

THE VICE-CHAIRMAN (SHRI M P BHARGAVA). The House stands adjourned till 2-30 P M

The House adjourned for Lunch at thirtyfive minutes past one of the clock.

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

# TRIBUTES TO DR HARGOVIND KHORANA

SHRI M P BHARGAVA (Uttar Pradesh) Before I move my Resolution, I want to invite the attention of the House and to put on record the world recognition of the achievements of Dr Hargovind Khorana, who first got the Nobel Prize and now, in yesterday's paper we read that he has been awarded the Laskar Prize I hope the House would like to join in the tribute for the excellent work done by Dr Khorana.

SHRI BHUPESH GUPTA (West Bengal). While paying our tribute to Dr Khorana, care should be taken by the Government that our eminent scientists are well looked after so that many of them come back to the country and they should be well provided and taken care of by the nation

SHRI DAHYABHAI V PATEL (Gujarat) It is a very sad reflection on the policies of the Government that eminent scientists have to look outside and they are not recognized in this country

DR AKBAR ALI KHAN (Andhra Pradesh). But we join in the sentiments expressed by Mr Bhargava

## RESOLUTION RE APPOINTMENT OF A HIGH-POWER COMMISSION TO EXAMINE THE CONSTITUTIONAL AND LEGAL POSITION OF THE POLICE IN INDIA

SHRI M P BHARGAVA (Uttar Pradesh). I beg to move the following Resolution

"That this House is of opinion that a high-power Commission consisting of persons having judicial and administrative experience and members representing both Houses of Parliament should be appointed to examine the constitutional and legal position of the police in India with particular reference to—

(1) the status, duties and powers of the police and the nature and extent of control of Government over their functioning under the provisions of the Constitution and the criminal law,

(ii) the spheres of responsibility of Government and the police in the performance of police functions, and, having regard to the experience gained of the functioning of the police under the law and the Constitution, to report on the changes if any necessary in the law with a view to effectively helping in the preservation of the rule of law and the efficient and impartial performance of police functions, and ensuring uniformity in standards throughout the country"

At the outset I want to say that police is a State subject under the Constitution and I must add that the intention of my Resolution is neither to give more powers to the Centre nor to curtail the powers of the States. The purpose of my Resolution is twofold, one, on economic grounds and two, to bring uniform standards in the enforcement of law and order throughout the country As far as economics is concerned, after independence, several States have already appointed Police Commissions and they have submitted their reports and I am sure, before long, the remaining States would do so To be precise seven or eight States have already appointed and the other eight or nine will have to appoint a Police Commission in their States to go into the working of the police under their own jurisdiction. Now my contention is that instead of the eight or nine Commissions coming into being why should we not have

one Commission with the consent of the States and the report of the Commission can be sent for implementation to the various States so that the enforcement of law and order is uniform? As I said, the purpose of this Resolution is not to discuss the conduct and functioning of the police in a particular State or States. The proposed High-power Commission under the Resolution is to have a very wide term of reference to go into the constitutional and legal position of the police in general and to suggest changes in law for ensuring uniformity of standards throughout the country. In this connection I would invite the attention of the House to an article in the 'All India Reporter' of October 1968 under the caption: 'The constitutional and legal position of the police in India' by one, Shri R. K. Hoola, I.P.S., Assistant Director, National Police Academy, Abu, Rajasthan. In this article, under various heads—Constitutional provisions and Rule of Law, Duties and Powers of the Police, Superintendence of State Governments, General control and direction of District Magistrates, Police duties and powers are statutory, original and obligatory, Failure of the police to discharge their legal obligations—the problem as has been enunciated in my Resolution, has been very ably put in the article. I do not propose to dwell at length on what has been touched in the article. I will confine myself to other aspects. The article is self-explanatory and is a thought-provoking article and I would request Members to have a look at the article so as to be able to appreciate the spirit behind which I have moved the Resolution. Now the conclusion in the article is as follows:

"Time has therefore come, in fact it has been long overdue, to give serious considerations as to whether certain legal and administrative safeguards should not be provided to the police so as to enable them to carry out their statutory duties impartially unhindered by external considerations of any kind."

"This is all more important in our country where democracy and Rule

of Law are in their early stage of growth and no firm and suitable conventions have yet been built up."

It is all the more necessary that such a commission should be appointed and that too soon because of the happenings all over the country. I do not want to go into that question at this moment.

The police in India today is largely governed by the provisions of the Indian Police Act of 1861, an Act which was enacted by the British Government in 1861, that means, over a hundred years ago, and as such it has become a somewhat ancient statute. Moreover, it was framed keeping in view the British interests rather than created for the Indian interests. Much water has flown below the bridge since the country became independent twenty-one years ago, and the conditions under which the Act was framed have changed, and therefore it is absolutely necessary that a serious look is given to the Police Act of 1861 with a view to bring it to suit the modern needs of the country and with a view to meet the various situations which are developing in the country almost every day.

As far as I have been able to ascertain, only seven States, Andhra, Bombay, Kerala, Madras, Mysore, Nagaland and West Bengal of the 17 States have passed Police Acts; others are still following the Act of 1861. Even the seven Acts appear generally to be patterned on the 1861 Act. It cannot be denied that the powers, duties and functions of the police are vastly different in independent India from those during the pre-independence period. The Fundamental Rights enshrined in the Constitution and strict observance of the Rule of Law are of paramount importance. How far the criminal law of the country is in tune with the provisions in the Constitution is a question which calls for detailed study, and I am sure the authorities who are in charge of the enforcement of criminal law, as well as the Indian Constitution will bear in mind what changes are necessary in the Police Act to meet the situation.

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With responsible Governments functioning in different States with different political parties in power, the role of the police as guardians of law and order assumes a special significance. The law has to be so framed as to ensure effective and impartial performance of police functions irrespective of the consideration as to which political party may be in power running the administration, either in the States or at the Centre. The police has to be organised to serve as an effective instrument essentially to help the community in maintaining law and order, and not to interfere with the community life. The police should be able to serve and help the people rather than be regarded as a terror by them.

The duties of the police have considerably widened after independence. Apart from maintaining law and order they are also called upon to shoulder other responsibilities, like checking prohibition offences, performing election duties, guarding vital installations, airports, seaports and the communications centres, etc. There should be machinery provided for close and complete co-ordination between the intelligence wing of the police and those charged with ordinary police duties. The standards should be uniform throughout the country because there cannot be difference in standards in the preservation of the Rule of Law. Complaints are often received about political interference. It should be the aim to ensure that police gets adequate safeguards against such interference so that they may perform their duties without fear or favour, and such safeguards have to be considered. Machinery for avoiding conflicts between the Centre and the States in police functions, particularly where Centre's interests are concerned, has to be created. A uniform code of conduct and norms are necessary. Adequate guarantees have to be ensured to the police against unilateral action in cases where the police is called upon to deal with political unrest, strikes, students' movements and so on. As I said, some of the State Governments have appointed

their Police Commissions. As far as I have been able to find out, the following State Governments had set up Police Commissions, and reports were submitted: Bihar, Maharashtra, Punjab, UP and Bengal. Besides these Commissions have also been set up by Madhya Pradesh and Rajasthan but reports have not yet been submitted. In the Union Territory of Delhi a Police Commission was appointed and its report has been received.

Now let us examine the terms of reference of the various Police Commissions and what we do find. It is often said that a uniform police law or uniform standards in the enforcement of law and order cannot be applied. I do not share that view. Unless one yard-stick is used in dealing with the situations created at various places it is bound to lead to trouble, and therefore I am urging for uniform standards in the enforcement of law and order.

Now the terms of reference given to the Punjab Police Commission are

"(i) whether the organisation, training and strength of the different ranks of the Police Force in the State are adequate for preventing breach of the peace, maintaining public order, and investigation and detection of crime,

(ii) if the organisation, training and strength of the Police Force in the State for the purposes mentioned in (i) above are not adequate then what revised norm of the requisite strength for different ranks should be fixed, and what other changes and modifications are required to be made;

(iii) whether in the light of the need for recruitment and retention of an adequate number of men and women for the Police Service, the conditions of service in the Police are sufficiently attractive to induce a proper type of individuals to enter it, and to report on pay, emoluments, travel allowance and other allowances, pensions, promotions, and

other conditions of service, including their living conditions at different levels,

(iv) to enquire and report as to the nature and limits of the assistance which can be given by women in the carrying out of the Police duties, and as to what should be the status and conditions of service of women employed on such duties,

(v) whether any reduction in the duties now allotted to the Police is possible,

(vi) to examine the adequacy and suitability of the equipment provided for the Police with particular reference to transport and radio facilities and to suggest as to whether there should be increase in the existing equipment in order to increase mobility and efficiency and save man-power,

(vii) whether in view of the public criticism in recent times against firing by the Police, the use of fire-arms by the Police should be totally excluded and if not, the nature of the circumstances and the conditions under which it should be allowed,

(viii) to consider the adequacy of the measures for controlling meetings, demonstrations and mobs, etc., and operational techniques of the Police in the use of lathis, tear gas, etc and to suggest any improvement therein,

(ix) whether any changes or improvements by way of separation or otherwise in the functions of the Police regarding (a) investigation and (b) prosecution of cases are called for,

(x) whether it would be proper to separate completely the Investigating Agency from the Law and Order Agency and to set up for the former a specialised police force trained in the modern methods of investigation,

(xi) to examine the existing facilities for application of scientific aids to the investigation of crime, offer suggestions for further improvement

and expansion in that respect and propose what further measures are needed to step up work in that direction,

(xii) whether in view of the present volume and tendencies of traffic, the Police are properly organised and equipped to ensure safety of life and property on roads,

(xiii) whether the Police Force set up for rural areas is effective in the performance of the Police duties in those areas and whether any changes are necessary in its strength, organisation, training and conditions of service and further, how, in the context of Village Panchayats functioning all over the State, the efforts of the district and the rural Police and those of the Village Panchayats can be integrated in tackling crime? The feasibility of substitution of Village Chaukidars by a system of beat Constables may as well be examined in this context and necessary suggestions made"

I have got three or four others also and if I had the time I would have read that out also and showed that not even one of the terms of reference can be called regional or it relates to a particular State. What I am saying is that the terms of reference given either to the Punjab Police Commission or to the Maharashtra Police Commission, or to the UP Police Commission, or to the Bengal Police Commission, or to the Rajasthan Police Commission or to the Madhya Pradesh Police Commission are not regional. They are all applicable to all the States alike and no case can be made out that this is a special case which cannot be dealt with in a consolidated manner at one place and then implemented in the various States.

Now I was looking through the Delhi Police Commission Report and let us see what a policeman is supposed to do. It has been beautifully put in the Report of the Delhi Police Commission. I would not read the entire passage because it is a lengthy one but

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just to give an idea to the House I will read a few lines:

"A policeman must be mentally and physically fit. He must . . .

SHRI ARJUN ARORA (Uttar Pradesh): If he was mentally fit he will not join the police force in India.

SHRI M. P. BHARGAVA: That is your view; that is not my view. The Report goes on to say:

"He must show courage and initiative. He must have a certain measure of education and be conversant with the ordinary laws of the land, and most important of all, he must be a man of integrity. The duties which he is called upon to perform are multifarious and important. The authority which is vested in him is enormous. He is indeed unique among all the subordinate services of the Government in this respect. A constable must be vigilant in using his authority adequately and instantly as the occasion demands. At the same time he must not exceed it, for by doing so, he will render himself liable to the process of law and also bring the police force into contempt. His individual responsibility is much more onerous and requires much more dedication on his part and a more balanced judgment than in any other branch of Government service. He must be imbued with high moral standards. His authority is both original and delegated. As a member of the disciplined body, a constable is subject to the orders of his superior officers from whom he gets his delegated authority, but in a manner in which he executes these orders, he has a dual responsibility. He is answerable to his superiors for any lapse on his part and to Courts of Law for any abuse or misuse of his authority. Whether on his own initiative or when acting under the orders of his superiors, he is answerable for any error of judgment. On arriving at the scene of a crime or of accident or disorder, any mistake or lapse of judgment on his

part may jeopardise the subsequent investigation and adversely influence the entire course of events. In the discharge of his duties, he has to perform certain acts which are obligatory and others which are discretionary. When he is on patrol duty or on his assigned beat, he may have to take prompt action in the event of a crime or accident, and in doing so, he must exercise his authority with commonsense and courage. He must be constantly on the alert and be on the look out for any unusual noise or movement which may be indicative of a crime, an act of violence or a burglary. An innocent-looking lorry passing by may contain contraband goods. A lonely man moving about may be an escaped convict or a potential criminal. He must learn to recognise a spy, a thief or a murderer."

This is only para. 2 which I have read out. The entire duties of the police have been described in nine paras but I do not want to bore the House by reading all the nine paras.

श्री राजनारायण (उत्तर प्रदेश) : अब तक आपने क्या किया है ?

SHRI M. P. BHARGAVA: We demand too much from our policemen but what are we doing to see that proper people are recruited? Here I say unless a uniform code is evolved for all the States according to which they will make their recruitment it is impossible to recruit policemen of the type you want. That is why it is absolutely necessary that we must have an all-India Police Commission to look into all these things and make recommendations which will be acceptable to all the States.

Now I will just bring to your notice what other Police Commissions have said. I will just read a para from the Punjab Police Commission:

"It (the Commission) has not been able to find any service comparable to or which runs the same hazards as the police . . ."

It is about the hazards of the police.

"... which captures dangerous dacoits and criminals, which brings the murderers to justice, which tramps on the village and city roads on beat duty day and night, which is on duty all the twentyfour hours of the day, which lives on the tops of trees to guard the border, which gets killed in various incidents to save the lives of citizens, which maintains law and order in the State and faces unlawful assemblies and armed gangs."

Let us say what they have said in the Report of the U.P. Police Commission:

"The Police Officers have by law been charged with the duty to collect and communicate intelligence affecting public nuisances, to apprehend and to detect offenders and bring them to justice. It is lawful for the Police Officers in the discharge of any of the above duties to enter without a warrant and inspect any drinking shop, gaming house or other place of resort of loose and disorderly characters."

And they go on like that. I am not reading everything because they are long passages.

Now I would like to read a few lines from the Report of the Royal Commission which was appointed in England to go into the same matter and this is what they say:

"Our attention has been drawn to the social disabilities which restrict the constable's personal liberty, and to a varying degree, affect his wife and family. A policeman lives and works as a member of the community. He is essentially a civilian in uniform. But he is expected to uphold standards higher than those of many other sections of the community. His personal conduct in all matters both on and off duty must be above reproach. He must not only be honest; he must establish in the community a reputation for uprightness and fair dealing that puts him

beyond the reach of criticism and malicious gossip. Like the parson or minister he is both in the community and separate from it. We were told that this sense of separation is occasionally keenly felt by the police and their families."

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Now, this is what the Punjab Police Commission expects, the UP Police Commission expects and the Royal Police Commission expects. The problems of the police are linked with the pay and amenities of the police force, the equipment to be provided to the policemen, the adequacy of the police force which is to be kept from State to State and, above all, we have to deal with the problem of uniformity in enforcing law and order.

Then, there is another problem which we find is lacking in our country and that is the biggest problem of humanising the police force. Unless the police force is humanised, unless it can appreciate a particular situation in a humane manner, the problems of the country will never cease. There have been complaints that the police used excessive force at certain places. That is bound to be the case with the type of recruitment we make. We must look to their pay and amenities. We must recruit the right type of people and then only we can expect proper results from the police. The present Resolution, as already stated, covers a much wider canvas and I have no doubt it will have the support of the House.

Now, originally I had planned that the Resolution should be discussed and a decision taken on the Resolution itself. But on second thoughts I have come to the conclusion that it would be better if the Resolution was first sent to all the States to get their opinion, along with the speeches made in this House. Let the States express their opinions. After the opinions of the States and others—in 'others' I include the IGPs, the High Courts and some important and well-informed people about the police administration—have

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been received, their comments have been received the House should decide it. If their opinions are favourable, if the States favour the Resolution, I see no reason why an All-India Police Commission should not be appointed. If, on the other hand, the opinions are against my Resolution, then I will not press my Resolution. That is the proposition which has been put forward by Mr. Mani in his amendment and I have no objection in accepting his amendment.

*The question was proposed.*

SHRI A. D. MANI (Madhya Pradesh): Sir, I move—

"That in line 1 for the words, 'This House is of opinion that a high-power Commission' the words 'In the opinion of the House the time has come when the opinion of the States and others should be ascertained on the advisability of appointing a high-power Commission' be substituted, and in line 4, the words 'should be appointed' be deleted."

*The question was proposed.*

SHRI A. D. MANI: Sir, I would like to make a submission. The matter is so important that, even though Mr. Bhargava has indicated his acceptance of my amendment, I would like to have an opportunity to put forward the views behind my amendment, particularly as the States are involved, and I hope that you will give me an opportunity of intervening in the debate.

THE VICE-CHAIRMAN (SHRI D. THENGARI): Members will confine themselves kindly to the time-limit of 15 minutes.

SHRI M. RUTHNASWAMY (Madras): Mr. Vice-Chairman, it is high time that an enquiry, a very serious enquiry, should be made into the position and powers of the Indian Police. I think it is nearly seventy years since the last Indian Police Commission was formed and they reported early in this century. But since independence new problems have arisen, new pressures and strains have been put on the

police. New demands have been made upon it. I do not like these words "high-power Commission". It has become a sort of cleche now-a-days. A Presidential Commission should be formed in order to look into the whole question of the position and the powers of the police, because new problems have begun to face the police. First of all, there is the constitutional problem. India has become a Federal State and we have the State Police as well as the Central Police. The question of the relationship between the State Police and the Central Police has exercised the minds of people, wherever the federal system has obtained. In a centralised system like that in France no difficulty arises. There is only one police organisation operating throughout the country. But here, in a federal system, you have two police systems, the State police system and the Central police system and there is bound to be clash, there is bound to be collision and if there is no clash or no collision, there is at least the possibility of overlapping of these two police organisations. As a matter of fact, we find that the Central Police is not so strong to deal with problems that arise from the activities of the Central Government in the State territories. If all the State Governments belong to the same political party as the Central Government, no difficulty will arise and no difficulty has arisen till recently. But with the formation of State Governments which do not belong to the political party to which the Central Government belongs, problems have arisen. They have arisen in Kerala, they have arisen in Bengal and in other States. So, it is necessary that the Central police should be strengthened. After all, you have only a sort of Central Reserve Police which you send into operation. a very small force, quite unable to deal with situations that might arise in a State in which the person and the property of the Central Government may be involved. Therefore, this is the first important question that this new Police Commission will have to deal with, namely, the constitutional relations between the Central police and the State police.

Then, administratively also new problems have arisen. First of all, as we are a free national Government, we have freedom of association guaranteed under the Constitution. We have the activities of large political organisations, political organisations which command large number and which devote themselves almost daily to agitations. Demonstrations, mass meetings, mass movements, these are an everyday feature of our political life. Then also we seem to have entered upon an era of violence. It is extraordinary, it is ironic that in a country which produced the apostle of non-violence a regular era of violence has dawned upon it. You may say it is a universal phenomenon. But we have to deal with this problem, this local problem of the insurgence of violence which is also becoming a daily feature of our life.

The coming of the motor car has also created a new problem for the police. The control of traffic under motor car conditions has become a great problem so that in large cities almost one-third of the police has been diverted to the control of traffic. Prevention of crime and prosecution of crime has almost taken a second place in the view of the police force especially in the capital cities of our country.

The management of crowds has become a new police technique in which I am afraid our police force have not been trained. It is not merely the technique of firing at the crowd that will control the crowd. A new technique has to be evolved in the management of the crowds in the way crowds are handled, in the way crowds are side-tracked into streets, diverted from their main target, so that they cease to be so violent and active, to render the least possible damage to person and property.

So, the problems have raised the question whether our police are numerically adequate to deal with these problems. I am told that on the whole,

in the total, the number of our police, Central and State, is about 250,000. That works out to about 1 policeman for 2,500, if my arithmetic is correct. That is a great disproportion between the number of people that have to be protected and the number of policemen that protect them. In other civilised countries the number of police is in the ratio of 1 policeman to 500 or 600 people.

Then the police are being called upon to deal with a number of other problems; not merely the prevention of crime, the prosecution of crime, but they are also to deal with special crimes. There are crimes against railway property and railway personnel; there is the protection of the railway lines. For all these the State police are supposed to be responsible. The Railway police such as we have is only a police for the protection of railway property, not for the protection of the railway line all along it, not for the protection of the persons or the passengers who travel on the railway. The State police have enough work to do in order to protect person and property in their territory. They cannot be called upon to deal with special problems that arise on our railways on account of the peculiar conditions in which our railway traffic is organised. A special kind of criminal has been evolved during the history of the railways and therefore a special police trained in order to deal with these railway offences, with these offenders against the railway track, against the railway property, against persons, persons who travel on the railways, has to be evolved.

So, the question of the numbers required for the police, the question of the quality of the police that we should get, all these things have to be gone into by this Commission. I do not like at all that this Commission should be necessarily composed of Members of Parliament. Members of Parliament who are competent to deal with police problems, who have some experience on police problems, may be included. What we want is a highly qualified technical Commission, a Commission



[Shri M. Ruthnaswamy.]

composed of experts, composed of representatives of the public, a Commission that will include also representatives of industry, representatives of labour, representatives of political parties also that require police attention. It must be a highly qualified Commission, we need not call it a high-power Commission but a highly qualified Commission, that will look into the problems of the police from an expert, scientific stand-point, which will make recommendations that will make our police an effective police. We seem to think that the police is only a prosecuting and a punishing organisation. It is a preventive organisation. The efficiency of the police consists in the extent to which it is able to prevent criminals from coming on the streets, prevent hooligans from coming on the streets, before they resort to violence. In France especially the preventive police system has been highly developed. We will do well, therefore, if this Commission sends some of its members to France in order to study the preventive system of the French police. They are able to keep a watch over every centre of violence, centre of crime. They are able to watch the possibility of crime wherever it is likely to arise, and thus they are able to prevent crime before it is committed. Prevention in this case as in every other case is better than cure.

I do not like at all the idea of Mr. Bhargava who moved this resolution that this resolution should be referred to State Governments—as if this Parliament is not competent enough, is not good enough to study the question whether such a revision of our police organisation, of our police activities is or is not called for. We are competent enough, we have got enough experience.

SHRI M. P. BHARGAVA: If I may just intervene, it is not the intention when I said that it should be referred to the States that Parliament is not competent. I want to have a smooth-sailing of this resolution and therefore I want to forearm myself with the opinion of the States,

SHRI M. RUTHNASWAMY: It is not at all necessary. If Parliament is convinced that the time has arisen when a review of our police organisation is necessary to see whether it is adapted, suited, good enough for the political, economic and social conditions in which we live, I think our Parliament is competent enough. It would only prolong the agony.

SHRI AKBAR ALI KHAN: Real experience of what are the problems will come from the States. In order to have a real proposal on reform I think we will have to consult the States.

SHRI SUNDAR SINGH BHANDARI (Rajasthan): But it is only for the appointment of a Commission.

SHRI M. RUTHNASWAMY: It is a Commission that is called upon to study the question. They will go to all States. They will tour the States. They will take evidence from the people of the States, from the police organisations in the States. It is a Presidential Commission . . .

SHRI A. D. MANI: May I ask the hon. Member whether he is not aware of the fact that States have charge of a Police Department which is under the control of a State Minister? This is a matter which affects the States' rights. Some States have enacted their own Police Acts. They are not governed only by the Act of 1861. In view of that would he not think that the opinion of the States should be taken into account?

SHRI M. RUTHNASWAMY: The position of the States will be taken into account by this Presidential Commission. When it goes round the States it will interview the Police Minister, it will interview the Minister of Interior. It will call for evidence from the police officers and from heads of the police department. This is not a Bill which affects the whole of India, which ought to be settled with the States beforehand. Are we or are we not competent to decide the question whether the time has arrived for the

appointment of a highly qualified Presidential Commission to go into the whole question of the police, the police organisation, the activities of the police in the States and at the Centre and the relationships, especially the constitutional and administrative relations between the State police and the Central police, especially when the Central police has not enough policemen to look after its own interests in the territories of the States?

Therefore, Mr. Vice-Chairman, I think that reference to the States is not at all necessary. This Parliament, this House especially as it is the representative of the States—it is the Council of States—has enough power. States' opinions can be elicited from the Members of the House. We have to get on with the business of reviewing the present position and powers and capacity of the police straightaway because problems have arisen which have reached such a magnitude that I do not think we should delay consideration of this question of the appointment of a highly qualified Presidential Commission to go into the whole question of the police organisation, the relations between the State police and the Central police and to see whether the number and training of the policemen are all adequate enough for the situation that faces us today.

**SHRI B. T. KEMPARAJ (Mysore):** I am very happy to congratulate the hon. Shri M. P. Bhargava for having sponsored this Resolution. This Resolution is very important from two points of view. One is that we have been dependent for nearly 107 years upon an Act that was passed by the British rulers. That Act is still in force in one way or the other. Of course, many States have passed some Police Acts. But those Acts have been on the same pattern as that of the Act of 1861. Therefore, we do not find much improvement made upon the provisions of the Police Act that was existing previously. Now, the time has come when, because of the developing circumstances and the change

in environments in the society, a rapid system is needed in the existing system of police.

Sir, our country consists of illiterate, innocent and poor people. Therefore, in such a country if the system that prevailed during the time of the Britishers were to remain, the nature and kind of torture that an innocent man undergoes can be imagined. How the police people entertain and treat the innocent people often is really pathetic and it is heartrending. Therefore, I feel that it is very essential that a thorough overhaul should be there and the matter of the police department throughout the country should be examined and remedies to overhaul the department should be suggested. For this purpose, a high-power Committee is necessary. And under the system that is existing today, the very name of police will create an apprehension in the minds of the public. The relationship between a policeman and an ordinary citizen is such that the ordinary citizen will feel apprehensive and will be put into confusion as soon as he sees a policeman in the khaki dress. This was the state of affairs prevailing previously because the Britishers wanted to rule the people of India by terrorism in one way or the other. Therefore, it is high time that we have to see to it that the mental apprehension that a common man or an illiterate villager or a poor man has got in his mind is washed away. Should we take twenty years to reform the police department it is a question for consideration.

It is very nicely reported in the Interim Report of the Delhi Police Commission. It says—

“It is no exaggeration to say that people identify the Government with the police and the nature of the police force which a country possesses determines, in the people's mind, the nature of the Government itself. If the police force is corrupt, undisciplined and inefficient, the image of the Government in the eyes of the people, whatever may be the indivi-

[Shri B. T. Kemparaj.]

dual qualities of its leaders, is also that of an inefficient and corrupt, undisciplined body. This is all the more so in a democracy, because the democratic way of Government guarantees greater freedom of thought and action to the citizens and they are therefore, more zealous of their rights than in any other form of Government. In a democracy, the success of the administration depends on its ability to conduct public relations efficiently, and the police, as the main executive limb of the Government, comes into touch with the public at all times and in almost all aspects of their daily life.....It is therefore necessary that the police force in a democracy should be sympathetic, honest and efficient."

Therefore, Sir, it is uniformly applicable, whether it is the State or the Centre. Policeman is a policeman wherever he works. I do not agree with the suggestion made in this amendment that this has to be sent to the States and to some of the judicial bodies like the High Courts and some other departments to seek their advice or report. Why unnecessarily waste time? If this Resolution is referred to any State Government to get information or some report, it may not see the light of day. Therefore I think it is necessary that this Resolution, as it is, may be carried, and a high-power Commission may be appointed to go into the pros and cons of the working of the police department.

Another thing which I want to express here is that the function of the police can be summed up as (a) watch and ward; (b) prevention of crime; (c) investigation and detection of crime; and (d) prosecution of offender. Besides, the police has to serve processes in all criminal cases including processes in complaint cases filed by individuals. Therefore, it is a department which is the nucleus of the administration. The very nucleus of the administration should be such that it should be away from all bias and hatred towards any quarter. Sir, the police of Scotland

Yard is well known all over the world for its work, efficiency, ability and integrity. It is known. Recently, Sir, you may remember that in the American murder case of Mr. Robert Kennedy, it was suggested by some persons that the Police from the Scotland Yard may be invited to investigate that case. Therefore, when we have got such instances in so many countries, it is also apt that we should have a force which should be capable of adjusting to the changing democratic principles. There are so many instances where policemen unnecessarily, wantonly and uncalled for, take cases to the court and they will purposely try to do injustice to some persons whom they do not like. Therefore, all these inequalities, jealousies and hatred must be put an end to. What is required is a peaceful life and the right to enjoy one's property. A person should have peace of mind and freedom of expression and a right to live even under the poorest possible circumstances; there should be no outside inconveniences to him. Sir, you have been seeing several instances now-a-days where the police have been exercising functions over and above what is required. This is entirely due to the practice that has been prevailing in our country from times immemorial, that is, from the British times. That has to be washed out from the minds of the police people and the department as such. Therefore, whatever might be the circumstances, the Police Department has got to be reformed.

Sir, we cannot compare the police department to the fourth grade servants of the Government department. A peon or an attendant cannot be equal to a policeman whose position is somewhat superior to that of a peon or an attendant who is not expected to discharge some of the duties which are expected to be discharged by a policeman. Therefore, it is essential for the Government to think seriously that a high-power committee should be appointed to fix up the nature and qualification to be prescribed for the policeman. For this purpose the Committee should study and examine

the nature of the department which is supposed to guarantee the liberty of the citizen. With this view, again, I say that no reference need be made to the States because as it is, everyone knows how the Police Administration is going on both in the rural and the urban areas. Therefore, it is high time that a high power committee is appointed with the terms of reference as expressed by hon'ble Shri M.P. Bhargava so that the Department is overhauled in conformity with the changing circumstances.

**श्री सुन्दर सिंह भंडारी :** उपसभाध्यक्ष महोदय, पुलिस कमीशन की नियुक्ति के बारे में श्री भार्गव का प्रस्ताव सदन के समक्ष विचारार्थ है। मैं समझता हूँ, स्वतंत्रता प्राप्ति के बाद देश की पुलिस किस ढंग पर चले उसके कर्तव्यों को निभाने के लिये वह किस प्रकार अपने फर्ज को अदा करे, यह वास्तव में महत्व का विषय बना है। अंग्रेजी शासनकाल में पुलिस भी दमन का एक हथियार था और अगर हिन्दुस्तान की ही पुलिस में रंगरूट किये हुए व्यक्ति अंग्रेजों के आदेश पर इस देश के लोगों पर जुल्म डाने के लिये आगे बढ़ते थे तो शायद वह इनाम पाने के पात्र माने जाते थे। परन्तु इसके साथ साथ वह स्वयं एक गुलाम देश के व्यक्ति होने के कारण पुलिस में सेवा करते हुए भी अगर अपनी तनख्वाह के बारे में, एक मानवीय जीवन की सुख सुविधा के बारे में कुछ मांग करते थे, तो उसको सुनने की अंग्रेजों को कोई ज़रूरत महसूस नहीं होती थी। आज दोनों ही क्षेत्रों में परिवर्तन आया है और आज एक इस बात की भी ज़रूरत चारों तरफ से अनुभव की जा रही है कि पुलिस में काम करने वाला व्यक्ति ठीक प्रकार से अपने उत्तरदायित्व को पुरा कर सके इसलिये उसको मिलने वाली तनख्वाहों, उसको मिलने वाली सुख सुविधाओं, उसके बच्चों की पढ़ाई और बाकी चीजों के बारे में भी हमें गंभीरता से विचार करना चाहिये। हम देख चुके हैं कि इन सवालों पर पुलिस के अंदर भी पिछले दिनों बड़े व्यापक

आंदोलन हुए हैं इसी के आधार पर सरकार को उनके प्रश्नों पर विचार करने की आवश्यकता अनुभव करनी पड़ी है। परन्तु अभी तक भी अलग अलग राज्यों में उन सारी चीजों के संबंध में कोई निश्चित नीति निर्धारित नहीं की जा सकी है। इस पुलिस कमीशन को उन लोगों के जीवन निर्वाह की सारी वस्तुस्थितियों का विचार करके उसके संबंध में भी सुझाव देने की एक महती आवश्यकता है। लेकिन उसके साथ ही हम यह देखते हैं कि पिछले दिनों में देश के अंदर जो घटनाएं घटी हैं, कई स्थानों पर पुलिस के अत्याचारों का वर्णन और आज भी उसके द्वारा निरंतर होने वाली घटनाएं जो प्रति दिन हमारे सामने आती हैं, वह भी एक विचारणीय विषय बना हुआ है। जहां तक पुलिस के स्वाभाविक उत्तरदायित्व का प्रश्न है मैं समझता हूँ उसमें किसी की दो राय नहीं होगी जिस मकसद से पुलिस का विभाग हमने बनाया है वह यह है कि उसको नागरिक जीवन को शांति और आश्वस्त प्रदान करनी है। इस काम के लिये कहीं दो राय नहीं हो सकती। पुलिस का महकमा बना ही इसलिये है कि वह इस काम को करे लेकिन आज इस पुलिस के महकमे के साथ केवल शांति और व्यवस्था का उत्तरदायित्व नहीं रहा, और भी कई काम इसके ऊपर आ गये हैं जिसका उल्लेख थोड़ा बहुत अभी किया गया। सरकार की नीतियों के आधार पर जहां पर आर्थिक क्षेत्र में नाकाबंदियां हैं, कन्ट्रोल है, इशेन्शियल कमोडिटीज के बारे में विभिन्न प्रकार के आदेश हैं, उनकी जांच करना, उनकी निगरानी रखना, चीजों के आवागमन को संतुलित करना, नियंत्रित, करना ये सभी चीजें भी पुलिस के उत्तरदायित्व में शामिल हुई हैं। जैसा कि कहा गया, पुलिस चुनाव के काम में भी महत्वपूर्ण हिस्सा अदा करती है। पहले अंग्रेज लोग पुलिस का उपयोग दमन के लिये किया करते थे और वह निंदनीय है उसका कोई भी समर्थन नहीं कर सकता, लेकिन दुर्भाग्य यह है कि आज भी जब कि देश स्वतंत्र

[श्री सुन्दर सिंह भंडारी]

हो गया हो वहां सत्ता पर बैठे लोग ही पुरानी मनोवृत्ति से पुलिस के ताकत का उपयोग करना चाहते हैं। आज देश को स्वतंत्र होने के बाद भी स्वतंत्र वातावरण में एक प्रशासनिक व्यवस्था होने के बाद भी, शासन में बैठे व्यक्ति पुलिस का अपने निजी स्वार्थों की दृष्टि से, अपनी राजनैतिक शक्ति का होवा लोगों के मनों पर जमाये रखने के लिये या फिर राजनैतिक सत्ता पर बैठे रहने के इरादे से लोगों के साथ बदले की भावना से जब पुलिस का उपयोग करते हैं तो फिर पुलिस के संबंध में उसी प्रकार की भावना निर्माण होती है जो अंग्रेजी शासन काल में पुलिस ज्यादातियों के संबंध में हुआ करती थी। स्वाभाविक है कि इन कामों के लिये पुलिस कमीशन काम नहीं देगा। यह तो सारे देश की मनोवृत्ति को शासनकर्त्ताओं की मनोवृत्ति को इसमें बदलने की आवश्यकता है। यह केवल पुलिस कोड या पुलिस के कायदों का किस तरह से दुरुपयोग किया जाय, इस पर निर्भर करने वाली चीज नहीं।

इसके साथ ही, जैसा कि एक उल्लेख हुआ कि इस प्रकार के कमीशन की नियुक्ति करने के लिये हम विभिन्न राज्यों की राय इस संबंध में प्राप्त करें कि वह एक देशव्यापी कमीशन की आवश्यकता महसूस करते हैं या नहीं करते हैं। एक सवाल खड़ा हो सकता है कि क्या अलग अलग प्रान्तों में जो राज्य हैं वह इसके संबंध में कोई अलग राय रखेंगे या एक राय पर वह आ सकते हैं कि जुर्म क्या है, अपराध क्या है, पुलिस को उसके अंदर हस्तक्षेप करना चाहिये या नहीं करना चाहिये। अगर हम यह मान कर चले कि क्योंकि अलग अलग राज्यों में अलग अलग दलों की सरकारें हैं और इसीलिये अलग अलग दलों की सरकारें होने के कारण अपराधों की परिभाषा बदलेगी, अपराध के आधार पर पुलिस को काम क्या करना चाहिये? तो उसमें पुलिस के लिये हमें काम करने की एक व्यवस्था निर्धारित करेंगे या हर कदम

पर हम पुलिस को सत्ता पर बैठे हुए राजनैतिक दल के विचार के अनुसार उसको सुचनाएं देकर उसको कदम बढ़ाने के लिये रखने के लिये या दौड़ाने के लिये आदेश देंगे तो अलग बात है मगर मैं समझता हूं शासन किसी भी पार्टी का हो लेकिन कोई रूल आफ ला हो, शासन और व्यवस्था बनाये रखने के पीछे धारणा एक हो तो फिर सारे देश में उसके संबंध में एक मार्गदर्शक नियमावली बनाने के अंदर किसी प्रकार की बाधा नहीं हो सकती। आखिर हमने पार्लियामेंट में बैठकर ही हिन्दुस्तान का फेडरल कांस्टीट्यूशन बनाया है, हमने पार्लियामेंट में बैठकर राज्यों के अधिकार और केन्द्र के अधिकारों के बीच की सीमा रेखा को खींचने की व्यवस्था की है। इस आधार पर हम यहां केन्द्र में बैठकर पुलिस को किस प्रकार से काम करना चाहिये और उसके लिए एक कमीशन बिठलाने की बात करें, तो इसमें कहीं भी फेडरलिज्म या कोई भी एक भावना बाधक नहीं बननी चाहिये और न ही इसके बनने की कोई आवश्यकता ही प्रतीत होती है। यह बात सच है कि अगर हम इस बात की धारणा करें कि कहीं पर भी अगर लोग किसी उद्योग को, किसी काम करने वाले अधिकारों को घेर कर खड़े हो जाय और कहे कि नहीं यह तो विशेष मांग को मनवाने के मार्ग में अपनाया जाने वाला आन्दोलन है और इस कारण से पुलिस को इससे अलग रहना चाहिये, पुलिस को इसमें हस्तक्षेप नहीं करना चाहिये कानून की व्यवस्था को लागू करने के लिए या पुलिस को जब तक सत्ता पर बैठे हुए दल या वहां के जिले के पार्टियों के मंत्री जबतक अनुमति प्रदान न करें तबतक पुलिस अपनी कोतवाली के बाहर न निकले और लोगों की जान व माल की रक्षा करने के लिए न जाय। अगर इन विचारों के अनुसार पुलिस के फंक्शन की परिभाषा बदलेगी या कहीं पर भी अराजकता की स्थिति का निर्माण हुआ, जैसा कि मुझे मालूम है कि

पिछले दिनों मद्रास में एक ऐसी स्थिति का निर्माण हुआ था। वहां के पुलिस कमिशन और आई जी ने मुख्य मंत्री को जो कि अपने कैबिनेट के साथ रात भर सेक्रेटेरिएट में बैठे रहे और आन दी स्पाट पुलिस कमिशनर और आई० जी० को सिचुएशन के संबंध में टेलीफोन करते रहे। उस समय आई० जी० और पुलिस कमिशनर पूछते रहे कि हम क्या करें और कैबिनेट का फैसला होता रहा कि तुम ऐसा करो। जब फिर से नई स्थिति का निर्माण हुआ तो आई० जी० ने टेलीफोन किया और फिर उस के संबंध में कैबिनेट पर विचार हुआ तथा कैबिनेट द्वारा आदेश दिया गया। मैं समझता हूं कि अगर भार्गव साहब की मंशा इन सब राज्यों की राय लेकर कमिशन एपाइन्ट करवाने की है, जैसा कि उन्होंने श्री मणि साहब के संशोधन के साथ अपनी राय जोड़ने की कोशिश की, तो मैं समझता हूं कि हम एक कानून का, एक उत्तरदायित्व की सीमा को निर्धारित करने का मखौल बना देंगे।

मैं समझता हूं कि हमारे राजनैतिक मतभेद है और हम अपनी अपनी नीतियों को कार्यान्वित करने के संबंध में अलग अलग तरीके से विचार कर सकते हैं। लेकिन अगर कोई यह कहे कि बटाईदारी खत्म करनी चाहिये, बटाईदारी रहनी चाहिये, तो उस बटाईदारी को रखने के लिए और बटाईदारी को खत्म करने के लिए पुलिस के उत्तरदायित्व में फर्क पड़ जायेगा। मैं समझता हूं कि इसका यह अर्थ लगाना गलत होगा। बटाईदारी रखना या न रखना यह हम विधान सभाओं में बैठकर अपनी राजनीतिक शक्ति और विचारधारा के समर्थन के प्रति जितने हमको अधिकार हैं, उसके अनुसार कानून बदल ले तथा कानून में संशोधन करें। जो चीज रखना चाहते हैं उस को वैधानिक स्वीकृति प्रदान करे और जिस चीज को खत्म करना चाहते हैं उसको वैधानिक संशोधन से हटाये। लेकिन इस चीज को लागू करने के लिए, इस चीज

के बारे में विरोध प्रकट करने के लिए पुलिस का जो प्रशासनिक तंत्र है उसका उपयोग करना, या उसको इसके अंदर किसी प्रकार से हिस्सा अदा करने की इजाजत देना या उसको अपने उत्तरदायित्व को निभाने में बाधा उपस्थित करना, उसको पंगु बनाकर किसी घर में ले जाकर बिठला देना, उसका दुरुपयोग करके अपने राजनैतिक शत्रु के ऊपर मन-मामा अत्याचार और जुल्म ढहवाना यह किसी प्रकार से भी एक रूल आफ़ला की सरकार को, एक सभ्य सरकार के लिए उचित मालूम नहीं होता है। हम एक डेमोक्रेटिक गवर्नमेंट हैं, हम एक प्रजातंत्र के आधार पर चलने वाले सरकार हैं। यहां पर पार्टियां आयेंगी, बदलेंगी और विगड़ेंगी।

मैं जानता हूं कि आजतक देश में कांग्रेस का शासन चलता आया और कांग्रेस के निरन्तर शासन के कारण पुलिस तंत्र में भी उन्होंने इसी प्रकार की भावना का निर्माण किया कि चुनाव भले आते हों मगर कांग्रेस का राज्य हमेशा रहने वाला है और इसी आधार पर उन्होंने चुनाव के तंत्र में पुलिस का उपयोग किया, खुले आम किया। मगर इस बार उसके प्रत्यक्ष प्रमाण देखने को मिले जब कई प्रदेशों में कांग्रेस की सरकारें खत्म हो गई। जब इन प्रान्तों में दूसरी सरकारें आई तो बड़े बड़े पुलिस के अधिकारियों ने जो इंडियन पुलिस सर्विस के आधार पर बड़ी बड़ी नौकरियों में थे उन्होंने खटाक से अपना हस्तांतरण करवाने की कोशिश की। उन लोगों ने छुट्टियां लेकर फोर्म रिटायरमेंट लेनी शुरू कर दिया क्योंकि उन्हें डर लगा कि अब सरकार बदल गई हैं और अपने जाती हुई सरकार को कायम रखने के लिए अपनी पुलिस सत्ता का जो दुरुपयोग किया था उससे हम बच नहीं सकेंगे। चूंकि अब दूसरी पार्टी की सरकार आ गई है इसलिए हम यहां पर पकड़े जायेंगे और

[श्री सुन्दर सिंह भंडारी]

जो हमने अधिकार रेखाओं का उल्लंघन किया था उसके लिए जिम्मेदार ठहराये जायेंगे। मैं समझता हूँ कि सत्ता पर बैठे हुए लोग भी इस चीज का समर्थन नहीं करेंगे और चाहेंगे कि इस प्रकार की बात नहीं होनी चाहिये। शायद यह रिपोर्ट गलत है और यह चीज उचित नहीं है। अर्थात् हमारे इस सवाल पर पहुंचने और देखने में कम से कम मौखिक वर्णन करने के संबंध में कोई अन्तर नहीं है। जब हमारा एप्रोच एक है, जब हम इन प्रश्नों को एक दिशा से देखते हैं कि जिस मकसद के लिए पुलिस का प्रशासन बनाया है वह शान्ति कायम करने के लिए है, लोगों को आश्वस्ती प्रदान करने के लिए बनाया है। ट्रेफिक, इन्वैस्टीगेशन और जो दूसरे मामले खड़े हो जाते हैं उस काम के लिए इसे बनाया है। मैं समझता हूँ कि इस बारे में अलग अलग राज्यों में फेडरलिज्म या पोलिटिकल डिफरेंसेज आफ ओपीनियन, इस मामले में दखल नहीं देता है। अगर हम इतनी अहमियत देकर चलने की कांशिश करेंगे तो मैं समझता हूँ कि आज हमें इस बात का ध्यान रखना होगा कि आज राज्यों में कौनसी पार्टी की सरकार है उस की राय भी लेनी होगी, हम शायद इस चीज को बीच में लाना चाहते हैं। मगर मैं यह निवेदन करना चाहता हूँ कि 6 महीने के बाद दूसरी सरकार बदल जायेगी, 3 साल के बाद दूसरी सरकार बदल जायेगी। यह पुलिस कमीशन आज एक प्रान्त में उस चीज को लागू करने की मंजूरी दे भी दे या उसको लागू करने के लिये कहे, तो आखिर उस चीज को लागू करना प्रान्तीय सरकारों का ही काम है क्योंकि हमने सेन्ट्रल रिजर्व पुलिस के संबंध में इस मामले को देखा है कि किस तरह से वह लागू करती है। यहां पर पुलिस के भिन्न भिन्न क्षेत्र हैं और उनके परस्पर संबंध या होंगे और उनके संबंधों के लिए कौनसी उचित व्यवस्था होगी। जैसा कि अभी प्रोफेसर साहब ने कहा कि यह कमीशन भी भिन्न राज्यों में

जिनको इन चीजों को कार्यान्वित करना है उन्हीं के साथ सलाह मशवरा करेगा क्योंकि हम हमेशा से इन चीजों को एक साधारण नियम के अनुसार करते आ रहे हैं। तो फिर कोई आवश्यक नहीं है कि जो कमीशन हम नियुक्त करेंगे उसमें किसी प्रकार की सिझक अनुभव करें। मैं समझता हूँ कि हम राज्य-सभा और लोकसभा के सदस्य यहां पर बैठकर इस चीज के महत्व का फैसला कर लें कि इस प्रकार के कमीशन की आवश्यकता का हम अनुभव करते हैं या नहीं करते हैं। हम यह अनुभव करते हैं कि इसमें परिवर्तन की गुंजाइश है क्योंकि आज विभिन्न प्रकार के काम इसमें खड़े हो गये हैं।

आज कई राज्य ऐसे हैं जहाँ पर कार्यपालिका और न्यायपालिका जितने ये पृथक् होने चाहिये उतने ही हैं। आज भी पुलिस का जांच करने वाला महकमा और मुकदमा चलाने वाला महकमा एक दूसरे की गलतियों को छिपाने की कोशिश करता है। अपने काम में एफिसिन्सी बढ़ाने के बनिस्बत वह एक दूसरे की गलतियों को छिपाने की कोशिश करता है क्योंकि वह जानता है कि मेरे ही दूसरे साथी पर इसका आक्षेप लगेगा और इसलिए इस चीज को करने की आवश्यकता नहीं है। मुझे एक और सुझाव देना है। पुलिस के इन सारे कामों के साथ साथ, कुछ विशेष काम उसके ऊपर आते हैं। जैसे आज मंत्रियों के दौरे होते हैं, बड़े बड़े महत्वपूर्ण व्यक्तियों के दौरे होते हैं और उन के दौरे के समय देश के बहुत ज्यादा हिस्से ऐसे हैं कि वहां की सारी पुलिस उन्हीं की खातिरदारी में, उन्हीं के इंतजाम और सेक्योरिटी में लग जाती है—नार्मल पुलिस फंक्शन्स स्टैंड स्टिल हो जाते हैं। जैसे आप देखें कि नकबजनी कब होती है जब घर की औरतें और बच्चे रामलीला देखने जाते हैं। क्योंकि उस समय घर खाली रहता है। सारी पुलिस मिनिस्टर साहब के पीछे घूमती रहती है, किमी वी० आई० पी० की खातिरदारी में लगी होती है

और उस समय अनसोशल एलीमेंट्स को मौका मिलता है। मैं चाहूंगा कि इस कमीशन की नियुक्ति के साथ साथ इस बात की व्यवस्था भी की जानी चाहिये कि यह जो पुलिस की स्पेशल ड्यूटी लगती है इन कामों के लिये, उस हेतु एक अलग एजेंसी का निर्माण किया जाय।

इस के साथ ही मैं बताना चाहता हू कि शहरी केन्द्रों पर पुलिस का कंसंट्रेशन ज्यादा है और देहाती केन्द्रों पर पुलिस का कंसंट्रेशन कम है। वहां आवागमन के साधन भी कम हैं, टेलीफोन आदि की व्यवस्था भी नहीं है और चार-चार छ.छ. मील पर पुलिस थाने होने के कारण गांव में लोगों के जीवन असुरक्षित हैं। पुलिस भी इस दूरी का बहाना लेकर समय से मौके पर पहुंचने की अपनी गलती छिपाने की कोशिश करती है। आज इस बात की आवश्यकता है कि हम सारे पुलिस प्रशासन को, पुलिस की व्यवस्था को सुधारे और उसे इस देश की लम्बाई-चौड़ाई में इस देश के एक एक गांव की सुरक्षा के साथ जोड़ कर इस प्रश्न पर सामूहिक और सम्यक् रूप में विचार करने का प्रयत्न कर और इस लिये मैं आवश्यक समझता हू कि इस सदन में हम इस सवाल के महत्व को समझ कर इस पुलिस कमीशन की स्थापना का समर्थन करें।

SHRI A. D. MANI: Mr Vice-Chairman, Sir, I want to congratulate my honourable friend, Mr. Bhargava on piloting this resolution. If I am correct in saying that since the Constitution was promulgated in 1950, there has not been one single occasion for either Houses of Parliament to discuss the position of the police under the Constitution. There have been discussions about the constitution of all-India services in the fields of engineering, medicine and education, but for the first time we are discussing now the question of the constitutional position of the police. My honourable friend, Prof. Ruthnaswamy, in the course of his speech, said that he did not see

any necessity for my amendment. He suggested that this resolution should be sent to the States for ascertaining their opinion and that they should be consulted on the advisability of appointing a high-power commission. One of the reasons for my amendment is, there are some States and some politicians in the country who take the view that the police have different functions under the Constitution. I quote Mr. Subodh Banerjee, Labour Minister in the United Front Government of Bengal, who said on one occasion:

"The police have been given instructions so that legitimate democratic trade union movement can go without any hindrance. The police have been advised that they should not only not interfere with the legitimate democratic trade union movement on the plea of maintaining law and order, but also defend it against the unjust attacks of the employers and anti-social forces."

It is necessary to understand the meaning of the term "legitimate". Students of ethics are well aware that whatever is legitimate may not always be in accord with the law in force at the time. That is the view of Mr. Subodh Banerjee, The Communist Government of Kerala which was forced out of power on account of direct action by the Congress, was also guilty of many acts which threatened to undermine law and order in the State. The International Commission of Jurists who submitted a report on the happenings in Kerala, said as follows—though I do not share their opinion—

"Innumerable instances of which evidence was given to us, revealed a system following the same pattern which would necessarily emanate from communist leadership. The communist desperadoes would trespass on private property, pluck coconuts from the trees, harvest the paddy crop by force, "etc" and the information laid at the police station absolutely proved useless,



[Shri A. D Mani]

No policeman came to help and the offences of criminal trespass were committed throughout the State without any redress."

This is what the enquiry committee of the International Commission of Jurists has said about the happenings in Kerala.

Now, Sir, there have been many cases where politicians are interfering with the investigation of crime. There have been many cases where politicians have sought the help of the police for political ends. I do not want to mention the name of the State, but when there was a ministerial crisis in a State—the honourable Vice-Chairman himself might try to identify the State—the Chief Minister sent for the police chief and said that he should arrest the leader of the opposition. The chief of the police went to the Chief Secretary of the State and asked, "What am I to do? The Chief Minister wants me to arrest the leader of the opposition." The Chief Secretary said, "Kindly ask the Chief Minister to give the order in writing" . . .

AN HON. MEMBER: Good.

SHRI A. D MANI . . . and take the necessary action." Further, he said, "Under law you are not compelled to obey any unlawful order." The leader of the opposition was not arrested and bloodshed was avoided at one stage. This has all happened quite recently. There have been many cases when members of the ruling party have been involved in criminal offences. A word comes from the above to the police officer, "Don't report against this person. Don't register the crime." Sir, under the Police Act of 1861 it is an obligatory duty of the police to investigate an offence when once an offence is committed. The police have no option but to investigate it according to law. In England in regard to the politicians, the Director of Prosecutions is consulted by the Government of the day. If there is a demand for an inquiry in the House of Commons

that a matter should be enquired into the matter is sent to the Prime Minister who decides whether the matter should go to the police at all. In that case he sends it to the Director of Prosecutions. But what has happened in our experience is that in a large number of States, the police have been used to hush up cases against persons who are connected with the party in power. In some States the police have been used to trump up charges against members of the opposition also. These things happen. Now, Sir, it is this aspect which assumes paramount importance in consideration of the position of the police under the Constitution. The police is governed by the Act of 1861 and as my honourable friend, Mr. Bhargava, has pointed out, some States have adopted the Provincial Acts. These Acts have jurisdiction over the police force. But by and large, the broad outlines of the duties of the police have been set out in the Act of 1861. Now, the question—a very important question—which arises, if a crime is committed, who is responsible for investigating into the affairs? Is it the Government of the day or the police? I have not yet made up my mind. As long as the Government is responsible to the Parliament or to the Vidhan Sabhas, we cannot absolve the Government of its responsibility for the maintenance of law and order. But the Act of 1861 places along with the minister, an equal responsibility on the police, an equal responsibility, not less. Now are we to allow the police to have the final say or are we 4 P M to have some kind of machinery which will enable the police to function free from interference? Sir, if a Commission of the kind contemplated in Mr. Bhargava's Resolution is adopted, my proposal to that Commission would be that in case the Government of the day or the Minister-in-charge wants to interfere with the police judgment, its dissent should be included in the report to be submitted to the Vidhan Sabha. This happens in the case of the UPSC. Government sometimes does not accept the recommendations of the UPSC but in cases where the Government has dissented with regard to

the recommendations of the Commission a report is made to Parliament. We should see whether some such machinery should not be there even in regard to the police. Where the police have recommended action and the Minister concerned feels that no action should be taken, that should form part of the Police Administration's Report which should be placed on the Table of Parliament as far as the Central police is concerned and on the Tables of the Vidhan Sabhas where the State police is concerned.

There is another point also which is very important. What is the position of the Central police or the Central Government in regard to the carrying out of the directives issued by the Central Government? My hon. friend, Mr. Balachandra Menon, when he speaks, will throw revealing light on what happened in Kerala. The Central Government gave certain orders, right or wrong, about the handling of the Government servants' strike. They wanted action to be taken against certain persons. The matter is the subject of controversy. Whether those orders were carried out by the Chief Minister of Kerala and his colleagues, that is a matter into which I need not enter. The way in which State autonomy is developing, I am foreseeing a day when the orders of the Central Government will be defied in certain States. There is no machinery now under the law which will enable the authority of the Central Government to run when faced with opposition in a State. Suppose a State Government refuses to arrest a person who is regarded by the Central Government as menace to peace and tranquillity and suppose that State Government feels that the man should not be arrested, then what is the machinery at the disposal of the Central Government to get that man arrested?

SHRI M. RUTHNASWAMY: C.R.P.

SHRI A. D. MANI: With regard to deployment of the C.R.P., my friend, Mr. Balachandra Menon, will tell you that there is a good deal of agitation

in Kerala about the manner in which the C.R.P. was deployed. They say they have no objection to public buildings being protected but they have objection to that C.R.P. being used for other purposes. (*Interruption*) I am not going into the merits of the case. I am keeping it open. I am only pointing out the cases of conflict which have arisen.

SHRI KESAVAN (THAZHAVA) (Kerala): May I know whether the Centre has issued orders to arrest certain persons and not to arrest others? Do you think that the Ministers of the State are tools in the hands of the recalcitrant Centre?

SHRI A. D. MANI: If the Central Government which represents the Union of India issues an order, right or wrong, how is that order going to be carried out?

SHRI KESAVAN (THAZHAVA): Even without issuing any orders the State Government is bound to protect the property of the Central Government; there is no doubt about it. First of all you must understand that.

SHRI A. D. MANI: You know that in West Bengal the Central orders were openly flouted. This happened during the period of the United Front Government and it has happened in the Governor's raj also.

SHRI BALACHANDRA MENON (Kerala): In the past 20 years no property was ever burnt in Kerala. Do you know that?

SHRI A. D. MANI: I am prepared to accept all the submissions made by the hon. Member. I am only discussing it from a theoretical point of view.

SHRI KESAVAN (THAZHAVA): Do you think that by deploying one thousand or two thousand men of the C.R.P. you can safeguard more than 5000 offices located in the various parts of Kerala?

SHRI A D MANI. I am not defending the Central Government. We are discussing the Resolution before the House. I am only pointing out that cases of conflict may arise.

I also want to mention one possibility. Today the Supreme Court of India is highly respected all over the country by Communists and also by non-Communists. But we have heard the Chief Minister of Kerala making a speech about the kind of judges we are having—bourgeois, class consciousness and all that. (Interruptions) But this is what it is. The area of dissent from judges spreads. So if the Supreme Court says a man should be set free, who is to execute the order? The Supreme Court has no police force of its own, its orders have got to be executed by the State police. The Central Government cannot give any protection to the Supreme Court if there is considerable delay in executing the order. Now, Sir, these are matters of great importance. The police force is essential for maintaining law and order. We cannot conduct an investigation into the constitution of the Armed Forces of the country because they deal with our security. But the police force maintains law and order. We find there is manifest evidence all over the country that law and order has broken down, particularly in the State of West Bengal and some other States where the Congress has been in power, there has been rampant interference with the work of the police by Ministers. Therefore I think the time has come when this matter should be the subject of a full-fledged investigation, and I have suggested that we should ascertain the States' opinion also, because it is a State subject. (Interruption) we should put forward this proposal to the States and ask them "What have you got to say about it?"

SHRI M RUTHNASWAMY The Commission can do it.

SHRI A D MANI Sir, you know there have been some Bills referred to Select Committees of Parliament, Bills

affecting the States, and some of the State Ministers have said "We do not want to give any opinion on the subject." This thing has happened. I therefore feel, Sir, that this Resolution with my amendment should be accepted. Thank you

**श्रीमती सरला भवोरिया (उत्तर प्रदेश):**  
उपाध्यक्ष महोदय, पुलिस कमीशन बनाने के प्रस्ताव पर मेरी स्पष्ट राय है कि पुलिस जुल्म और उनकी जालिमाना हरकतों को इससे कहीं बढ़ावा तो नहीं मिलेगा, उनकी जो निरकुशता है, उनकी जो बर्बरता है, उनके जो अन्याय और जुल्म से सारा देश जल रहा है उसकी ओर तो पुष्टि नहीं होगी। महोदय, पुलिस जुल्म ने आज भारत राष्ट्र को समस्याओं का राष्ट्र बना दिया है। मैं बहुत ही भरे हुए दिल से यहाँ कहना चाहती हूँ कि पुलिस प्रशासन की स्वच्छता ने नियम और अनुशासन की बात तो दूर, नैतिकता की सीमा भी पार कर दी है। सहसा यह विश्वास नहीं होगा कि देश के किसी हिस्से में लोकतंत्र या व्यवस्था या कानून के नाम जैसी कोई चीज भी रह गई है या नहीं।

जिन प्रदेशों में राष्ट्रपति शासन है वहाँ के पुलिस अधिकारियों ने जैसे निर्भयता का वरदान पा लिया है। जो जुल्म और ज्यादती वे वहाँ पर करते हैं वे स्वयं उन्हें कानून समझते हैं और राष्ट्रपति भी शायद उसको चैलेज नहीं कर सकते, ऐसा उनका विश्वास है। वर्तमान प्रशासकों द्वारा समय से कार्यवाही न किए जाने से मेरा ऐसा विश्वास है, ऐसा लगता है कि पुलिस जुल्म को ही बढ़ावा दिया जा रहा है। मैं मदन को बताना चाहती हूँ कि आज जो सत्ता में है उनके लिए भी एक दिन यह प्रवृत्ति घातक हो सकती है। यदि नियंत्रणहीन पुलिस फोर्स पर मजबूती से अकुश नहीं लगाया गया तो शायद आगे चल कर कानून को विकृत करके भी सामने लाया जायगा।

महोदय, हमारे देश की व्यवस्था तीन भागों में विभाजित है, कार्यपालिका, न्यायपालिका और विधायिका। जब कार्यपालिका के प्रति कोई शिकायत होती है तो लोग न्यायपालिका की तरफ दौड़ते हैं, लेकिन जब न्यायपालिका ही मर्यादाहीन और भ्रष्ट आचरण करने लगे और कार्यपालिका का अनुचित रूप से समर्थन करे तो फिर हमारे पास केवल विधायिका का सहारा ही शेष रह जाना है। पुलिस ने आज निरंकुश होकर सारे देश में स्वेच्छाचारी शासन स्थापित कर लिया है और सर्वहारा वर्ग पुलिस जुल्मों से जल रहा है। आन्ध्र में एक हरिजन को चीर डाला गया, मैंने समाचारपत्रों में यह पढ़ा। इस पर क्या हुआ। बिहार पुलिस जुल्म से जल रहा है। कानून और व्यवस्था की बात वहां कोई पूछने वाला नहीं है।

चूंकि मैं उत्तर प्रदेश की हूं इसलिये मुझे यहां के जुल्मों का ज्ञान अधिक है। गांडा के जुल्मों की आग अभी शान्त भी नहीं हो पाई थी कि जहां की मैं रहने वाली हूं इटावा जिले में पुलिस ने अमानवीय आतंक फैला कर पूरी पैशाचिक भावना से, बदले की भावना से वहां के अनेक निर्दोष, निहत्थे व्यक्तियों को गोली चला कर भून डाला। पूरा इटावा जिला ही एक नाजी कैम्प बना डाला गया है। इस घटना में मरने वालों और घायलों की संख्या में भी 75 प्रतिशत से अधिक हरिजन हैं। मैं सदन को बताना चाहती हूं कि लूट गए घरों में भी अधिकांश हरिजनों के पास कुछ भी छोड़ा नहीं गया। बक़ेवर थाने के थानेदार रघुराज सिंह ने सारंगपुर अड़्डा निवासी एक महिला श्रीमती पांचो और उसके बेटे बड़े लाल को पुलिस की संगीन के नीचे, पुलिस की संगीन की नोक पर उसकी मां का शील भंग करने के लिए, अमानवीय दुष्कर्म के लिए उसको रात भर लखना टाउन एरिया के चेयरमैन राज-बहादुर सिंह के घर ले जाकर सताया

रात भर मारा-पीटा और फिर दोनों को वस्त्रहीन कर के शील भंग कराने का अनुचित दुष्कर्म भी किया। जब उसे गृह का स्वामी राम चरण हरिजन, जिसकी पत्नी पांचों है, घर पर नहीं था उस समय उन दोनों को, मां और बेटे को बांधकर गिरफ्तार करके उनके घर से ले गए। शायद अब गृह मंत्री के आदेशों पर तथाकथित अपराधियों को थाने में न ले जाकर ऐसे घरों में ले जाना शुरू हुआ है। हो सकता है कि पुलिस कोतवाली की नई परिभाषा में ऐसे घरों को भी शामिल कर लिया गया हो। इस शर्मनाक घटना की जांच करवाने के लिए हर उपाय किया गया। लोकसभा के माननीय सदस्य श्री अर्जुन सिंह भदौरिया जी ने 16 अगस्त को इटावा जिला अधिकारी को एक पत्र लिख कर इस घटना की जांच के लिए अनुरोध किया। मैंने स्वयं भी राष्ट्रपति को सम्बोधित करते हुए गृह मंत्री, प्रधान मंत्री और राज्यपाल, उत्तर प्रदेश को उसकी प्रतियां भेजी और उनसे न्याय की मांग की लेकिन राष्ट्रपति ने प्राप्ति-स्वीकार करने के अतिरिक्त कोई कार्यवाही नहीं की।

अब महात्मा गांधी का अन्तिम अस्त्र सत्याग्रह ही हमारे सामने शेष रह गया था, इसके अतिरिक्त कोई विकल्प हमारे सामने नहीं था। तो 12 सितम्बर को हमने प्रदर्शन करने के लिए तय किया और इसी पवित्र सत्याग्रह की भावना से हमने इस निर्णय को लिया। इसके बाद जिलाधिकारी को पहला पत्र तो 16 अगस्त को लिखा गया। उसके बाद राष्ट्रपति को 4 सितम्बर, 1968 को मैंने सायन भंजा लिखा और उसके बाद 7 सितम्बर को पुनः श्री भदौरिया जी ने फिर एक पत्र जिलाधीश को लिखा और शान्तिपूर्ण सत्याग्रह की योजना में दरोगा रघुराज सिंह जवाबी प्रदर्शन करना चाहता है, के पड़यंत्र की जानकारी भी उनके सामने रखी और कहा कि वह कुछ अपराधी तत्त्वों को प्रदर्शन में सम्मिलित कराकर गोली चलाने की स्थिति

[श्रीमती सरला भदौरिया]

भी उत्पन्न कराना चाहता है। जब दारोगा का यह प्रयत्न हो कि वह ऐसी योजना बनाये और उपद्रवी तत्वों को थाने में एकट्ठा करे और अहिंसक और शांतिपूर्ण सत्याग्रह को या प्रदर्शन को फेल करवाने की साजिश करे। इतना लिखने पर भी कोई कार्यवाही जिलाधीश नहीं करे और महात्मा गांधी के पवित्र सत्याग्रह की हत्या उन्हीं के तथाकथित अनुयायियों के संरक्षण में हो इस पर सदन क्या विचार करेगा? गोली चला कर निहृत्य सत्याग्रहियों को मार डालने का इस दारोगा का यह पहला जुर्म नहीं था। मैं इस सन्दर्भ में आय जो पहले घटनाएं होती रहीं हैं उनको भी यहां रखना चाहती हूँ। गवर्नमेंट रोडवेज के बस ड्राइवर वकील अहमद की पिटाई इस दारोगा ने थाने के सामने की और तब जब वह ड्यूटी पर था। इस कुकृत्य पर रोडवेज कर्मचारियों की हड़ताल हुई और आगरा और कानपुर रीजन की बसें बकेवर थाने के समक्ष 24 घंटे तक रुकी रहीं। महोदय, आप इस बात का अनुमान लगाइए कि सैकड़ों यात्री कितने परेशान हुए होंगे, बकेवर एक छोटा सा कस्बा जहां खाने-पीने की कोई व्यवस्था नहीं है, वहां उनके छोटे-छोटे बच्चे भूख से दूध के लिए रोए होंगे, भूख प्यास से लोग परेशान रहे होंगे। किन्ना कठिनाई हुई होगी लेकिन इस दारोगा का हौसला बढ़ता ही रहा क्योंकि कभी इसके खिलाफ कोई कार्यवाही नहीं हुई।

इसी ने जगमोहनपुर के एक फौजी जवान दिलसुख हरिजन को घर से पकड़ कर थाने ला कर पिटाई की और उसकी नई बन्दूक गायब कर के झूठा चालान किया, उसके ऊपर झूठा आरोप लगाया।

इन्दरावखी ग्राम के एक सम्मानित ब्राह्मण परिवार के व्यक्ति को बुला कर इसने हुक्म दिया कि वह अपनी जवान बहु थाने में पेश करे।

निवाड़ी निवासी रामशंकर दर्जी को डाकू बता कर इसने थाने में बुला कर मारते मारते मार डाला।

बिजौली ग्राम के 30 व्यक्तियों को यह जूते लगवाते हुए थाने तक लाया और 200 रुपया प्रति व्यक्ति ले कर छोड़ दिया।

श्रीमन, यहां प्रदेश के अन्य जिलों के पुलिस जुल्म की बात भी कहनी उचित होगी।

बाराबंकी के थाना टिवई नगर तथा मुहम्मदपुर के अन्तर्गत बेगार न करने पर हरिजनों की हत्याएँ कर दी गई। मथुरा के छाता थाने के दारोगा के छोटे भाई द्वारा एक कुम्हार की लड़कियों का शील भंग करने का असफल प्रयत्न हुआ तो चिढ़ कर के लोगों को थाने में मार पीट कर के झूठे आरोपों में वहां के रहने वालों को, मुहल्ले के लोगों को, जिन्होंने विरोध किया था उनको जेल भेज दिया गया।

श्री हयातुल्ला अन्सारी (उत्तर प्रदेश) : ऐसी बातें कहना इस वक्त हाउस में क्या ठीक होगा।

श्रीमती सरला भदौरिया : तो कहां कही जायंगी, मुझे माननीय सदस्य बतायें कि कहां जा कर हम कहें। हम अपने मन की पीड़ा वहां के निवासियों की चोट को, उनके दुख दर्द को इस सदन में नहीं तो कहां बयान करें

श्री ओम मेहता (जम्मू और काश्मीर) : यहां तो कमिशन की बात हो रही है।

उपसभाध्यक्ष ( श्री वत्सोपन्त ठेंगडी ) : आप थोड़ा जल्दी कीजिये, टाइम हो जायगा।

श्रीमती सरला भदौरिया : श्रीमन् फिरोजाबाद के निकट तोतलपुर और सफीपुर में पुलिस ने लाखों की सम्पत्ति लूट कर वहां के ग्रामीणों को उजाड़ दिया, गांवों को बर्बाद कर दिया। प्रधान मंत्री के संसदीय क्षेत्र

रायबरेली में एक व्यापारी की मूछे सिर्फ इसलिये उखाड़ी गई क्योंकि थानेदार के कहने पर उसने ट्रक नहीं दिया था। थाना चुनार (मिर्जापुर) के थानेदार और तहसीलदार की साजिश से वहां साम्प्रदायिक दंगा भड़काने के लिये एक मस्जिद में सूअर का मांस फेंक दिया गया और राजनैतिक आधार पर वहां के श्री शिवदास निवारी को थाने में मारपीट कर के जेल भेजा गया। लखनऊ के मोहनलाल गज थाने के थानेदार द्वारा एक युवती का अपहरण करा के थाने में शीलभग किया गया। वह औरत थाने से बरामद भी हुई बताई जाती है लेकिन कोई कार्यवाही नहीं हुई।

एक माननीय सदस्य ने जजों के बारे में झिझकते हुए दबी जवान से कहते कहते रुक गये लेकिन मैं अपनी आत्मघटित घटना की इसी सदर्म मैं चर्चा करती हूँ और उसको यहाँ रखना चाहती हूँ। ऐसी अनेकों घटनाएँ हुईं लेकिन गृह मंत्री जान कर भी मौन हैं। हमारे जिले का बकेवर कांड घटित हो जाने के बाद न्यायपालिका का नाटक शुरू हुआ। हमारे जिले का जज अशफाक अहमद बकेवर क्षेत्र के डिप्टी पुलिस सुपरिन्टेण्डेंट इनाम अली के हेड मुहर्नर की तरह ही उसके इशारे पर अपनी कलम चलाता है। अपने फंसले लिखने के लिये वह आगरा रेज के डी० आई० जी० पुलिस करीमउद्दीन का मुह देखता है। न्यायिक मान्यताओं की प्रतिष्ठा और गरिमा जितनी इस जज ने गिराई है उमसे शायद अब किसी जज पर किसी को विश्वास ही नहीं रह जायगा। इस जिला जज अशफाक अहमद का भ्रष्ट और अधिकारियों के साथ पक्षपातपूर्ण आचरण का इसी से पता चलेगा कि इसने बकेवर कांड के राजबन्दियों की जमानत की अर्जी पर पहले 10 अक्टूबर निश्चित की थी लेकिन इसने इस दिन की बहस को 14 तारीख के लिये टाला और फिर 14 तारीख के बाद 18 तारीख को और 18 तारीख के बाद

26 तारीख को बिना कारण ही टालता गया। वह उसी दिन उसको खारिज कर देता तो क्या बान थी। इसमें कोई कहूर या मुसीबत नहीं आ जाती अगर उसी दिन वह खारिज करता लेकिन वह बराबर तारीख को टालता रहा। और फिर 26 तारीख को हमारी जमानत जो उसने की वह आर्डर इतनी देर से भेजा कि औरत बैरेक भी उस समय बन्द हो चुकी थी। मैं आपसे कहना चाहती हूँ कि वहाँ और भी लोगों की जमानत थी और भदौरिया जी की जमानत भी उसी दिन थी, हमारे साथ उनकी भी अपील थी, उनकी अर्जी भी लगी हुई थी लेकिन उनकी जमानत न्यायिक आधार पर खारिज नहीं की बल्कि प्रशासनिक आधार पर खारिज की। [Time bell rings]

महोदय, मुझे थोड़ा समय दीजिये। मुझे समय मिलना चाहिये। मैं आपसे यह निवेदन करना चाहती हूँ। मैंने पहले भी समय मांगा था लेकिन मुझे वहाँ की घटनाओं के बारे में कुछ कहने नहीं दिया। वहाँ गोली चली, कितनी नृशंसता, कितना अन्याय और जुल्म हुआ। मुझे कहने दीजिये।

**उपसमाध्यक्ष (श्री दत्तोपंत ठेंगड़ी) :** तीन मिनट और ले लीजिये।

**श्रीमती सरला भदौरिया :** श्रीमन्, मैं बहुत ही गम्भीर दिल से सदन से केवल एक ही अनुरोध करना चाहती हूँ कि दरोगा रघुराज सिंह, टाउन एरिया कमेटी का चेयरमैन राजबहादुर सिंह, उसके भाजे रामेंद्र सिंह—जो कि मध्य प्रदेश में थानेदार है, उनके द्वारा इस मा-बेटे के शील भग कराने के कांड की जाच स्वयं कांग्रेस अपने सदस्य सदस्यों द्वारा कराये, इस सम्बन्ध में मैं श्री जगन्नाथ पहाड़िया का नाम उपस्थित करती हूँ। मैं यह अनुरोध करना चाहती हूँ, मैं चाहती हूँ कि कांग्रेस अपने सदस्यों से इसकी जाच कराये और श्रीमती मिनीमाता सदस्य लोक सभा तथा श्री चन्द्र शेखर सिंह सदस्य राज्य सभा का वहाँ भेजे। वह स्वतंत्र रूप

[श्रीमती सरला भदौरिया]

न जांच करे और मैं यह भी कहती हूँ कि वह सार्वजनिक तौर पर उसको न भी बताये कि उन्होंने वहाँ क्या देखा, उन्होंने वहाँ क्या समझा और उन्होंने क्या अनुभव किया लेकिन अपनी कांग्रेस पार्टी को तो कहेंगे कि वहाँ हरिजनों पर कैसे अत्याचार होते हैं, किस तरह से मां और बेटे की जो मर्यादा है, उनकी जो सीमा है उसको तोड़ा जाता है। मैं नहीं समझती कि केवल न्यायिक जांच से यह अपना उद्देश्य पूरा हो सकेगा बकेवर काण्ड की न्यायिक जांच का उद्देश्य तभी सार्थक होगा जब कि सम्पूर्ण अपराधी अधिकारियों का, जिनमें थानेदार रघुराजसिंह और थानेदार तिवारी और डी० एस० पी० इनाम अली और एम० डी० एम० शोला जो गोली चलाने के जिम्मेदार हैं, का तुरन्त तबादला किया जाय जिससे कि बकेवर में युद्ध जैसा आतंक समाप्त हो। बिना इन अधिकारियों के हटायें कोई भी न्यायिक जांच सही रूप से नहीं हो सकेगी। अभी वहाँ पर मैजिस्ट्रेट की जांच हुई लेकिन आप जानते हैं कि जहाँ इतना आतंक है वहाँ आदमी कैसे घर से निकलेगा। इसके बाद फिर जज की जांच होने वाली है लेकिन वहाँ पी० ए० सी० पड़ी हुई है और रघुराजसिंह, जिसने कि मां का बेटे में शील भंग कराया, जिसने इस तरह के अत्याचार और अन्याय किये हैं, जो कि अयाय और अत्याचार और जुल्मों की जड़ है वह अभी भी वहाँ पर तैनात है, तो जब तक उसे हटाया नहीं जायगा तब तक कैसे यह जांच सही हो सकती है। [Time bell rings]

बहुत थोड़ा और कहना है, अब खत्म हो गया है। महोदय, मैं सदन से अनुरोध करूँगी कि वह यह देखे कि मरने वाले व्यक्तियों की सव्या की जांच केन्द्रीय गुप्तचर संगठन, सी० आई० डी०, से कराई जाय और मृतक परिवारों को मुआविजा दिया जाय।

मेरा यह भी अनुरोध है कि पुलिस-जनों की इस अपराधी दृढ़ धारणा को कि वह जो

करते हैं वही कानून है उसको रोका जाय। और राजस्थान और देवरिया की नरबलि जैसी घटनाओं के अपराधी तत्वों को भी भय लगे कि पुलिस उन्हें मदद नहीं पहुँचा सकती है। सदन ऐसे पुलिस कायों पर गम्भीरता से विचार करे और बसनेहर थाने में रिश्तत को पूजी न जुटा पाने पर किसी हरिजन की मूछ कटवाने में कोई थानेदार अपने को कानून से ऊपर न समझे। यदि दिलमुख जैसे हरिजन, सेना के सिपाही पुलिस द्वारा झूठे आरोपों में फंसाये जायेंगे तो फिर राष्ट्र-रक्षा और राष्ट्रीय एकता कायम रहना सम्भव नहीं होगी। जाहिर है कि जिन्हें भर पेट भोजन न मिले, कड़ाके की सर्दियों में सिकुड़ते हुए फटे चीथड़ों में दिन काटे ऐसे हरिजनों की पसीने की गाड़ी कमाई भी यदि पुलिस की भेट चढती रहेगी और वे इस पर भी सिर नहीं उठा सकेंगे, कुछ बोल नहीं सकेंगे तो फिर क्या हालत होगी। आज पुलिस का आतंक सम्पूर्ण समाज की रग रग में व्याप्त हो गया है। इस जुल्म का इतिहास धरती की छाती पर गरीबों के खून से लिखा जाने लगा है। आगे आने वाली पीढ़ी इन अपराधियों को कभी माफ नहीं करेगी।

जो दल या मन्तारुढ़ प्रशासक मां [चो] जैसी हरिजन नारी की लाज नहीं बचा सकते वे भारत मां की लाज बचाने में कैसे समर्थ होंगे, इस घटना को देखते हुए नो इसमें मुझे सदेह होता है। देश के समक्ष अब केवल दो ही मार्ग हैं, एक तो महात्मा गांधी जी का सत्य और अहिंसा वाला मार्ग और दूसरा रक्तपात और हिंसावाला मार्ग। पुलिस जुल्म के संदर्भ में कौन सा रास्ता अपनाया जाय इसको सदन गम्भीरतापूर्वक तय करे।

अन्त में मैं एक बात और कहना चाहती हूँ कि यदि कमिशन नियुक्त हो तो मन्तारुढ़ दल के सदस्य उसमें न रहें तथा गोली चलाने

जैसे कानून में भी संशोधन होना चाहिये और इसमें पुलिस की भी मैजिस्ट्रेट के साथ साथ गोली चलने पर जिम्मेदारी होनी चाहिये। धन्यवाद।

**श्री हयातुल्ला अन्सारी :** जनाब वाइस चैंबर-मैन साहब, मैं सिर्फ़ जो प्राब्लम सामने है वहां तक जाऊंगा कि यह पुलिस कमीशन के बारे में हमारे हाउस का कुछ फैसला करना चाहिये या नहीं करना चाहिये। पुलिस का ऐसा डिपार्टमेंट है जो मिर्फ़ सेन्टर का नहीं है बल्कि प्राविन्सेज का भी है। उनका पुलिस के लिये बजट पास होता है, वह पुलिस को सर्विस में रखते हैं, वही तनखाह देते हैं और उनका होम मिनिस्टर जो होता है वह स्टेट के ला एन्ड आर्डर के लिये रेस्पान्सिबल होता है। यह बिलकुल ठीक है। लेकिन बहुत सी बातें ऐसी हैं जिनका सेन्टर से भी संबंध है। अभी दो दिन की बात है कि हमारे होम मिनिस्टर साहब ने कहा था कि सेन्टर की पुलिस स्टेट में जा सकती है क्योंकि जहां सेन्टर की प्रापर्टी होती है उसको देखना भालना होता है और सेन्टर के गवर्नमेंट सर्वेंट होने हैं उनको देखना होता है। इसलिये पुलिस का कुछ थोड़ा सा संबंध सेन्टर से भी है। लेकिन बाज़ काम ऐसे होते हैं जो बिलकुल सेन्टर के होते हैं और पुलिस करती है। जैसे इलेक्शन है, इलेक्शन कराना सेन्टर का काम है और उसको पुलिस करती है। वैसे ही स्टेटिस्टिक्स का काम है जो सेन्टर करती है। जिस वक्त यह काम होता है पुलिस को सेन्टर कन्ट्रोल करती है। तो यह एक ऐसा फेडरेशन है जिसको हम काट नहीं सकते हैं जैसे पानी नहीं काटा जा सकता है वैसे ही वह भी काटा नहीं जा सकता है। कहा से सेन्टर का खत्म होता है कहा से स्टेट का शुरू होता है हम उसको काट नहीं सकते। मैं एक एग्जाम्पल पेश करूंगा। कुछ दिन हुए, सेन्ट्रल गवर्नमेंट ने एक कमेटी बनाई थी, टेक्स्ट बुक कमेटी, एजुकेशन डिपार्टमेंट ने बनाई; एजुकेशन भी एक स्टेट सब्जेक्ट है। तो

यू० पी० की स्टेट ने उसके ऊपर बहुत आब्-जेक्शन किया था, उन्होंने जिद्द में अपनी भी एक कमेटी बना दी लेकिन यहां की गवर्नमेंट ने नहीं माना इसलिये कि जिस तरह से टेक्स्ट बुक के मामले को टेक्ल किया गया था वह सिचुएशन आल इंडिया थी। वह यह देखना था पूरे इंडिया में टेक्स्ट बुक कैसे लिखी जा रही है, कहा छपती है, एजुकेशन के लिये कहां तक ठीक है, कहा तक नहीं है। यह प्राब्लम आल इंडिया थी, उसको उसने टेक्ल किया। इसी तरह से हमारा पुलिस का प्राब्लम आया हुआ है वह आल इंडिया है। उसको हम काट कर अलग नहीं कर सकते हैं। पुलिस का पूरे इंडिया में कैंरेक्टर बना हुआ है। यह नहीं है कि पंजाब की पुलिस अलाहिदा हो, यू० पी० की अलाहिदा हो, मद्रास की अलाहिदा हो, केरल की अलाहिदा हो। बिलकुल एक डिजाइन है। सब पर एक ही तरह की शिकायतें आती हैं कि पैसा लेती है, करप्ट है, खराब है। यह सब चीजे चलती हैं। लेकिन मैं पुलिस पर अपने रिमार्क करने से पहले मे थोड़ा सा जिक्र कर दूँ, माफ़ करेंगी आनरेबल मेम्बर जो इस वक्त चली गई, कि हमारे यहां म्यूजियम में इतनी बड़ी चोरी हो गई थी। कोई मामूली चोरी नहीं थी बहुत बड़ी चोरी थी, बहुत खराब बात थी, बहुत बदनामी की बात थी, लेकिन पुलिस ने पकड़ लिया क्लप्रिट को। मेरे कहने का मतलब यह है कि सारी बुराई ही बुराई करने की जरूरत नहीं है पुलिस के बारे में। पुलिस के प्राब्लम को प्राब्लम की तरह देखना है, सिर्फ़ कन्डमेशन के लिये नहीं। और जो कमीशन भी बनेगा वह कन्डमेशन के लिये नहीं बनेगा बल्कि प्राब्लम के लिये बनेगा। गरीबी का भी प्राललम है लेकिन गरीबी को कन्डम करते रहे इसका कोई फायदा नहीं। उसी तरह से जहालत का प्राब्लम है, इल्लि-ट्रेसी फेली हुई है, उसको भी कन्डम करने से कुछ नहीं होगा। किसी प्राब्लम को पूरी तरह टेक्ल करने में हमें हर एंगल से देखना होगा, सोचना होगा, नभी हम कोई फैसला कर



- [श्री हयातुल्ला अन्सारी]

सकेगे। वैसे ही पुलिस का भी प्राब्लेम पूरा प्राब्लेम है। खराबियाँ एक नहीं बहुत हैं। सबसे ज्यादा खराबी जो है, मुझे बार बार याद आती है तो मुझे बहुत तकलीफ होती है। वह वाक्या है फादर आफ द नेशन महात्मा गांधी का मर्डर। महात्मा गांधी को एक आदमी ने गोली से मार डाला, उसने उनके ऊपर गोली चला दी वह बात उतनी अफसोस की नहीं थी, अफसोस यह है कि बजाय पुलिस के एक माली ने उसको पकड़ा क्योंकि वहा कोई पुलिस का आदमी था नहीं जो पकड़ता, हालाँकि उसके चार पांच दिन पहले मदन लाल ने बम फेंका था। पुलिस को मालूम था, साजिस हो रही है, पुलिस वाले वहां जा सकते थे, हिफाजत कर सकते थे, यह बात दूसरी है भूल चूक कुछ हो सकती थी लेकिन वह भूल चूक का सवाल नहीं था। वहां गांधी जी के हत्यारे को पकड़ने वाला एक माली था।

वैसे ही हरिजनों के जो वाक्यात अभी आनरेबल मेम्बर ने बताया हैं, मैं उनके बारे में बहुत ज्यादा जानता हूँ। पुलिस ने हरिजनों के साथ जितनी ज्यादातिया की है मैं अच्छी तरह जानता हूँ और मुझे मालूम है कि रायट में पुलिस ने हिस्सा लिया, पार्ट लिया, लूटपाट में पार्ट लिया, गोलियाँ चलाई, गलत चलाई, लेकिन साथ साथ यह भी नहीं कहा जा सकता ला एन्ड आर्डर हिन्दुस्तान में है ही नहीं और जितने काम पुलिस करती कराती है सब खराब करती है, उसमें कोई अच्छा है नहीं, कन्ट्रोल कही नहीं होता है। यह सब कहना भी खराब बात है। अपना बैलन्स लूज कर देना है यह बाते करना।

एक चीज और याद आ जाती है। एक दफा जब पुलिस का तज़क़िरा हुआ, हमारे एक हाई कोर्ट के जज ने रिमार्क किया था, कि हिन्दुस्तान में सबसे ज्यादा “ला ब्रेकर” पुलिस है। सुप्रीम कोर्ट ने कह दिया “बहुत स्वीपिंग रिमार्क” है, उसे कम कर दिया

लेकिन अगर कहा जाय 75 परसेंट पुलिस “ला ब्रेकर” है, तो यह गलत बात नहीं होगी क्योंकि जितने खराबियाँ पैदा करते हैं उसमें पुलिस का हिस्सा होता है। लेकिन फिर मैं उलट के बात करता हूँ कि यह बात सही नहीं है कि कोई काम पुलिस कर ही नहीं पाती है। बहुत कुछ कन्ट्रोल करती है, बहुत कुछ संभालती है, बहुत कुछ आगे जाती है। लेकिन जो सबसे ज्यादा आऊट आफ डेट महक़मा है वह पुलिस का महक़मा है। कुछ चंद सालों से उन्होंने कुनों से काम लेना जरूर शुरू किया है और कुछ साइंटिफिक चीजें भी आई हैं मगर उनसे काम लेना नहीं सीखा है। बहुत बारीकी से, डीटेल से, उन चीजों से वह काम नहीं लेते। कुछ शो डाग्ज जरूर होते हैं, दो चार कुत्ते अच्छे होते हैं लेकिन बाकी को ट्रेन करना नहीं जानते उनका इस्तेमाल करना नहीं जानते। इसी तरह साइंटिफिक चीजों की बात है। वह सिर्फ़ कभी कभी नुमायश के लिये, एग्जिबिशन के लिये होती हैं बाकी काम उनसे भी नहीं लिया जाता। तो उनको बहुत ही एजुकेंट करना है, तैयारी भी करनी है। एक बड़ी चीज यह है कि पब्लिक में और पुलिस में इतना ‘गेप’ है कि पब्लिक में जो नीचे का आदमी है वह पुलिस को अपना दोस्त नहीं समझता, दुश्मन समझता है। हमारी तरफ़ लोकपाल होते हैं जो पहले पटवारी होते थे और एक पुलिस का दरोगा, मगर वह कहलाते हैं हमारी तरफ़ चौकीदार, तो पुलिस का चौकीदार और पटवारी या लेखपाल होते हैं इनसे आम तौर से देहात वालों को सावक़ा पड़ता है और यह समझते हैं कि अगर उनका 4 रुपये का काम हुआ है तो 1 रुपया हमारा है। अगर यह बातें सही हैं तो उनको दूर करने की कोशिश हमें करनी है और उसके लिये रास्ता अख्तियार करना चाहिये। इसलिये समझता हूँ कमीशन का बन जाना सिर्फ़ इसलिये नहीं है कि हम बुराइयों को निकालें या बहुत सी पुलिस वालों की

सर्विस अलग कर दी जाय या ट्रांसफर कर दिया जाय या डिग्रड कर दिया जाय बल्कि तमाम सारी सिचुएशन को इवेल्युएट करना भी है और साथ साथ यह भी देखना है कि यह चीज हमारी ही पुलिस में है और दुनिया में कहीं नहीं है। सदर कैनडी का कातिल आज तक नहीं पकड़ा गया, यह कितनी बड़ी बात है। यह भी नहीं मालूम कि क्या साजिश थी। तो इतनी बड़ी गलतियां हो सकती हैं। जब दुनिया की सबसे ज्यादा होशियार पुलिस में ऐसा हो सकता है तो हिन्दुस्तान में भी पुलिस से कुछ भूलचूक हो सकती है। तो यह कहना भी गलत होगा कि हिन्दुस्तान की पुलिस बिल्कुल जीरों है। कमीशन इसलिये नहीं बनेगा कि पुलिस को कण्डम किया जाय, गिराया जाय, बल्कि पुलिस को एजुकेट करना है, पब्लिक और पुलिस के बीच अच्छे रिलेशन्स करना है। मैं समझता हूं अगर यह कमीशन बनाया जाय तो इससे मुल्क को फायदा होगा और तमाम मुल्क की पुलिस एजुकेट होगी।

एक बात मैं और बता दूं। पुलिस में बहुत से लोग हैं जो चाहते हैं कि सुधार हो। एक साहब शिकायत कर रहे थे कि पुलिस ऐसा डिपार्टमेंट है जहां बिना करप्ट हुए काम बनता नहीं और गैर करप्ट को रहने नहीं देते, उसको डिपार्टमेंट के ही लोग सताते हैं। लेकिन हमारे पास बहुत से लोग आए हैं जो करप्ट हैं लेकिन करप्ट रहना नहीं चाहते। मैं चाहता हूं, जो कमीशन बने वह ऐसे रूल्स एन्ड रेगुलेशन्स बनाए ऐसे सजेन्स दे, इस तरह के रिकमन्डेशन करे कि अच्छे लोग सामने आ सकें और जो खराब एलीमेंट है वह दब सके, गिराया जा सके। तो मैं कहूंगा यह आल इंडिया प्राब्लेम सेंटर से बहुत करीब संबंध रखता है और इसके लिये कमीशन बनाना मुफीद होगा, उससे पूरे नेशन की इज्जत बढ़ेगी। अगर पुलिस ठीक होती है तो हम समझते हैं हमारी कौमी हुकूमत का दर्जा ऊंचा हो जायेगा।

SHRI BALACHANDRA MENON:  
Mr. Vice-Chairman, I am happy to participate in this discussion, but not on the basis of the arguments made by Mr. Mani. Mr. Mani is anxious that the powers of the Central police must be much more. He is much worried about the law and order situation in certain States and he thinks that by such a Resolution he will be able to see that even the rights that are given to the States are slowly taken away and that the federal character that we have got today may also somehow be taken away. I am not for it. Let me make it very clear. In this country where we have given certain powers to the States, you cannot take them back. Greater powers will have to be given. The full federal character will have to be maintained. I am happy that we now discuss this Resolution because we must be clear as to what should be the police policy in India. It is not merely a law and order situation. It is not a question of greater duties that our policemen will have to do or they will have to control traffic. These are small things. Perhaps today our policemen are not able to do all these things. They are not properly educated. For the pittance that you give, you can get only this type of people. It is none of their defect. Have we got a social objective? What is the objective before us? Are we clear about it? If we are clear about it, we will be able to have our policemen do the job. In these 21 years we have built up a blackmarket society. In these 21 years we have built up gold smugglers in large numbers, all over India. In these 21 years you have allowed the looters to flourish and can you ask your policemen to arrest those very people to whom you go? You are their guests and then you turn round and say that the policemen are not doing their job. It is because you do not know what you should do. You have no clear objective. That is why the whole trouble is there. After independence new problems have arisen. The problem of the States and the Centre is there. Of course, big changes are taking place. You have given certain Fundamental Rights. The worker has got a right to strike. The

[Shri Balachandra Menon]  
majority goes into action. The other worker has got a right to work. He must come. The blackleg will have to be protected. The other people will have to be beaten up. This is what is happening. Whatever rights you have given, on the one hand, will have to be taken away by the other. Certain Fundamental Rights are given. The right of taking out a procession, the right to strike, all these are there. Then, they are being taken away. You have got the Central Security Force. More Ordinances are coming. Even when, in their ordinary right, the Government employees ask for a slight wage increase, you will have to bring out the police and shoot them down. This is what is happening. It is not because of the defect of the police. I know that we have inherited a system, which is an old system from the British Government. They had very few problems. Their one problem was to see that petty thefts were not committed. Their second problem was how to beat down the national movement. Now, you have got bigger problems. How are you going to tackle them?

So, I was trying to point out that under the present conditions, with all the tall promises that you have been making to the various sections of the people and when they have realised that they have got a right to fight for it and when they have begun fighting for it, we will have to be clear as to what our police should do. That is why Mr. Mani was reading from the Bengal Labour Ministers statement. He was speaking about the old administration in Kerala, the previous communist Ministry. What are the big crimes that these people have done? They said that law was changing. The workers are putting forward their demands. When organised sections of the workers come forward, their rights will have to be guaranteed. The police will be used for that. The anti-social elements who defy law, who break law, who will not allow the industrial law to be enforced, will be shown the right place. Mr. Mani will naturally get angry, because he is also the proprietor of a small paper. I can understand that. But we will have to be

very careful in this new society which we are to build up. You have been speaking about socialism. Our people have realised that they will have to fight and fight to get it. Because they have to exist, they will have to do some job. The unemployed will demand jobs. The employed will ask for security. Those who get a pittance will ask for a living wage. These things will happen. Where will you stand? The Government will have to tell us. What have you done? I had been to Bikaner. I have seen what horrors there were. I went there after the one-day token strike. The drunken police were let loose. I can tell you that about forty people were shot at, above the knee, near the chest. There were six or seven bullets in one body. Was it to drive them or was it intended to kill them? I know you are panicky. You have promised the workers, the employees that they are entitled to a basic minimum wage. But when they fight for it, you want to shoot them down. That is what you have done. Everywhere you have done it. Eleven people paid their lives for a cause which you yourself said was correct. Your police was used for that. You are trying to ape the British. Gandhiji defied them and he said: To hell with your law there are social leaders here, political leaders here who will say that the law will have to be changed. The right to strike will have to be given as a guarantee in the Constitution. There are various Constitutions which have given it. You will have to give it, if you want to have a socialist order. I know Prof. Ruthnaswamy gets worried about it. No wonder, because he stands for the present order, the *status quo*. We want change and that is the difference. Therefore, I am glad that we are taking this up seriously. Let us decide how the Central police will be used and when it will be used. You have been sending the Central Police to Kerala, 2,000 people, and to protect about 5,000 Central Government officers. Can it be done? Can you find out who will be responsible for any sabotage there without the help of the local police? Can you take any action? You cannot do it. Never take away the

rights of the States Discuss with them As I have said previously, there has been no looting in our place There has been no burning down in our place Nothing has happened People know what they should do and the people also know their rights These are the things that are now before us Such questions have become very important The rights of the workers the rights of the peasants, all these will have to be guaranteed Now, certain monopolists have been guilty of certain acts Certain mills have cornered cloth and yarn You want to search, but you dare not do it Why? It is because most of us, most of the MPs and most of the Ministers are the guests of those very persons who are blackmarketeers, who are anti-social people Then, you turn round and say that it is the worker, it is the peasant, these are the persons who are anti-social It is the blackmarketeer who is anti-social It is the monopolist, who has been cornering the entire stocks in the country to benefit himself, who is anti-social They are the anti-social beings But you turn round and try to shoot down the worker and the peasant This cannot continue So, let us make it very clear In case the majority of the workers decide to go on strike, they will have to be protected and not the blackmarketeer Where the just demands of the various sections of the people are placed before you, you should support them This will have to be done because new changes are necessary Law has to protect the majority of these people, people who sweat, people who work for their bread Today it is just the other way about. If you go out, you will see the beggars, at any rate, people who are unemployed Twenty years ago they would not have been beggars They are driven out of their tenements They are peasants who have been driven out Most of them have become vagabonds The petty peasant has become an agricultural labourer and the agricultural labourer has become a vagabond This is what has happened during these twenty-one years Who is responsible for it? You want to stop all that The only thing is you destroy the huts that

they have created even during this period When it is winter, you try to destroy the huts You want to have an appearance of respectability That is all This will have to be changed I shall be happy if with a new social objective, if with a new sense of protecting the rights of the ordinary man you draft a new policy, and this Commission will be of very great help then Let us do that instead of trying to bring in another set of police rules just to frighten the people We do not want the peace of the grave

The British Government was anxious to make use of the police and the military to shoot us down But should in free India an ordinary worker be shot like that, be forced to submit to the injustice that is taking place? The other day I heard it was a head constable who was responsible for even the raping of a Harijan girl This is what is happening Nobody is worried. Do you know why? Because of this caste-ridden society everyone is thinking in terms of his own caste, of his own religion, and makes use of these policemen Ministers make use of them The higher officials make use of them So they become callous They are no better than the criminals they arrest This can be changed only if the ruling party has a clear sense of social justice being done to the people. I am sorry they are not doing it, and the result is that they have corrupted the entire life of this country, policemen included This is what has happened Everybody must go to the blackmarket, everybody must unfortunately become a part of this corruption, and the police is also a part of it, and that is the worst part of it As one who on several occasions had been a victim of the police I do feel that the time has come when there should be an enlightened policy which will support the rights of our people, when this Parliament openly comes out and says that it will not allow the huge un-social activities that have been unleashed during this period, which have only helped the big monopolists and blackmarketeers I am sorry it is this Government that is responsible for this This can be changed if you want

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to change it. Otherwise there are forces which will change it. The little change that we have started in Kerala will certainly be seen everywhere, and the new policy which we have adopted will become the policy of the state also when slowly such powerful, democratic socialist sections will take charge of the entire country. I believe the day is not far off and it is only then you will have a correct police policy.

SHRI ARJUN ARORA: Mr. Vice-Chairman, I find I cannot support this resolution though I feel it has been moved with the best possible intentions. My reason for not supporting this well-intentioned resolution is the fact that I find in the Government, in the Parliament and in the society as a whole a sort of allergy to change. We have become accustomed to a drift, a dangerous drift, which in any other country, except a country of docile, peace-loving Indian people, would have created a revolutionary situation long ago. I feel the appointment of one more Commission will not bring about any improvement, any change, unless a basic change takes place and the Government, the Parliament and the people decide to work for a fundamental change in our society.

Take the police force, for example. The British built a police force. The British were foreign rulers in this country. They built a police state. They built a police force to man their police state, an instrument of oppression. That instrument of oppression built by the British was inherited by us on 15th August, 1947. I personally feel, Mr. Vice-Chairman, that a basic mistake was made in the early years after independence when, instead of disbanding this force of oppression built by the British, our leaders, the leaders of the Government, the Prime Minister, the Home Minister, big names in the freedom struggle, tried to perpetuate the same force which was a force of oppression.

Sir, I joined the freedom struggle very early in my life as a student, as a teenager. I remember that there was one police officer who slapped me

before he arrested me in 1932. On 15th August, 1947, when I went to attend the police parade in Kanpur, I had to carry an invitation card to the police parade which was addressed by a Congress Minister, Mr. Hukum Singh. The police officer who, when I was a boy, a student, slapped me before he put me under arrest was checking the cards of the visitors on behalf of the independent State which came into being on 15th August, 1947.

SHRIMATI SHAKUNTALA  
PARANJPYE (Nominated): You should have slapped him.

SHRI ARJUN ARORA: I should have slapped him if I was as young as this lady, but by 1947 I had grown grey and I had to congratulate that police officer on his promotion. From a sub-inspector in 1930 he had risen to be a Deputy Superintendent of Police in seventeen years of British rule which we were fighting and I courted imprisonment eight or ten times. That fine morning, that glorious morning in our history, from Deputy Superintendent he became a Superintendent of Police. That indicates the way in which the police force developed by the British as an instrument of oppression of the Indian people was not only perpetuated by our leaders but was also strengthened.

SHRI SUNDAR SINGH BHANDARI: New recruitments should have been made.

SHRI ARJUN ARORA: The whole, the entire police force of the British should have been disbanded and new recruitments should have been made up of patriotic people like Mr. Bhandari. Then alone we could have a police force about which a Commission or a Committee could suggest improvements. Now of course it is too late and we have to wait for the next upheaval. What we find today is that the police is used for all sorts of things. If students and teachers quarrel, the police comes into the picture. If employers and workers quarrel, the police comes into the picture. If the Finance Minister and the Home Minister on

the one hand and the Central Government employees on the other, quarrel, the police comes into the picture. Why should we then be surprised or be sorry or agonised when events like that of the Indraprastha Estate take place? The police which we have inherited from the British, the police force which we have perpetuated and which we have strengthened was meant to beat the people. It used to beat Congressmen and other patriots before 15th August, 1947; now it beats the people.

THE VICE-CHAIRMAN (SHRI D. THENGARI): You will kindly continue the next time.

The House stands adjourned till 11.00 A.M. on Monday.

The House then adjourned at five of the clock till eleven of the clock on Monday, the 25th November, 1968.