always that they have no belief in it. That has been sufficiently demonstrated by several of their actions. My submission is, and again and again I have been repeating to the Government kindly have a little sense of responsibility towards the Constitution, towards the country so that you should act and you should not get caught napping.

श्री राजनारायण : वह मलाह आपकी मानती भो है, अबिद अली माहब ?

श्री अबिद अली : कहन अपना क'न है करना आपका काम। आप भी तो कीजिये आप लोग तो उनकी मदद करते है, जाकर आप उनकी गवर्नमेंट में शामिल हो जाते है उनको मिनिस्टर बन ते है। यहा अ' कर कहते है किएटी-नेशनल है और बहा मौक आता है तो उनको मदद करते है। अब क्या किया जाए आप तो डेमोक्रेट है, जो लोग डेमोक्रेट है उनका यह फर्ज है आप हमसे जितना चाहे गुस्सा हो जाइये लेकिन उनको तो मदद न कीजिये, कम से कम इतना तो कीजिये। हमसे बहुत कुछ मत्क को मिल जायगा, मुझे और आपको न मिले तो कोई परवाह नही। मेरी अर्ज तो यही है। This particular measure I very much support and I hope that Government

will not wait for further deterioration of the law and order situation which is very much to the detriment of the interests of this country and which is more and more giving support to the opposition parties, because they want the police to become unpopular, the police to become disgruntled, that the people should be violent that they should come to a mood to destroy and burn houses, derail the trains and kill the people. Gradually and gradually they are planning for the people to become violent, violent and more violent, so that law and order may be preserved. The gentleman who had just spoken was so much concerned about this and said that it was the concern of the State Government. Where is law and order in some of the States? Who wants to keep law and order? Who is interested in law and order? They are interested in revolution, violent revolution, anarchy and all that, so that the democratic system, the democratic institutions, all these Parliament and Assemblies, everything, become a farce and ultimately they have their own way. They go on bullying this Government, they are putting so much pressure on this Government. If Government is going to submit to their pressure and bullying, ultimately they are the winners. I hope the day will soon come when the Home Minister, the Prime Minister and her colleagues and those who are in responsible positions will realise all this and act.

**SHRI BHUPESH GUPTA :** He should have told you that yesterday an INTUC leader killed a CPM M.L.A. He was shot in Kerala. He has succumbed to his injuries. Our friends with blood of the opposition in their hands are speaking like this.

**SHRI ABID ALI :** He is a killer. Is it not? He is a murderer outside. Here he talks one thing. Outside he goes and talks another thing, organises murders. I charge him with murder. He has been convicted by a court as a criminal.

**SHRI BHUPESH GUPTA :** I was several times charged with attempt to murder under the British.

**SHRI ABID ALI :** The person who has been convicted by the court as having committed a crime is a criminal. What else is he?

**SHRI BHUPESH GUPTA :** You are not a criminal?

**SHRI ABID ALI :** I was convicted. I was in jail for years and years. That was for trying to drive away the Britishers. He was helping the Britishers to remain in India. In 1942 he was organising demonstrations, processions and meetings to keep the Britishers in India. He is a traitor.

**SHRI BHUPESH GUPTA :** He has called me a traitor. A fool calling somebody a traitor, nobody takes him seriously or bothers about it.

**SHRI ABID ALI :** He is a criminal —a traitor.

**SHRI U. K. LAKSHMANA GOWDA (Mysore) :** Mr. Vice-Chairman, this Bill mainly proposes certain reorganisation in the existing set-up of the Central Reserve Police, and to that extent I am prepared to lend my support to this Bill. While saying that, I would make it clear that I hold that the question of law and order is entirely a State subject and there should not be any interference by the Central Government or any other authority in it. The Central Reserve Police, according to me, is a police force which is well equipped and properly trained and kept in reserve for any necessity which might arise anywhere, either in the States or in the Union Territories, which is to be used only and specifically at the requisition of the State Governments concerned. I really cannot understand why there should be such an objection to its reorganisation which has been proposed in this Bill. All that the Bill proposes is that the Reserve Police may be made more efficient so that there may be a better method of command. There are certain changes in the nomenclature and the recruitment which have been proposed. This is certainly necessary when you do want to have a police force which is going to be a Reserve Police and which will be in the service of the people. And the States, whenever there is any disturbance of serious nature, can requisition the services of this force. Particularly when faced with so many communal disturbances as in the recent past, it is often necessary for the State Governments to handle these, when their own forces may be inadequate and they will have to requisition the services of a more efficient police force. To that extent I cannot understand why there should be any objection to it. It is true that in the recent past there have been some clashes of opinion between the States and the Centre with regard to

[Shri U. K. Lakshmana Gowda]

the stationing of the Central Reserve Police Force in the States. Particularly in West Bengal area some incidents have taken place. But that does not mean that we should not have a proper C.R.P. force. Any differences of opinion on this have to be resolved between the States and the Centre. That actually revolves round the question of the sphere of activity of the Centre and the States. Sir, I am not here to say that the autonomy of the States should be curbed. Certainly, in a federal set-up the States do enjoy a great amount of autonomy and the maintenance of law and order is the principal thing for the States.

Sir, according to this Bill, the Central Reserve Police Force is being made very efficient and, as some speaker suggested yesterday, some organisational changes to make it a permanent force should be brought in. As at present many of the officers there are being deputed from the State Reserve Police which could be done away with. On the other hand, it should be fully centrally recruited. Such a Force, as already a speaker referred to, will be of a national character and it should never be swayed by State or provincial feelings. Therefore, a Central Reserve Police Force is very necessary.

The question of its constitution and other aspects have already been debated in this House. Nowhere it is said that the Central Reserve Police should be forced on a State against the wishes of the State Government concerned. If any such instance has taken place it is regrettable. The Central Government should see to it that the Force is not utilised for such purposes. Certainly, the intention should not be to make use of the Force for breaking strikes or similar demonstrations in the State.

The hon'ble Shri Lokanath Misra was referring to the question of its use in the case of a revolution. I am sure an organised body like the Central Reserve Police Force may be helpful in such situations. But if it is really a revolution, if the country does want a change, the change will come and shall come whether there is a Central Reserve Police Force or not. Therefore, to that extent his objection is irrelevant.

I cannot understand why our friends from West Bengal object to the stationing of the Force. As I said, the C.R.P. Force will be made available to them as and when they require it. If the

West Bengal Government have no intention to make use of it, there might be other neighbouring States which might be interested in taking their services for putting down anti-social elements or in putting down communal disturbances. I think for such purposes the Force should be made use of not for any political purposes, I feel that we should support the reorganisation proposed in the Bill. I have nothing else to add. Thank you.

**SHRI CHITTA BASU** (West Bengal) : Mr. Vice-Chairman, Sir, I rise to oppose this particular Bill and in doing so I want to draw the attention of this august House to the historical background of this piece of legislation.

Mr. Vice-Chairman, Sir, from the report of the Home Ministry for the year 1968-69 the history of this Central Reserve Police Force can be traced. On page 47 of the report it has been stated:—

“The Central Reserve Police, formerly known as the Crown Representative's Police, was first raised in 1939 with the strength of one battalion for assisting the former Indian States in the maintenance of the law and order in the Princely States.”

It is, therefore, very much clear that the Central Reserve Police Force which the Government of India has already raised is the continuation of the Crown Representative's Police which was set up only to assist the ruler of the princely States in the matter of maintenance of law and order. Mr. Vice-Chairman, you will, I think, agree with me that during this freedom struggle movement in the States, the Crown Representative's Police, the C.R.P., was used to subdue the freedom movement of the country and this Government continues that heritage. They have forgotten that the situation, both politically and otherwise, has vastly changed after the attainment of freedom.

If you look at the Constitution of our country you will find that there is no provision which provides powers for the Union Government to raise a permanent police force. It is only within the State legislation that the State Government can raise a police force, strengthen it and use it for the maintenance of law and order within the State. The Constitution is very clear to say that law and order is exclusively a subject for

the State and, unlike any other Constitution of the world, the Union Government has got no scope to raise a permanent police force. Of course, many jurists have pointed out that this kind of police force can be raised by the Union Government under the residuary powers of the Constitution. It is surprising that such an important power is not authorised by any explicit provisions of the Constitution, but they raise it under the residuary powers. Therefore, Mr Vice-Chairman, Sir, it is not called for, it is not constitutional, and therefore, I am thoroughly opposed to it.

Again, if you look at the problem from the point of view of feasibility, I can say that this Central Reserve Police Force cannot really help in the matter of maintaining law and order, because if you go through the Act itself this Central Reserve Police cannot take independent action and if they do take that becomes merely a duplication. As far as the Central Reserve Police personnel is concerned, if they arrest a particular person they cannot try the case themselves. The person arrested by the Central Reserve Police personnel will have to be handed over to the State Police and if the State Police feels that the arrested person is to be set free, where does the Central Reserve Police personnel stand? What is the *locus standi* of the CRP in such a case?

Then, there is no provision in the Act itself for the effective functioning of the Central Reserve Police.

**SHRI U. K. LAKSHMANA GOWDA** It is only to assist the State.

**SHRI CHITTA BASU** I am coming to that. From the point of view of practicability it has got no meaning. The CRP will have to largely depend upon the State Government and if the State Government does not concur the CRP cannot function even in the matter of maintaining law and order. For this Bill my friend, Mr Abid Ali, and many others have shed crocodile tears. Therefore, Mr Vice-Chairman, from that point of view it is irrelevant, it is untenable, it is not warranted and is uncalled for.

Again, Mr Vice-Chairman, if you consider this from the point of view of political consideration, I think this kind of Central Reserve Police merely strains the relations between the States and the Centre. It is an infringement of the

autonomy of the State. I think you are aware, Mr Vice-Chairman, that there was serious objection to the CRP being posted in West Bengal by the West Bengal Government. The Government of West Bengal did not like that the CRP should be deployed at Cossipore and Durgapur and they have gone to the length of demanding that the CRP battalions should be immediately withdrawn from West Bengal. And despite this objection of the West Bengal Government, the Government of India is still persisting in maintaining certain battalions within the territory of West Bengal. I think you may also know that serious objections were raised by the Chief Minister of Kerala when the CRP was deployed in Kerala for crushing the movement of the Central Government employees on September 19 last. My friend was saying that the object of the CRP is not to break trade union movements. Then what was the reason for deploying the CRP in Trivandrum and other places in Kerala during the strike of the Central Government employees on September 19 last? I will also cite another example. When the popular Government in West Bengal was dislodged from power by a stroke of the pen by Mr Dharma Vira, the Central Reserve Police force was deployed.

**SHRI A. G. KULKARNI (Maharashtra)** Where is he now?

**SHRI CHITTA BASU** He is hibernating. So, at that time the CRP personnel were deployed to kill thousands of men, to destroy and annihilate the popular uprising and to create circumstances where there would be only a reign of terror. Even to-day you will find that several battalions of the CRP have been deployed in the Telangana area to crush the movement there. I have seen for myself that schools and colleges have been vacated and the CRP battalions have been housed in schools and colleges and universities. Therefore, it is quite clear from the intentions of the Union Government, that the CRP was used, and will be used in future, for crushing any democratic popular movement in any part of the country. This is one of the reasons for the existence of the CRP. If you accept that the Government does really feel that the political situation of our country has vastly changed since the inception of the Crown's Representative Force, what is the reason for the retention of the CRP? That question is to be answered. If you want an answer

[Shri Chitta Basu.]  
from me, I am constrained to remark that it is there because of Mr. Y. B. Chavan, who of late has spoken of politics of commitment—I do not know what he means by politics of commitment; I think if he means anything by “commitment” and “politics” it is his commitment for a so-called strong Centre. He wants a very powerful, very strong Centre. If that is his political commitment, Mr. Vice-Chairman, you will excuse me if I say that this C.R.P. is the strong arm of the so-called strong Centre nourished by that so-called strong man, Mr. Y. B. Chavan. He wants to maintain his empire in different parts of the country, and from Delhi he wants the Centre to dominate the States. He wants to interfere in the day-to-day administration of the State Governments. This is a serious curtailment of the autonomy of the States. This is an infringement of the democratic rights of the people of the States. Therefore, the only reason for this force is that Mr. Chavan wants a strong Centre and for that strong Centre, he wants to maintain a permanent army to work at his behest and work prejudicially to the people of the States.

SHRI BRAHMANANDA PANDA : He wants to be the centre of that force.

SHRI CHITTA BASU : Yes, he wants to be the centre of that force. Therefore, this Bill is calculated to destroy democracy. This Bill is designed to curtail the autonomy of the States. It is designed to perpetuate the so-called suzerainty and control of the administration at Delhi. Therefore, there is natural objection, there is natural resistance and there is a natural feeling which prompts me to say that the Government of India would do well if they withdraw this Bill. This Bill will not help in strengthening law and order in the States. It will merely strain the relations between the States and the Centre.

Mr. Vice-Chairman, you would agree with me that all the State Governments are reinforcing their police forces. The West Bengal Government is reinforcing its police force. The Kerala Government is strengthening its police force. Almost all the State Governments are strengthening their police forces. So, when the State Governments are spending increasing amounts of money for strengthening their State police forces, what is the reason for having a permanent police force at the Centre which the Constitution does not provide for?

Now I will come to the Bill itself. This Bill seeks certain more powers by way of amendment. In the parent Act, the C.R.P. personnel had no right to arrest. Their duty was only to detect and bring the offenders to justice. Now by this amendment the C.R.P. personnel are being given the right to arrest any person even without a warrant at any time, at any place they like. This means that they want more powers. What surprises me most is the provision in the Bill which says :

Every member of the Force shall be liable to serve within, as well as beyond, the territory of India.

I do not know whether Mr. Chavan wants to extend his empire up to Ceylon, whether he wants to extend his empire up to Burma, whether they want to invade Afghanistan, whether they want to invade Pakistan, with this Central Reserve Police Force. The C.R.P. Personnel, the Bill says, will be bound to work beyond the territory of India.

SHRI N. PATRA : Are there not pockets outside the limits of our territory ?

THE VICE-CHAIRMAN (SHRI D. THENGARI) : Please wind up, Mr. Basu.

SHRI CHITTA BASU : Therefore, I want a clarification whether it is a regular army. If it is a regular army, then sometimes they may have to operate beyond the territory of the country for strategic purposes. But why should a police force be deployed beyond the territory of the country? The Bill says that this force will be deployed within and beyond the territory of the country. Am I to understand that they will invade Ceylon, they will invade Afghanistan, they will invade Burma and for that purpose this Central Reserve Police Force is there? But the real object is that they want also to use it as a paramilitary force. But they do not like to give the personnel of this Force the benefit, the rights, the remuneration and other better conditions of service as are being enjoyed by the regular army men. Therefore, they want to have the duties of the army performed by these personnel, denying them right to a better living, the right to a better condition of work, the right to other amenities which a regular army man is by law entitled to. This is a very serious provision in this Bill.

Again, Mr. Vice-Chairman, as I have said, it is a para-military force which is going to be born. They can punish the personnel of this Force without having a formal trial. Understand it; just look at it. What kind of a fascist tendency is being developed in the mind of the administration. A police personnel who may commit some offence, who may violate certain rules and regulations, is not to be given the scope of being tried even. It is a violation of natural justice. By this Bill, the Government wants to take the right to punish any personnel of this Force even without a formal trial. Therefore, its object is very much clear—it is undemocratic, it is unconstitutional, this is not meant for assisting the State Governments to maintain law and order. The object is to have a regular, permanent police force to exercise its suzerainty and control over the States, which will ultimately strain the relations between the Centre and the States. It is very much prejudicial to the unity of the country. If they are really serious about the unity of the country and about a strong Centre, then the collaboration and assistance of the States are much more required than a feeling of overlordship of the States.

**SHRI PRANAB KUMAR MOKHERJEE** (West Bengal): Sir, I oppose this Bill. The very conception of having a Central Reserve Police Force is detrimental to the principle of federalism. In India even though we have a federal character the States are provided with very little powers, of which the most important is the power to maintain law and order and to have a police force of their own. But gradually we are seeing that there is a tendency to have more and more power at the Centre, and the States are divested of their powers, that there is an attempt to enlarge the Central Reserve Police Force and to provide it with more powers, and it is a fresh attempt to curb the power of the State. I do not see any reason why the Centre should have such a Force when they have their military and their Border Security Force. We have seen—whenever a State Government is in trouble, it takes the help of the military to maintain law and order. Not only that. If the question comes regarding the protection of the Central Government properties such as the railways or the public sector undertakings run by the Centre within the territory of a State and if the Central Government is not sure about the

duties of the State Government to protect them, even then they will have the opportunity to give directions. Articles 256 and 257 of the Indian Constitution provide the Central Government with powers to give clear directions to the State Governments regarding the protection of the railways and other properties of the Central Government. If any State Government ventures not to carry out those instructions, action may be taken against it under article 356. So, under these circumstances, I do not find any reason why the Central Government have a Reserve Police Force and spend a lot of money on maintaining it. Even in the Bill there is a proposal to raise its strength from 44 to 52 battalions. I think, Sir, that this would tell upon our straining economy. When we do not get money for developmental works, when we cannot get money to carry out the most essential and necessary economic developments, if we are to spend money for no purpose or for maintaining a Central Reserve Police Force to curtail the power of the State Government, I think it is sheer wastage of money. Yes, Sir. We, the people of West Bengal, have an apprehension and I think that apprehension is genuine. In spite of our request to the Central Government, in spite of the request of our State Chief Minister and the State Government to the Central Government, they have not agreed to withdraw the Central Reserve Police Force from West Bengal, and there is every reason to suspect that the Central Government has a mind to oppose the popular movements which are going on in West Bengal nowadays.

It has been pointed out by some Members of this House that peace and tranquillity are not being maintained by certain State Governments and the clear indication is towards the Government of West Bengal. As has already been pointed out, I want to mention that what is happening in West Bengal is not a question of law and order, it is a question of the release of the socio-economic forces which were so long kept tide by the Congress regime; the people could not venture to express their feelings because of the ruthless activities of the Congress Government in West Bengal. Nowadays when there is a popular Government, the people are coming out with their popular demands, and the West Bengal Government is not ready to curb the popular movements simply by raising the question of law and order. Actually, I do not believe

[Shri Pranab Kumar Mokherjee]

that in any Government chosen by the people, elected by the people, there are any anti-national elements as it has been made out by some Member. I think it would be a reflection on the popular choice if we say that an elected Government is an anti-national Government. Yes, anti-national elements are there. May I ask the Home Minister what the Central Reserve Police Force has done to control communal riots? What have they done to control and check black-marketing, profiteering, hoarding and such other things and all sorts of anti-national activities which are going on. This Force is not utilised for those purposes, but this Force is utilised, as it has been utilised, to break the legitimate strikes of the workers in West Bengal; it was utilised when popular upsurge took place as a protest against the anti-constitutional activity of a Governor; it was utilised to kill that popular movement. But they have done nothing to control or check the anti-national activities.

Sir, my another contention is this. I do not find any reason why the Central Reserve Police Force should be increased in strength. Moreover, certain additional powers are given to it. It has been provided in section 10 that not only in the case of actual disturbances but even if there is any apprehension in the minds of the authorities that some disturbance might take place, the Central Reserve Police Force has to take action. The term 'apprehension' is a very misleading one. When the Government of India thinks that any State Government is not congenial to it, I think it will try to divest that State of its power and it will utilise the Central Reserve Police Force by applying the term 'apprehension' and it will justify the use of this Force by saying that there was a reasonable apprehension about disturbance to public order. So, I think it should not be there.

This House should not accept this Bill and I request the hon. Minister to withdraw the Bill. There is no use in having 52 battalions of this Force even at the cost of a huge amount of money when we cannot provide money for our economic development, when we cannot provide money for our most essential objectives and objects. Therefore, with these words, I request the hon. Minister to withdraw the Bill and through you, Sir, I request the House not to accept this Bill.

4 P.M.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Mr. Vice-Chairman, Sir, while discussing this Bill I had hoped that honourable Members would appreciate the role of the Central Reserve Police Force and the difficult tasks that it has to fulfil while discharging its duties in various parts of the country. This Force is called upon to discharge very difficult duties in very great tension and in places where ordinarily nobody would like to go and live. It is functioning in North-East India protecting the national interests there and at short notice it has to be rushed from place to place, irrespective of whatever convenience or inconvenience that might be caused to the personnel of this Force. Dozens of them have laid down their lives in safeguarding the liberty of India and our borders and the difficult terrain of the Mizo hills and Nagaland and North-East India. Many dozens of officers and ranks have been awarded the police medal for gallantry, the President's medal for gallantry which they showed in many situations in various parts of the country. The requirement of this Force and the necessity for having a Force of this kind has been explained in this House many a time. In short I would like to give the reasons again to the honourable House.

Apart from aiding and helping the various State administrations whenever they ask for the help of this Force, this Force is vitally needed to guard the Central Government offices and installations wherever such a need arises. Apart from this, as I said earlier, it also helps the Armed Forces of India in the discharge of their duties in many vulnerable parts of our country like North-East India. As a matter of fact, the bulk of this Force is being utilised in North-East India for safeguarding our interests and our freedom. Therefore, to say that this Force is used for evil purposes or that this Force is used for suppressing the liberty and freedom of the people, is nothing but a complete distortion of facts.

Sir, while speaking yesterday Shri Pitamber Das criticised the re-employment of retired officers in the CRP, that is, those officers who attained the age of superannuation—that they were again given extensions and employed there. I would invite his attention to the fact that many of these people who are given extensions are not really superannuated.

They have not attained the age of superannuation. We take a good many of them from the Armed Forces. In the Army they retire sometimes at the age of 45, sometimes at the age of 48, and then they are employed by the CRP. Sometimes we have police officers on deputation from various States where the retirement age is 55 and since they belong to that State cadre they retire at the age of 55. Here in the Central Government, as you know, the retirement age is 58, and therefore, from 55 to 58 they might be given extension or they might be re-employed for a few years till they reach the age of 58. After the officers reach the age of 58, in most of the cases we do not give any extensions nor do we re-employ them because we ourselves feel—the argument given by the honourable Member is correct—that if the retired officers are given extensions or if they are re-employed, it serves as a disincentive to the young officers, the budding officers, who want to play their legitimate role in the growth of the Force and the proper discharge of their duties. Therefore, as a matter of policy we do discourage any re-employment or extension beyond the age of superannuation, that is, the age of 58.

Sir, another argument that several Members of the Opposition have used is with regard to the law and order matters. It has been explained by the Deputy Minister while initiating this Bill that the CRP is not normally engaged in law and order duties in the States unless the State Governments themselves ask for the help of the CRP as they have done in Andhra Pradesh. If the State Government in Andhra Pradesh or any other State Government asks for the help of the CRP then, the units of the CRP are deployed in that State, but then, they are under the command of the local Inspector-General of Police. They are under his command for the performance of their duties there. But whenever they have to be employed to guard the Central Government installations, as we had to do in Kerala where in our judgment we found that it would not be sufficient if those Central Government properties and installations were left at the discretion of the local Government and we felt that we should make our own arrangements, at such times we do make our own arrangements. I do not think, Sir, we can really answer properly in this honourable House if we, because of our dereliction of duty, allowed the

Central Government property worth lakhs and crores of rupees to be destroyed or to be damaged because there was nobody to guard them. If the State Government does not guard them and if the State Government expresses its inability to guard the Central Government properties...

SHRI CHITTA BASU: Has there been any occasion of that nature?

SHRI VIDYA CHARAN SHUKLA: Yes.

SHRI CHITTA BASU: Where?

SHRI VIDYA CHARAN SHUKLA: In Kerala.

SHRI CHITTA BASU: No.

SHRI VIDYA CHARAN SHUKLA: Your saying "No" would not do. This is public knowledge and...

SHRI KESAVAN (THAZHAVA) (Kerala): I challenge that statement.

SHRI VIDYA CHARAN SHUKLA: Therefore, there the CRP had to be used to protect the public property which belongs to the people of this country and it could not be left to the tender mercies of those who, for political reasons, would not fulfil their duties.

Sir, there is no interference in the State's matters. As I explained, if the units of the CRP go to any State for law and order duties, they are normally under the charge of the State Government concerned. They are put under the superintendence of the local police organisation. And if they go for other duties, those other duties are only connected with Central Government work and Central Government properties, and they have nothing to do with the local Government's law and order duties and other things...

SHRI KESAVAN (THAZHAVA): On a point of order, Mr. Vice-Chairman. The honourable Minister was saying that in Kerala there is no safety for the Central Government properties. On 19th September last year when the Central Government employees went on strike, it was only in Kerala that there was a peaceful strike by the Central Government employees. Elsewhere in the country, even in the States where Congress Governments were in power, we saw shooting and many other things



[Shri Kesavan (Thazhava) taking place. Even in New Delhi we found that the military and the CRP were marched into the offices as if our enemies, the Chinese, came here. But there was no necessity for the CRP to be sent to Kerala at that time, but the CRP was sent there...]

**SHRI BABUBHAI M. CHINAI** (Maharashtra) : Where is your point of order ?

**SHRI KESAVAN (THAZHAVA)** : I have my point of order. You sit down. Sir, even then the Minister says that in Kerala—he says particularly in Kerala—there is no safety for the Central Government property. Sir, during that strike Kerala was the only State where the strike took place in a peaceful manner. No property was lost and nothing untoward happened. Even then, simply because the United Front Government is there such an allegation is made.

**SHRI VIDYA CHARAN SHUKLA** : Sir, the hon. Member is only supporting my contention. If there was no loss of property and no damage to Central Government property, it was solely due to the presence of the CRP.

**SHRI KESAVAN (THAZHAVA)** : There was the local police there in Kerala.

*(Interruptions)*

**SHRI VIDYA CHARAN SHUKLA** : I would request the hon. Member not to make a political issue of it. I have said that CRP has been used in many States including Kerala and at various places it has gone at the request of the State Governments concerned. If the State Governments make such a request, it is sent for duty. It does not go there to do its duty for the Central Government. Wherever it goes for doing the Central Government's duty, then the State Governments have nothing to do with it.

Sir, Mr. Bhupesh Gupta is not here unfortunately. He quoted a letter which was supposed to have been written by the Chief Minister of the Union Territory of Pondicherry. Shri Farrok, about a case which is not really connected with the CRP. Since he has mentioned it, I should clarify the matter. The Home Minister of the Union Territory of Pondicherry is alleged to have been involved in a case of murder; there are charges against him of complicity in

the murder. Therefore it was decided to entrust this enquiry to CBI so that public confidence is restored. We do not know whether he is really involved in this or not but because his name was involved in that murder, we have handed over the enquiry to CBI so that justice is done and the local people there will have complete faith in whatever verdict is given. It is not as if the Central Government is unnecessarily doing it. I would recall the attention of the House to an earlier occasion when the Government of the Union Territory of Pondicherry was controlled by the Congress Party. The Home Minister belonging to the Congress Party was somehow involved or alleged to be involved in a murder case. Although nothing was proved against him, we thought that if a member of the Government, particularly in charge of law and order, is involved in a case like that, then some action was called for. Therefore we from our Party side asked him to resign. When he refused to resign, we dismissed that Home Minister of Pondicherry. Here because this is a Government controlled by the Opposition, we did not take that extreme step of dismissing the Home Minister of Pondicherry but we thought that we should have an impartial agency to enquire into the matter and find out the facts and in the light of those facts we could either take the matter to the court or if we find that no justice is obtained, then we could think of other measures. But to say that there is interference in the affairs of the Union Territories is rather very surprising to me. I expected at least Mr. Bhupesh Gupta to know that Union Territories are completely different from State Governments; they are directly in charge of the Central Government and we are ultimately responsible for their functioning. They can have their own Legislatures there but according to the Constitution we are answerable to Parliament for whatever happens in the Union Territories which are under direct superintendence of the Government of India.

Another wild charge, in keeping with his nature, that Mr. Bhupesh Gupta made was regarding the tapping of telephones of the Chief Minister and Ministers of West Bengal. This charge has been repudiated here and I would take this opportunity again to do so. I would categorically say that under no agency which is controlled by the Home Ministry of the Government of India are any telephones of any Ministers in West

Bengal being tapped. It has nothing to do with our operations and we do not believe in such things. As a matter of fact, Mr. Abid Ali said something about local tampering due to local politics. That may be there. I cannot say whether that is the reason for their suspicion. But as far as the Government of India is concerned, it is absolutely certain that there is no interference from us, as far as that particular matter goes.

Sir Mr. P. C. Mokherjee happened to mention something about the use of CRP while military force were available. I am really surprised at that argument, because it should be nobody's wish that military forces of the country should be used for normal law and order matters; it should be everybody's endeavour to see that military forces are not used for purposes which can be handled by law and order forces, i.e. the local police or the armed police. So wherever there is any difficulty, first we meet it by using the local law and order police; then the armed police is used. When we still require more assistance and if a request is made to us, then we make a few battalions or units of CRP available to them so that normalcy can be brought back. When even this fails or proves insufficient, then only are the Armed Forces alerted; in that contingency only some units of the Armed Forces will be used either to patrol the area or to engage themselves in law and order duties. But that is not the normal functioning of the Armed Forces and it is our policy and our wish that this should be avoided as far as possible. Therefore to say that since the Army is available, CRP should not be used, that is an argument which is not acceptable to us.

• Then, Sir, Mr. Chitta Basu was asking: Why should we take the powers to use the CRP beyond the territory of India? It is a very simple thing which I hope he will understand. When our forces are deployed for difficult duties, say, in Nagaland or the Mizo district and when the hostiles go beyond the territory of India if they just cross it and catch hold of them, they should not be forced to stop at the border, just wait until they come back and again attack us. Moreover, this is only an enabling provision it does not mean that they are going to be deployed outside the country; they will be deployed in case it becomes necessary to do so; it is not that it is our wish to do so or

we want to do so, but it may become necessary to do so.

SHRIMATI LALITHA (RAJAGOPALAN) (Tamil Nadu): I would like to seek some clarification. For example, about the hostile Nagas he said that they can go even beyond our territory and catch them. How is it possible? For example, if they go to the Chinese territory, it is not possible for our CRP to go there and capture them.

SHRI VIDYA CHARAN SHUKLA: Our CRP is not operating on the Chinese border. What I am trying to explain is that this is only an enabling provision so that in case of emergency if they have to go out, they should not be stopped there. If by going a few feet or a few yards outside the territory of India they are able to catch the culprits, they should not be asked to stop there. But this is not something that we envisage or that it will happen all the time or it should happen. But this is only an enabling provision which, I think, should not disturb any hon. Member.

Sir, beyond this there is no other point that has been raised which requires an answer. In conclusion I would say that the hon. Members, when they discuss a matter like this, they should take the picture in its totality. If they take only a political view of these matters, then it is very likely that the useful purpose which the CRP has been fulfilling or the useful role that the CRP has been fulfilling will go completely beyond their thinking.

This Force is not a political Force. It has never been used for political purposes, nor is it going to be used for political purposes. It is a law and order Force which is used for the protection of the Central Government property and installations wherever necessary, to safeguard the interests of the Central Government and sometimes on requests made by the State Administration we sent them to the State Governments and they use them for safeguarding their own interests or for maintaining law and order and therefore to say that this is for any political purposes or that there is any political motive behind the deployment of the CRP is not correct and I repudiate all those charges. Having said that, I commend the Bill for the acceptance of the House.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is .

"That the Bill further to amend the Central Reserve Police Force Act, 1949, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI D. THENGARI) : We shall now take up the clause by clause consideration of the Bill.

*Clauses 2 to 4 were added to the Bill.*

*Clause 5—Amendment of Section 7.*

SHRI CHITTA BASU : I move :

5. "That at page 3, line 3, the words 'arrest and' be deleted."

6. "That at page 3, line 8, the words 'as well as beyond' be deleted."

*The questions were proposed.*

SHRI CHITTA BASU : Through clause 5 of the Bill the Government wants that the personnel be vested with the right to arrest and assist in bringing the offenders to justice whereas in the parent Act it was only to detect and bring the offenders to justice. I object to giving the personnel this right to arrest without warrant because first of all the personnel should not be given the right to arrest without any warrant. This is one of the main reasons for my amendment. The second reason is more practical in nature. Even if the personnel of the CRP arrests a person and the State Government sets him free, then there is no reason or meaning in setting him arrested. My suggestion is, that the right of arresting should not be given to the CRP.

Regarding the second amendment I have explained in my speech regarding the scope of deployment of the CRP. The Minister says here that it can be deployed only as a technical matter, that you want to deploy them within the territory of India as well as outside. It appears to be very contradictory because this Force is not a Military Force. Only the Military Force can go outside India for strategic reasons but since this is merely a Police Force as the Minister claims only to assist the State Government in maintaining law and order, why should they be required to be posted outside the territory? The Minister himself has established the contention that this Force is not merely to assist the

State Government in maintaining law and order but it is for doing something else. Therefore my amendment should be accepted by the Government if they are true to what they say on the floor of the House.

SHRI VIDYA CHARAN SHUKLA : As far as amendment No. 5 is concerned there is good reason for moving it and as a reasonable person I would like to accept it. I would not be able to accept his second amendment for reasons which I have already described.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : This question is :

5. "That at page 3, line 3, the words 'arrest and' be deleted."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is :

6. "That at page 3, line 8, the words 'as well as beyond' be deleted."

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is :

"That clause 5, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 5, as amended, was added to the Bill.*

*Clause 6—Amendment of section 8.*

SHRI CHITTA BASU : I do not like to move my amendment No. 7 but I would like to move No. 9.

I move :

9. "That at page 3, after line 24, the following proviso be inserted, namely :

'Provided that the State Government concerned communicates consent for the deployment of battalion or battalions in any place within the State.'"

I think you have listened to the argument of the Minister for the extension of the CRP. In the course of his arguments he stated that this CRP battalion will be deployed for assisting the State Governments on the express requests made by the State Government concerned. I believe this is the policy of the Government in the matter of deployment of the CRP battalion. If that is so, what stands in the way of the Government incorporating it in the

Bill itself? My amendment is very innocent and is in keeping with the declared policy of the Minister. He said that no battalion of the CRP will be deployed in West Bengal if the State Government does not agree to the deployment. He says that no battalion will be deployed in Kerala or any State if there is no express desire being expressed by the State Government of Kerala or Tamil Nadu but my experience is otherwise. He has not spoken the truth. If he has spoken the truth, it is partial truth. It is known to the public that Mr. Namboodiripad made a public statement suggesting that the CRP when it was deployed on the occasion of 19th September strike of the Central Government employees, was done without even consulting the Kerala Government and he really made it an issue that the Government of India had not the propriety of consulting the Chief Minister of Kerala in the matter of deployment of CRP there. Therefore there is double standard with them. They say that the CRP shall not be deployed unless there is an express desire from the Government of the State and that deployment would be only to assist the State Government in the maintenance of law and order alone and nothing else, and yet they refuse to accept the incorporation of it in the body of the Bill itself. Therefore, if the Government is true to their declaration, if the Government is true to the spirit of what they have been saying and what they have said here, I see no objection on the part of the Government to accept this amendment. If they do not accept it, then I am constrained to remark that it is a double standard and the object is to utilise this Force as a political force to crush, to oppose and to discredit the Governments which are politically opposed to them. Therefore, in this Clause it is particularly mentioned that certain battalions can be deployed and certain officers can be appointed specifically for a particular purpose in any part of the country. It is here my amendment comes in and it says that this can be done provided the express consent of the State Government concerned, in which a battalion of the CRP will be deployed, is available first, and that only on that condition that battalion of the CRP can be deployed there.

*The question was proposed.*

**SHRI VIDYA CHARAN SHUKLA :** Sir for the reasons which I have already given this amendment cannot be accepted.

**SHRI CHITTA BASU : Why?**

**SHRI VIDYA CHARAN SHUKLA :** I have already given the reasons and I will repeat the arguments for your benefit. I have said that, wherever the Central Reserve Police has to be sent for assisting the local Government in maintaining law and order, or for discharging their normal functions, there the Central Reserve Police goes and it is to be under the command of the Inspector-General of Police. But there are instances, as the one that arose last year in Kerala, where the Central Reserve Police had to be sent to guard Central Government installations and to safeguard Central Government interests. In such cases it should not be necessary for us to take, nor could it be justified on any grounds, that we take the consent of the local Government; that may not be available for political reasons; our request may not be treated on the basis of rationality or any such thing. Therefore, the Force would be completely devoid of any utility if we were to accept Mr. Chitta Basu's amendment. Therefore it is not possible for me to accept this amendment.

**THE VICE-CHAIRMAN (SHRI D. THENGARI) :** The question is :

9. "That at page 3, after line 24, the following proviso be inserted, namely :—

"Provided that the State Government concerned communicates consent for the deployment of battalion or battalions in any place within the State."

*The House divided.*

**THE VICE-CHAIRMAN (SHRI D. THENGARI) :** Ayes—11.

Noes—50

**AYES—11**

Basu, Shri Chitta  
Gowda, Shri U. K. Lakshmana  
Kesavan (Thazhava), Shri  
Mahida, Shri U. N.  
Mandal, Shri B. N.  
Menon, Shri C. Achutha  
Nair, Shri G. Gopinathan  
Panda, Shri Brahmananda  
Rajnarain, Shri  
Sinha, Shri Rewati Kant  
Varma, Shri Man Singh

## NOES--50

Alva, Shri Joachim  
 Baharul Islam, Shri  
 Bhargava, Shri M. P.  
 Chaudhary, Shri Ganeshi Lal  
 Chavda, Shri K. S.  
 Chengalvaroyan, Shri T.  
 Chinai, Shri Babubhai M.  
 Doogar, Shri R. S.  
 Hathi, Shri Jaisukhlal  
 Jairamdas Daulatram, Shri  
 Kaul, Shri B. K.  
 Kemparaj, Shri B. T.  
 Khaitan, Shri R. P.  
 Krishan Kant, Shri  
 Kulkarni, Shri A. G.  
 Kurre, Shri Dayaldas  
 Lalitha (Rajagopalan), Shrimati  
 Mallikarjunudu, Shri K. P.  
 Mangladevi Talwar, Dr. (Mrs.)  
 Maniben Vallabhbhai Patel, Kumari  
 Mehta, Shri Om  
 Mitra, Shri P. C.  
 Momin, Shri G. H. Valimohmed  
 Muniswamy, Shri N. R.  
 Naidu, Miss M. L. M.  
 Nandini Satpathy, Shrimati  
 Narayanappa, Shri Sanda  
 Neki Ram, Shri  
 Panda, Shri K. C.  
 Parthasarathy, Shri R. T.  
 Patel, Shri T. K.  
 Patil, Shri G. R.  
 Patra, Shri N.  
 Ramaswamy, Shri K. S.  
 Ramiah, Dr. K.  
 Reddy, Shri M. Srinivasa  
 Reddy, Shri N. Sri Rama  
 Reddy, Shri Nagi  
 Ruthnaswamy, Shri M.  
 Salig Ram, Dr.  
 Samuel, Shri M. H.  
 Satyavati Dang, Shrimati  
 Shukla, Shri Chakrapani  
 Siddalingaya, Shri T.  
 Singh, Shri Bhupinder  
 Singh, Shri Devi  
 Singh, Raja Shankar Pratap  
 Tankha, Pandit S. S. N.

Tripathi, Shri H. V.

Varma, Shri C. L.

*The motion was negatived*

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is :

"That clause 6 stand part of the Bill."

*The motion was adopted.*

*Clause 6 was added to the Bill.*

*Clause 7 was added to the Bill.*

*Clause 8—Amendment of section 11*

SHRI VIDYA CHARAN SHUKLA :

Sir, I move :

3. "That at page 4, line 6, after the word 'rank' the words 'or pay' be inserted."

4. "That at page 4, line 37, the words 'which is not otherwise provided for in this Act' be deleted."

SHRI CHITTA BASU : Sir, I move :

8. "That at page 4, line 33, for the word 'without' the word 'on' be substituted."

*The questions were proposed.*

SHRI CHITTA BASU : Sir, I say it is undemocratic not to give a person the right of being heard. But here the Bill says that a certain officer can punish a subordinate officer even without giving him the right of being heard. Mr. Hathi will, I think, agree with me. It is violation of natural justice and it should not get a place in the statute. Therefore it is also a very fundamental question. If you are to punish anybody, you must have at least to hear him. But here you do not like to hear him. It is just a summary trial. There is no formal trial; nothing of the sort, and you simply give him a punishment. I therefore want that there should be punishment but on a formal trial.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is :

3. "That at page 4, line 6, after the word 'rank' the words 'or pay' be inserted."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is :

4. "That at page 4, line 37, the words 'which is not otherwise provided for in this Act' be deleted."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is :

8 "That at page 4, line 33, for the word 'without' the word 'on' be substituted."

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 8, as amended, was added to the Bill.

Clauses 9 to 11 were added to the Bill.

CLAUSE 1 (SHORT TITLE AND COMMENCEMENT)

SHRI VIDYA CHARAN SHUKLA : Sir, I move :

2. "That at page 1, line 4, for the figure '1968' the figure '1969' be substituted."

*The question was proposed.*

SHRI VIDYA CHARAN SHUKLA : Sir, I do not have to explain this; because the year is changed we have to change the figure from 1968 to 1969.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is :

2. "That at page 1, line 4, for the figure '1968' the figure '1969' be substituted."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is :

"That Clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 1, as amended, was added to the Bill.

#### ENACTING FORMULA

SHRI VIDYA CHARAN SHUKLA : Sir, I move :

1. "That at page 1, line 1, for the word 'Nineteen' the word 'Twenty' be substituted."

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is :

"That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

SHRI VIDYA CHARAN SHUKLA : Sir, I move :

"That the Bill as amended, be passed."

*The question was proposed.*

श्री राजनारायण : उपसभाध्यक्ष महोदय, वास्तव में इस विधेयक पर जो चर्चा हुई है वे इतनी मौलिक चर्चा हुई है कि उनकी मौलिकताओं को हम यहां पर 2 मिनट में नहीं कह सकते हैं। मुझे अफसोस है कि हाथीजी यहां से जा रहे हैं। आप यहां पर बैठिये। यह क्या नमाशा है कि आप हमारी बात को सुने बगैर ही चले जा रहे हैं।

हमें अफसोस है कि हमारे मित्र श्री भूपेश गुप्त इस समय यहां पर मौजूद नहीं हैं और स्वतंत्र पार्टी के भी थोड़े लोग यहां पर मौजूद हैं। हम चाहते थे कि जो पार्टियों की नीतियां बनाते हैं वे लोग जरा इन बातों पर गौर करें। मैं एक प्रश्न प्रस्तुत कर रहा हूं और मैं चाहता हूं कि श्री चिन्ता वसु और श्री भूपेश गुप्ता उसका जवाब दें। सभी दलों के नामिक सोसैज, अधिक सत्ता केन्द्र में सन्निहित हो जाय, तो केन्द्र अपनी संस्थाओं की सुरक्षा करे या न करे, इसका जवाब मे श्री चिन्ता वसु से चाहूंगा। अब सारे बैंक केन्द्र के हाथ में आ जायेंगे, व्योरोक्रैटिक इम्पेरिलिज्म के हाथ में आ जायेंगे, सारी इंडस्ट्री आ जायेगी और फिर उनकी संस्थानों की सुरक्षा न हो, तो केन्द्र उसके लिए क्या करेगा? क्या उनके लिए कोई प्राविजन होगा या नहीं होगा? इसका जवाब मैं श्री भूपेश गुप्ता से चाहूंगा। इस में क्या पद्धति है और क्या वे यहाँ भी

[श्री राजनारायण]

इन संस्थाओं को उसी पद्धति से चलाना चाहते हैं। इसी तर्क से हमारे चिन्ना बासू को भी सिस्टेमैटिक होना चाहिये, अगर सिस्टेमैटिक नहीं होंगे, तो कहीं कोई जनतंत्र भी पूछ पकड़ेगा, कोई जनतंत्र की टांग फाड़ेगा कोई जनतंत्र का मुंह पकड़ेगा, तो हम तरह-से जनतंत्र बेकार होकर रह जायेंगे। इसलिए हम लोग बुद्धि विरोधी व्यूह की रचना में फंसे न रहे।

मैं सीधी सीधी बात जानता हूँ कि यह सरकार किस ढंग से चल रही है उस सरकार को मैं कतई मानने के लिए तैयार नहीं हूँ। अगर जनतंत्र है और यह सरकार जिस ढंग से चल रही है उसे मैं कतई मानने के लिए तैयार नहीं हूँ कि वह डेमोक्रेटिक है। यह न जनतंत्रीय है और न समाजवादी ही है। यह सरकार शूद्ध रूप में दूर्जुवा और भर्खर्जुवा है। इसको हम मिश्रित बूर्जुवा कह सकते हैं और यह मिश्रित बूर्जुवा का ही रूप है।

दूसरी बात मैं यह कहना चाहता हूँ कि हम इस बिन्दु के विरोधी हैं। हम इसके विरोधी क्यों हैं? हम इसके विरोधी इसलिए हैं कि हम शूद्ध डिमोक्रेटाइजेशन चाहते हैं। हम शूद्ध जनतंत्रीयकरण चाहते हैं और जनतंत्र में सत्ता का विकेन्द्रीकरण हो। सत्ता केन्द्र की हो और जनतंत्रीय भी हो, यह दोनों बातें आज तक हम समझ नहीं पाये। जब श्री भूपेश गुप्ता विरोध करते हैं, तो मेरी बात समझ में नहीं आती है क्योंकि श्री भूपेश गुप्त डेमोक्रेटिक सेन्ट्रलिजम की पालिसी में यकीन करते हैं। वे कहते हैं कि सत्ता केन्द्र में हो, सत्ता सरकार में हो और हम कहते हैं कि सत्ता शक्ति और सत्य में हो। अगर सावर्-निटी जनता में बेस्ट करती है, तो मैं लोगो से पूछना चाहता हूँ कि जनता कहाँ है? जनता नहीं है। हाथी जी बैठ गये हैं, हाथी जी के लचिय बैठ गये हैं और हाथी जी द्वारा नियुक्त आफिसर बैठ गये हैं। अगर आप उसी को जनता कहेंगे, तो खुद भी धोखे में रहेंगे और देश को भी घना डालोगे। इसलिए

मेरा निवेदन है कि इस सदन में जब कोई भाषण करते तो वह अपने तर्क को खुर आने दिमाग में सोचें कि वह चाहता क्या है। जो व्यक्ति, जो पार्टी जनता के हाथ में ताकत देने की बात करती है, वह इस विधेयक का समर्थन कर ही नहीं सकती है। हम तो चौखम्बा राज्य चाहते हैं। हम चौखम्बा राज्य में कतई चाहेंगे कि गांव पंचायत राज्य में उस गांव पंचायत की तह में जितनी चीजे आती हैं वह गांव पंचायत करेगी, उस गांव पंचायत को मरकारी कानून बनाने के हवा होंगे, उस गांव पंचायत के तह में पुलिस भी होगी। यह नहीं कि पुलिस लखनऊ में रहे या पुलिस कलकत्ते में रहे। जो लोग कलकत्ते की पुलिस की या दिल्ली की पुलिस की निन्दा करते हैं, उनको मैं कहना चाहता हूँ कि वे जरा अपने दिमाग से सोचें और उस दिमाग से समझें क्योंकि चिन्ना बासू यह चाहते हैं कि कलकत्ते की पुलिस में ही इतनी ताकत हो और वह गांव के अन्दर न हो और तिल के अन्दर न हो। जिन तर्कों का निवारण श्री भूपेश गुप्त और चिन्ना बासू करना चाहते हैं वह अनावश्यक है। वे फंसे जाते हैं और मैं उनसे यह कहना चाहता हूँ कि वे एक श्रृंखला बनायें, मस्तिष्क की एक श्रृंखला बनायें, यह नहीं कि फटमे हम कुछ कह दें। तो श्रीमान हम तो इसके विरोधी हैं। जनतंत्रीय गिद्धात को लेकर, जनतंत्रीय, डांचे तो ले कर हम चलना चाहते हैं। यह कह दिया जायगा कि जनतंत्र में भाषण की स्वतंत्रता है, लेकिन उसमें मर्यादित नियंत्रण की भी व्यवस्था होनी चाहिये। अब यह नियंत्रण कौन लगायगा। अगर आप वह नियंत्रण लगाने का अधिकार कलकत्ता को देते हो तो वह नियंत्रण लगाने का अधिकार दिल्ली भी लेगा, लखनऊ भी लेगा, पटना भी लेगा। अगर ऐसा नहीं चाहते हो तो सारी आर्थिक व्यवस्था को तोड़ें। जितनी आमदनी केन्द्र की है उसका चौथाई केन्द्र ले ले और वह केवल मिलिट्री का प्रबन्ध करे, सुरक्षा का प्रबन्ध करे और अंतर्राज्यों का संबंध रखे। उसका चौथाई आ

जाय राज्य में। उसका चौथाई आ जाय जिला में और उसका चौथाई चला जाय गांव में। अगर चौथाई राज्य कायम होगा तो देश की सत्ता चाहे खंभो पर आधारित होगी। आज देश का सत्ता दो गिलसों पर आधारित है। उनमें एक तो है दिल्ली और एक है राज्य। आज जिले में कोई सत्ता है और न गांव में कोई सत्ता है। पुलिस आज केन्द्र में है और राज्य में है...

श्री अर्जुन अरोड़ा (उत्तर प्रदेश) : जिले में भी है।

श्री राजनारायण : क्या बात करते हो ? कम जिला परिषदों पास पुलिस है। कितनी बचकानी की बात करते हो। असल में इनकी भी मूर्खता है। न उनकी वाठानाई महसूस करता हूं। जब यह पढ़ेंगे तो यह मार्क्सवादी माहिर्य पढ़ेंगे और इनको एन. अग्रेज ने पढ़ाया था। तो यह मार्क्सवादी माहिर्य को उसी सम्बन्ध में समझ सकते हैं। यह जिले का अर्थ समझेंगे नहीं वह गांव का अर्थ समझेंगे नहीं। यह सेटल जेशन की बात समझ सकते हैं। जो पार्टी और जो दल एकतंत्रीय शासन चाहेंगा, वह पार्टी और दल एकतंत्रीय शासन चाहेंगे, यदि दिल्ली पुलिस की शक्ति हां ले कर के मजबूत होना चाहे तो उसका कैसे विरोध कर सकता है। आज स्वतंत्र पार्टी या जनसंघ के हाथ में ताकत आ जाय तो क्या वे इन्हीं तरीकों को अख्तियार नहीं करेंगे। हम भी कभी कभी यह सोचते हैं कि अगर हमारे हाथ में ताकत आ जाय तो इन्हीं अफसरो को लेकर के ढांचे को लेकर के क्या हम भी इन्हीं तरीकों को अख्तियार करेंगे या नहीं। जो यहां हमारे निहू है श्री रेवती कान्त जी, उनसे मैं पूछना चाहता हू कि आप बताइये कि अगर संसोध के हाथ में ताकत आ गई तो यही अफसर, यही ढांचा यही संविधान और इन्हीं कायदे कानूनों में क्या करेंगे। यदि रेवती कान्त जी यहां के उद्योग मंत्री हो गये और बंगाल की सरकार कह कि मैं केन्द्र से लड़ूंगी, तो जो केन्द्र के उद्योग बंगाल में फैले हुये हैं

उनकी वे हिफाजत करेंगे या नहीं करेंगे। यदि बंगाल की सरकार कहे कि हम केन्द्रीय संस्थानों की सुरक्षा की जिम्मेदारी नहीं लेते हैं तो फिर क्या होगा। सत्ता के सम्बन्ध में आज एक प्रकार की नौटंकी हो रही है। जब हम लोक काशी विश्वविद्यालय में पढ़ते थे तो वहां पर भी हमारी एक पालियामेंट होती थी और उसमें भी हम इसी तरह का नौटंकी किया करते थे। यह सही पालियामेंट है और सही पालियामेंट को सही ढंग से चलाने के लिये सभी बातों पर विचार होना चाहिये।

मैं इस बिल का तहे दिल से विरोधी हूं। मैं इसको राष्ट्रघाति मानता हूं, जनतंत्रघाती मानता हूं, जनघाती मानता हूं क्योंकि इसमें केन्द्रीय सरकार आज ताकत अपने हाथ में ले रही है और जनता के हाथ में तनिक भी ताकत छूटती नहीं है। जब हम चौखम्भा राज्य मांगते हैं, तो चौखम्भा राज्य के मुताबिक मैं आज भी श्री विद्याचरण सुकुल से निवेदन करूंगा...

एक माननीय सदस्य : शुक्ल।

श्री राजनारायण : हम सुकुल को पसन्द करते हैं। "सुकुल" के माने हैं सुन्दर कुल वाला, इस लिये हम सुकुल कहते हैं। अगर कोई शुक्ल कहता है तो कहें, उससे हमें कोई मतलब नहीं है। तो मैं विद्याचरण जी सुकुल से निवेदन करूंगा कि अब उनकी जवानी का समय समाप्त हो रहा है...

श्री विद्याचरण शुक्ल : अभी बहुत टाइम है।

श्री राजनारायण : वे बेचारे ऐसी स्थिति में फंस गये हैं :

मिली न जाय, नहि गुरदत बनई।

न उनसे मिलते बनता है और न छूटते बनता है और वे ऐसी स्थिति में फंस गये हैं कि वे आज अपनी युवा अवस्था का दुर्लभयोग कर रहे हैं। मैं उनसे कहना चाहूंगा कि वे ऐसी स्थिति में आयें जिस में जनतंत्रीय पद्धति और जनतंत्रीय प्रणाली अच्छी तरह से चल पाये...



SHRI A. G. KULKARNI: He is talking about man, moon or whom ?

श्री राजनारायण : \* \* \*

उपसभाध्यक्ष (श्री वत्सोपन्त ठेगड़ी) : आप विषय पर आइये और वाइंड अप कीजिये

श्री राजनारायण : \* \* \*

चौखम्भा राज्य का जो सिद्धांत है उसके बिल्कुल विरुद्ध आज यह विधेयक आया है। इस ये मैं इस विधेयक का घोर विरोधी हूँ। मैं कहना चाहता हूँ कि हे कि श्री विद्याचरण सुकुल, इस देश को जनतंत्रीय बनाओ, इस देश को तानाशाही तरीके पर मत ले जाओ, उस देश को मैनेजरियल फार्म पर मत ले जाओ, इसको ब्यूरोक्रैटिक इम्पीरियलिज्म पर मत ले जाओ क्योंकि अगर देश को ब्यूरोक्रैटिक इम्पीरियलिज्म पर ले जाओगे तो देश का जनतंत्र सूख जायेगा, गांधी का सपना टूट जायेगा। मैं फिर कहना चाहता हूँ कि अगर कुछ सदबुद्धि श्री हथी जी और श्री सुकुल जी में आई तो मैं समझूंगा कि हमारा काम सफल हुआ, नहीं तो मैं यह समझूंगा कि जब तक हमारी तकल होगी नहीं तब तक यह सब चलता रहेगा।

SHRI M. RUTHNASWAMY (Tamil Nadu). Mr. Vice-Chairman, if I intervene in this debate at this stage, it is only to deal with the argument that was raised on this side of the House that in a Federation the States should be given absolute autonomy in regard to the maintenance of law and order. But may I point out that even in a Federation the Central Government is supreme and is charged with the duty of maintaining law and order in every part of the State? No doubt the States under the Constitution are endowed with the power of looking after law and order as their principal and primary concern, but while the maintenance of law and order is the primary and principal concern of the State, the maintenance of law and order is also the ultimate concern of the Central Government. That is so in every Federation. In the United States of America the States have much larger autonomy than our States in India, but

\* \* \* Expunged as ordered by the Chair.

there the Federal Government has the militia, the Federal Government has the sheriffs, has a national police force also to intervene in the maintenance of law and order in the States. We saw during the Presidency of President Kennedy that in a Negro-dominated State, where the practice of segregation was enforced by the State Government, President Kennedy sent his national militia and the sheriffs to intervene in order to maintain the law of the Federation.

5 P.M.

Therefore, even in a Federation the Central Govt. is supreme and is charged with the duty of maintaining law and order in every part of the State. If law and order breaks down in any part of the State, even against the wishes of the State Government the Central Government has the power to intervene. It is not only in India that differences may arise between the State Governments and the Central Government. Such differences have occurred in the United States of America also, and in spite of those differences between the State Government and the Central Government the Central Government has had the legal authority to intervene in every part of the State, in every State in order to maintain law and order.

SHRI VIDYA CHARAN SHUKLA : Sir, I have nothing to say.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

STATEMENT RE ALLEGED CORRUPTION IN RELATION TO PURCHASE OF AIRCRAFT BY THE I.A.C.

THE DEPUTY MINISTER IN THE MINISTRY OF TOURISM AND CIVIL AVIATION (DR. SHRIMATI SAROJINI MAHISHI) : Mr. Vice-Chairman, with your permission I would like to state that the matter pertaining to the purchase of planes by the I.A.C. was raised the other day in the House. With due deference to the House I would like to state that the matter has been referred to the C.B.I.