

Urgent Public Importance

उप सभापति हों, उप सभाध्यक्ष हो, कोई भी कुर्सी पर बैठे हो वह इस तरह की व्यवस्था करे जिससे सम्मानित सदस्यों के अधिकारों तथा कर्तव्यों और सम्मान पर आघात न पहुँचे ।

MR. CHAIRMAN: I must say that the gentleman who sits in the Chair, whether he is the Vice-Chairman or anybody, has the right to conduct the proceedings as well as he can. I myself feel that the Vice-Chairman and the Deputy Chairman are as intelligent, as able as myself. Probably I am not so able because I have not the experience of occupying a Chair like this. However, I am certain that the person who sits here will give due consideration to everything that goes on and whatever he says must prevail. I will not be able to interfere in the matter.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

STATEMENT MADE BY THE UNION MINISTER
OF HOME AFFAIRS IN CALCUTTA ON MAY
19, 1967 ON THE SUBJECT OF
"GHERAO"——*contd.*

SHRI BHUPESH GUPTA: sir, I beg to call the attention of the Minister of Home Affairs to the statement made by him in Calcutta on May 19, 1967, on the subject of 'gherao' and the implications of that statement on the law and order situation in West Bengal.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): Sir, as Members are aware there have been a very large number of gheraos since the beginning of March last mostly in West Bengal but in a few cases also in certain other States. These gheraos involve wrongful confinement of supervisory, managerial or other personnel and in many cases also criminal trespasses. These are all cognisable offences under our criminal

laws. Some of the gheraos in West Bengal had occurred in Central Government establishments and undertakings, departmental or corporate. It had come to our notice that certain political parties and trade unions had been instigating workers to take the law into their own hands instead of using the statutory machinery provided by labour laws for redress of grievances. It had also come to our notice that the police were unable, for various reasons, to afford protection to citizens subjected to gheraos even though it was their statutory duty to afford such protection. These developments had aroused wide-spread concern in the public mind and caused misgivings and anxiety to the Central Government.

Therefore, when I visited Calcutta on 18th and 19th of May, 1967 in connection with the meeting of the Eastern Zonal Council, I took the opportunity to discuss the problem with the Chief Minister, West Bengal. I may add that I had spoken and written to him earlier also. I further felt that the matter was of wide enough importance for me to make some observations at the Zonal Council meeting. I may, Sir, with your permission, read out the relevant extracts from my speech at the concluding session of the meeting.

"I take this opportunity to express the deep concern of the Central Government at the industrial unrest in West Bengal and the particular form in which it is finding expression. In recent weeks the "gherao" has become a movement. It is no longer a matter of isolated, spontaneous, demonstrations of briefer duration, and it has given rise to fear and sense of insecurity. We are aware of the problems of workers and the hardships caused to them by retrenchments, lay offs, etc. We have full sympathy for them and would like practical solutions to be found to their problems. But solutions to problems, economic and human, have to be found in a peaceful and co-operative manner. We must under all circumstances

[Shri Y. B. Chavan.]

uphold the Constitution and the rule of law. This is essential in the interests of the country. Without it there will be no peace or progress. This is an obligation imposed on us, and on the State Governments, by the Constitution, and I sincerely hope that there will be cooperation between us in discharging this obligation. I trust that no further erosion of the rule of law will be allowed and the initiative taken by the State Government to bring the employers and employees together to work out methods of dealing with problems of industrial relations will bear fruit speedily." I reiterated these views at the Press conference later in the afternoon."

I submit, Sir, that the sole purpose of my observations at the Zonal Council meeting was to appeal to the West Bengal Government that the Constitution and the rule of law should be upheld. An advice of this kind had become necessary against the background of the happenings to which I have already referred. I hope that my appeal and advice would receive due consideration from the State Government resulting in satisfactory maintenance of law.

SHRI BHUPESH GUPTA: Sir, why I have called the attention of the House to this is to raise certain important matters of Constitution and not to get bogged down into a discussion on the incidentals. Here you will see that the hon. Minister himself, in his statement, somewhat truthfully has stated that he reiterated the views he had expressed in the Zonal Council Meeting later in the afternoon at a press conference. Now, the next day, on the 20th May, the Calcutta papers—I have got one here and I can bring others—very exhaustively reported what he had stated in the press conference. The "Amrita Bazar Patrika", for example, on the 20th May, gave the news:—

"Chavan seeks firm anti-gherao steps."

Then, it is said:

"Gheraos," he said was no longer isolated incidents of sporadic demonstrations of brief duration."

When he was asked about the action to be taken, Mr. Chavan observed:

"...this is an obligation imposed on us and on the State Governments by the Constitution and I sincerely hope that there will be co-operation between us in discharging the obligation."

Then, he said:

"He was hopeful that no further erosion of the rule of law would be allowed . . ."

All the papers carried this kind of thing. What is the constitutional position? I would invite your attention firstly to article 246 of the Constitution and then to the Seventh Schedule of the Constitution. The Seventh Schedule has three Lists. One is the Union List. Kindly refer to it. I think you, Sir, have been constitutionally a kind of figurehead or head, whatever you call it . . .

MR. CHAIRMAN: I am an active head.

SHRI BHUPESH GUPTA: Active head or whatever you call it. Now, Sir, in List I there are 97 items which relate to the Central Government. If you through the List you will find that the Central Government Minister or the Union Minister is not entitled to say what he had said at the press conference. Even I concede that he could express his opinion at the Zonal Council Meeting as a Union Minister. He was, however, not entitled to say all that he said at the press conference. He went outside his domain, outside his province of constitutional jurisdiction. Rightly, therefore, the West Bengal Government and some Ministers publicly took exception to this gross interference in the internal affairs of that State by the Union Home Minister and that too in Calcutta. Now, Sir, as far as List II is concern-

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ed, you will find that the first three items, items 1, 2 and 3, relate to matters in the State List on which Mr. Chavan preferred to speak there. Now, there is a Concurrent List, List III. If you study the Concurrent List, again, you will find that except in regard to the matter in which he has jurisdiction, he is not entitled to speak in the manner in which he spoke. Now, this is a very serious matter. The Centre's advice in a constitutional, parliamentary, federal set-up, is permissible and even necessary at times, from one side to the other side, but that is given confidentially. It is not the function of a Minister of the federal-Centre to issue, at a press conference, advices, sermons, homilies or even warnings, etc. in relation to another State Government in the capital of that particular State.

SHRI A. D. MANI (Madhya Pradesh): Is there any bar in the Constitution?

SHRI BHUPESH GUPTA: Yes, Sir.

SHRI A. D. MANI: What is the bar?

SHRI BHUPESH GUPTA: You have not understood the Lists. You should have understood them. Study the Lists. Now, the constitutional bar arises precisely from the delineation of the functions of the Centre and the States in regard to particular subjects enumerated in the List. Now, I do not know what you are writing in your paper.

SHRI ARJUN ARORA (Uttar Pradesh): The paper is closed.

SHRI BHUPESH GUPTA: I am glad that with such an editor the paper is kept closed. It is a good thing. Now, Sir, this is a serious point. This needs clarification. Normally this is not unknown to us. We know that from time to time the Central Government has issued advice to the State Government. Now, sometimes when we had raised this matter on the floor of the House, in this House and in the other House, we had

been told that these were confidential matters. Often the question had not even been admitted, because they held at that time that advice given by the Centre to the State was a confidential matter and not to be disclosed and discussed in public. That was their contention on many occasions. Today we find a whole press conference in Calcutta in order to say so many things.

Then, I should like to point out that the very fact that the West Bengal State Government has taken exception to it is in itself proof that the mechanism which you wanted to work and the method he adopted is, to put it mildly, not one that is suited for putting the Centre-State relations or of discharging the functions of the Centre in a proper way.

Then, Sir, you will see that this statement has been resented by the people of Bengal. We represent the larger section of the people of Bengal, those on this side than on the other side, and we control the Government also there. They have resented that statement. The working people and the trade union movement have resented this statement. They have regarded it as a kind of incitement to the employer and incitement to the police and one effect of the statement was . . .

SHRI NAND KISHORE BHATT (Madhya Pradesh): Sir, on a point of order . . .

SHRI BHUPESH GUPTA: No point of order.

SHRI NAND KISHORE BHATT: The decision has to come from the Chair.

SHRI BHUPESH GUPTA: If you want me to look at you, I am prepared to look at you.

MR. CHAIRMAN: You should ask for clarification because we are supposed to finish this in half an hour and out of that you have taken about ten minutes. What about the other?

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SHRI BHUPESH GUPTA: We are not supposed to finish it in half an hour.

SHRI NIREN GHOSH (West Bengal): We want longer than half an hour.

MR. CHAIRMAN: Anyhow, I will be glad if you will ask for clarifications from the Minister without a speech.

SHRI BHUPESH GUPTA: Sir, speech will be there. Otherwise, there will be numbness. I know, as you know it very well, that Members of Parliament have their own ways of speaking . . .

SHRI NAND KISHORE BHATT: Sir, on a point of order . . .

SHRI BHUPESH GUPTA: Why is he disturbing me?

SHRI NAND KISHORE BHATT: The hon. Member should put a question.

SHRI BHUPESH GUPTA: I know I can only ask for clarification.

MR. CHAIRMAN: He is on a point of order. Kindly sit down for two minutes.

SHRI NAND KISHORE BHATT: The hon. Member is making a speech. He can at the most put a question.

MR. CHAIRMAN: I can and I shall look into it.

SHRI BHUPESH GUPTA: How many times must we tell our good friends of the Congress Party that we can only ask for clarifications and not questions in this matter? This is provided in the rules, but by convention we do this. Now, Sir, all this interruption has disturbed my thoughts. They are thought-killers. The point here is the West Bengal Government took exception to it. As I said, the public of West Bengal, the organised trade union movement, all took exception to this statement and they call it an interference, provocation and incitement. It is not accidental that immediately after he had

left Calcutta, having made the statement, the Howrah policemen, some of them, took the law into their own hands and beat up and arrested many people, MLAs and a former Member of Parliament. Now, I went there. I went there along with comrade Dange. I went there and found out that the policemen were acting there under the impression that Mr. Chavan was on their side and that they could do whatever they liked.

SARDAR RAGHBIR SINGH PAINDJHAZARI (Punjab): Mr. Jyoti Basu's speech.

SHRI BHUPESH GUPTA: This is my impression. I have been on the spot. You never show your face nowadays in Calcutta. In Howrah you have been completely routed. Now, Sir, we, on behalf of our Party, went to Calcutta to study the situation and went to Howrah to find it out. We come with a clear impression that Mr. Chavan's statement has only encouraged those people who want to start an internal rebellion against the West Bengal Government.

This is quite clear. The Home Minister may not have meant it. I am not saying that he meant it. He may or may not have meant it. But this is what the people have got from what has happened. This is what we also gather from our on-the-spot study of the situation. It is significant when Mr. Chavan issued his sermons about the gheraos, he ignored some of the things in the statement of the Labour Minister of West Bengal in which he had pointed out that in 150 cases of gherao during March and April 1967, 28 per cent of them were against large-scale dismissal, retrenchment, lay-off and closures in violation of the existing tripartite understanding. It required the employers to give notice of three months. Over 55,000 were evicted. In many cases the workers were dismissed. They were simply refused entry to work. It was only these things which led to the present gherao struggle. This is an authoritative statement by a State

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Government. This is the text of the statement. Mr. Chavan may have his own opinion, but publicly he cannot over a matter which relates to a State subject, ignore and contradict such a statement, lay down the law, make specific statements which are contrary to facts which the West Bengal Government have given to the public.

Now, Sir, these are constitutional improprieties. These are constitutional provocations. If I may say so. This is how they are going to build up Centre-State relations. I say this in the context of the many developments which have taken place. Mr. Chavan's is not an isolated instance. It seems to be a part of the same thing. The Governor has been appointed in West Bengal, Mr. Dharma Vira, without proper consultation with the State Government.

MR. CHAIRMAN: Please finish. You are making a long speech.

SHRI BHUPESH GUPTA: Therefore, he should explain. I should like Mr. Chavan to explain his conduct in Calcutta. I should like him to explain it in terms of the Constitution. I should like him to explain it in terms of common public decency and public standards. I should also like him to tell us whether he is not aware that in West Bengal public opinion there is a strong feeling that the entire statement of Mr. Chavan was designed to give provocation, to bolster up the morale of the Congress and the employers and put the non-Congress Government in difficulty and embarrass it. Let him explain all these things clearly.

SHRI NIREN GHOSH: I would like the Home Minister to clarify certain points. Is he aware of the fact that he made his remarks in the Zonal Council without any previous intimation to the State Government and the State Government did not get any chance to reply to that because it was the concluding remarks and the conference ended there and then? Was it not designed purposely to put the State Government into an awkward

and embarrassing position, deliberately? Secondly, I want the Home Minister to clarify whether he is aware that Surajmal Nagarmal has employed violence against his employees and locked out his head office in Calcutta; whether he is aware that the employer of a colliery is indulging in sabotage activities and stopped drinking water and ration and everything to the employees; whether he is aware that 4 or 6 concerns have been deliberately closed by the employers and 4000 to 5000 workers have been thrown into the streets; whether he is aware that in West Bengal at least 30,000 to 40,000 workers are proposed to be retrenched or laid off; whether he is aware of the fact that the Constitution provides the right to a citizen of adequate means of livelihood and work. So, against this terrific attack against the constitutional right of a citizen the Home Minister has not a word to say. He speaks of the Constitution and the rule of law. Let him clarify whether the Constitution or the rule of law is for the vested interests of the employer and the police are there to suppress the working people. Is that what the Constitution says? If that is the position you take because you have not said a word against those anti-constitutional, non-peaceful, sabotaging, disrupting activities of the employers—it is strange the Home Minister has not a word to say—*ipso facto* it is an indication that he went there and made those remarks in support of these vested interests, to disturb the peace of West Bengal, and he put the boot on the wrong leg. The next thing is, would the Minister clarify that in the Howrah incident, on that very day, the police beat up the people and also tried to assault a State Minister, and then on the 22nd of May a telephone call came from the Howrah District Congress Committee to the police officer congratulating him? Is he aware that certain files have been removed from the State Government and they are in his possession from the very first . . .

AN HON. MEMBER: That is not relevant.

SHRI NIREN GHOSH: Very relevant. The files were removed as the Home Minister himself is involved in that question and those files are not returned because it is inconvenient. Is he aware that the I.G. and certain Deputy Commissioners held a conference of 500 policemen after his visit and they were instigated that they must beat the people, defy the State Government and try to assault even the Ministers of the State Government? Is he aware of that? Would the Home Minister clarify when he is so sensitive about the police in Delhi when they agitated for their demands, why he has not a word to say when the police in the State Government is practically conducting a rebellion against the State Government and they have drawn encouragement and inspiration from him and his party? The statement is made in the Congress papers that because of the policy of the Government of West Bengal they would go on strike not for any economic demand but because they are not being given a free hand to suppress and oppress the people.

Does the Home Minister want to say that the rule of law or Constitution is there to suppress people and protect the vested interests, and when those vested interests are doing all those sabotaging activities and violating the Constitution, the rule of law nowhere imposes any obligation on the police to deal with those employers (*Interruptions*).

MR. CHAIRMAN: Put your question.

SHRI NIREN GHOSH: You frame your Constitution in such a way that it is designed to protect the vested interests only and to suppress the common people, and that is what you call your Constitution. It is a part of a bigger conspiracy. From the very first day the people of West Bengal have a feeling that you are trying to indulge in a conspiracy. This is a clear incitement to the police force to take the law in their own hands, defy the State authorities and protect

the vested interests, and suppress the common people.

MR. CHAIRMAN: Sit down please, Mrs. Reddy.

SHRIMATI YASHODA REDDY (Andhra Pradesh): Sir, I want only one clarification. Nobody is against the interests of the working class or their right to demand anything in a lawful manner. I would like to have a clarification from the Home Minister, if possible, or from the Law Minister. There are the fundamental rights, whether of a citizen or a group of citizens. When there is wrongful confinement and when the lawful activities of a citizen, in whatever capacity he may be, are not allowed, whether it is a West Bengal or anywhere else, may I know whether we have a right or not to condemn it and whether the Central Government has no right to interfere? It is not a question of gheraos or a question of a certain section of the people who are interested in their . . .

SHRI AKBAR ALI KHAN (Andhra Pradesh): Rule of law.

SHRIMATI YASHODA REDDY: It is a question of the rule of law. And the fundamental rights which the Constitution has guaranteed to the citizens of India and under Indian Penal Code, whoever they are, should be upheld. That is all I want. I expect the hon. Minister to clarify.

SHRI CHITTA BASU (West Bengal): Sir, May I know from the hon. Minister whether he made any attempt to apprise himself of the genesis of the gherao movement now in West Bengal? As you know, Sir, the West Bengal Government have narrated their point of view towards this movement. The gherao movement, as we see today, has been the result of the consistent refusal of the industrialists and the employers to implement the awards of the tribunals, and also to implement the agreements arrived at bipartite level and to fulfil certain statutory obligations.

MR. CHAIRMAN: Will you kindly ask for clarification? Put a question.

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SHRI CHITTA BASU: I have already put the question whether he has apprised himself, before coming to certain conclusions, from the West Bengal Government about the genesis of this movement in that part of the country, that this movement is the result of the consistent refusal of the employers to implement the awards of the tribunals, to give effect to the bipartite agreements, to implement the decisions of the wage boards and to give effect to the statutory obligations of the law. Has the Home Minister apprised himself of it? This is my first question.

MR. CHAIRMAN: First question?

SHRI CHITTA BASU: The second question is this. If a group of workers peacefully stage a satyagraha to get their rightful demands conceded by the employers, will it infringe the law? If it is in the pattern as Mahatma Gandhi advised the people in this country to do, will it be an infringement of the law? What is his reaction to it? (Interruptions) The third question is this. In the course of his long statement, he has suggested and went out of the way to advise the West Bengal Government that an attempt should be made by them to bring about cordial relations between the employers and the employees. The matter of the peaceful settlement of the industrial disputes.

AN HON. MEMBER: What is wrong there?

SHRI CHITTA BASU: May I also know whether before making the statement he apprised himself of the fact that when there was a conference convened by the West Bengal Minister in which both the industrialists and the trade unionists and also the Government representatives participated, they urged upon the industrialists not to take recourse to layoff etc. without prior notice being given to the Government of West Bengal? Is it a fact? Has he been apprised of this fact that the industrialists have not kept up their promise or their assurance and went on retrenching and laying off?

MR. CHAIRMAN: You are again making a speech.

SHRI CHITTA BASU: Therefore, I want clarifications on these three points.

(Several hon. Members stood up)

SHRI BHUPESH GUPTA: Sir, you seem to be gheraoed.

MR. CHAIRMAN: So many hon. Members are getting up. I am trying to see that every side of the House has its say and I will certainly try to do my very best. (Interruptions) I shall be just to everyone.

SHRI TRILOKI SINGH (Uttar Pradesh): In view of the fact that certain provisions of the Gandhi-Irwin Pact still hold good, as for instance, the making of salt for one's personal consumption and resorting to peaceful picketing, may I know under what law of the land the Minister thinks that gherao in a peaceful manner is against the provisions of the I.P.C. or the Criminal Procedure Code or any any other law of the land?

MR. CHAIRMAN: Mr. H. C. Mathur. (Interruptions) Yes, I am giving opportunity to everybody.

SHRI HARISH CHANDRA MATHUR (Rajasthan): Mr. Chairman, Sir, while we sitting on this side do not grudge a full expression from that side, if it is 90 per cent from that side . . .

MR. CHAIRMAN: Not at all.

SHRI HARISH CHANDRA MATHUR . . . and 10 per cent from this side, you will not get a balanced view of things.

I think the only two questions that have been raised are the constitutional propriety and the concern for the working class.

SHRI BHUPESH GUPTA: On a point of order. Is he asking clarification from you or from the Minister.

MR. CHAIRMAN: From the Minister.

SHRI BHUPESH GUPTA: Then he should turn in that way.

MR. CHAIRMAN: You look at me. Everybody should look at me.

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SHRI BHUPESH GUPTA: He should ask for clarification arising out of the statement.

SHRI HARISH CHANDRA MATHUR: I am addressing you, not Mr. Bhupesh Gupta for whom I have a special liking. We have been together since 1952.

SHRI BHUPESH GUPTA: You have also been behaving properly.

SHRI HARISH CHANDRA MATHUR: He is an institution by himself. Those who violate the rules know the rules very well.

MR. CHAIRMAN: The pot cannot call the Kettle black.

SHRI BHUPESH GUPTA: But it is true.

MR. CHAIRMAN: I said in fun that the pot cannot call the kettle black.

SHRI BHUPESH GUPTA: But the kettle is too black; also the pot is too black.

SHRI HARISH CHANDRA MATHUR: The main question which I would like to put apart from the constitutional propriety to which the hon. Minister will give a fitting answer is, what is the reaction of the Government of West Bengal to the very correct advice which had been given by the hon. Minister. Has his attention been invited to what has appeared in today's *Statesman* on the front page? I do not want to know what the information of my friend, Mr. Bhupesh Gupta, or somebody else is. A Minister of the West Bengal Government has expressed his grave anxiety more particularly regarding the public sector enterprises and he has said that he is extremely worried about what is happening. And about these gheraos in public sector, he himself maintains that there has never been any case brought to his notice or to the notice of the Labour Minister that there has been any breach of law or any award which has not been fulfilled or implemented. And in spite of this, he feels that even if the Labour Minister is not encouraging, he is certainly not discouraging gheraos. This has caused

a grave anxiety in the case of public sector undertakings. This is coming from a serving Minister of the West Bengal Government. Therefore, naturally our anxiety is very much to know from the Home Minister how the matter is being pursued and whether it is dealt with in an effective manner to see that these gheraos particularly in the public sector are stopped forthwith. Are the Ministers of the West Bengal Government meeting on the 2nd June? We would like to have information.

SHRI N. SRI RAMA REDDY (Mysore): I would like to know a simple thing whether gherao is a legal or an illegal movement under the law of the land. That is all what I want to know.

SHRI A. D. MANI: Lawyers feel that gherao is a threat to personal liberty. May I ask the Home Minister? Sir, can I have the attention of the Home Minister?

MR. CHAIRMAN: The Home Minister is listening to you.

SHRI A. D. MANI: May I ask the Home Minister whether he proposes to amend the Indian Penal Code to make any kind of criminal intimidation a cognizable offence?

MR. CHAIRMAN: Mr. Rajnarain, r will give you only two minutes. You put a question.

श्री राजनारायण (उत्तर प्रदेश) :

श्रीमन् सबसे पहले हमने आपकी खिदमत में अपना नाम भेजा है। लेकिन मालूम होता है कि शायद हिन्दी बोलने वाले की वकत आपकी चेयरमैनशिप में नहीं होगी। चूंकि हम हिन्दी बोलते हैं, आप समझ नहीं पाते हैं इसलिये आप हमको हमेशा टाल देते हैं पीछे।

मेरा आपके द्वारा मंत्री जी से निवेदन है कि क्या मंत्री जी—जो इशारे में श्री त्रिलोकी सिंह जी ने सवाल किया—जिस सत्याग्रह शांतिपूर्ण पिकेटिंग रूपी माता की गोद में कांग्रेस सरकार पैदा हुई ऐसा बयान देकर, उसी माता की कोख में लात नहीं मार रहे हैं? एक बात।

दूसरी बात मैं जानना चाहता हूँ कि क्या मंत्री जी ने इस तरह की कांफ्रेंस में बयान कर के राज्य और केन्द्र के सम्बन्धों को बिगाड़ा नहीं है ? अगर बिगाड़ा है तो क्यों ? हमने माननीय मंत्री जी का अखबारों में बयान पढ़ा तो मैं जानना चाहता हूँ कि क्या माननीय मंत्री जी 256 अनुच्छेद को—जिसके मुताबिक श्री चव्हाण घर मंत्री अपना हक समझते हैं कि वे राज्य को हिदायत कर सकते हैं—जरा सको फिर से पढ़ने की इनाइत करेंगे ? अनुच्छेद 256 कहता है क्या ; क्या इसकी जानकारी कांग्रेस के किसी मंत्री या साथी को है ? प्रत्येक राज्य की कार्यपालिका शक्ति का इस प्रकार प्रयोग होगा, कि जिससे संसद् द्वारा निर्मित विधियों का तथा किन्हीं वर्तमान विधियों का जो उस राज्य में लागू हैं पालन सुनिश्चित रहे तथा संघ की कार्यपालिका शक्ति का विस्तार किसी राज्य को ऐसा निर्देश देने तक विस्तृत होगा जो भारत सरकार को उस प्रयोजन के लिये आवश्यक दिखाई पड़े ।

श्री एम० एम० धारिया (महाराष्ट्र) :
अंग्रेजी में पढ़िये ।

श्री राजनारायण : इसका हवाला लोक सभा में माननीय घर मंत्री ने दे दिया है । 19 भी बड़े लूँ । चूंकि माननीय घर मंत्री ने लोक सभा में 256 कह दिया और शायद लोक सभा के लोगों ने यह समझ लिया कि माननीय घर मंत्री सही कह रहे हों भगर मैं कहना चाहता हूँ माननीय घर मंत्री ने भी कोई गलत बात नहीं की । अगर केन्द्र ने या पार्लियामेंट ने कोई विधि द्वारा विधान बनाया है और उस विधान के विरुद्ध राज्य की सरकार कोई कदम उठा रही है तो उसी सीमित उद्देश्य तक उसी विधि विधान के सीमित दायरे के अन्दर केन्द्र की सरकार घर मंत्री किसी राज्य को निर्देशन सलाह दे सकता है उसके बाहर नहीं । तो मैं जानना चाहता हूँ : क्या घर मंत्री ने हमारे संविधान जिसकी शपथ ली है उस संविधान की हत्या नहीं की ? इस प्रकार राज्य

सरकार के अधिकार का अतिक्रमण करके घर मंत्री ने जो काम किया है इसलिये मैं घर मंत्री के ऊपर दोषारोपण करता हूँ ।

श्रीमन् मैं 17 तारीख को कलकत्ता में था । कलकत्ता में चूंकि इसके पहले यहां पर केन्द्र में लेबर मिनिस्टर्स कांफ्रेंस हुई थी तो उसकी कार्यवाही छप चुकी थी और लेबर मिनिस्टर्स कांफ्रेंस की चर्चा में घर मंत्री क्या इस बात को जानते हैं या भूल गये कि बहुत से प्रतिनिधि उस कांफ्रेंस से वाक वाउट कर गये थे और उसी समय त्रिवेन्द्रम में संयुक्त सोशलिस्ट पार्टी के वर्कर्स का कैम्प चल रहा था हमने बिल्कुल निश्चित तरीके से आयाजित किया था शांतिपूर्वक पिकेटिंग जिसको गांधी इरविन पैकट थे गांधी जी ने कहा शांतिपूर्ण धरना देना यह कानूनी माना जायेगा । क्या आज उस गांधी जी के नेतृत्व में अपने को चलने वाली कहने वाली सरकार या उसके नेता गांधी जी की आत्मा की हत्या करना चाहते हैं ? एक चीज हमने अंग्रेजों से हासिल की अंग्रेजी सा आजाज्यवादी शक्ति के दमनात्मक कार्यवाही के प्रतिरोध में गांधी इरविन पैकट आया । गांधी जी के नेतृत्व में हमने यह सीखा कि शांतिपूर्ण पिकेटिंग कानूनी माना जायेगा । क्या यह सरकार जो गांधी जी के नेतृत्व में हमको जनतंत्रीय अधिकार हासिल हुआ था उस अधिकार को छीनना चाहती है ? मैं यह जानना चाहता हूँ और मैं कहना चाहता हूँ कि आज आपके द्वारा श्रीमन् चव्हाण जी को क्या इस चेतावनी की भी जानकारी है कि चाहे कितने भी कानून बना दें कितने ही सीक्योरिटी फोर्सों का काम कर लें मगर आज इस देश का जो राजनैतिक वातावरण है वह राजनैतिक वातावरण कांग्रेस सरकार विरोधी है ? कोई कानून की चिप्पी और पैवन्द से उनकी समस्याओं का समाधान नहीं कर सकता है न किसानों की समस्या का समाधान कर सकता है केवल अपने ऊपर एक कलंक ला सकता है । इसकी भी जानकारी सरकार को होनी चाहिये । इस लिये इस चेतावनी के बाद इस शांतिपूर्ण

[श्री राजनारायण]

डंग से "घेराओ" का विरोध कोई भी जन-तंत्रीय, कोई भी शान्तिपूर्ण व्यवस्था का मानने वाला व्यक्ति या सरकार हरगिज हरगिज नहीं कर सकती। और क्या इस बात की सरकार को जानकारी है कि 1957 में बिहार में गया जिले में सोशलिस्ट पार्टी की कॉन्फ्रेंस हुई और सोशलिस्ट पार्टी की कॉन्फ्रेंस में "घेरा डालो" शब्द सबसे पहले 1957 में ईजाद हुआ ?

श्री अजय किशोर प्रसाद सिंह (बिहार) : डा० लोहिया ने ईजाद किया।

श्री अर्जुन प्ररोड़ा : नहीं नहीं 1953 में हमने किया।

श्री राजनारायण : अर्जुन प्ररोड़ा जी की बात में मानता हूँ। अगर उन्होंने किया तो ठीक किया। तो क्या सरकार को इस बात की जानकारी है कि उत्तर प्रदेश में जब कि 10 मई 1957 को विक्टोरिया रानो के मुहुरत को तोड़ा गया था—अंग्रेजी साम्राज्यों की मूर्तियाँ न रहें इसके लिये घेरा डालो आन्दोलन के मातहत किया गया था—और आज हमारे आदरणीय त्रिलोकी सिंह यहां बैठे हुए हैं उसी घेरा आन्दोलन के बाद उन्होंने ताला तोड़ो आन्दोलन चलाया। मैं कहता हूँ : घेरा डालो आन्दोलन अगर रोकोगे तो ताला तोड़ो चलेगा यह आन्दोलन रोक नहीं जा सकता। क्या इस बात की जानकारी सरकार को है ? इसलिये शान्तिपूर्ण घेराओ का विरोध हरगिज नहीं होना चाहिये।

SHRI B. K. P. SINHA: May I draw the attention of the hon. Home Minister to a question? Is there any substantial difference in the opinion of the Home Minister between peaceful picketing as advocated and practised in the times of Mahatma Gandhi and

gheraos because gheraos, according to my understanding mean some people going and surrounding premises and making ingress and exit impossible. And sometimes water, light etc. are cut off. Th-> men can have no food. They cannot

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go out. Nobody can go and meet them. That is really interference with their fundamental rights and putting a sort of violent pressure on them. That is the first question.

SHRI M. GOVINDA REDDY (Mysore): Wrongful confinement.

SHRI RAJNARAIN: On a point of information.

क्या माननीय सदस्य कभी सत्याग्रह कर चुके हैं और क्या कभी उन्होंने पिकेटिंग की है गांधी जी के नेतृत्व में ?

SOME HON. MEMBERS: No.

SHRI RAJNARAIN: I have got every right to ask a clarification.

SHRI B. K. P. SINHA: The first question is whether there is a physical or material difference between picketing and gherao or not. The second question is; Mr. Bhupesh Gupta conceded that the Home Minister had the right to make those statements in the zonal Council.

SHRI BHUPESH GUPTA: I did not say that.

MR. CHAIRMAN: You stated that it might be what he said in the Zonal Council. Not that he admitted.

SHRI BHUPESH GUPTA: If the Home Minister has any advice to offer, it should be confidentially done.

SHRI B. K. P. SINHA: May I know, Sir, whether the forum in which a statement is made makes that statement constitutional or unconstitutional? If the statements are unconstitutional then they are unconstitutional whatever the forum. If they are constitutional they are constitutional whatever the forum. Therefore, I would like

to know whether in the opinion of the Home Minister the forum where action is done, or question? Is there any material and when a statement is made, makes things substantial difference in the opinion of constitutional or not. Is there any provision the Home Minister between peaceful in the constitution which says that the forum picketing as advocated and practised in will determine the constitutionality of a the times of Mahatma Gandhi and statement?

I seek another clarification. I find that everyday we are being lectured on the character of our polity, it is said that it is a federal polity. May I know, Sir, if the Home Minister realises that

India's policy is not a federal policy? India's polity is a Union polity in which there are greater centralising tendencies than federal tendencies in which not only the powers of the States can be affected by a mere resolution of the Rajya Sabha but the State List subjects, subjects enumerated in the State List, can be taken over by the Centre. The "States" area can be changed by the Centre, by the Central Parliament, on certain occasions the Centre take over the powers of the States . . .

SHRI BHUPESH GUPTA: Suspend-
ed in West Bengal.

SHRI B. K. P. SINHA: . . . and take over the administration of the States. May I know whether the Home Minister realises that these things make it abundantly clear that the Constitution of India is not a Federal Constitution? I hope the Home Minister will not behave like the villager in the story in *Hitopdesha* who was carrying a goat and when five persons, standing at five different places, each one mile apart, told him that he was carrying a dog and not a goat, the villager fell under the impression that he was actually carrying a dog and not a goat and threw it away. May I know from the Home Minister if the incessant talk of federalism will not convince him that this Constitution is a Federal Constitution and not a Union Constitution?

श्री टी० पांडे (उत्तर प्रदेश) : सभापति महोदय, मैं गृह मंत्री जी से दो सवाल पूछना चाहता हूँ और जो बंगाली सदस्य हैं, वे कृपया मेरी बात को मिसअन्डरस्टैंड न करें। पहला सवाल यह है कि क्या गवर्नमेंट को यह मालूम है, गृह मंत्री जी को यह मालूम है कि कलकत्ता शहर में बसने वाले मद्रासियों को थैटनिंग लैटर मिलता है? पहला सवाल यह है।

(Interruptions)

SHRI M. P. SHUKLA (Uttar Pradesh): These are facts. . .

(Interruption)

श्री टी० पांडे : दूसरा सवाल यह है कि क्या गृह मंत्री जी को मालूम है कि जो यह

"घेराव" आन्दोलन है, उसने अब वायलेंस और कनफाइनमेंट का रूप ले लिया है ?

जो कुछ भी किया जा रहा है वह पब्लिक सैक्टर में किया जा रहा है प्रवासी बंगवासी कारखानदारों के विरुद्ध है किया जा रहा है और स्थानीय बंगाली कारखानों के विरुद्ध नहीं किया जा रहा है। क्या यह बात सही है ?

SHRI BHUPESH GUPTA: This is very unfortunate.

SHRI NIREN GHOSH: He does not know the consequences of the remarks that he has just now made.

SHRI BHUPESH GUPTA: We should like the Birlas to be gheraoed. . . (Interruption) He has made a serious suggestion which will be misunderstood. It is not a question of Bengali or non-Bengali at all. In fact, Bengali firms had been gheraoed more than non-Bengali firms. The big business of the Bengali type and the Birlas need to be a little better looked after before looking after the smaller type.

श्री निरंजन गुप्त (मध्य प्रदेश) : क्या गृह मंत्री जी इस बात पर प्रकाश डालने का यत्न करेंगे कि जब से "घेराव" आन्दोलन का जन्म बंगाल में हुआ है तब से जिन लोगों के विरुद्ध "घेराव" होता है, वे लोग डर के मारे अपना काम नहीं कर पाते ? इस तरह से लोग घेरा डालते हैं, उच्छ्वलता करते हैं, यह आग अब आगे बढ़ती चली जा रही है और यहाँ तक कि उत्तर प्रदेश में मंत्रियों के विरुद्ध भी "घेराव" डाला जाता है। तो इस प्रकार का जो एक आन्दोलन अवैधानिक रूप से जड़ पकड़ता जा रहा है, क्या उसको दबाने के लिये सरकार की तरफ से यत्न किये जायेंगे ?

SHRI Y. B. CHAVAN: Sir, I thought it was going to be a question-answer session, but it has been converted into a short of debate. Most of them have not really asked questions, but they have made some long speeches, each one putting forward his own thesis about it

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[Shri Y. B. Chavan.]

SHRI BHUPESH GUPTA: You put your thesis.

SHRI Y. B. CHAVAN: I will try. The main point is whether what I stated in the Zonal Council was without authority and whether it interfered in the sphere of the State Government. These are the two basic question*, really speaking, that have been raised, and in the course of this, many people have made many allegations, charges, etc. I do not want to go into the latter part in detail, but certainly I would like to deal with the first part. Sir, I was presiding over the meeting of the Eastern Zonal Council to which the States of Bengal, Bihar, Orissa, Assam and the Union Territories of Tripura and Manipur were invited. Now let us see what the powers of the Zonal Council are. Mr. Bhupesh Gupta is a very intelligent Member and I thought he should have seen exactly what he was speaking about. I was about to say that he has misunderstood the Constitution. But I cannot understand, Sir, that a man of his eminence can misunderstand a thing. He is trying to look at everything from a partisan viewpoint.

SHRI BHUPESH GUPTA: No.

SHRI Y. B. CHAVAN: He does not want to see certain things. What are the functions and powers of the Zonal Council? The functions of the Council are given in Section 21 of the States Reorganisation Act, 1956. Section 21 says:

"Each Zonal Council shall be an advisory body and may discuss any matter in which some or all the States represented in that Council, or the Union and one or more of the States represented in that Council, have a common interest and advise the Central Government and the Government of each State concerned as to the action to be taken on any such matter."

So this gives the scope of matters to be discussed in the Zonal Council and any matter in which both the State, or all the States, or some of the States,

and the Centre, or the Centre and one State are interested, can be discussed, advice can be given and advice can be exchanged also. That makes the first point very clear. Now about what is happening in Bengal, if the incidents were happening in isolation, probably we may not have taken notice of this. But, as I said in my statement, it has become a movement. And about the of this movement, academic question put as to whether picketing gherao are the same or whether is material and qualitative difference between the two. Definitely, there is a qualitative difference between the two. Then, Sir, a reference was made to a picketing. I am one of those who have done picketing. But may I explain that at the time we went to the picketing, we knew that we were breaking the law deliberately? We did not go there with the idea that we were doing something very legal. It was part of Civil Disobedience. Now when we are assessing a certain situation, let us try to understand it in its proper context. We are not now considering what happened in 1930 or 1931. We are now trying to examine

SHRI JAIRAMDAS-DAULAT RAM.

"(Nominated): In 1931, we voluntarily accepted Government action against us.

SHRI Y. B. CHAVAN: Quite right. That was the point I am making. It was part of Civil Disobedience. But here is a philosopher trying to interpret Gandhiji's intention . . . (Interruptions)

SHRI BHUPESH GUPTA: Philosophers have interpreted the world. The point, however, is to change it. This is what Marx said.

SHRI Y. B. CHAVAN: I did not interrupt you even once when you were speaking. Now listen to me. You may not accept it, but you must listen to me. That is my right.

SHRI BHUPESH GUPTA: Fundamental right.

SHRI Y. B. CHAVAN: Yes, fundamental right. The point is, really speaking, there is a very material difference between picketing and these gheraos, gheraos as they stand. If you go into the factual position of what exactly is a gherao, you find there is also difference from gherao to gherao. Somebody asked: What is the definition of gherao, legally or illegally? Gherao is nowhere defined in any Act and so I cannot answer that question. It depends upon the facts of the thing. The point is that it involves wrongful restraint. It involves criminal trespass. It involves many cognizable offences.

1 P.M.

SHRI BHUPESH GUPTA: Not necessarily.

SHRI Y. B. CHAVAN: The point is somebody said 'ghera dalo' or 'tala todo' and somebody can take it further and say 'gala kato'. It is very easy to coin or manufacture some catching phrases and throw them about but let us understand what it involves. It involves wrongful confinements, it involves forcible confinements, it involves cognizable offences. Now he referred to article 256. Yes, I did make a reference to it. It says that it is the constitutional obligation of the State Governments and the Central Government to see that the acts passed by the Parliament are properly implemented. May I tell him this? (*Interruptions*) My difficulty is, the hon. Member has not the patience enough to listen to me.

SHRI BHUPESH GUPTA: He is mistaken. Article 256 is nothing of the kind.

SHRI Y. B. CHAVAN: I am telling him that the Criminal Procedure Code and the Indian Penal Code are acts of Parliament. They are the Union Acts and when the implementation of that process itself gets blocked, if it is the duty of the Government of India to give directions to them, cannot they give them advice? It is a very simple thing. It was given in a friendly spirit. There is nothing

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wrong. Immediately after making the speech—certainly I had made the statement at the concluding time—if the Chief Minister wanted to say something, I would have sat. It would have become an item of the agenda for discussion. After these discussions I sat for nearly 45 minutes with the Chief Minister discussing the implications of my speech and I have the greatest regard for the Chief Minister of West Bengal. He did not take the technical attitude in this matter. He did not tell me 'You had no right to speak this or that'. We were trying to understand each other.

SHRI BHUPESH GUPTA: This is not the point.

SHRI Y. B. CHAVAN: The main point at issue is whether I was authorised to speak on that forum and the point the hon. Member has made is that I should have made a confidential speech. What exactly he means by that I do not know. I was speaking on a forum on which I was authorised to speak and whatever I had spoken is there. Here I am speaking on the most important forum and every word I say goes out in the press. There is nothing wrong about it.

SHRI BHUPESH GUPTA: Mr. Chavan, you clarify about it. He held a press conference. It was not a question of leaking out. He held a press conference.

SHRI Y. B. CHAVAN: You get some facts from me also. You listen to me. Whatever I had said in the meeting of the Zonal Council was released to the press automatically and when I held the* press conference they asked me questions about that statement. There was nothing wrong about it. After I made that statement nearly after 11 hours I walked into the press conference. By that time the speech I had made in the Zonal Council was a public property. It was in the hands of the pressmen.

SHRI BHUPESH GUPTA: Why?

SHRI Y. B. CHAVAN: Why? Because every word spoken in the Zonal Council has to be released to the press

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SHRI BHUPESH GUPTA: Because you wanted to use this forum for political purposes.

SHRI Y. B. CHAVAN: Why are you afraid if I speak publicly something which is very important and very essential? You want to speak out everything which suits you. Why are you afraid if I speak publicly some things which are very important and very essential? Whatever was in the interest of the country, whatever was in the interests of the nation and whatever was in the interests of West Bengal itself, if I had said that and if I wanted the Government and the public to know about them, there was nothing wrong about it.

(Interruptions)

MR. CHAIRMAN: I would request hon. Members to hear the Home Minister.

SHRI Y. B. CHAVAN: Some Members made the statement as if we went there to protect the interests of one particular party. It is not true. If you read the statement I made I did make a reference that we were equally interested in the welfare and rights of the working classes. Let not Members go away with the feeling that they are only the monopolists to take care of the interests of the workers. *(Interruptions)* I am very sorry to say this but really speaking they are misleading the working classes.

SHRI NIREN GHOSH: You are suppressing the workers.

SHRI Y. B. CHAVAN: A man who wanted to suppress would not have gone to give friendly advice but people who are afraid . . .

MR. CHAIRMAN: You should hear him. He has heard you.

SHRI Y. B. CHAVAN: The point is this. A man who wanted to suppress would not have gone to give friendly advice but those who are even afraid to look at a friendly advice has something to hide in their minds. What is that 'something' let them find out themselves. It is not a question that

we were interested in protecting a particular class of people. What we are interested is the protection of the rule of law and the Constitution and it is our conviction *(Interruptions)* that by protecting the rule of law and protecting the Constitution we will protect every citizen, every class, every worker in this country.

SHRI NIREN GHOSH: The Constitution says. . .

MR. CHAIRMAN: No. I do not allow any speech. You must hear the Home Minister but do not disturb him. He never disturbed you and you do not disturb him.

SHRI BHUPESH GUPTA: Empire . . .

(Interruptions)

SHRI Y. B. CHAVAN: The main points they had tried to raise I have answered.

SHRI BHUPESH GUPTA: No, you have not, Mr. Chavan.

SHRI Y. B. CHAVAN: What can I do about it? I can convince the people who have open minds.

SHRI BHUPESH GUPTA: I cannot force you to answer.

SHRI Y. B. CHAVAN: But if somebody closes his mind, what can I do?

SHRI NIREN GHOSH: You have a closed mind because your line is in a particular direction. *(Interruptions)* We have nothing to hide.

SHRI Y. B. CHAVAN: My point is, this movement of 'gherao' is not in the interest of the economy of West Bengal. It is not in the interests of the economy of India. It is not in the interests of the working classes of West Bengal. It is not in the interests of the working classes of India and Mr. Gupta knows it, I am sure about it.

SHRI BHUPESH GUPTA: This is my personal explanation. He need not presume my knowledge or ignorance.

The issue is not that. You being a veteran politician of the country and being a distinguished labour leader know

MR. CHAIRMAN: I cannot express my views unfortunately.

SHRI BHUPESH GUPTA: The issue I have raised is not on the merits of 'gherao'. The issue is whether the Home Minister acted within the limits of the Constitution in giving public direction to the State in the manner he did.

SHRI Y. B. CHAVAN: Mr. Bhupesh Gupta, you have promised me to listen. I may make an appeal to him. He is angry about the friendly advice we have given to the West Bengal Government because I have given it publicly. I would request that he should give the same advice confidentially to the West Bengal Government.

SHRI BHUPESH GUPTA: It is a provocation masquerading as friendly advice.

MR. CHAIRMAN: I would not like anyone to obstruct the Home Minister. Kindly sit down. He is very courteously replying to the points you have raised.

SHRI NIREN GHOSH: What is the point in bringing in security?

SHRI Y. B. CHAVAN: I cannot convince you. I have lost that hope.

SHRI NIREN GHOSH: This is inconvenient to you.

SHRI Y. B. CHAVAN: I would make my concluding observations. As a said, this gherao is something which is very unusual, unprecedented, and something which is neither in the interests of the nation nor in the interests of West Bengal. Mr. Bhupesh Gupta said that they represent West Bengal. On that, Sir, may I say that we all represent a great entity, a great country called India? Let us try to look at the interests of India. And we want to be helpful to the West Bengal Government in this matter. It is not a question Of Centre-State relationship. In the very interest of Centre-State relationship I thought it was my duty to give them my frank and friendly assessment of the situation

that took place. If I had carried something quietly and secretly in my mind, it would have been absolutely against the very basic interests of Centre-State relationship. Whether the Constitution is federal or unitary, I do not want to go into those academic aspects of it. I leave it to the constitutional pandits; I will leave that matter to the constitutional pandits.

SHRI BHUPESH GUPTA: You are a pandit.

SHRI Y. B. CHAVAN: But I know that State Governments are given certain functions and the Union Government is given certain function, and both of them have certain common responsibilities and obligations.

SHRI BHUPESH GUPTA: Within their respective jurisdictions.

SHRI Y. B. CHAVAN: Let us all, therefore, discharge our responsibilities properly and—I would say—let us try to be helpful to West Bengal by giving them the correct advice, not mislead them as some of my friends have done.

MR. CHAIRMAN: The House adjourns till 2*30 P.M.

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

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

MOTION RE INTERIM REPORT ON INDUSTRIAL PLANNING AND LICENSING POLICY—contd.

THE DEPUTY CHAIRMAN: Mr. Arjun Arora. You have five minutes more to speak, and you may continue your speech.

SHRI NIREN GHOSH (West Bengal): Only five minutes?

THE DEPUTY CHAIRMAN: I am speaking to Mr. Arjun Arora, Mr. Niren Ghosh. You need not make comments. Mr. Arjun Arora.

SHRI ARJUN ARORA: (Uttar Pradesh): Madam Deputy Chairman, before I was interrupted yesterday by a rather prolonged interruption, I was