

TWENTIETH REPORT OF COMMITTEE ON PETITIONS

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Madam Deputy Chairman, with your permission, I present the twentieth Report of the Committee on Petitions.

I. THE CENTRAL RESERVE POLICE FORCE
(AMENDMENT) BILL, 1968

II. THE INDIAN MEDICINE AND HOMOEOPATHY CENTRAL COUNCIL BILL, 1968

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Madam, I move for leave to introduce a Bill further to amend the Central Reserve Police Force Act, 1949.

THE DEPUTY CHAIRMAN : The question is :

“That leave be granted to introduce a Bill further to.....”

SHRI BHUPESH GUPTA (West Bengal) : No. A brief statement he should make. Under the Rule, he should make a brief statement, and we shall make a brief statement.

THE DEPUTY CHAIRMAN : I think the usual practice is that when the Minister introduces, at the introduction stage, no statement is made. But I am putting it to vote. If you want to oppose it, you can do so.

SHRI BHUPESH GUPTA : On a point of order. I am entitled to make brief statement on what I oppose. It is under the Rules.

THE DEPUTY CHAIRMAN : You can. But I am saying that usually it is not the practice.

SHRI BHUPESH GUPTA : Usually it is not the practice. It is unusual. You are right.

THE DEPUTY CHAIRMAN : Then why should they bring unusual things on the last day ?

SHRI BHUPESH GUPTA : Let me make a brief statement.

THE DEPUTY CHAIRMAN : Yes. Finish in one or two sentences.

1 P.M.

SHRI BHUPESH GUPTA : Madam Deputy Chairman, I oppose the introduction of this Bill and I would ask the House not to grant leave to Mr. Chavan to introduce this vicious Bill here. Now we have the Bill also. Previously we did not have the Bill. Now hon'ble Members will have got a copy of the Bill in their hands.

SHRI B. T. KEMPARAJ (Mysore) : On a point of order, Madam.

THE DEPUTY CHAIRMAN : What is your point of order ?

SHRI B. T. KEMPARAJ : The Member is making a statement without knowing what the Bill says.

THE DEPUTY CHAIRMAN : Please sit down.

SHRI B. T. KEMPARAJ : No, Madam. Without knowing the purpose of the Bill and the contents of the Bill what is the good of his statement ? It is wasting the time of the House.

THE DEPUTY CHAIRMAN : It has been circulated.

SHRI B. T. KEMPARAJ : Without the Bill being introduced, how can the hon'ble Member make a statement ?

SHRI LOKANATH MISRA (Orissa) : It is now one o'clock.

SHRI BHUPESH GUPTA : Yes, now it is one o'clock. I will speak later on.

SHRI B. T. KEMPARAJ : What is your ruling, Madam ?

THE DEPUTY CHAIRMAN : Mr. Gupta, you are going to be very brief.

SHRI B. T. KEMPARAJ : What is your ruling on my point of order ?

THE DEPUTY CHAIRMAN : I have ruled out your point of order. The Bill has been circulated, and I have permitted Mr. Gupta to speak.

SHRI BHUPESH GUPTA : The honourable new Member should know that it is precisely to refresh the memory of the hon'ble Members that the mover is expected to make a brief statement. If Mr. Chavan has not enlightened us or refreshed our memory by making a misstatement, the hon'ble Member should rise from the Congress Benches and come to the Opposition to enlighten the House...

SHRI SUNDAR SINGH BHANDARI (Rajasthan) : Why do you not continue your speech after the lunch ?

SHRI BHUPESH GUPTA : All right. I will speak after the lunch.

THE DEPUTY CHAIRMAN : I personally was going to request the House that we sit through the lunch hour because we have got a lot of business.

SHRI BHUPESH GUPTA : No, no. We are hungry.

THE DEPUTY CHAIRMAN : I shall make another request that the Essential Services Maintenance Bill, clauses 5, 6, 7, 8 and 9 and the Third Reading, all that we should finish in 90 minutes.

SHRI BHUPESH GUPTA : We do not know. We respect your views. You have given so much advice to the Government but have they acted accordingly ? However, we will bear it in mind.

THE DEPUTY CHAIRMAN : I am only appealing. Let us finish it in 1½ hours. Now, Mr. Gupta, you will take only five minutes more on this.

SHRI BHUPESH GUPTA : No, Madam. Ten minutes. You know I am a slow speaker.

THE DEPUTY CHAIRMAN : The House stands adjourned till 2 P. M.

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

The House reassembled after lunch at two of the clock, **THE VICE-CHAIRMAN** (**SHRI M. P. BHARGAVA**) in the Chair.

2 P.M.

THE VICE-CHAIRMAN (**SHRI M. P. BHARGAVA**) : Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : Mr. Vice-Chairman, I rise to oppose the introduction of the Central Reserve Police Force (Amendment) Bill brought here by the hon. Home Minister, Mr. Chavan. It appears that by this legislation the Government wants to increase the strength of the Central Reserve Police Force from 44 battalions to 52 battalions, and whereas the cost of expenditure in 1967-68 was of the order of Rs. 7 crores, it is likely to go up to Rs. 12 crores—that

is, increase by Rs. 5 crores—as a result of the implementation of the proposals of this Bill; that is to say, straightway we are asked to give Rs. 5 crores more. In fact, it would be much higher if we go by past experience. This is only one aspect of the matter. My main objection is this, that now the Government under this amending measure is trying to assume still greater power in their hands. It would be used against the autonomy of the States and in the States. Now, law and order under our Constitution is a State subject. I do not know why the Centre is interested so much in strengthening its quasi-military organisation. If you go through the provisions of the original measure, you will find that it is already a quasi-military organisation. Now it is being strengthened by appointment of a Director-General, this and that, and the Centre is also assuming more powers with regard to rules and regulations. It is quite clear, if we go by this amendment, that they want to deploy these forces all over the country and use them, on one pretext or another, against the people, against the democratic movement and sometimes in defiance of the State authorities. That is why I oppose it. Recently, as you saw, Mr. Chavan, used the Central Reserve Police Force in Kerala without having any prior consultation with the Kerala State Government at all. In fact, it was an affront to our Constitution and it was, of course, infringement of what we understand in our Constitution to be limited autonomy of the States. Now we have the military; of course, it is there. We have the Railway Protection Force, looking after another aspect. We have the Industrial Security Force which has been created or is about to be created, in order to take charge of the industrial areas and attack the working classes and the trade union movement. On top of them all, we have the Central Reserve Police Force. And Mr. Chavan wants to strengthen its position. Now I should like to know from Mr. Chavan, for once : How many forces would he like to have? Would he like to have an air force under his command, artillery, tanks and whatever he likes? All that he is not demanding is that the army should be under him. But then he has got his colleague to look after him. Now here is a federal structure or a quasi-federal structure under the Constitution. The army is looking after the security of the country and related matters and the police is given to the States. The Constitution makes that arrangement. But here we find the Central Government gradually encroaching upon the autonomy of the States, and the Central Reserve

[Shri Bhupesh Gupta.]

Police Force, I tell you, is going to be used for that purpose. Mr Vice-Chairman, I oppose it because you know, don't you, that I come from West Bengal. That is why I oppose it all the more. They wanted to topple the United Front Ministry in West Bengal in October, 1967. They kept the Central Reserve Police Force ready there. When the Ajoy Mukherjee Ministry, the United Front Ministry, was dismissed in November, the Central Reserve Police was there. We never passed the original Act to make this force available to the Congress Party or to the Centre to be utilised in order to bring about certain changes of Governments or to back up certain State Ministers, certain persons.

(Time bell rings)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : You have taken 5 minutes.

SHRI BHUPESH GUPTA : When you are ringing the bell, it means three minutes more; that is known. So this is why I oppose this Bill. Everywhere to-day the Central Reserve Police Force has become a symbol of interference by the Centre in the autonomy of the States. Everywhere we find that this force is poised against the left democratic movement, against the United Front, against mass struggles and so on. How is it, Mr. Vice-Chairman, that with all the Central Reserve Police Force going round the country, so many riots could take place? Why was it not acting in Ranchi, Asansol, Aligarh, Jabbalpur and other places where riots have taken place?

SHRI SHEEL BHADRA YAJEEL (Bihar) इसी लिये जनरी है, भूपेश जी । You admit.

SHRI BHUPESH GUPTA : No, it is not meant for that. You are deceived when you are told that it is meant for that. A murderer never tells that he has come to murder. He comes under some pretext or other enters your house and then does the killing. You should have a little more respect for Mr. Chavan's intelligence and commonsense. Do you think he is going to tell us that the Central Reserve Police Force is meant to suppress the autonomy of the States, the democratic movement and all that? He will tell all good things to us. He will say that it is there to suppress these communal riots, this and that—all horrible things he will mention. But when it comes to business, the Central Reserve Police

Force will be used to suppress the United Front, to back up Prafulla Ghosh so that he can go to the Writers' Building and become Chief Minister, and to help Mr. Kabir. That is the position. That is why, Mr. Vice-Chairman, I strongly oppose this measure. I think it is becoming more and more a police State even at the Centre. In the States it has already been; but in the Centre also we find that it is becoming a police State. Mr. Chavan has got so many other things to do. Why he is so police-minded, I cannot understand. Sometimes I feel that he is cultivating a mentality of Commander-in-Chief and Inspector-General put together. That mentality is not good.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Bhupesh Gupta you have had your say.

SHRI BHUPESH GUPTA : Mr. Chavan cannot speak. His speaking is over.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : No, it is not.

SHRI BHUPESH GUPTA : So I say, we oppose this measure. I think this Central Reserve Police Force could be called "Congress Reserve Police Force." That would be good. This "Congress Reserve Police Force Bill", euphemistically called the Central Reserve Police Force Bill, should be withdrawn. The Force should be disbanded. There should be no such provision. If the State Governments want such things, let there be a conference of all the State Governments, let them discuss it, thrash out what kind of a force is needed, what powers should be there and so on. Besides, you have got the army to deal with some situations. Under the Criminal Procedure Code, if they are needed, they can be asked to come and intervene. So this force is absolutely unnecessary. We have had enough of it. I hope Mr. Chavan will not try to impose this thing again on us. Hence I strongly oppose the introduction of this Bill. Normally, Mr. Vice-Chairman, I do not oppose introduction. But Mr. Chavan, never gives us rest or respite.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : That will do.

SHRI P. C. MITRA (Bihar) : Mr. Vice-Chairman, ..

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : No. Under the rules, no.

SHRI BHUPESH GUPTA : On a point of order. See the rule .

THE VICE-CHAIRMAN (SHRI M P BHARGAVA) The rule is very clear. The Member who opposes makes a brief statement and the Member who moves makes a brief statement.

SHRI BHUPESH GUPTA You please read the rule, you have not read it. It says—

“If a motion for leave to introduce a Bill is opposed, the Chairman, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question.”

The position is this. When he came to introduce the Bill I asked him to make a statement. But Mr Chavan did not do it.

THE VICE-CHAIRMAN (SHRI M P BHARGAVA) Unless he knew that you were going to oppose.

SHRI BHUPESH GUPTA No, no. Here is the rule. He did not do it. Obviously he gave up his right to make the statement. Now, Mr Vice Chairman, it is for him to do so. When I oppose, immediately he should get up. I asked Mr Chavan to get up and say something. Not only that, I wanted to hear him.
(Interruption) I have been prejudiced now. Therefore, if you allow him now, I should be allowed to make a second statement on the basis of his statement.

THE VICE-CHAIRMAN (SHRI M P BHARGAVA) No, no.

SHRI BHUPESH GUPTA Why not? You cannot take away my right, Madam.

SOME HON MEMBERS It is the Vice-Chairman in the Chair.

(Interruptions)

SHRI BHUPESH GUPTA That is because Mr Chavan never addresses when the Deputy Chairman is in the Chair except as “Sir”. Therefore, I am addressing you as “Madam” because after all, it means the same thing to Mr Chavan.

Now, if a motion for leave to introduce a Bill is opposed which I did, the Chairman, after permitting, if he thinks fit, a brief explanatory statement from the Member—I have indeed suggested that he should make a statement, but he has not got up—who

moves and from the Member who opposes. Here you see the sequence is not meaningless. The Member who opposes should hear the Member who moves. Then he should make a statement in the light of what has been stated by the mover. You have denied me the right.

THE VICE-CHAIRMAN (SHRI M. P BHARGAVA) All right. I shall put the question. The question is—

“That leave be granted to introduce a Bill further to amend the Central Reserve Police Force Act, 1949.”

The House divided

THE VICE-CHAIRMAN (SHRI M P BHARGAVA) Ayes—42, Noes—14.

AYES—42

Chandrasekhar, Dr. S.
Chatterji, Shri J C
Chaudhary, Shri Ganesh Lal
Chavda, Shri K S
Dharia, Shri M M
Gilbert, Shri A C
Gurupada Swamy, Shri M S
Hathi, Shri Jaisukhlal
Hussain, Shri Syed
Kemparaj, Shri B T.
Kollur, Shri M L.
Krishan Kant, Shri
Lalitha (Rajagopalan), Shrimati.
Mallikarjunudu, Shri K P
Maniben Vallabhbaai Patel, Kumari.
Mehta, Shri Om
Mirdha, Shri Ram Niwas
Mitra, Shri P C
Panj hazari, Sardar Raghbir Singh.
Patil, Shri G R
Patra, Shri N
Phulrenu Guha, Dr Shrimati
Pushpaben Janardanrai Mehta, Shrimati
Reddy, Shri K. V Raghunatha
Rizag Ram, Shri
Sahai, Shri Ram
Salig Ram, Dr
Satyavati Dang, Shrimati
Savnekar, Shri B S.
Sherkhan, Shri
Singh, Shri Dalpat.

Sinha, Shri Awadheshwar Prasad.
 Sinha, Shri B. K. P.
 Sinha, Shri R. B.
 Sinha, Shri Rajendra Pratap.
 Tankha, Pandit S. S. N.
 Tiwary, Pt. Bhawaniprasad.
 Tripathi, Shri H. V.
 Upadhyaya, Shri S. D.
 Vaishampayan, Shri S. K.
 Vero, Shri M.
 Yajee, Shri Sheel Badhra.

NOES—14

Barbora, Shri G.
 Basu, Shri Chitta.
 Gowda, Shri U. K. Lakshmana.
 Gupta, Shri Bhupesh.
 Mandal, Shri B. N.
 Menon, Shri Balachandra.
 Nair, Shri G. Gopinathan.
 Sarla Bhadauria, Shrimati.
 Sen Gupta, Shri D. L.
 Shejwalkar, Shri N. K.
 Sinha, Shri Rewati Kant.
 Somasundaram, Shri G. P.
 Varma, Shri Man Singh.
 Villalan, Shri Thillai.

The motion was adopted.

SHRI Y. B. CHAVAN : Sir, I introduce the Bill.

THE INDIAN MEDICINE AND HOMOEOPATHY CENTRAL COUNCIL BILL, 1968

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH, FAMILY PLANNING AND URBAN DEVELOPMENT (DR. S. CHANDRASEKHAR) : Sir, on behalf of Shri Satya Narayan Sinha, I beg to move:

"That leave be granted to introduce a Bill to provide for the constitution of a Central Council of Indian Medicine and Homoeopathy and the maintenance of a Central Register of Indian Medicine and Homoeopathy and for matters connected therewith."

The question was put and the motion was adopted.

DR. S. CHANDRASEKHAR : Sir, I introduce the Bill.

THE ESSENTIAL SERVICES MAINTENANCE BILL, 1968—contd.

Clause 5—Penalty for instigation, etc.

SHRI BALACHANDRA MENON (Kerala) : Sir, I beg to move :

66. "That at page 4,—

(i) in line 1, for the words 'one year' the words 'one month' be substituted; and

(ii) in line 2, for the words 'one thousand' the word 'ten' be substituted."

(The amendment also stood in the names of Shri M. V. Bhadram and Shri Bhupesh Gupta.)

SHRI CHITTA BASU (West Bengal) : Sir, I beg to move :

71. "That at page 4, after line 2, the following proviso be inserted, namely:—

"Provided that a person punished under this section shall not be liable to any punishment under the Government Servants' Conduct Rules."

(The amendment also stood in the name of Shri D. L. Sen Gupta.)

The questions were proposed.

SHRI BALACHANDRA MENON : Sir, I oppose this for two reasons. One is, "Any person who instigates, or incites. . . ." which will mean that a union president or its secretary will be held responsible for inciting or for instigating. What happens here is this. In the case of the Central Government employees who come under the Factories Act, they lose their right to get it referred to adjudication. The Government can decide whether the matter should be referred to arbitration or not. In case it is not, if arbitration is not allowed, then it will be brought before the Parliament. They are equated along with other Government employees. Now, by a strange metamorphosis even the workers who are in private industry will also come under it. They will also have no right to get the matter referred to adjudication