

[The Deputy Chairman]

to Select Committees shall apply with such variations and modifications as the Chairman may make;

That the Committee shall make a report to this House by the 31st of December, 1968.

That this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."

The motion was adopted.

THE CENTRAL INDUSTRIAL SECURITY FORCE BILL, 1966—contd.

Clause 15 to 18 were added to the Bill.

THE DEPUTY CHAIRMAN: Mr. Chitta Basu's amendments to clauses 19 and 20 are negative amendments and, therefore, they cannot be moved. There is no amendment to clause 21.

Clauses 19 to 21 were added to the Bill.

Clause 22—Power to make rules

SHRI CHITTA BASU: I move the following amendment:—

"That at page 9, after line 37, the following be inserted, namely:—

"(gg) recognition of associations including trade unions of the officers and members of the Force;"

The question was proposed.

SHRI CHITTA BASU: Madam, this amendment is to clause 22 where there is provision for rule-making. In this rule-making provision, Madam, you will see there are many items for which the rules will be prescribed, and my amendment suggests that there should be a rule made for the recognition of any association of the

Central Security Force. Madam, you know that even for the police personnel there are certain conditions under which an association of the police personnel is also recognised. But in this case, where I think a large number of personnel will be employed under the Central Industrial Security Force, there is no scope for them to form any association, and I also think that, if they form any association, that association will not be recognised. In this connection I want to draw your attention, Madam, to clause 19. And in clause 19 it has been laid down:

"The Police (Incitement to Disaffection) Act, 1922, shall apply to supervisory officers and members of the Force as it applies to members of a police force."

Now you know, Madam, that during the whole course of discussion it was being said by the hon. Minister that this Central Security Bill was not to be used as a police force. But yet they want to apply in this case also the Police (Incitement to Disaffection) Act, 1922. It means they want to convert it into a regular police force.

Again, Madam, you will see that under clause 20 this Central Industrial Security Force has got no right to seek redress even under the Industrial Disputes Act or even under the Payment of Wages Act. It means they will have no benefit of the trade union movement, they will have got no protection under any act which protects the interests of the workers, or any working people. Therefore, my objection is this. Even when the recognition of an association of police personnel is already provided for, even for policemen, even when you claim that this Security Force is not a police force, even then there is no provision, there is no indication that they can form any association. In a particular clause I have shown that there is no guarantee for them, guarantee whether they will get pay-

ment of Wages Act when there is no provision, or whether they will get in the absence of any provision, redress of their grievances under the Industrial Disputes Act. Therefore my amendment is this that in the rule-making provision there should be an item added to the effect that some rules may be framed for the recognition of any association which may be formed exclusively by the Central Industrial Security Force.

SHRI D. THENGARI: On this amendment I would suggest that the Industrial Security Force should not be allowed to have the worst of both the worlds in the sense that they are denied the benefits that could have accrued to them as a regular police force but burdened with those liabilities undergone by a regular police force. Thus they are having the worst of both the worlds. The latter should be avoided. Secondly, one can, for the sake of argument, accept the position that probably full-fledged trade union rights may not be granted to this special Force. As a matter of fact, we stand for full-fledged trade union rights, but under special circumstances, even if it is conceded, for the sake of argument, that all the rights may not be granted, still it is necessary that some grievance procedure must be evolved, a machinery for redress of grievances must be set up, and some forum for joint consultation must be held. Otherwise, the resultant discontent will explode if there will be no outlet for it. Therefore, I should like to suggest that, before rejecting this amendment, the Government should come forward with an assurance that there would be some sort of grievance procedure or some forum for joint consultation or some machinery for redress of grievances.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Madam, this amendment seeks to insert sub-clause under clause 22. This matter, as the hon. Members may remember, was discussed exhaustively

in the Select Committee, and then we decided not to amend it. Now it will take away the basic scheme of the Act if this amendment is accepted. Therefore, I am not in a position to accept this.

THE DEPUTY CHAIRMAN: The question is:

"That at page 9, after line 37, the following be inserted namely:—

'(gg) recognition of associations including trade unions of the officers and members of the Force.'"

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

The Schedule was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI VIDYA CHARAN SHUKLA: I move:

"That the Bill be passed."

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

THE DEPUTY CHAIRMAN: I had come to the "Ayes" and "Noes" stage.

SHRI M. R. VENKATA RAMAN (Madras): But you did not look at this side, Madam.

THE DEPUTY CHAIRMAN: Right, take one minutes.

SHRI M. R. VENKATA RAMAN: I only want to say, Madam, that although all the procedural formalities have been gone through right up to the passing of the Bill, the Bill may be kept and held up and not rushed this way.

THE DEPUTY CHAIRMAN: We have not rushed it through.

SHRI M. R. VENKATA RAMAN: All the opposition parties have opposed this measure.

THE DEPUTY CHAIRMAN: That is all right.

SHRI M. R. VENKATA RAMAN: I say that you may hold it up and it need not be actually made a law. It is very unfortunate that such a measure should be passed and the Congress Government should take the responsibility for it.

THE DEPUTY CHAIRMAN: Do you want to say anything, Mr. Shukla?

SHRI VIDYA CHARAN SHUKLA:
No, Madam.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed".

The motion was adopted.

SHRI DAHYABHAI V. PATEL:
We are waiting for the Home Minister's statement.

THE DEPUTY CHAIRMAN: The next item has the time fixed for it.

THE MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): The statement can be made after this item Madam.

MOTION FOR MODIFICATION OF
THE UNLAWFUL ACTIVITIES
(PREVENTION) RULES, 1968

THE DEPUTY CHAIRMAN: Now we come to Mr. Chitta Basu's motion. It is exactly 4.30.

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

"This House resolves that in pursuance of sub-section (3) of section 21 of the Unlawful Activities (Prevention) Act, 1967, the following modifications be made in the Unlawful Activities (Prevention) Rules, 1968, published in the Gazette of India by the Ministry of Home Affairs Notification S.O. No 481, dated the 5th February, 1968 and laid on the Table of the Rajya Sabha on the 28th February, 1968, namely:—

(i) in sub-rule (1) of rule 3, the words 'as far as practicable' be omitted;

(ii) sub-rule (2) of rule 3 be omitted;

(iii) in rule 4, the words 'all or any of' be omitted;

(iv) the proviso to rule 5 be omitted.

This House recommends to the Lok Sabha that the Lok Sabha do concur in this resolution."

Madam, you may recall that while the Unlawful Activities (Prevention) Bill, 1967, was being considered in this House and in the other House, the entire Opposition offered the stiffest possible opposition to the Government's proposal to enact a measure of this nature. One of the main arguments put forward by the Opposition was that the Government may misuse this measure in order to punish, to declare unlawful certain organisations if these organisations according to the opinion of the Government, posed a threat to the ruling party as a whole. The Opposition was fighting against the Bill because it felt that the Government might misuse, and arbitrarily use it for political and partisan purposes.

THE DEPUTY CHAIRMAN: Order, order. There is too much noise on that side of the House.