

(interruptions)

[THE DEPUTY CHAIRMAN in the Chair]

THE DEPUTY CHAIRMAN: Mr. Rajnarain, please take your seat.

श्री राजनारायण : नहीं। नो, नेवर।

THE DEPUTY CHAIRMAN: You take your seat or withdraw from the House. You will withdraw from the House if you do not take your seat.

SHRI RAJNARAIN: No, never. I will not withdraw from the House. Let the Marshall come. I will never withdraw from the House.

SEVERAL HON. MEMBERS: Obey the Chair.

THE DEPUTY CHAIRMAN: Take your seat. I request you to take your seat.

SHRI RAJNARAIN: I request you to hear me first.

THE DEPUTY CHAIRMAN: I cannot hear you any further after what the Chairman has said.

श्री राजनारायण : मैं आप से रिक्वेस्ट करता हूँ कि आप इस सभा में श्री शीलभद्र याजी को आदेश करें . . .

THE DEPUTY CHAIRMAN: Please take your seat or withdraw. From now on nothing should be taken down of the proceedings.

{Shri Rajnarain continued to speak}

THE CENTRAL INDUSTRIAL SECURITY FORCE BILL, 1966— contd.

THE DEPUTY CHAIRMAN: Now we pass on to the next item on the Order Paper, i.e. further consideration of the Central Industrial Security Force Bill. Mr. Rajnarain was speaking yesterday and he will now continue his speech.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, मैं बहुत ही अदब के साथ आपके द्वारा सदन के सम्मानित सदस्यों से कहना चाहता हूँ कि यह जो विधेयक यहां पर प्रस्तुत हुआ है यह विधेयक शुद्धतः काला विधेयक है और मैं चाहता हूँ माननीय मंत्री जी से कि अगर वे विधेयक यहां पर लाना ही चाहते हैं तो ऐसा विधेयक लाएं कि शीलभद्र याजी की तरह गलत बयानी करने वाला व्यक्ति सजा पाए। अगर कोई विधेयक लाना ही है तो एक ऐसा विधेयक लाना चाहिए जिससे कोई गलत बयानी करके और असत्य और झूठ के पक्ष में कोई बात कह कर अपने को बचा नहीं पाए और मैं माननीय मंत्री जी से निवेदन करूंगा कि हमारे पार्लियामेंट की प्रोसेस में, हमारे कांस्टीट्यूशन में, यह दिया हुआ है कि कांस्टीट्यूशन के अन्दर सदन के मेम्बरों का प्रिविलेज और सदन का प्रिविलेज वही है जो ब्रिटिश पार्लियामेंट का है। इसलिए . . .

SHRIMATI YASHODA REDDY (Andhra Pradesh): On what is he speaking, Madam?

THE DEPUTY CHAIRMAN: On what are you speaking, Mr. Rajnarain?

श्री राजनारायण : मैं स्पीक कर रहा हूँ विधेयक पर। माननीय मंत्री जी को सजेस्ट कर रहा हूँ इस विधेयक को हटाएं, इसकी जगह दूसरा विधेयक लायें जिसका यह तौर तरीका हो। (Interruptions.) यह तो मैं क्रेडिट देता हूँ कि चेयर हिन्दी समझती हैं।

श्री शीलभद्र याजी(विहार) : मैं भी उनको हिट करूंगा। उनको हाउस से भागना होगा।

श्री राजनारायण : मेरा निवेदन है कि सदन के सम्मानित सदस्यों को अपने अंदर

[श्री राजनारायण]

बहु हिम्मत, बहु साहस रखने का विधेयक इस सदन में गृह-कार्य मंत्री द्वारा प्रस्तुत कराना चाहिये कि सदन का जो कोई सम्मानित सदस्य इस सदन में कोई बात कहने की धृष्टता करे, वह उसको बाहर भी कहने की हिम्मत करे और कम्पलसरी बना दिया जाय, अनिवार्य बना दिया जाए कि इस सदन में किसी व्यक्ति के ऊपर अगर कोई विशेष आरोप लगाए तो इसको अनिवार्य किया जाय—वह सदन का सम्मानित सदस्य जब तक बाहर कह कर न आए तब तक उसको सदन में बैठना नहीं चाहिये। ऐसा विधेयक मैं चाहूंगा कि माननीय मंत्री जी इस सदन में लाएं जिससे सदन की मर्यादा सुरक्षित हो और अगर ऐसा विधेयक आएगा तो इस सदन की प्रतिष्ठा भी बढ़ेगी, शोभा भी बढ़ेगी और ऐसे ऐसे लोग जो कि पथभ्रष्ट हैं, जो कर्त्तव्य हीन हैं, कर्त्तव्य च्यत हैं—और चूंकि सदन के अंदर सुरक्षा है और उस सुरक्षा के आधार पर अपने पाप को छिपाने के लिये असत्य पर पर्दा डालने के लिये जो सदन में कहें उसको बाहर भी कहने की .

उपसभापति : देखिये, बिल पर नहीं बोल रहे हैं। You have to speak on the Security Force Bill. Otherwise I will call you to order.

श्री राजनारायण : अकाउंटिंग टू रूल तो मैं बोल रहा हूं। तो माननीया, एक श्लोक मैं आपके द्वारा माननीय मंत्री जी को बताना चाहूंगा :

“आत्मानं प्रथमं राजा विनयेनोपादयेत्
ततोऽभिरुह्य ततः पुत्रान् ततः प्रजा ।”

राज के नियमों और अनुशासन को राजा पहले अपने ऊपर, उसके बाद मंत्रियों पर, उसके बाद अपने पुत्रों पर और उसके बाद प्रजा पर लागू करे। यह हमारे यहां धर्मशास्त्र में कहा गया है। मैं यह कहना चाहता हूं कि जो यह विधेयक यहां पर प्रस्तुत है वह श्लोक

अगर माननीय गृह मंत्री मानेंगे तो उनकी समझ में बात आ जायेगी कि इस समय जिस ढंग की परम्परा उद्योग धंधों में सरकार चलाना चाहती है उस ढंग की परम्परा को पहले अपने ऊपर लागू करके, फिर अपने मंत्रियों पर लागू करे, अपने परिवार पर, बलिबच्चों पर लागू करें, तब उसके बाद प्रजा पर लागू करने की सोचें यह बिल है क्या। यह घेराव बहु घेराव। घेरा डालो, घेरा डालो, से आज सरकार इतनी घबड़ा गई कि सरकार ने सोचा कि एक सीक्योरिटी फोर्स बिल ला दो और शायद वह सीक्योरिटी फोर्स बिल आ जाने से सारा मामला हल हो जायेगा। मैं अदब के साथ कहना चाहता हूं कि उससे मामला हल होने वाला नहीं है। मामला तब हल होगा जब कि थोरो का वह सिद्धांत माना जायेगा कि ‘स्टेट इज गवर्नड् बाई रीजन’।

“If the State is governed by the principle of reason, misery and poverty are subjects of shame.”

जब राज्य अकल से, सदबुद्धि से गवर्न होगा तो मामला हल होगा। थोरो ने कहा है कि अगर किसी राज्य की व्यवस्था अकल से हो, बुद्धि से हो, तो वहां कोई मसला नहीं रहेगा, वहां पावर्टी नहीं रहेगी :

“If the State is not governed by the principle of reason then riches and honour are not the subjects of shame.”

क्या माननीय मंत्री जी इसको समझते हैं। आज इस सीक्योरिटी फोर्स बिल की जरूरत क्या है? मैं आपके द्वारा सदन के सम्मानित सदस्यों से निवेदन करूंगा : जरा इसको बहुत ही तारीकी के साथ देखें। माननीया, एक नहीं अनेक उदाहरण यहां पर रखे जा सकते हैं, अनेक बातें यहां पर कही जा सकती हैं। यह संप्रकार सोचती क्या है? कानून यह सरकार खुद तोड़ती है, इस सरकार के लाडले और दुलारे तोड़ते हैं। या मजदूर तोड़ता है या ट्रेड यूनियन

वाला तोड़ता है जिनके लिये यह कानून बनाया जा रहा है। आखिर इस बिल का मकसद क्या है? हमें बड़ी इज्जत है अपने माननीय सदस्य लोक सभा के भूतपूर्व सेनेटरी, कौल साहब के लिए। कौल साहब ने कल कहा कि—कौल साहब ने शायद इस विधेयक से यह समझा जैसा यह घेरा है राज्य सभा का, उसी तरह से कोई मिल का घेरा है, उस मिल के घेरे पर कोई घटना होगी तो यह बिल उसी पर लागू होगा। बहुत अदब के साथ मैं कहना चाहता हूँ कि ऐसी व्यवस्था नहीं है। यह तो उस मिल की तरफ से चलाने वाला जो आफिसर होगा, जो उसके जवान होंगे, लोग होंगे, उनके दिमाग में जिस ढंग से उस मिल को उचित होगा, उस ढंग से जो बाधा खड़ी करने वाली ताकत होगी, उस ताकत पर यह फोर्स लागू होगा, उस ताकत से यह फोर्स...

श्री महेश्वर नाथ कौल (नाम निर्देशित) : उसके बाद मैंने कहा कि मिनिस्टर साहब अपने जवाब में इस मामले को साफ कर देंगे। अगर वह मुझ से इत्तिफाक करते हैं तो सेलेक्ट कमेटी में अमेन्डमेंट मूव करके इस मामले को बिल्कुल साफ किया जा सकता है।

THE DEPUTY CHAIRMAN: Mr. Rajnarain, you have taken about half an hour.

श्री राजनारायण : मैं रिपीट नहीं कर रहा हूँ।

उपसभापति : यह तो ठीक है, मगर अब आपको पांच मिनट में खत्म कर देना चाहिये।

श्री राजनारायण : मैंने तो अभी इस बिल के बारे में बहुत कहना है।

उपसभापति : नहीं, नहीं, आधा घंटा बोल चुके हो, अब पांच मिनट पर खत्म कर दो।

श्री राजनारायण : श्री के० एस० भी० रमण ने 1960 में एक एवार्ड दिया था। इसके

अनुसार सीमेंट मजदूरों को प्रति महीने 1966 के मापदंड के हिसाब से 3 हजार रुपया के हिसाब से मिलना था। डालमिया नगर के कर्मचारियों ने श्री रमण के फैसले के विरुद्ध हाईकोर्ट में दावा किया और हाईकोर्ट ने भी इस मामले की पुष्टि कर दी। मैं कहना चाहता हूँ कि यह शान्ति प्रसाद जैन का कंसर्न है जिसके बारे में यहां पर पिढी और पिढी का शोरबा, हल्ला मचाते हैं। शान्ति प्रसाद जैन से लड़ने वाली कौन ताकत है? डा० लोहिया की ताकत है।

उपसभापति : आप को यह सब नहीं बोलना चाहिये। That is a separate issue. You come to the Bill now.

SHRI RAJNARAIN: No. This is not a separate issue. इसीलिये यह बिल आया है। एक मजदूर को तीन हजार रुपया चाहिये था मगर वह समझौता 600 रुपये में करा दिया गया और वह भी एक किशन डेढ़ वर्ष में। सीमेंट वेज बोर्ड के अनुसार प्रत्येक मजदूर के वेतन में 66 सय्या बढ़ना था लेकिन वहां पर केवल 46 रुपया ही बढ़ा।

SHRI BHUPESH GUPTA; (West Bengal): Madam, we can continue after lunch.

THE DEPUTY CHAIRMAN: He is finishing.

SHRI RAJNARAIN: No, no. I am not finishing.

SHRI BHUPESH GUPTA: Let us continue after lunch.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, please be reasonable.

SHRI BHUPESH GUPTA: We want lunch adjournment.

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THE DEPUTY CHAIRMAN: Please.

SHRI BHUPESH GUPTA: Please listen to us. It looks as if anything that we say makes no sense.

THE DEPUTY CHAIRMAN: We will sit till 1.30 P. M.

SHRI BHUPESH GUPTA: Not for this Bill. For any other Bill we would have certainly sat but not for this Bill. We do not agree with this Bill being passed so hurriedly. Therefore we do not see any reason why we should forego our lunch.

(Interruptions)

Madam, I would request you to adjourn the House till half past two.

THE DEPUTY CHAIRMAN: No; the House will sit till 1.30 P.M.

SHRI BHUPESH GUPTA: Why, Madam? Madam Deputy Chairman, whenever you ask us to sit longer have we not accommodated on the question of time? You should take into consideration our viewpoint also.

THE DEPUTY CHAIRMAN: I want Mr. Rajnarain to finish.

SHRI BHUPESH GUPTA: He will finish after lunch.

THE DEPUTY CHAIRMAN: Let him finish now. Why are you acting like this? I do not understand this.

SHRI BHUPESH GUPTA: I do not understand why you are not adjourning the House. I am starving.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, you don't belong to his party. You will get your time to speak. Let him finish his speech.

SHRI BHUPESH GUPTA: He can finish after the lunch.

THE DEPUTY CHAIRMAN: No; the House will sit till 1.30 P.M.

SHRI BHUPESH GUPTA: This is a very wrong thing. I say whenever we

in the Opposition want to sit through the lunch hour or up to 1:30 P.M. I hope this same standard will apply. Remember it because I find you have a majority in this House and you get away with it whenever you want but on our matter we do not get.

THE DEPUTY CHAIRMAN: Order, order. Mr. Rajnarain, please continue.

श्री राजनारायण : आपका आपस में समझौता हो गया है ।

उपसभापति : यहाँ पर आपस को बातचीत नहीं चलनी चाहिये ।

श्री राजनारायण : आपने सदस्यों से

SHRI BHUPESH GUPTA: The House will sit not only through the lunch hour but we shall continue up to 7 o'clock.

श्री राजनारायण : इस काले विधेयक का क्या होगा । मैं आपके द्वारा बहुत ही नम्रता के साथ इस सरकार के घर मंत्री जी से अपील करना चाहता हूँ कि अगर सरकार के पास कोई सिक्योरिटी फोर्स है, तो वह उससे मजदूरों की सिक्योरिटी करे, जो धन पैदा करते हैं । मैं मंत्री जी को बतलाना चाहता हूँ कि "बैल्यू इज दः क्रिप्शन आफ दी लेबर" मूल्य श्रमशक्ति से पैदा होता है । मगर आज तक यह सरकार समझ नहीं पाई है बिड़ला को और बिड़ला के बच्चों को, शान्ति प्रसाद और शान्ति प्रसाद के बच्चों को श्रम शक्ति से ही मूल्य पैदा होता है और श्रमिकों की हिफाजत के लिए ही आप कानून बनाइये और श्रमिकों को कुचलने के लिए आप कानून न बनाइये ।

माननीया, आज आप स कानून में देख रही हैं कि श्रमिकों का जो हक है उसको कुचलने के लिए, उनको दबाने के लिए आज यह विधेयक एक साजिश के रूप में खड़ा किया जा रहा है । इसलिए मैं आप से बारबार कहता

हूँ कि इस बिल के बारे में आप बोलने की कोई पाबन्दी न लगाइये क्योंकि यह एक व्यापक विधेयक है। मैं वर मंत्री जी से यह जानना चाहूँगा कि वह इस बिल के जरिये किन की सुरक्षा करना चाहते हैं। आज डालमिया नगर में शान्ति प्रसाद जैन का कंनन है जिसमें मजदूरों का करोड़ों रुपया मारा जा रहा है और उसकी रक्षा करने वाला कोई नहीं है। वहाँ पर मजदूरों के संघ में जो रमण एवाड हुआ था त्रिवियन बोस एवाड हुआ था, जिसकी पुष्टि हाई कोर्ट से हो गई थी। तो मैं पूछना चाहता हूँ कि वह कौन सा अधिकार है, वह कौन सा ताकत व शक्ति है जो शान्ति प्रसाद को मजदूरों का वेतन नहीं देने दे रही है? बार बार इस सदन में, इस सवाल को उठाया जाता है। आज भी इस सवाल को उठाया गया मगर उन को टाला जा रहा है और पता नहीं कहां के लिए टाला जा रहा है। तो मैं यह पूछना चाहता हूँ कि सरकार के पास कोई ताकत नहीं रह गई है जो कि वह एवाड के फैसले को मानवा सके? मैं यह भी कहना चाहता हूँ कि सरकारी कंनन है चुरु में, वहाँ भी मजदूरों की स्थिति बहुत खराब है। बिरला का कंनन पीतरी में है, हिन्दल में जो अल्युमिनियम का कारखाना है, वहाँ डेढ़ और दो पैसे युनिट पर जनता के काम की बिजली दी जाती है। जनता के काम के लिए उनकी सिन्क्रोमिट्री के लिए सरकार यह विधेयक पेश कर रही है और उनकी तार्द करने के लिए खड़ी है। मैं आपके द्वारा सरकार से निवेदन करना चाहता हूँ कि वह इस बिल के द्वारा जनता की हत्या कर रही है और यह विधेयक राज्यों और केन्द्र के संघों को दूषित करता है। यह विधेयक एक संकेत करता है कि भविष्य में केन्द्र अपनी सुरक्षा के लिए ज्यादा अधिकार के लिए लालायित है।

SHRI BHUPESH GUPTA: Have we got the quorum?

THE DEPUTY CHAIRMAN: We have the quorum.

SHRI BHUPESH GUPTA: Let us count because if they want to sit through the lunch hour they should not be sitting in the Central Hall. They should come and sit here.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, we have got the quorum.

श्री राजनारायण : यह विधेयक स्वतंत्र भारत के मजदूर आन्दोलन और उद्योगों के समुचित विकास को कुचलने के लिए सब से बड़ा कात्वा विधेयक है। यह राष्ट्रीय एकता को छिन्नभिन्न करने वाला विधेयक है। हमारे बहुत से माननीय सदस्य यहां पर पूछ सकते हैं कि इसे राष्ट्रीय एकता किस तरह से छिन्नभिन्न होगी? माननीया, आप ने आज का अखबार देखा होगा, कल से ही निकल रहा है कि बंगाल सरकार ने केन्द्रीय सरकार के घर मंत्री के ऊपर यह इल्जाम लगाया है कि वह अपने अधिकारों का दुरुपयोग कर रहे हैं।

SHRI BHUPESH GUPTA: Madam, I invite your attention that it was the Congress Members who said we should sit through and their contribution here is only nine whereas we are more here although we wanted the recess.

THE DEPUTY CHAIRMAN: What you need is only the quorum.

SHRI BHUPESH GUPTA: I know that.

THE DEPUTY CHAIRMAN: All right; you continue, Mr. Rajnarain.

श्री राजनारायण : यह भी रिकार्ड में रहे कि कोरम के वक्त विरोधी पक्ष मौजूद था और सरकारी पक्ष जिसका विधेयक है, वह कोरम में नहीं था। तो मैं अर्ज कर रहा था कि यह राष्ट्रीय एकता को छिन्नभिन्न करने वाला विधेयक है। माननीया, आपने देखा होगा कि "घेराव" को यह विधेयक बंद करने वाला है। अब हमने वह फॉर्म पंदा कर दी है जिस तरह से दिल्ली पुलिस वालों पर केन्द्रीय फॉर्स और

[श्री राजनारायण]

सीमा फोर्स लागू की गई थीं उनको कुचलने के लिए बुलाई गई और उसे कुचल दिया गया और इस तरह से पांच लाख रुपये खर्च किया। इस तरह से जा ताकत श्री चन्नाय और शुवल पैदा करना चाहते हैं और उनके जरिये वे हम सब को कुचल देना चाहते हैं। तो मैं समझता हूँ कि जो दूसरों को कुचलने वाली ताकत है, वह सबसे पहले अपने को ही कुचलने का जरिया पैदा करती है। इनमें मुझे कोई शक नहीं है कि आज कांग्रेसी सरकार इस बिल के जरिये दूसरों को कुचलना चाहती है। अगर इस तरह की योजना है तो इतना जवर्देस्त बिल्कोट होगा कि राज्य राज्यों के बीच आन्दोलन होगा। राज्य और केन्द्र सरकार के बीच में भेद पैदा होगा और राज्य सरकारें दूसरे रास्ते पर जायेंगी तथा केन्द्र सरकार दूसरे रास्ते पर जायेंगी, यह बात में दावे के साथ कह सकता हूँ।

मान लीजिये, माननीया गोरखपुर में केन्द्र की फर्टिलाइजर की फैक्ट्री है और गोरखपुर में जो इस सरकार की पुलिस होगी वह किसी भले आदमी का गिरफ्तार करती है, तो क्या वहाँ की पुलिस उन सीक्योरिटी फोर्स वालों का गिरफ्तार नहीं कर सकती है। कर सकती है क्योंकि वहाँ की पुलिस जब देखेगी कि जो सीक्योरिटी, फोर्स है वह लेबर एक्टिविटी, ट्रेड यूनियन एक्टिविटी करने के कारण किसी व्यक्ति का गिरफ्तार कर सकती है तो सी० आर० पी० सी० के अन्दर वहाँ की पुलिस यह अधिकार बिल्कुल सुरक्षित रखती है कि वह सीक्योरिटी फोर्स के लोगों को स्वतः गिरफ्तार करे और उनको भी जेल के अन्दर ले जाय। इस लिये मैं आप से कहना चाहता हूँ कि राज्य की पुलिस शक्ति के अन्दर दूसरी पुलिस शक्ति पैदा करने की आज केन्द्रोप सरकार कोशिश कर रही है। केन्द्र की सरकार चाहती है कि इस तरह से केन्द्र में एक पुलिस फोर्स को कायम कर के सारे राज्यों के आन्दोलनों को

दबा दें और राज्य की सरकारें अगर अपने ढंग से ला एंड आर्डर को कायम करने की बात सोचें तो उनके रास्ते में बाधा खड़ी करें।

आज राज्य और केन्द्र का संघर्ष पैदा कर रही है यह सरकार राज्य और केन्द्र के संघर्ष को हम चाहते हैं कि यह सरकार हंगिज हंगिज न पैदा करे। जहाँ तक हमारी ताकत होगी वहाँ तक हम बराबर इसके लिये प्रयत्नशील रहेंगे कि यह सरकार राज्य और केन्द्र के सम्बन्धों को बिगाड़ न पाये।

माननीया इस समय में एक मतवा श्री जयप्रकाश नारायण जी की भी याद करता हूँ और मुबह जो एक प्रश्न और उसका उत्तर हुआ था, उसकी और भी आप का ध्यान खींचना चाहता हूँ। अमेरीका के कुछ लोगों ने यहाँ दौरा करने के बाद कहा कि फौजी शासन शायद भारतवर्ष में हो। एक जो कि महत्वपूर्ण व्यक्ति हमारे देश के माने जायेंगे श्री जय प्रकाश नारायण जी, उन्होंने एक बार नहीं, अनेक बार कहा कि हमारा देश फौजी शासन की ओर जा रहा है उनको ऐसा लगता है कि शायद यहाँ फौजी शासन होगा। क्या यह विधेयक स्वतः इन इटर्गैफ, अपने आप में फौजी ताकत नहीं है। क्या यह एगो मिलिट्री आर्गैनाइजेशन नहीं है। यह सेमी मिलिट्री आर्गैनाइजेशन है। इनके हथियार लिये चाहेंगे, इनके हथियारों को सरकार जब चाहेगी तब छीन लेगी, जब चाहेगी, तब देगी और एकदम से जिस तरीके से मिलिट्री का कानून है उसी कानून को इस स्पेशल पुलिस के ऊपर भी यह सरकार लागू करने जा रही है। जब से यह विधेयक सरकार इस सदन में प्रस्तुत किये हुये है तब से एक बात बराबर हमारे दिमाग में घेर कर रहीं है कि जय-प्रकाश नारायण जी का कहना कहीं सत्य में तो नहीं आ रहा है। चाहे मिलिट्री शासन

उस रूप में हो या न हो जिस रूप में दूसरे मुल्कों में है, अगर एक दूसरे तरह का मिलिट्री शासन इस काले विधेयक के जरिये, इस नए विधेयक के जरिये इस जनतंत्र की हत्या करने वाले विधेयक के जरिये, यह सरकार यहां कायम करने जा रही है। यह एक दोहरा प्रबन्ध है। जब कम्पनी अपने देश में समाप्त होने को थी तो यहां पर दोहरा प्रबन्ध था। ला एंड आर्डर के लिये राज्य सरकारें जिम्मेदार हैं। अब राज्यों में श्री शुक्ल और श्री चव्हाण की सरकार भी ला एंड आर्डर के लिये जिम्मेदार होगी और क्या यह दोहरा प्रबन्ध नहीं है, दोहरा शासन नहीं है। क्या इस दोहरे प्रबन्ध में संघर्ष के बाज नहीं हैं, संघर्ष का स्वरूप विद्यमान नहीं है ! है। इसलिये मैं कहना चाहता हूं कि सरकार इस विधेयक को वापस ले। उवाइन्ट मिलेक्ट कमेटी में महज भेजने मात्र से मकसद की प्राप्ति नहीं होगी।

किमिनल प्रोसीजर कोड को अमेंड करता है यह विधेयक। जिस तरह से कल भारतीय वर मंत्री, श्री चव्हाण साहब ने 59 सी० आर० पी० सी० और 54 सी० आर० पी० सी० का हवाला दिया, मैं आपके द्वारा कहना चाहता हूं कि 59 सी० आर० पी० सी० जोकि स्वतः संविधान के अंतर्गत अमान्य कर दिया गया है उसको यह सरकार भुनः लागू करना चाहती है इस संसद् से, इस पार्लियामेंट से एक कानून बनवा कर के। क्या संसद् के सम्मानित सदस्य अपने कर्तव्यों को भूल जायेंगे ! क्या संसद् के सम्मानित सदस्य जिन्होंने शपथ ग्रहण की है, जिन्होंने संविधान में कुछ अच्छी बातें अपनाई हैं, उन अच्छी बातों को अपनाने के बावजूद भी उनको खोना चाहते हैं।

कुछ सम्मानित सदस्यों ने कहा कि हमने तो एक व्यक्ति को भी गिरफ्तार करने का अधिकार दे रखा है, इसलिये अगर

हम किसी पुलिस के व्यक्ति को गिरफ्तार करने का अधिकार दे देते हैं तो इसमें क्या हर्ज है। मैं उनसे पूछना चाहता हूं कि उनकी बुद्धि के तर्क के अन्दर क्या है। क्या उनकी बुद्धी का तर्क तानाशाहों की ओर नहीं जा रहा है। सही है कि सी० आर० पी० सी० में एक व्यक्ति को यह हक हासिल है कि वह कायमिजेबिल अफेंस करने वाले किसी व्यक्ति को गिरफ्तार कर ले और उनको ले जा कर के पुलिस के सुपुर्द कर सकता है। मगर हमारे संविधान में आज वह व्यवस्था बदल गई है। आज संविधान में कह दिया गया है कि अगर कोई भी गिरफ्तार होगा तो गिरफ्तार होने के बाद उसको कहीं दूसरी जगह नहीं ले जाया जा सकता और रीजिनेबिल टाइम आने जाने का छोड़ कर के बिना इन 24 आवर्स उसको नियरेस्ट मजिस्ट्रेट के सामने ले जाना लाजमी होगा।

माननीया, आप जानती हैं कि कांग्रेस शासन में तीस बार कम से कम हम गिरफ्तार हो चुके हैं सब को जोड़ कर और जो अभी लखनऊ में गिरफ्तार हुए उसको भी जोड़ कर।

THE DEPUTY CHAIRMAN: Mr. Rajnarain, please wind up now.

श्री राजनारायण : तो मजिस्ट्रेट तो छोटका गिरफ्तार करता है, मगर हाई कोर्ट से हम छूट जाते हैं, सुप्रीम कोर्ट से हम छूट जाते हैं। जब डा० लोहिया का मुकदमा सुप्रीम कोर्ट में आया है तब सरकार ने अपनी बदनामी के डर से उस मुकदमे को वापस लिया है।

उपसभापति : अब आप समाप्त कीजिये।

श्री राजनारायण : तो मैं आपके द्वारा कहना चाहता हूं कि सी० आर० पी० सी० को अमेंड करने वाला यह काला विधेयक

[श्री राजनारायण]

हर्गिज हर्गिज यहां पर नहीं आने देना चाहिये । और इसको रोकने की सद्बुद्धि इस सरकार में पैदा होनी चाहिये । सरकार को स्वतः इस विधेयक को वापस लेना चाहिये । और अगर सरकार स्वतः इस विधेयक को वापस नहीं लेगी, तो माननीया में बहुत ही दुःख के साथ गांधी जी का एक वाक्य सुनाना चाहता हूं । "सुधार की गरज होती है खुद सुधारक को ।" यह गांधी जी ने कहा था, बापू ने कहा है । और जिस समाज को यह सुधारना चाहता है, उससे उसको तिरस्कार, अपमान और जिन्दगी की जोखिम के लिये भी तैयार रहना चाहिये । आज मैं इसी तरह से जो कांग्रेस साइड में बैठे हुये मित्र हैं उनके जरिये अपमान, तिरस्कार और जिन्दगी का जोखिम उठाने के लिये हर वक्त अपने को तैयार रखता हूं । क्योंकि हम तो अपने को सुधारक मानकर सुधारना चाहते हैं इस दल को . . .

उपसभापति : अब आप समाप्त कीजिये ।

श्री राजनारायण : ...और उन व्यक्तियों को जो आज इस सारे देश को सत्यानाश के मार्ग पर ले जा रहे हैं और सत्यानाश को ऐसी अग्नि की ज्वाला भड़का रहे हैं जिसमें सब लोग जलकर के खाक हो जायेंगे ।

उपसभापति : समाप्त कीजिये ।

श्री राजनारायण : गांधी जी ने जो कानपुर में . . .

THE DEPUTY CHAIRMAN: You have spoken for 45 minutes.

SHRI RAJNARAIN: I am not repeating the points.

THE DEPUTY CHAIRMAN: That is all right. The Business Advisory Committee allowed one day for this. There must be some limit to this.

श्री राजनारायण : गांधी जी का वाक्य सुन लीजिये, आपके लिये हितकर होगा . . .

THE DEPUTY CHAIRMAN: You cannot tell the Chair to sit down.

SHRI RAJNARAIN: I request you . . .

THE DEPUTY CHAIRMAN: There must be some limit to everything. You have spoken for about 4* minutes. I am requesting you.

SHRI RAJNARAIN: You must allow me some time. Give me some time.

THE DEPUTY CHAIRMAN: Please* wind up now. I have one more speaker after you.

श्री राजनारायण : हां, तो मैं सभी सम्मानित सदस्यों से कहना चाहता हूं और मैं केवल चेयर की ओर देखना चाहता हूं, पीछे, इधर उधर नहीं । .

उपसभापति : मैं रिकॉर्ड करती हूं तब भी आप सुनते नहीं हैं ।

श्री राजनारायण : मैं चूंकि घरमंती, श्री शुक्ला जी की मोहब्बत रखता हूं दिल में, इसलिये मैं चाहता हूं कि हमारी बात . . .

THE DEPUTY CHAIRMAN: Even if you do not finish, I will pass on to the next Member. You have spoken enough.

श्री राजनारायण : . . .वे सुन लें और हमारी बात सुनने के बाद शायद शुक्ला जी समझ जायें कि उनके लिये यह विधेयक वापस कर लेना उत्तम होगा । तो कानपुर में मजदूरों पर गोली चल गई थी और तब गांधी जी जीवित थे ।

THE DEPUTY CHAIRMAN: That will do. Mr. Sen Gupta.

श्री राजनारायण : उस पर गांधी जी ने कहा था कि अगर इसी हिंसा के बिना भी राज काज का चलना मुश्किल है तो मैं सत्याग्रहियों से कहूंगा कि वे राज काज में शामिल ही न हों।

THE DEPUTY CHAIRMAN: I am requesting you, please give a chance to somebody else. Mr. Sen Gupta.

श्री राजनारायण : क्या आज यह सरकार शक्ति के बल पर, ताकत के बल पर सारे मजदूर आन्दोलन को कुचलने की कुचेष्टा नहीं कर रही है।

THE DEPUTY CHAIRMAN: I have called Mr. Sen Gupta.

श्री राजनारायण : इसलिये मैं कहना चाहता हूँ कि इस विधेयक को सरकार वापस ले ले क्योंकि इसके ज्वाइंट सिलेक्ट कमेटी में जाने से कोई फायदा होने वाला नहीं है।

THE DEPUTY CHAIRMAN: Please do not take down the proceedings. Mr. Sen Gupta, please begin.

Shri Rajnarain continued to speak.

SHRI D. L. SEN GUPTA. (West Bengal): Madam Deputy Chairman, I stand to oppose this Bill. Since I have promised to be very brief, I shall only try to underline the points which I consider to be of vital importance for being considered by the Select Committee which is going to be appointed.

From paragraph 3 of the Financial Memorandum it would appear that initially 7 battalions of the Central Industrial Security Force will be raised. As regards these 7 battalions, on going through the Bill it appears that their function is a police function, and it has been very ably argued by other speakers of the opposition and I fully agree with them that you

cannot create a police force by a Central legislation to work in the States since police is absolutely and exclusively a State affair. That is one part of the thing. Here constitutional illegality is involved. I do not like to dilate on this point.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.]

I would like to draw the attention of the Members of the House as also the Select Committee to the huge expenditure that this organisation will have to incur, namely Rs. 155 lakhs of which the recurring expenditure will be Rs. 118 lakhs, or in other words Rs. 1 crore 18 lakhs. Whether that is necessary . . .

श्री राजनारायण : श्रीमन्, इस समय कोरम नहीं है सदन में।

SHRI BHUPESH GUPTA: At lunch-time quorum is not there. Why are you insisting on it? We are not opposed to sitting here.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): It is just a matter of seven minutes more. Let us finish.

श्री राजनारायण : कोरम का सवाल उठ गया तो कोरम हो। नियम के मुताबिक . . .

SHRI BHUPESH GUPTA: Better adjourn. People are hungry. They are good people. They are going away for food.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You continue.

SHRI D. L. SEN GUPTA: If there is no quorum, even then you are asking me to speak.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Let the quorum bell be rung.

SHRI BHUPESH GUPTA: Again they will go out.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You continue, Mr. Sen Gupta.

SHRI RAJNARAIN: If there is an illegal order, you should not obey.

SHRI BHUPESH GUPTA: It is wonderful even the Deputy Chairman went away.

SHRI D. L. SEN GUPTA: When the hon. Minister of State piloted this Bill he tried to make out the matter as very simple and plain. But our very respected friend, Mr. Akbar Ali Khan, in his speech has tried to make out a point, namely, that this Bill is necessary to avoid sabotage. His point was since there was sabotage in public Institutions, in Government institutions, to avoid that this Bill was necessary. I am one with Mr. Akbar Ali Khan that every precaution should be taken for safeguarding our national property. But that is not the point here. The point is whether this Bill serves that purpose.

श्री राजनारायण : अब भी कोरम नहीं है ।

THE VICE-CHAIRMAN: (SHRI M. P. BHARGAVA): The bell has not stopped ringing.

SHRI D. L. SEN GUPTA: My point is this that if a Bill of this nature is passed, that will increase the number of sabotage instead of stopping it. The very Bill is a challenge to our security. It is not the Central Industrial Security Force Bill but it is a challenge to industrial security itself. My submission before this House is this. No sabotage can be stopped by the security staff. Sabotage can be stopped by the spontaneous, willing and intelligent co-operation of the workmen employed in such institutions. Do not start with the premise that the workmen there are not as much patriotic as you are. Leave this matter to them. Take them into confidence, and they will be more effective than this Industrial Security Force itself. I do not understand what is the scheme of this Bill, whether this Industrial Security Force will be posted at every establishment

is run and owned, by the Government before the sabotage takes place or after the sabotage takes place. When? It is impossible to place this force in every department along with every machine to stop the sabotage. The lay-out of the machine has got to be changed. Machines are so placed that, say, four workers can stand and do the work. Where the space is for four men, how can the security staff be put on guard after these persons near the machine? If they are outside, if they are in the office, how do you stop a sabotage in the factory? If they come after the sabotage, what is the effectiveness of such a staff? When you have created the security staff, the workmen may take it as a challenge to their loyalty though they may not be unpatriotic.

Having considered this matter both from the point of view of our friend, Mr. Akbar Ali Khan and of the interest of the country, I am strongly of the opinion that this is an ill-advised Bill. This Bill will not serve its purpose. Rather it will be something very dangerous to try upon, even to take a chance as an experiment. In this context I would refer to the speech of Mr. Chavan, the Home Minister, the other day. He referred to the Railway Security staff. A similar Bill is there for them also. But have they been able to stop any act of sabotage? Then why so many railway accidents occur? Why do you hear that sabotage is suspected? I want to know whether there is one single instance to their credit in which they could detect a sabotage. It is not possible. The country belongs to the people. The country does not belong to the few Ministers or those on the congress side. The people will guard their own property. The workers themselves will guard their property. You have got to start from there. If you start from there, then only you will find a solution. Otherwise you will offer no solution.

Mr. Vice-Chairman, I shall draw your attention to clauses 8 and 18 of this Bill. Clause 8 says:

"Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may—
* * *

(ii) award any one or more of the following punishments to any member of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself", etc.

Now, it is very interesting. The Minister is very fond of carelessness or negligence. For acting in a careless and negligent manner, a person will be punished. He is not being punished for insubordination, he is not being punished for fraud, he is not being punished for any act of indiscipline. 'Careless or negligent manner' is too subtle and too wide a term. What he wants here is this. We find here that a man will be punished more than once, awarded 'any one or more of the following punishments'. For an offence, a man can be given two punishments. It means double jeopardy. You give two punishments for one offence. But in clause 18 you will find something inconsistent with this being provided. That clause deals with penalties for neglect of duty, etc. The proviso to clause 18 says:

"Provided that no person shall be punished twice for the same offence."

Here, you may say, I can give you two punishments, three punishments; I can punish you twice. What is the difference between awarding two punishments and punishing twice? This is a provision which has got to be looked into very carefully, and I never, for a moment, subscribe to the view.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Sen Gupta, have you finished?

SHRI D. L. SEN GUPTA: I will take a little more time.

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THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at thirty minute* past one of the clock.

The House reassembled after lunch at half-past two of the clock, THE DEPUTY CHAIRMAN in the Chair.

SHRI D. L. SEN GUPTA: Madam Deputy Chairman, I am almost completing my speech.

I was referring to clauses 8, 12 and 18. In clause 8 there is a provision for one or more punishments for offences like negligence or carelessness in duty, whereas the proviso to clause 18 says:

"No person shall be punished twice for the same offence."

In our Constitution also, double jeopardy is prohibited. I do not know exactly what the Minister means by 'more than one punishment' which are—

"(a) fine to any amount not exceeding seven days' pay or deduction in pay scale;

(b) confinement to quarters for a period not exceeding fourteen days with or without punishment, drill, extra guard, fatigue or other duty;

(c) removal from any office of distinction or deprivation of any special emolument."

Now, so far as the functions and authority of the Force are concerned, they are too large and you will find them in clauses 10, 11 and 12: Now, power to arrest without warrant is provided in clause 11 which says:

"(1) Any superior officer or member of the Force may, without any order from a Magistrate and without a warrant,

[Shri D. L. Sen Gupta.]

(a) any person who has been concerned in an offence relating to any industrial undertaking referred to in clause (b) or clause (c) of section 10 punishable with imprisonment for a term exceeding six months, or against whom a reasonable suspicion exists of his having been so concerned;"

If even on a reasonable suspicion somebody may be arrested without a warrant it is too big thing. Madam, I submit that this power should be given with caution. This is a reckless way of giving power, and as I have already submitted, this will not serve the purpose; it will encourage the employees to create sabotage, destruction or loss of the property which otherwise also can be guarded.

SHRI TRILOKI SINGH (Uttar Pradesh): Madam Deputy Chairman, this Bill, from the name that appears on it, seems very innocent, the Central Industrial Security Force Bill. There have been, since the advent of British rule in India, Central industrial undertakings spread throughout the length and breadth of this country. Madam, we are not to forget that for at least 100 years before this Bill is put on the Statute Book, there have been railway workshops, ordnance factories etc. But at no time was it thought necessary and expedient to create a Force like the Central Security Force. That shows that after independence, lawlessness has been growing in this country, and that it has not been possible for the Governments, both at the States and at the Central level, to check growing lawlessness. If I were to draw your attention to the provisions of clause 19," it would be seen that this Force is more or less to be created on the lines of the Police force. Clause 19 lays down:

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

The provision under this clause lays at rest the controversy whether the Force that has to be created under the provisions of this Bill will be something like the police force which has been in existence all these year* or not. Let me point out, with your permission, Madam, why for the first time, after more than 150 years of British rule in India, it was only in 1922 that a measure like the Police (Incitement to Disaffection) Act. was put on the Statute Book. Hon. Members would recall that in the later stages of the Non-cooperation movement started by Mahatma Gandhi, the Congress tried to create disaffection in the army and the police. Till 1922 it was not an offence to ask a policeman to go on strike, to ask him to give up service or to revolt. But because the Non-cooperation movement in its later stages called upon the people to enter into the cantonments and the police lines and to ask the police and the military to disobey Government's orders that this Police (Incitement to Disaffection) Act was passed. We are going to apply it *in toto* to the Force to be created under this Bill.

My objection, Madam, is this that in view of the Central Government's admission that it has not been possible for it to maintain law and order with the help of the machinery already in existence, it is going to create another Force. What for? Not to keep watch and ward over their property. If it had been confined only to the functions and duties of keeping watch and ward over Government property, I would have had no objection to it. Not only that. This Bill applies also to industrial undertakings of the State Governments. There is a provision in the Bill that in case any State Government so wishes, it can seek the help of this Force. The State Government is already in possession of a police force. I wonder if the Central Government proposes to dispense with the police force as it exists today. But through the provisions of this Bill, an effort is made

that this Force might very well take up the work of guarding the interests of the industrial undertakings set-up by the State Governments.

The whole question is whether it is necessary or not at the moment to create a parallel police force. According to the Government of India, it is necessary. For a man like me, it is not necessary, it encroaches upon the rights and privileges and duties, as laid down in the Constitution, pertaining to the State Governments. It would lead to unnecessary friction between the two authorities, the State Governments and the Centre. And I do not want that there should be any occasion in which the differences between the Centre and the State Governments take that shape.

You will see, Madam, that the Bill seeks to empower an officer under clauses 11 and 12 to arrest a person without warrant and also make search. Naturally, Madam, these arrests and these searches will not be confined within the four corners or the boundaries of the industrial undertakings which this Bill seeks to protect. A man living at Lucknow, outside the jurisdiction of officer of the Security Force or outside his compound, can be arrested by a Central Industrial Security Force officer posted at Agra, or his premises searched. It will not be left to the local police, which it is their duty and which duty if this Bill were not put on the State Book, would have been performed by them and which has been performed by them all these years.

Madam, I went through the Statement of Objects and Reasons and tried to read between the lines to find out whether there has been one single case wherein the State police had refused or failed to exercise its duty imposed upon it by the Constitution and by so many Acts to afford proper protection to the Central Government undertakings. Where is the necessity of it? It may be that in his reply, the Home Minister's number two might very well enlighten this august House

that there have been cases, or at least one instance, wherein the local police had failed to provide adequate protection to a Central Government undertaking. If there has been no case, then I do not find any reason whatsoever for any consideration being given to the Bill.

I know, Madam, that the Congress Party here is in power. How long will it remain in power, I do not know.

AN HON. MEMBER: Three months.

SHRI TRILOKI SINGH: Three months or ten months I am not bothered about it. But there is one danger that I see. It has become a common practice with the lawmakers after independence that they provide in every Bill brought before the Legislature a provision for protection to the persons charged with carrying out the provisions of the Bill for anything done in good faith. The criminal law is there. It affords ample protection to the officers of the State to take certain actions in the discharge of their duties. They cannot be hauled up easily for their actions. Madam, you must have seen in, your long experience of public life—you are one of the presiding deities of this august House—that it has become a common practice for every Bill to contain this clause. What about the Criminal Procedure Code? Why not repeal it? It means that in democracy in India, which is peculiar to our own conditions, traditions, environments and genius or whatever our friends on the other side might like to call it, a public servant needs greater protection in the discharge of his duties than a public servant, say, in the United Kingdom or the United States of America.

SHRI SYED AHMAD (Madhya Pradesh): That protection is afforded to *bona fide* public servants in all the countries of the world in the discharge of their duty.

SHRI TRILOKI SINGH: Only by one law, not in every law that has been passed there. I would like the hon.

Member to go through the Georgain Acts, Victoria Acts and other Acts. Let him point out one single case except during the times of war. Madam, I would like to draw the attention of this House to the atrocities committed by the Britishers in the days of the Rowlatt Act. and in 1919 an Indemnity Bill was brought before the Indian Legislative Council, and that Bill, if my friends will bear with me for one minute, was opposed not only by Pt. Madan Mohan Malaviya, by Vithal-bhai Patel, by Sir Tej Bahadur Sapru, by Sir Abdur Rahim, but by each and every non-official Indian who was a Member of the Indian Legislative Council those days. And the pictures of those that adorn the Central Hall are meant to serve as a beacon light and inspiration to those who have come after them and to those who have been called upon to administer the affairs of this big country, here as servants of this august House or as Members of the Lok Sabha. It is up to us, Madam, to see that the traditions built by these noble sons of India are not set at naught by our efforts. Therefore, I would like to remind my hon. friends on the other side that the Indemnity Act put on the Statute Book by the old British Government in 1919 after the enactment of the Rowlatt Act had to be repealed. I feel ashamed, Madam, to be a party to any such provision.

Madam, I am not prepared to give that protection to a public servant. The Cr. P. C. makes ample provision for it. What does this mean? It means encouragement to a Government servant to do what he likes. And we provide that the aggrieved party will have no remedy in a court of law. I had this grievance against the U.P. Government also when I had the honour and privilege to serve as a Member of the U.P. Legislative Assembly. It was not once, twice or thrice but for a number of years that I expressed myself against these special privileges, and here too I would like to draw your attention, and through you, the attention of this august House, that have a security force by all

means, but do not give special protection to those officers of the Government whom this Bill is going to empower to arrest without a warrant and to search without warrant. This is a danger to democracy, and democracy in India is in a tottering stage, I regret to say. I am sorry to say that the values for which I have stood all these years, all my life, inside the Congress and outside it are gradually disappearing one by one, and I am a mute witness and a silent spectator of all that. I would like, through you, Madam, most humbly to request the hon. Members of this august House to give their thought to these great values set by national leaders who came before us. We are not to give them a go-by. In our hurry, in our anxiety that we are all powerful we should not act in an arbitrary manner.

With these words, Madam, I beg to support the amendment or the motion moved by the Minister in charge of this Bill that a reference to the select Committee be made . . .

SHRI P. K. KUMARAN (Andhra Pradesh): To bury it.

SHRI TRILOKI SINGH: . . . I would not be sorry if they bury it. But if they do not bury it, let them at least strike out some of the obnoxious provisions to which I have drawn your attention.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA: Madam Deputy Chairman . . .

DIWAN CHAMAN LALL (Punjab): May I rise on a point of order before my hon. friend speaks? The point of order is that we have no rules regarding making reference to Joint Select Committee on that particular basis. And that is the reason why, you will notice, that in Mr. Chavan's amendment for reference of the Bill to the Joint Select Committee in paragraph 3 he said:

That in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;"

Now I do suggest that my hon. friend ought to hold over this particular Bill until the Rules Committee has reported to this House regarding rules referring the Bill to a Joint Select Committee.

SHRI BHUPESH GUPTA: I support what Diwan Chaman Lall has said.

THE DEPUTY CHAIRMAN: We have rules for the Joint Committee and I think the Select Committee rules applied to that. So I do not think there is much in what he says.

DIWAN CHAMAN LALL: Madam, I beg your pardon. The ruling that you have given Only refers to Select Committees. It does not apply to Joint Select Committees. There are no rules referring to Joint Select Committees and that is the reason why my hon. friend, the Home Minister, has come forward with an amendment and the amendment is contained in paragraph 3—" . . . shall apply with such variations and modifications as the Chairman may make."

THE DEPUTY CHAIRMAN: I think "the form is in order as made.

SHRI TRITLOKI SINGH: May I draw your attention to Rule 93(1) of the Rules of Procedure printed on page 26, if you have got the same edition as I have, which read: "... after the presentation of the final report of a Select Committee of the Council, or a Joint Committee of the House

THE MINISTER OF STATE, IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): It means Joint Committee.

THE DEPUTY CHAIRMAN: That's it, yei.

SHRI BHUPESH GUPTA: You have not accepted it? Anyway, a good effort I always support.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Shri Bhupesh Gupta is an experienced man and I do not think he should take more than five minutes.

SHRI BHUPESH GUPTA: Because I am experienced, I can take five hours

THE DEPUTY CHAIRMAN: He will take much less than that.

SHRI BHUPESH GUPTA: I am very glad he said that, that I was experienced. Now, Madam, in the beginning when the Bill was introduced, we expressed our feelings very strongly—perhaps some hon. Members thought that we were being needlessly obstructive over this matter—because the Bill came wearing a false mask, namely, it called itself "Central Industrial Security Force." But since we have a hypocritical Government, we have hypocritical title also given to the Bills. Therefore, I think the hon. Members who have not carefully gone through the provisions of the Bill, felt that we are unreasonably constructing the passage of what looks like a non-controversial, innocent measure. I do not blame them, because after all, you cannot belong to the Congress Party and yet show anything but ignorance in certain matters. But, Madam Deputy Chairman, you will now understand why we oppose it. As the discussions started, it was very clear that some knowledgeable Members opposite, sitting in the ruling party, also expressed very grave doubts. Later on, in the course of the discussions, many points were made and ultimately, the Home Minister had to call a meeting of some of those who spoke in this House in order to find out exactly what the Bill meant and what were the contentions of those who spoke on the Bill from both sides of the House. And later on he decided to modify the Government's stand, namely, that the Bill should go to a Joint Select Committee. Yet, last

[Shri Bhupesh Gupta.]

week the Government came with a very set mind that the Bill should be passed in one single day, without having to counter much opposition from either side of the House. These were miscalculations borne out of an anti-people, anti-democratic and bureaucratic attitude towards the problems facing the nation. I hope we of the Opposition will now be understood even by those people who do not see eye to eye with us. On the first day, when this Bill came, we tried to the best of our ability to uphold a good cause, the cause of defence of civil liberties, defence of the Constitution, defence of the States' autonomy and defence of fundamental rights.

SHRIMATI LALITHA (RAJGO-PALAN) (Madras): I have a submission to make, Madam our learned friend, Mr. Bhupesh Gupta, is a Member of the Joint Select Committee on this Bill and I would request Mr. Bhupesh Gupta, through you, that it is better for him to listen to the opinion of other Members so that he can present his opinion in the Joint Select Committee after knowing the opinions of all Members here. That would make him more informative.

THE DEPUTY CHAIRMAN: But Mr. Bhupesh Gupta likes to listen to his own opinion.

SHRI BHUPESH GUPTA: No.

SHRIMATI LALITHA (RAJGO-PALAN): I think he should give his time to some other Member . . .

SHRI AKBAR ALI KHAN: He is riot so generous.

SHRI BHUPESH GUPTA: I assure you that if the hon. lady speaks for one hour on this Bill, I shall sit down. But are you ready?

THE DEPUTY CHAIRMAN: You should not ask her to speak for one hour.

SHRI BHUPESH GUPTA: But, Madam, have you come across any lady Member speaking for less than one hour to put forward her point?]

THE DEPUTY CHAIRMAN: Then you are a lady.

SHRI BHUPESH GUPTA: All right, then I am a lady. Now a lady has discovered it. Anyhow, Madam, I may tell you that I am not interested in listening to my own opinion because I know my opinion. Why should I have an extra process? But I want you, since the matter is being considered, to understand why we oppose it so much. We have not accepted the principle of the Bill. That is why even though I have been named for the Select Committee, I am speaking. If I had accepted the principle of the Bill, probably I would not have spoken. We shall fight the Bill in this House; we shall fight the Bill in the Select Committee; we shall fight the Bill everywhere, at the Centre and in the States. We shall fight the Bill ultimately if it comes here also. Well, that is very very clear. We reject the abominable principles of this Bill. That is why I am speaking. Now I am quite conscious of the convention that generally applies when the Members accept in principle the Bill, that those who go to the Select Committee do not speak here. But here, as in the case of the Preventive Detention Act, those Members who have been mentioned for the Select Committee, have also decided to speak . . .

SHRI AKBAR ALI KHAN: If you do not accept the principle, do not join the Joint Select Committee.

SHRI BHUPESH GUPTA: Both . . .

SHRI AKBAR ALI KHAN: If you do not accept the principle, you should withdraw from it.

SHRI BHUPESH GUPTA: No.

श्री राजनारायण : जब सरकार की तरफ से ऐसा आश्वासन हो कि सेलेक्ट कमेटी में भी हम इस बिल का मर्जर कर सकते हैं ।

SHRI BHUPESH GUPTA: We shall chase your Government wherever you

are. We shall not leave you free. We shall go to the Heavens, we shall go to Hell with you till we have it out with you. (*Interruption*) To Hell Or Heaven with this Congress, but it must be attacked and finished everywhere.

Now, Madam Deputy Chairman, the first point that I wish to make about this Bill is that it touches on the principles of the Constitution. Now, I know that Constitutional issues are not to be decided by this House. The Supreme Court is the competent authority to decide the Constitutionality or otherwise of a measure of this kind. I concede that point. But I must invite your attention to the *obiter dicta* of the Supreme Court in certain judgments. In one of its judgments, the Supreme Court Bench said that such matters should be considered by publicmen. They say that we are not here to consider it but that it is something for the publicmen to consider. Now there are occasions and there are certain matters when publicmen, notably the Members of Parliament and legislatures are called upon to reflect over certain propositions before them and see whether it is within their competence to pass, all the more because nobody can prevent us at this moment from undertaking this legislation and passing it. Even if it is, assuming for a moment, 100 per cent invalid from the point of view of the Constitution, you will have the sovereign right to pass it. I am not questioning this right. As you know, I stand for the sovereignty of the Parliament insofar as it conforms to democratic standards. But precisely because we have the, shall we say, prerogative or the privilege of enacting a legislation of this kind, regardless of whether we are competent or not it stands to reason that we apply our mind much more seriously, look into the matter and see whether we have the competence to enact such a legislation. Therefore, quite apart from the question of legal or Constitutional validity or otherwise of this particular measure, the very first submission I wish to

make before the House is that this House will think seriously if it is competent to undertake this legislation in terms of the Constitution. I have already conceded that you can be rigid and go ahead with it, but then you have the moral duty, you have the fundamental duty to ask yourself honestly whether what you are doing is authorised by the Constitution. Here we are sovereign; hence we must be more responsible. Why do I say so? I have the Constitution before me. How do we legislate? The scheme of the Constitution lays down the rule for legislation. Article 246 of the Constitution says about the legislative powers or competence of the Parliament. Here it is said:

"Notwithstanding anything in clause (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the 'Union List')". Therefore we have power to legislate on any item or any Entry in List I. It is beyond dispute.

"(2) Notwithstanding anything in clause (3), Parliament and subject to clause (1), the Legislature of any State have power to make laws, etc."—

That is about the State Legislatures—

"(3) Subject to clause (1) and (2), the Legislature of any State..... has exclusive power to make laws." It relates to how they can pass laws. We are more concerned with article 246 here. Let us go to the Schedule. There you will find that in the Union List there is Entry No. 97. We are told by the Law Minister that this Bill is being proposed under Entry 32. What does it say:

"Property of the Union and the revenue therefrom".

You have to read this conjunctively, not disjunctively. That is very very important because it is not written 'Property of the Indian Union or revenue therefrom'. It says:

[Shri Bhupesh Gupta.]

"Property of the Union and the revenue (herefrom, but as regards property situated in a State specified in Part A or Part B of the First Schedule subject to legislation by the State, save in so far as Parliament by law otherwise provides."

This is the only article to which they can take recourse in order to justify their sponsoring this measure. Naturally we have to examine this particular article from the constitutional angle, from the legal angle, from the point of view of the normal rules of interpretation of Statutes. First of all you have to keep in mind that when they say 'Property of the Union and revenue therefrom' the Bill has in mind certain types of property from which revenue accrues; otherwise they would have put disjunctively in this matter, nor does it mean any property. For example, there are the General Post Offices. Now it remains to be debated as to what exactly the words mean. The Supreme Court will certainly go into this question but this, according to me implies in a narrow sense certain types of property, not every property or undertaking that comes up in the public sector either as a Government company under Section 670 of the Companies Act or otherwise. This is the first point I make.

You are enlarging the scope of Entry 32, assuming but not admitting that the Entry applies to this particular move that you have taken here in sponsoring this measure. It says:

"But as regards property situated in a State..... subject to legislation of the State".

Now therefore when the Constitution-makers provided for this kind of legislation on the part of the Central Parliament in regard to certain property, they naturally were not unaware that some of the property in regard to which provision was made, might be situated in the States of the Indian Union. Therefore they had it laid down 'subject to the legislation

by the State'. Therefore when you make a law of this kind here, when I judge my competence for sponsoring a measure of this kind, I should also at the same time keep in my view what is the position in the State—the position actual and the position potential. I should not only take into account the existing laws that are inside the State but also the probable course the State may take in dealing with such legislative measures. Quite clearly the Central Government here has not paid any heed whatsoever to this aspect of the matter. Then of course there is a saving proviso which they may use for this purpose—'Save in so far as Parliament by law otherwise provides'. This relates to something which empowers the Parliament—we have no power whatsoever—in order to empower us to undertake a legislation which in terms of the Constitution we are not competent to undertake. Assuming for example that you are applying both, making a legislation here and at the same time you are empowering the Parliament to undertake the legislation which otherwise you are not competent to undertake, if that is so, then another rule of interpretation comes in. In any scheme of Constitution or fundamental law of the land, you cannot interpret law in such a manner or exercise your legislative and executive power in such a manner as to detract from the fundamental position or postulated principles of the Constitution. In other words you cannot undertake a legislation under the Constitution here which abridges the powers of the State. Yet if this legislation goes, it means not only by implication but by overtly you are abridging the powers of the State which we are not under the Constitution authorised to do here in this House.

Therefore it is very essential that of all places, in this House of the Council of States, we must be particularly keen on studying such matters and be sensitive to what we are doing

and we must see again and again whether having got the authority of a sovereign nature to legislate, if we are not over-reaching ourselves, we are acting beyond our competence. If we take recourse to Entry 32 in the Union List and then pass this law, the scheme of the law itself would show, to say the least, that it creates a concurrent jurisdiction with the State Government in certain matters within the State concerned. We are in short entering into the Concurrent List without having the authority to do so. That is another point.

I come to the Bill. You will see that List II of the Seventh Schedule is supposed to be the exclusive list in regard to which the powers are enjoyed only by the State Governments and not by the Centre. It is not Concurrent List. Now 'Public Order' is the first item in the List. Now it is said in Entry 1 in List II—State List;

"Public order (but not including the use of naval, military or air force or any other armed forces of the Union in aid of the civil power)."

That is to say, Public order, in so far as it does not involve naval, military or air forces, comes within the exclusive jurisdiction of the State Governments, of the States of the Indian Union. The question of Concurrent jurisdiction does not arise. In fact, it is precluded by a specific entry in a specific list under specific provisions of the Constitution. The question arises whether the scheme answers the definition of 'Public order'. Madam Deputy Chairman, see now; by implication and even explicitly a number of provisions of this particular Bill, especially the deployment and use of the Security Force with patently police functions in its possession, involve 'Public order' clearly. Therefore, I say, with whatever the disguise, whatever the mask, whatever the cover, you are creating an authority under the law, which you cannot create, and investing that authority with power to **staal with <mian mat-**

ters, which come not within your exclusive jurisdiction, not even within your concurrent jurisdiction, but come within the exclusive jurisdiction of the States. Hence it is repugnant to the scheme and understanding and, above all, the underlying principles of the Constitution. Madam Deputy Chairman, now you can refute that point. Hon. Members can refute that point by saying that "Public order" is not involved. Well, let them say so although some of the things would involve "Public order". Suppose there is a rowdy scene in a factory, in a public undertaking, within the premises of that public undertaking, suppose there is an apprehension of destruction of property, well, this is only one side of it. There is another side of it and it is public disorder. Therefore, Madam Deputy Chairman, the issue is not what percentage is public disorder or not. Anything that relates to public disorder or "Public order" must, subject to certain limitations under the Constitution, fall within the province of the State Governments. Therefore, the issue is not that one must judge whether it is 50 per cent "Public order" or 50 per cent some other thing. The issue is whether it is essentially a matter which, in the normal course of behaviour of a State, is considered to be a matter under "Public order" and is dealt with as such by the State police force. That is the issue here, you see.

SHRI T. CHENGALVAROYAJ* (Madras): Madam Deputy Chairman, will the hon. Member know that "Public order" relates to the maintenance of peace in a public place? There are ever so many decisions.

SHRI BHUPESH GUPTA: Well, "Public order", I do not accept your definition. I am talking now purely in terms of the Constitution. Mind you, I am not dealing now with the legal thing as such, dealing with various aspects. I am taking my stand on the provisions to impress upon the House how difficult it is for us to swallow the suggestion that we are

[Shri K. P. Mallikarjunudu.] competent to do so. Now therefore, if it is "Public order", if there is an iota of "Public order" in it, well, in such a case you are not entitled to undertake this legislation, and by reading the 21 clauses of the Bill you will find that a good deal of matter involving "Public order" is incorporated in the Bill.

SHRI K. P. MALLIKARJUNUDU (Andhra Pradesh): There is the rule of pith and substance. You must look to the substance of the Bill and not to a particular provision. Suppose one provision impinges on "Public order", even then it may be valid legislation in view of the rule of pith and substance. I can quote . . .

SHRI BHUPESH GUPTA: No, I will come to that.

SHRI AKBAR ALI KHAN: He is a very experienced lawyer; we are trying to inform you of the correct positron of law.

SHRI K. P. MALLIKARJUNUDU: I can quote . . .

SHRI BHUPESH GUPTA: We both are briefless barristers. Let us talk as men of common clay; let us not try to be very big. Now, therefore, even if there is one provision relating to "Public order" I say you are not competent. Well, some people believe in illegitimate children. Now an illegitimate child, whether healthy or unhealthy, big or small, does not make any difference to the question of "illegitimate child".

SHRI K. P. MALLIKARJUNUDU: May I explain my position?

THE DEPUTY CHAIRMAN: Please let him continue.

SHRI K. P. MALLIKARJUNUDU: May I explain my point of view in this matter?

SHRI BHUPESH GUPTA: I am very much interested; because I am not quarrelling with you this time. I sincerely wish to argue with you what I feel here forgetting party affiliations and other things, but there are many occasions when we can discuss such things. Therefore I say that "Public

order" does come in now. I shall come to that.

Take List III—Concurrent List, it is in the Seventh Schedule, What do you find? I am anticipating the arguments of hon. Members. Here Entry 1 says:

"Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power." Then Entry 2 says:

"Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of the Constitution."

Therefore here, in regard to this matter, we along with the States have concurrent jurisdiction, but note it, "at the commencement of the Constitution". It is in regard to matters which existed at the time of the enactment of the Constitution, at the time of the passing of the Constitution. It is not something which has arisen after the Constitution was passed, after the Constitution came into force. Even so, Madam Deputy Chairman, here is a fundamental principle of law that, even if in regard to the Code of Criminal Procedure we have concurrent jurisdiction, the State and the Centre, neither the State nor the Centre is empowered to legislate in a manner which contradicts or abridges each other's rights. That is to say, even if I have the right, as indeed I have under this provision, to legislate in matters relating to the Code of Criminal Procedure, I am precluded from making such legislation as would abridge the rights of the States under List II of the Seventh Schedule to the Constitution. This is a very fundamental principle. You cannot make one set of laws which negates another set of laws in the sphere of the Constitution. As far as ordinary laws are concerned, for every item you can

circumvent the situation by saying "Notwithstanding anything contained in any other law for the time being in force, this is such and such." You can circumvent that way as far as ordinary laws are concerned, but with regard to the Constitution, you cannot obviate the constitutional hurdles for the simple reason that the Constitution lays down that it has got to be amended with a particular majority; it has got to be amended with a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. Now with regard to other laws it is not so. Therefore, Madam Deputy Chairman, are we entitled to amend the Constitution, or to detract from it by the back door? Well, that has also to be considered. I can understand your amending the Constitution and then bringing this measure, but the Constitution remaining as it is, you cannot propose a measure which, patently, at least contradicts the provisions of the Constitution, which in the name of making certain laws in order to empower the Centre, takes away the constitutional powers and authority given to the States under the Constitution. It is a subversion of the Constitution. It is a fraud on the Constitution.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, you have taken half an hour.

SHRI BHUPESH GUPTA: No, no, I have not come to the Bill yet.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, there are others also.

SHRI BHUPESH GUPTA: I have to speak; I told you.

THE DEPUTY CHAIRMAN: You cannot appropriate to yourself all the time.

SHRI BHUPESH GUPTA: I have not appropriated; why are you saying this?

THE DEPUTY CHAIRMAN: I am saying this because there are others also.

SHRI BHUPESH GUPTA: Tell me who the other speakers are.

THE DEPUTY CHAIRMAN: Why don't you submit to reason?

SHRI BHUPESH GUPTA: I do.

THE DEPUTY CHAIRMAN.- For the third reading you may reserve some of your arguments. But you are placing most of your arguments on the first day itself, at the first reading stage itself.

SHRI BHUPESH GUPTA: I have not; since then I have consulted lawyers and others.

THE DEPUTY CHAIRMAN: You cannot go on like this, without any limit of time. I will give you another ten minutes.

SHRI BHUPESH GUPTA: That will not do. If necessary, I shall face expulsion from the House today. Let the country know that I have got expelled from the House, because I was telling every day that I will take one hour; I was telling it every day. Madam Deputy Chairman, you have power, you can order, you can ask Mr. Gujral to move a motion. I will obey. I can silence myself having been expelled from the House. And I shall consider it an honour. Let the States of India know that I was thus silenced.

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL): Madam, on a point of order. I do not like to come in the way of Mr. Bhupesh Gupta who is a leading and respected Member of this House. He is also a lawyer because he is quoting law, though he says he is a briefless barrister. The point is this. As you know, a regular programme of discussion was drawn up on the recommendation of the Business Advisory Committee. The Chair also put it to the vote of the House and the House unanimously approved of it. By now we have

[Shri I. K. Gujral] taken some eight hours. If one Member chooses to decide for himself that he will speak for one hour or two hours, is it for the Member to decide how much time he will require for his speech? If we allow that kind of thing then I think it will not be possible to stick to any programme or to any time schedule evolved and any such programme evolved in the House or in the Business Advisory Committee will become useless.

(Interruptions)

THE DEPUTY CHAIRMAN: Let him finish.

SHRI I. K. GUJRAL: I do not like to come in the way of Mr. Gupta.

SHRI BHUPESH GUPTA: You have come.

SHRI I. K. GUJRAL: I say I do not like to come in the way of Mr. Gupta, but with the utmost humility I may submit to Mr. Gupta that he will be kind enough to see that we do not, break the procedure or set up any precedent here which it would be difficult for us to abide by. In that case it would become impossible to conduct the work according to any programme. It was for the hon. Member to object when the matter was before the Business Advisory Committee. When it was brought here then also he did not object.

SHRI BHUPESH GUPTA: I did.

SHRI I. K. GUJRAL: Every time it was discussed he did nothing of that kind and therefore this is a programme which has been agreed to. We have already accepted it and I suggest humbly that Mr. Gupta may be requested kindly to abide by the decision of the House and finish his speech by the time that is given.

THE DEPUTY CHAIRMAN: I am appealing to Mr. Gupta to finish his speech early because we must finish the business today. The business

was discussed not only in the Business Advisory Committee but it was announced here also. It was agreed that we shall take one day, but even so the Chairman in his discretion extended the time. (Interruptions). Please listen to me. We have taken three days over this. We have to finish the business. (Interruptions). Please let me direct the business.

SHRI BHUPESH GUPTA: I request Mr. Gujral to move a resolution suspending me. I want it.

SHRI RAJNARAIN: On a point of order.

THE DEPUTY CHAIRMAN: Mr. Rajnarain, you have nothing to say now. I am making an appeal to all Members. I want every hon. Member to help the House to conduct the business in the time allotted.

SHRI RAJNARAIN: On a point of order.

SHRI BHUPESH GUPTA: We had to take all this time because Mr. Chavan brought in his motion about the Select Committee. I am not to . . .

(Interruptions)

THE DEPUTY CHAIRMAN: Order, order. I have to conduct the business of the House. If Mr. Chavan made certain changes according to your suggestion . . .

SHRI BHUPESH GUPTA: Not on my suggestion.

THE DEPUTY CHAIRMAN: . . . or on his own volition, then it was for the hon. Member to point out to the House that he will need more time. No such thing was done.

SHRI BHUPESH GUPTA: I did it.

THE DEPUTY CHAIRMAN: Please listen to me.

SHRI BHUPESH GUPTA: I told the Chairman. Every time I got the chance I cleared the point. When Mr. Chavan brought in the Bill and later when he moved his amendment, »

every occasion I objected. You cannot say that I did not object at all. I did object.

SHRI RAJNARAIN: On a point of order. मैं आप से रिजल्ट कर रहा हूँ ।

SHRI BHUPESH GUPTA: My point is that we want reasonable discussion I do not think that reasonable discussion has taken place. I have many constitutional and legal points to make over this matter, which affects the autonomy of eight of our States, indeed of all the States of India, over a matter in which the Chief Ministers are affected, over a matter in which such powers are sought to be exercised from here as would practically set aside the States. Obviously on such a matter I am not going to listen to the dictates of the Congress Party.

THE DEPUTY CHAIRMAN: You have spoken for a long time On this Bill and I think the Chair also must be given the discretion to direct the debate. Otherwise why do you have the Chair in this House if you can go on talking for any length of time?

SHRI BHUPESH GUPTA: All the time I am being opposed.

THE DEPUTY CHAIRMAN: I will direct the debate.

SHRI BHUPESH GUPTA: Madam, if I think you are unreasonable I have the right to make a submission.

THE DEPUTY CHAIRMAN: Whether reasonable or not you may take five more minutes. That is the last I have to say.

SHRI BHUPESH GUPTA: I will not go. You may get rid of me. Call the Marshal. No, no. I will not sit down. I would rather be suspended. I will not go. I shall not sit down. I have my right to be heard here on my State of West Bengal. You have been treating us like this. What do you think we are?

THE DEPUTY CHAIRMAN: What do you think you are? You are hon. Members of Parliament.

SHRI RAJNARAIN: On a point of order.

THE DEPUTY CHAIRMAN: What is your point of order?

श्री राजनारायण : मेरा प्वाइंट आप आर्डर यह है कि श्री गुजराल साहब क्या इस सदन को मिसलीड कर सकते हैं । बिजनेस एडवाइजरी कमेटी में मैं था, जब यह मामला आया तो मैंने चेयर से कह दिया कि आप चागला साहब की राय से सारा काम करना चाहते हैं तो मैं वाक्-आउट करना चाहता हूँ । उसके बाद उन लोगों ने कहा कि बैठिये । मैंने वहाँ कह दिया था कि इस बिल को इस सदन में नहीं आना चाहिये, उसके बाद मैंने होम मिनिस्टर से बात की, डिप्टी होम मिनिस्टर से बात की, लगातार हम लोग कहते हैं कि इस काले विधेयक को हम नहीं आने देंगे और गुजराल साहब यह कह रहे थे कि ऐसा तय हो गया था । It was never decided in the Business Advisory Committee. कभी भी यह तय नहीं हुआ था ।

SHRI BHUPESH GUPTA: We have not. That is what I say. Let it go to the Business Advisory Committee again. Let it go there again. We have not decided.

श्री राजनारायण : यस । सदन में असत्य भाषण नहीं करना चाहिये । I walked out of the Business Advisory Committee. मैं तो बिजनेस एडवाइजरी कमेटी से वाक्-आउट कर के चला आया ।

SHRI M. GOVINDA REDDY (Mysore): Madam, the Business Advisory Committee fixed the time- for this. Bill.

(Interruptions)

THE DEPUTY CHAIRMAN: Order, order.

SHRI M. GOVINDA REDDY: The proposals of the Business Advisory Committee were put to the House and then also there was no objection raised and the House accepted the programme.

SHRI RAJNARAIN: I objected.

SHRI M. GOVINDA REDDY: When the House has accepted the proposals of the Business Advisory Committee, no hon. Member can go against it.

(Interruptions)

THE DEPUTY CHAIRMAN: Order, order.

SHRI M. GOVINDA REDDY: I say no Member can go against it. The Chair has the discretion to extend the time given by the Business Advisory Committee. Therefore no Member is in order when he asks for something which is against the decision of the Business Advisory Committee. That is one thing.

Madam, I humbly submit that in this House time and again—it is an every day occurrence—that threats are uttered to the Chair. This is a thing which this House should not tolerate. If this happens then I think law-abiding people or Members of this House who observe decency and decorum and who follow the rules of procedure will find it difficult to sit in this House, especially when there are disorderly scenes and defiance of the Chair, even insult of the Chair. These have been seen almost everyday. If this sort of a thing is allowed, Madam, then Parliament and this Rajya Sabha will become a mockery. I may humbly submit to th 2 Chair that the Chair should be firm and no defiance of the Chair should be allowed. If a Member thinks it fit to shout to the Chair or if he insults the Chair in any way, then the Chair should expel that Member.

SHRI BHUPESH GUPTA: Why do you allow him to say all this? I have never insulted the Chair.

SHRI M. GOVINDA REDDY: This sort of a thing we cannot, tolerate.

SHRI BHUPESH GUPTA: We cannot tolerate this.

SHRI M. GOVINDA REDDY: I think some of us will have to leave the House.

SHRI BHUPESH GUPTA: Some of us will not leave the Hou3e. We shall be expelled.

SHRI I. K. GUJRAL: The hon. Member Shri Rajnarain hqs questioned the proceedings oi this House in the past.

SHRI RAJNARAIN: Not of the House, but of the Business Advisory Committee.

THE DEPUTY CHAIRMAN: Please sit down. Why should you not let him finish?

श्री राजनारायण : अपने उनको स्टाइंट आफ आर्डर पर बोलने को कहा है । देखिये मैं आपसे रिक्वेस्ट करता हूँ, अगर गुजराल को हक है तो हमको भी हक है । गुजराल साब जब खड़े होते हैं तो कभी रोका है, जब हम खड़े होते हैं तो हमें कती है कि बैठ जाओ ।

THE DEPUTY CHAIRMAN: He is rising on a point of information.

श्री महावीर प्रसाद शुक्ल (उत्तर प्रदेश) : इस सदन में कोई एक सदस्य पूरे समय चेयर की अवज्ञा करते रहे और कोई उसकी बात न माने, यह इस सदन के नियमों के विरुद्ध है । यदि वह इस सदन के नियम और विधान के अंतर्गत काम नहीं करें, कोई दूसरे सदस्य को बोलने न दें, हमेशा खड़े रहें, अगर ऐसा होता रहा तो इस सदन की कार्यवाही चल नहीं सकती । मैं आपसे निवेदन करता हूँ कि आप नियमों का पालन करवायें ।

SHRI I. K. GUJRAL: Madam, on 29th May you were presiding and I am quoting from the proceedings of the House. You had said:

"I have to inform Members that the Business Advisory Committee at its meeting held today has recommended allocation of time for Government and other business as follows"

You went on to give the details and item (6) there reads:

"The Central Industrial Security Force Bill, 1966 1 day."

Having said that, Madam, Mr. Rajnarain is not on record at all of having objected to it; Mr. Bhupesh Gupta is also not on record of having objected to it. This was also reproduced in the Parliamentary Bulletin Part II of Monday the 29th May in almost the same language. The House having adopted it, it becomes the property of the House and the programme is laid down by the House itself. Now one hon. Member has chosen not to abide by this and the Chair has been kind enough to extend the time and instead of one day we are now touching eight to nine hours and we have been . . . (Interruptions) I am in possession of the floor.

THE DEPUTY CHAIRMAN: Order, • order. Be reasonable. It is not a question of binding the House or not binding the House. It is a question of allotment of time and even if there was more time to be allotted the Chair has the discretion. The Chair had given two more days and we must finish it today and I shall set a time limit for each speech and if you cannot abide by the Chair's ruling I shall see that it does not go in the proceedings. There must be some kind of method evolved to run the parliamentary system. We cannot run amuck; we just cannot run amuck. We are all hon. parliamentarians and if the Chair is placed in

this position the Chair must do its duty. I have been lenient in allowing Mr. Rajnarain to speak for over 45 minutes. I have been very lenient in calling upon Mr. Bhupesh Gupta to speak but let me remind the House that leniency does not mean that the Chair cannot direct. The Chair will direct and Mr. Bhupesh Gupta will continue his speech.

SHRI BHUPESH GUPTA: Madam, can I make a submission on what you have said? We have not questioned your right of direction; so why raise this thing? If we think that that direction should be modified can't we tell you that? This is all that we have done. Your right of direction is not challenged.

THE DEPUTY CHAIRMAN: You may take ten minutes and finish,

SHRI BHUPESH GUPTA: No, Madam.

THE DEPUTY CHAIRMAN: Please, Mr. Bhupesh Gupta. Then I will pass on to the next man.

SHRI BHUPESH GUPTA: I know that we are not heard here. Every day we were our lungs out here and get our nerves racked by the Congress Party here. I know they are in a majority here but I hope when we are in a majority this practice would not be followed. I trust our people in the States will not emulate this.

SHRI M. GOVINDA REDDY: You must thank your stars that the Congress Party is so indulgent.

SHRI BHUPESH GUPTA: Madam, he was quite right to read it out but..

THE DEPUTY CHAIRMAN: Do you want to speak on the Bill or not?

SHRI BHUPESH GUPTA: That point must be settled first; the misunderstanding must be removed.

THE DEPUTY CHAIRMAN: This cannot go on; we have to abide by the rules of procedure.

SHRI BHUPESH GUPTA: I am not going against the rules of procedure. All I am saying is this. Mr. Gujral said something and I want to set the records straight by telling you the correct position. I am not violating the rules. Can't I do that even? All I say is, when you read out the decision of the Business Advisory Committee we generally don't object but you will understand that even you and others, whatever may be the reasons, have extended the time. The Government also felt that the matter needed more time. Therefore if the decision of the Business Advisory Committee has been changed and modified—not only we had been party to it but the other side also had been party to it—can't we . . .

THE DEPUTY CHAIRMAN: Please come back to the business.

SHRI BHUPESH GUPTA: But what do you say to that?

THE DEPUTY CHAIRMAN: Please come back to the Bill or else I call the next Member.

SHRI BHUPESH GUPTA: I say that all of us modified it. (*Interruptions*) Anyway, I do not wish to say very much since you have given the direction. I know our voice is not heard here. I would tell my colleagues in the Opposition: When you go to the Business Advisory Committee be watchful.

SHRI RAJNARAIN: I was watchful.

SHRI BHUPESH GUPTA: Madam Deputy Chairman, I am coming. We shall tackle the Business Advisory Committee; we shall deal with all the Committees of which we are Members. I have understood how to behave in the Business Advisory Committee. Now, I will conform to your direction.

Well, I wanted to say very many things but I do not wish to do so, because . . . (*Interruptions*) I know they will not even expel me; what can I do?

SHRI RAJNARAIN: The Chair is very reasonable to you; go ahead. The Chair will give you at least half an hour.

SHRI BHUPESH GUPTA: If the Chair does that I will be killed by kindness. Madam Deputy Chairman, I had many constitutional and legal points to make but unfortunately I have not been allowed to make them because of your direction and the world should know that I had a big case to make here but in deference to the direction of the Chair I could not do so. I do not know why the Chair gave this direction. Of course, you are the best judge of your actions but it comes to this that I have been precluded from stating the case of the States of the Indian Union and of the working people. Having said this, may I just sweepingly touch on one or two points?

SHRI RAJNARAIN: Within half an hour you finish.

THE DEPUTY CHAIRMAN: Mr. Rajnarain, you are not in the Chair, you cannot give directions.

SHRI RAJNARAIN: I said that the Chair is very reasonable. You have been very reasonable to Mr. Bhupesh Gupta and to us.

SHRI BHUPESH GUPTA: Madam, you look at the clock; I shall keep to your direction but the trouble is, anyway, the upshot will not be good. I shall only refer to one or two things.

First of all there is the question of constitutional competence. I say we are not really competent to undertake this legislation and hon. Members should consider this point. I wanted to give arguments about this to friends here but . . .

THE DEPUTY CHAIRMAN: I have to inform the House that the Prime Minister will make a statement on West Asia at 5 o'clock this evening.

SHRI BHUPESH GUPTA: Very good; let her make that. I hope you.

have not fixed any time limit for the Prime Minister.

Now, Madam Deputy Chairman, that was about the constitutional competence aspect. (*Interruptions*) Now, do not disturb me because you must make it possible for me for putting in as much as I can within the confines of the Chair's direction. I am now virtually in detention.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, your comments are uncalled for.

SHRI RAJNARAIN: It is very necessary.

SHRI BHUPESH GUPTA: I said they should not disturb me so that I can put in as much as possible. I am not reflecting on you; I am telling them that they should not disturb me. I believe I am myself uncalled for. Some day I am bound to be told that I am uncalled for.

Now, this Bill violates the autonomy of the States. This is the second point. The first one was the constitutional point. That is evident in the Bill itself. Now I understand from the States' Ministers, from the various sources not officially stated yet in public that not a single Chief Minister of the non-Congress States was consulted. Before last year some State Ministers were consulted and Mr. Chavan himself told me that Mr. P. C. Sen, the West Bengal Chief Minister, was against this Bill. He had held that this Bill would impinge on the autonomy of the States and now it is admitted by them that several Congress Governments in the States also do not like this measure on the ground that it impinges on the autonomy of the States and I think today we can certainly say it with greater force and greater validity. Now, all the non-Congress Governments should have been consulted and certainly we can take exception to the fact that none of the eight non-Congress Governments was consulted in this matter, think we can rectify this now that 87/RS—6.

they have agreed to refer this to the Select Committee so that they can be brought in as witnesses before the Select Committee. My next point re- to the question as to which under takings this Bill applies. This Bill relates also to State Government undertakings. As you will see, it states here: 'a Government company as denned in section 617 of the Com panies Act, 1956.' If you refer to sec tion 617 of the Companies Act you will find that any company which has been set up by a State Government where it has got 51 per cent of the shares would be included as a Govern ment company and hence within the jurisdiction of the Bill. Now another point arises here. How is it that they are making arrangements for certain State Government undertakings without even a reference to the States and even against the opinion of the States? Don't you think this will create complications and give rise to friction? That is to say, without any consultation with the West Bengal Government we are today passing a legislation that takes within its scope certain undertakings of the West Bengal Government provided they have 51 per cent equity capital or share. Not only that. Any undertaking can be called a Government undertaking if two State Govern ments have share in it, one 51 per cent and the other some other per cent. This is another aspect of the matter.

Then, I say that not only public undertakings but certain other undertakings are also covered. Even private undertakings but certain other undertakings are also covered. Even private undertakings can be included in this Bill, i.e., the police force can operate with regard to certain private undertakings also. I would invite the attention of hon. Members to clause 10 of the Bill and I shall very hurriedly read it:-

"(b) to protect and safeguard the industrial undertakings owned by the Central Government together with such other installations as are

[Shri Bhupesh Gupta.] *specified* by that Government or any-other Officer empowered by the Government in that behalf, to be vital for the carrying on of work in those undertakings, situate within the local limits of his jurisdiction;"

I suppose that certain officers in the Durgapur steel plant can say that certain other undertakings which may be in the private sector are necessary and vital for carrying on the work Of the Durgapur plant so the special powers of the State Government will be available to that undertaking also. Therefore, the clause is much larger than the text of the Bill would suggest. I would ask you to consider it.

The next point is with regard to any office under this Bill the Industrial Security Force can carry out search without warrant, arrest without warrant. As you know, under the Criminal Procedure Code a cognizable offence is one which attracts punishment for three years and more. Here an offence which may attract punishment for six months or even less would be treated, for all practical purposes, as a cognizable offence. In this case any member of the Industrial Security Force can carry out search and arrest without warrant disregarding the magistrate altogether. That, again, is an enlargement of the Criminal Procedure Code through the backdoor and investing this extraordinary power to the members of the Security Force. I must say Mr. Cha-van, when it was pointed out to him, said, "It is a serious thing and it will be considered". Therefore, I am very fair to him. He saw this point. Here again you will find about the arrest the person can arrest and so on without warrant.

Now, he said that it is the watch and ward and this force will be on the same footing. This is not at all true for the simple reason that the watch and ward has got the same rights as private citizens. I can start legal proceedings against them, as I can start against any private citizen. The Industrial Force will be protected

here by certain provisions of the law. They will enjoy certain immunities which available to the police force. Therefore, they are not on a par with the private citizens or with the watch and ward. They enjoy certain extraordinary and special police powers in this respect. It is not an accident that in such matters the sections which apply to the police force also apply to these Force, here. You will find in clause 20 that the Payment of Wages Act, the Industrial Disputes Act, the Factories Act and similar other Acts will not apply to this Force. Therefore, in the industrial empire or set-up we are creating a Force which will not be governed by the normal labour relations Or the employer-employee relations, but will be governed by the discipline and code of conduct that govern the police. Essentially you are not only creating a police force, but actually you are operating in the States' territory.

I do not wish to say very much. I could have said much. Therefore, you will see that you are creating really a parallel police force on the States. It is bound to give rise to political complications and legal complications. I would have understood even legal complications, but it would create serious friction and to put it mildly certain irritations and all that. Why should Mr. Annadurai, why should Kerala, why should U.P. have a whole Central Industrial Security Force, **and** I call it police force, spread over, because there are certain industrial undertakings? If this is carried to its logic, it means that in the States of the Indian Union there will run a parallel police force and it would cost here Rs. 1.55 crores. After three years it would be Rs. 4 crores and so on. This is absurd. That should be avoided. If the State Government could protect all your Central Government's life and property, certainly they could be relied upon to protect public undertakings also. What has happened to the country that the State Governments could not be trusted for this? What is the reason for the lack of confidence

in the State Governments? Is it just because non-Congress Governments have come into existence?

HON. MEMBERS: No, no.

SHRI BHUPESH GUPTA: You should not exhibit such lack of confidence in the State Governments. That militates against the federal structure. I should, in all seriousness, like to say that this is the worst type of "gherao" Mr. Chavan is guilty of. This is "gherao" of the State, "gherao" of the working-class, "gherao" of the Constitution. Mr. Chavan is guilty of the biggest political and constitutional "gherao" in the country today, thanks to this measure. If anybody is really indulging in any grandiose scheme of "gherao" of the Constitution, of the States, of the economy of the working people, it is Mr. Chavan.

Finally one point and I sit down. The Bill is patently anti-working-class. The whole scheme has been conceived because of the failure of the industrial and labour policy of the Government, because of the failure of the economic policies of the Government, because of the great discontent. They do not wish to meet this discontent by reasonable policies and by a modification of their policies. Hence they are creating a force of terror and intimidation against the working people, which would be, according to the provisions here, at the back and call of any industrialist of the country. Today our working people is faced with an Army, with a State force, apart from the police force, which would continually threaten it and it would be available to the private capitalist even to suppress any struggle, agitation and so on. Therefore, let us be clear about it. It has been conceived in malice against the working class. It is a measure which permeates with a spirit of hostility against the working-class. At the same time, it breathes the spirit of the monopolists who in the United States of America and certain other countries maintain private armies. They at least maintain private

expense of the public exchequer producing a State police force to be at the disposal of the employer class, the capitalist class, to be used against the working people. This will spoil the industrial relations in the country, but we want to develop better industrial relations in the country.

Finally, as far as the loss of property is concerned, let us not talk about it. Our working people are excellent people. Our working people are second to none in their patriotism. They love the creations of their labour. They love it like a mother who loves her children. But here they proceed in such matters with the distrust of workers, from a posture of hostility against them. If property is being wasted in the public sector undertakings, it is because of the mismanagement. The other day the Pande Committee Report came out. It shows that due to mismanagement in Durga-pur by the management, Rs. 16 crores have been lost. We have information at our disposal to show how they indulge in blackmarketing the goods of the public sector undertakings, how corruption takes place, how materials are removed. I have apprised the Minister about Bhilai and other places in Madhya Pradesh where it was shown that some top engineers were stealing away the properties of public sector undertakings and selling them in the black market. Therefore, I regret to say that when measures are needed in order to stop corruption in high places, mismanagement in industry indulged in by the bureaucratic misfits all along, here we are considering a measure which is hostile in spirit against the working people and against the States' autonomy.

I only hope the working people of the country, the Central Government's and other employees will rise: against this measure in their trade unions and elsewhere. I do hope every Chief Minister in the country, whether he be a non-Congress Chief Minister or a Congress Chief Minister, every State Government, whether it be a Congress Government or non-

[Shri Bhupesh Gupta.] Congress Government, would be jealous of the rights, very limited indeed under the Constitution, given to the State. The State autonomy has got to be defended the working class interest has got to be defended. I hope that the parallel police force which is now sought to be projected in the State in order to undermine the autonomy of the State, to intimidate the working people, to surround the non-Congress Ministries, will be resisted by the combined strength and unity of all those who stand for common decency in public life. We wish well of the constitutional processes in parliamentary democracy. We oppose this Bill; we oppose this Bill with all the hate we can command against it; we oppose this Bill with the hatred of the working class; we oppose this Bill as a pernicious blot on the legislature; we oppose this Bill as a child and progeny of a bankrupt, anti-working class, anti-democratic Government. We do hope the public opinion in the country will be roused to reject it.

Only one word more. I would ask him to read the editorial of the Amrita Bazar Patrika. Only with your kind permission I would like to read that and then sit down because I have stated enough. Only with this I will end my speech. I end with this observation of a paper which is certainly not Leftist. It is the leader of the Amrita Bazar Patrika of June 3rd—"Ill-conceived". This is what it says:

"On the following day the Government sprang yet another surprise on Parliament by introducing the Central Industrial Security Force Bill which, it may be remembered, was the former Home Minister Nanda's pet-child. Mr. Nanda's move to create a Central security force for the better protection of certain industrial undertakings was not welcomed, nay it was strongly opposed, by many States even though they were Congress-governed. For the move was a clear re-

flection on the capacity of the State Governments to protect properly industrial undertakings located in their areas. In the changed political set-up the Bill, when passed into law, may even poison Centre-State relations.

But did not political prudence and normal courtesy demand consultation by the authors of the Bill with the State Governments?

The Union Government is virtually seeking through this measure to create a "parallel police force". Thank you.

SHRI VIDYA CHARAN SHUKLA: Madam Deputy Chairman, I am very thankful to the hon. Members who have taken part in this debate. Most of the difficulties of Members relate to two main points. One comes under the general heading of constitutional and legal matters about which many Members have expressed their opinion from both sides of the House. The Law Minister also had the occasion to intervene in this debate in the earlier stage where he tried to set many of those doubts at rest. Madam, because of this, I do not want to go in detail into these constitutional or legal matters, and secondly also because this Bill is being referred to the Joint Select Committee where hon. Members belonging to both sides of the House will have an opportunity of going threadbare into the provisions of this Bill and remove whatever constitutional or legal lacunae it may have. I do not say that this Bill has any constitutional or legal lacunae, but if this Bill has any such thing, it could be removed at the Select Committee stage.

The other difficulty that the Members have had and which they have pointed out is regarding the question of encroachment on the rights of the States by this Bill. Madam, I will say a few things briefly about this point. First of all reading through

the Bill it would be apparent that the Bill is solely designed to streamline the watch and ward organisations in the various public sector undertakings. By experience we have found that haphazardly recruited, ill-trained and ill-equipped watch and ward staff cannot look after the public property, cannot look after the public sector installations. It is absolutely essential that we have a well regulated, well trained, well disciplined and well equipped force to look after installations into which thousands of crores of rupees of this country have gone. It is not a question of taking over the functions of the State police. As the hon. Members might recall, the local State police has not been guarding the installations or the local State police has not been doing the watch and ward duty in the various public sector undertakings. The local police has been doing the normal law and order activities and they have been maintaining public order, and even after this Bill is passed and an Industrial Security Force is created the State police will continue to do the same work which they have been doing so far. I want to emphasise this point again and again that this force is not going to take away even a small part of the work of the local police force. The local police force in the various public undertakings, whatever they have been doing so far, will continue to do that. Therefore, their responsibility and sphere of activity will not be restricted by this force.

श्री राजनारायण : तब यह हो रहा है
किसलिये, यह बतलाइये ।

SHRI VIDYA CHARAN SHUKLA: I have already said and again I say that this force is mainly meant for watch and ward duty, to protect the installations, to protect the stores of the public sector undertakings, within the premises of the industrial undertakings. (Interruption) I am very sorry that most of the Members who spoke with such vehemence about this have not appreciated the provisions

in the Bill. That is why I am going into this matter in a little detail. Again I want to assure the hon. Members, particularly of the opposition, that this force is not going to take over any law and order duty. This force is not going to take over any of the duties which the State police is doing at present. Organising the watch and ward a little better and amalgamating the Fire Fighting Services in the various public undertakings into the Security Force—these are the two main aims of this Bill.

There are a few doubtful points which the Members have raised on the basis of the Constitution, on the basis of this law and that law. As I have already stated, all these points can be considered very properly. We have already considered them in an informal gathering of various Members who took part in this debate. That is why after consulting them we thought that it would not be proper to go through this Bill without reference to a Joint Select Committee because hon. Members belonging to both Houses raised certain doubts, and this proves that the Government is not interested in rushing through this measure. We do not want to rush this Bill through this House and that House and make it a law. As a matter of fact this Bill has nothing to do with politics whatsoever. It has nothing to do with gheraos. It has nothing to do with labour disputes or labour trouble. It is not meant to suppress any legitimate labour activities. I would recall that this Bill—the hon. Members must note this—that this Bill was introduced in this august House before the general elections, much before the question of gheraos arose in this country. If this matter was related to gheraos, if we were concerned about gheraos and to fight that we have brought this in, then hon. Members with justification can say that we want to fight those things with the aid of this Bill. I will again remind the Members that this Bill was introduced in this House much before all those contingencies arose in this country. This will go to

[Shri Vidya unaran anuKia.] prove that this is a common law Bill which is only lestricted to the aims and objects as we have stated in the Bill. So, I hope that the Members will agree with me that this Bill has no politics, this Bill does not seek to restrict the rights of the State Governments in any manner. I can assure the House that if it does restrict the functions of the police force or of the State Government, at the Select Committee stage we can consider it and if there is any objectionable feature, we can even consider to remove it. I can assure the House and the country that the intention of the Central Government is not to restrict the rights of the State Governments in any manner. As far as this measure is concerned, we are only interested in effectively protecting the public property in to which thousands of crores of public money has gone. That is our sole aim in bringing this Bill before this House and I would say that to this laudable aim there should be no objection and no controversy as far as this House is concerned.

Madam, I have covered most of the points as far as the question of the encroachment upon the rights of the States is concerned. There is one small point about the labour activities. Some Members were concerned that this Force might be used to suppress the legitimate labour activities, I can assure the House that this Force is not meant for suppressing any legitimate labour activities anywhere and this will not be used for that purpose, except for the purpose which I have already stated here. It is rather unfortunate that some Members have doubted the very bona fides of this Bill and have imported or tried to import politics into it. I would again emphasise that this Bill has no political considerations, this Bill does not seek to restrict the rights of the State Governments; it is a pure and simple watch and ward Bill. We want to create an effective watch and ward service for the public undertakings. If there are any objectionable features, we will be prepared to consider them

and see that they are all put in a manner which will not affect the susceptibilities of the State Governments or take away any right which legally and constitutionally belongs to the State Governments.

Madam, with these words, I would commend the amendment which the hon. Home Minister moved to refer this Bill to a Joint Select Committee of this House and the other House and I hope that this House will accept that amendment of the hon. Home Minister.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the constitution and regulation of a Force called the Central Industrial Security Force for the better protection and security of certain industrial undertakings be circulated for eliciting opinion thereon by the 31st December, 1967."

The motion was negatived.

SHRI BHUPESH GUPTA: Madam, I move:

"That in the notice of amendment dated the 5th June, 1967, in the motion for reference of the Bill to a Joint Committee of the Houses, for the words 'the first day of the next session', the words and figures 'the first day of the last session in 1971' be substituted".

THE DEPUTY CHAIRMAN: The question is:

"That in the notice of amendment dated the 5th June, 1967, in the motion for reference of the Bill to a Joint Committee of the Houses, for the words 'the first day of the next session' the words and figures 'the first day of the last session in 1971' be substituted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the constitution and regulation of «

Force called the Central Industrial Security Force for the better protection and security of certain industrial undertakings be referred to a Joint Committee of the Houses consisting of 45 members; 15 members from this House, namely:—

1. Shrimati Violet Alva,
2. Shri K. S. Ramaswamy,
3. Shri M. P. Bhargava,
4. Shri M. Govinda Reddy,
5. Shri Nand Kishore Bhatt,
6. Shri Akbar Ali Khan,
7. Shri B. K. P. Sinha,
8. Shri M. M. Dharia,
9. Shri Krishan Kant,
10. Shri Bhupesh Gupta,
11. Shri K. Sundaram,
12. Shri Rajnarain,
13. Shri Banka Behary Das,
14. Shri D. Thengari and
15. Shri A. P. Chatterjee

and 30 members from the Lok Sabha;

That in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

That in other respects, the Rules of Procedure of this House relating 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 first day of the next session; and

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

The amendment moved by Shri Balachandra Menon was barred.

THE PASSPORTS BILL, 1967

THE DEPUTY CHAIRMAN: The next item on the Order Paper—the Passports Bill, 1967. Shri Surendra Pal Singh.

श्री राजनारायण (उत्तर प्रदेश) : पाइन्ट ऑफ ऑर्डर। मेरा पा न्ट ऑफ ऑर्डर यह है कि यद्यपि संविधान के बारे में मैं कल कह चुका, संविधान की जो मेरी मान्यता है उसके अनुसार 1965 के बाद कोई विधेयक मूल हिन्दी में ही आ सकता है, उसका ट्रांसलेशन अंग्रेजी में होगा। कल हमारे माननीय मित्र श्रीरलनॅड सेक्रेटरी, राज्यसभा, ने काफी मदद की हमको समझाने में। जो आफिशियल लैंग्वेज एक्ट बना हुआ है उसको भी देखा जाय। उसमें भी यही है कि इंगलिश 1965 के बाद कन्टीन्यू करेगी as an associate language.

उपसभापति : इसका फंसला हो चुका है।

श्री राजनारायण : मैं आपसे रिक्वेस्ट कर रहा हूँ, सुनिए।

SHRI AKBAR ALI KHAN (Andhra Pradesh): The Chair has given a ruling.

THE DEPUTY CHAIRMAN: I cannot . . .

(Interruptions)

श्री राजनारायण : रूलिंग कैसे हो सकती है। अभी तो मेरा सवाल आ रहा है। मैं नया पाइन्ट कह रहा हूँ। 1963 का एक्ट है जो '65...

उपसभापति : 'एक्ट' लफ्ज तो इंगलिश है।

श्री राजनारायण : इंगलिश है तो मैं क्या करूँ रेल इंगलिश है, टेशन इंगलिश है, लालटेन इंगलिश है।

एक सामाजीक सदस्य : अधिनियम कहीं।