

Srivastava, Dr. J. P. Sumat Prasad, Shri. Surendra Ram, Shri V. M. Tajamul Hussain, Shri. Tamta, Shri R. P. Tankha, Pandit S. S. N. Tayyebulla, Maulana M. • Thakur Das, Shri. Thanhlira, Shri R. Thimmabovi, Shri L. H. Vakiya, Shri K. D. Varma, Shri C. L. Vyas, ShriK.

NOES—35 Abdul Razak, Shri. Angelina Tiga, Shrimati. Arman Ali, Munshi. Banerjee, Shri S. Bhaj Deo, Shri P. C. Deshmukh, Shri N. B. Dhage, Shri V. K. Dhillon, Shri G. S. Dube, Shri B. N. Dwivedy, Shri S. N. George, Shri K. C. Ghose, Shri B. C. Ghosh, Principal Devaprasad. Gupta, Shri B. Gour, Dr. R. B. Guruswami, Shri S. Imbichivaba, Shri E. K. Kakkilaya, Shri B. V. Kishen Chand, Shri. Lakshman Singhji, Shri. Mahanty, Shri S. Manjuran, Shri M. Mann, Lt.-Col. J. S. Mazumdar, Shri S. N. Misra, Shri C. G. Naidu, Shri P. S. Rajagopal. Narasimham, Shri K. L. • Narayana, Shri P. V. Ranawat, Shri M. S. Rao, Shri Venkat.

Rath, Shri B. Raut, Shri R. B. Reddy, Shri C. G. K. Sundarayya, Shri P. Suryanarayana, Shri K.

The motion was adopted.

THE STATE ARMED POLICE FORCES (EXTENSION OF LAWS) BILL, 1952

THE MINISTER FOR LAW (SHRI C. C. BISWAS) : Mr. Deputy Chairman, on behalf of the Home Minister, I move.

That the Bill to provide for the extension of disciplinary laws in force in any State relating to the armed police force of that State to members of the said force when serving outside that State, as passed by the House of the People, be taken into consideration.

I do hope that this Bill, at any rate, will not prove as contentious as the other one. I hope my friends opposite will admit that from their point of view also, this is an innocuous measure. All that is suggested here is that when the armed police forces of one State go over to another State to serve there, then they will be subject to the laws of that State for the time being except as regards matters of discipline. For the purpose of understanding the Bill it is necessary to refer to the existing laws on the subject. The first Police Act is a very old one, Act V of 1861. That is still in force. Police forces were created and even now are created under that Act. Under it certain powers are conferred on the police forces. It also imposes certain liabilities on them. For instance, I will just refer you to sections 9 and 10, where you will find the liabilities that are imposed. A police officer cannot resign without leave or without giving two months' notice. Then they are liable to departmental punishment; hence and may be sentenced to imprisonment for a term not exceeding three months or with fine not exceeding three months' pay-That you will find in section 29.

[Shri C. C. Biswas.] Then, the next Police Act is Act III of 1888. There is a specific section there which deals with the employment of police officers beyond the Province to which they belong. Section 3 says :

" Notwithstanding anything in any of the Acts mentioned or referred to in the last foregoing section, but subject to any orders which the Central Government may make in this behalf, a member of the police force of any State may discharge the functions of a police officer in any part of any other State and shall, while so discharging such functions, be deemed to be a member of the police force of that part and be vested with the powers, functions and privileges, and be subject to the liabilities, of a police officer belonging to that police force."

In other words, under this section when a police officer finds himself in temporary service in another State on requisition by that State, then he automatically comes under the rules which are in force there. While so discharging his functions in that State, he shall be deemed to be a member of the police force of that State, and therefore he will be vested with all powers, functions and privileges and also be subject to the liabilities of police officer of that State.

A few years back a case occurred when the Delhi State had to requisition the services of the U. P. Armed Constabulary. They came over here. That police force in U. P. had been created by a Special Act of the State Legislature in 1948. There certain rules were laid down regarding the members of that Constabulary—rules of discipline etc.—and there were certain offences or acts for which they were liable to punishment in a certain manner. When they came over here, under section 3 of the Act, which I read out just now, they came to be subject to the Police Act which was in force in Delhi. There was then a request from the Government of U.P. that wherever the units of their police force might be stationed for the time being, so far as disciplinary control is concerned, they should be allowed to remain under the rules and laws in force in the State of origin. That request was acceded to and the Constituent Assembly (Legislative) passed the U.P. Provincial Armed

Constabulary (Extension of Laws) Act, 1949 in order to achieve this object. There have been other States also where special armed police forces have been set up. A list of them will be found in the schedule to this Bill. It is as follows:

The Bengal Military Police Act, 1892 (V of 1892).

The Eastern Frontier Rifles (Bengal Battalion) Act, 1920 (Ben. Act II of 1920).

The Bombay State Reserve Police Force Act, 1951 (Bombay Act No. XXXVIII of 1951).

The Central Provinces and Berar Special Armed Constabulary Act, 1942 (C.P. and Berar Act No. VII of 1942).

The Madhya Bharat Special Armed Force Act, Samvat 2007 (Madhya Bharat Act No. 75 of 1950).

The Orissa Military Police Act, 1946 (Orissa Act No. VII of 1946).

The Rajasthan Armed Constabulary Act, 1950 (Rajasthan Act No. XII of 1950).

The United Provinces Provincial Armed Constabulary Act, 1948 (U.P. Act No. XL of 1948).

There are police establishments under these various enactments of the different legislatures and the question was whether the same provisions should not be made regarding the police forces under these enactments as had been done in the case of the constabulary of U.P. One way of achieving that object would have been to amend section 3* of the Act of 1888 which says :

"..... while so discharging such functions, be deemed to be a member of the police force of that part and be vested with the powers, functions and privileges, and be subject to the liabilities, of a police officer belonging to that police force."

But it was considered that the better way would be to have Central legislation which would apply to all States-

police forces for that purpose. That is why we find clause 3 of the Bill laying down as follows:

"Where any detachment of an armed police force of a State is serving in any part of any other State, whether independently or by being attached to the police force of that other State, then, notwithstanding anything contained in section 3 of the Police Act, 1888 (III of 1888), every member of the said detachment, while discharging the functions of a police officer in that other State, shall continue to be subject to the same laws in respect of discipline and liabilities as would have been applicable to him, if he had been discharging those functions within the State to which the said force belongs."

That is the only object of the Bill. As a matter of fact a police officer may have to go to another State in the discharge of his normal duties. Supposing he is investigating a crime and the criminal goes to the other State, he has to pursue him. That is why you find the words "whether independently or by being attached to the police force of that other State". He may go to the other State in pursuance of his normal duties or he may go there in pursuance of a requisition from the other State. That, Sir, I repeat, is the only object of this Bill." The Schedule may be enlarged as other States may enact similar laws for setting up armed constabulary forces. The additions will be made. That is why we say:

" The Central Government may, by notification in the Official Gazette, add to, or omit from, the Schedule any enactment and on the publication of such a notification, the Schedule shall be deemed to be amended accordingly."

As we are having this Central legislation which will cover all the States, there is no further occasion for retaining the U.P. Provincial Armed Constabulary (Extension of Laws) Act, 1949 on the Statute Book. That is provided for in clause 5. Sir, I move.

MR. DEPUTY CHAIRMAN : Motion moved:

That the Bill to provide for the extension of disciplinary laws in force in any State relating to the armed police force of that State

to members of the said force when serving outside that State, as passed by the House of the People, be taken into consideration.

SHRI B. GUPTA (West Bengal) : Mr. Deputy Chairman, Sir, we are opposed to this Bill partly on the ground of principle but also on the ground of practical considerations. The hon. Law Minister has made out a case as if it is only a matter of simple technicality. But I think there is here something much more than that. First of all I wish to make it clear that we are against generally the drafting of the armed forces, whether it is police or any other, from one State to another. We draw upon the experiences of such drafting and we find.....

KHVVAJA INAIT ULLAH (Bihar): Even for preventing the riots ?

SHRI B. GUPTA : These steps have not been taken with a view to quelling communal disturbances or disturbances that are really anti-social but with a view to crushing the democratic movements of the people. My friend is very anxious to find out my reactions anticipating something, and perhaps apprehending my words—he might very well turn his attention to what happened in Hyderabad or in Madras. The armed forces were drafted from various Provinces to that part of India where there was—the hon. Member will please note—a lot of blood-shedding. That was done with a view to drowning the people's movement in blood. That is the test as to how these are applied. Therefore, we are against it and I would like to say here that if any hon. Member would like to know what happened in the course of the riots, I would like to tell him or any other Member that when the riots took place in Calcutta in 1950, when the communal elements, encouraged and inspired by certain elements in the ruling oligarchy, were playing havoc, no armed forces were drafted from the Province of my hon. friend—I mean the hon. Member from Bihar. This is not done. When it is a question of really

[Shri B. Gupta.] dealing with any anti-social elements, we find that the minions of the Congress Raj are very slow-moving. They don't move as fast as they should. When, however, the people begin to assert themselves, when they put forward their demands in the various States, then the Government begin to draft forces in an extensive manner from one State to another to deal with what they call disturbances. Naturally the Congress mind gets very much disturbed, I can understand it. But it is not as if the security of the State is disturbed just because the people advance their demands and come forward in a progressive movement. Therefore, I maintain that this drafting of police force from one State to another is extremely dangerous in the context of the situation in which we find ourselves to day. What happens when this drafting of such forces is done? And since my hon. friend from Bihar is taking down notes, he will kindly note this also. This force coming from one State into another would function under the laws of the State from which the force has come. Take for instance, that there is trouble for the Congress in Bengal. Naturally the force from Bihar where there are gallant men like my hon. friend, will be drafted and brought into Bengal to quell the disturbance. Then what will happen? Suppose in Bengal we put the Congress in a tight corner then, in spite of people's strength, in spite of their influence even on the armed forces and other sections of the Government services, they will not be able to fully control the forces coming from outside. Because they will be under the discipline, the rules for instance, of such a State to which my hon. friend belongs. And from the speeches that he has made, we can understand what kind of discipline that will be. Therefore I say this is an attempt indirectly to create a situation where one State could be instigated against another and this is indeed a very subtle move.

SHRI B. B. SHARMA (Uttar Pradesh) : Sir, on a point of information.

MR. DEPUTY CHAIRMAN : No. let him proceed.

SHRI B. B. SHARMA : Sir, just one thing which I would like to ask the hon. Member through you. Do these remarks of the hon. Member imply that they are trying there in Bengal to create a situation in which the force from Bihar may have to be drafted?

SHRI B. GUPTA : I am stating a certain proposition and I am giving my arguments. I can only give arguments, but I cannot put brains into my hon. friend's head. Now this situation that I was referring to will inevitably arise in the context of the present political situation. Now, what is the harm if we have no such enactment like this? You have your governments in all the States and you have got, thanks to the British, a whole bunch of police regulations which you have very very gladly and deliciously assimilated. Make use of them if you must. Why this amendment again? I can tell you why this is being done now. They expect that certain Provinces may not be stable for them after some time. To day they may be, but after a time, they expect, some Provinces in the South and also in the East may go out of their hands. Then they would like the Central Government to step in and interfere in the internal affairs of the Province and for that sort of contingencies they want to have the necessary powers to draft forces from other Provinces into those particular Provinces. If a provision like the one we are considering is not there, then if somebody else happens to be in the Ministries in Provinces like Andhra or Madras or Bengal, then the forces from Delhi would be under the discipline of that new Government. That is the situation that they want to forestall. It is not a question of the police force going into another State to arrest an individual criminal. It is not so simple as that. You have here a whole law changed. The armed forces going from one State to another would be subject to the discipline of the State from which the

forces come. If it were merely a question of sending a small force to chase and apprehend an individual, a fugitive who had gone into the other State. I can understand that. There is nothing here to show that this power will not be used for other purposes. On the contrary I feel that they can be used against the people of the other State. Therefore the monstrosity of this piece of legislation should be apparent to all if only they would read between the lines of this Bill. That is also a point which we wish to make.

Another point that I wish to make is this. Police is a subject which occurs in the State List in our Constitution. When a police force goes from one State to another State, I think it stands to reason that that force which has been dispatched from the first State should function and operate under the discipline of the second State. But here you are introducing something quite different. They will be under the discipline of the State sending the force. This is a proposition that goes against, if I may say so, the provisions of the Constitution. But I know our Constitution is so very pliable that it could be interpreted in any way you like. For this reason, I submit it is not proper to bring in a measure which encroaches upon the realm of another State even if my hon. friends of the Congress are somewhat panic-stricken at the prospect of the rise of popular forces in certain States.

These are three grounds on the basis of which I oppose this Bill. And lastly there is one more point which we should bear in mind. If there is a police force stationed in Bengal for some time, if they live there for a sufficiently long time, they would, more or less, be connected with the people, they may be more or less liable to be sympathetic towards the aspirations and urges of the people in that particular State. That is a prospect which naturally frightens our hon. friends of the Congress party. What do they want? They want in such a situation to send forces from outside to such a province where things have become difficult for them so that

the force can be employed against the popular movement. Also they want to keep their hold over these forces which they send out to the different Provinces to quell the movement in those particular Provinces. And so, though this piece of legislation looks quite innocuous, these are its grave implications. When we pass a law we must take into account the actual practice obtaining in the land, we must take into account the uses that are likely to be made of that law, we must take into account the practical implication, of every measure we pass here. It is no use giving assurances, because neither the assurances nor the Minister who gives such profuse assurances would go with the police force to uphold the same things that are being said here. They become mere words after the law is passed. In a court of law they cannot be mentioned because they have no legal validity. Therefore, if such laws are passed, they will create a situation which would go against not only the people but also against the structure of the federal Constitution that you have today. That is the apprehension in the minds of the people; and there may be even provincial divisions in the Government forces which would give rise to all kinds of fissiparous feelings that you claim to fight. This is another very important reason why I oppose this measure. I would, therefore, request, if requests have any importance here,

SHRI B. RATH (Orissa) : -None at all.

SHRI B. GUPTA : I would request the Law Minister to quietly withdraw this measure and let us go home. After all he has just passed one Bill and arrayed all the three armed forces against the people. He has now enough powers. Why be in such hurry to pass another measure ? Why not give some time ? Have a little patience. If you have put your hand on one game, why not try and see if you cannot play it well ! And if you desire, you can still have more powers, you can do what you like. After all, you have

[Shri B. Gupta.] at your command the brutest majority that any Parliament can ever have, and as long as you have that, any measure that you like can become law. Assurances that may be given have no meaning in this world as long as counter-revolution occupies the Treasury Benches.

SHRI RAJAGOPAL NAIDU
(Madras) : Mr. Deputy Chairman, there seems to be a tendency on the part of the brother Members of the Opposition to oppose every Bill, whether it is brought up with a good motive or with a sinister motive. I was really glad that the Opposition stood in one bloc and opposed the previous Bill which was forced upon us a little while ago. I was indeed glad almost all the Members of the Opposition stood firm against the Congress and the Government. But, I was really wondering how Mr. B. Gupta would oppose this Bill

SHRI GOVINDA REDDY (Mysore): It has become a disease.

SHRI RAJAGOPAL NAIDU : I was very carefully going through the provisions of this Bill. After all, we want discipline in the Army, discipline in the Police and discipline in every walk of life.

AN HON. MEMBER : But not in the Communist Party.

SHRI B. RATH : You have never seen. How can you say ?

SHRI B. GUPTA : Discipline of the right type.

SHRI RAJAGOPAL NAIDU : This Bill provides, for a police force belonging to one State and taken to another State, for the discipline to be observed there, whether it will be the discipline observed in the State from which the force was drawn or whether it will be discipline observed in the State to which it has been sent. We want a certain uniformity of law in out

country. If not, it will be something like a few pieces of iron rods, joined together not properly, so that the moment they are shifted to a place, they get disjointed. I feel, Sir, very strongly that we must have a measure which will give uniformity of law. Now, you are having, British, American and so many other nations fighting in Korea. If they do not observe their own laws and rules, I do not think they can put up any effective fight. It is only this thing that made me get up and ask how the opposition, with any grace, can oppose the measure that is being introduced.

I wholeheartedly welcome that this Bill should be made into law.

KHWAJA INAIT ULLAH (Bihar):

خواجہ عنایت اللہ (بہار) : جناب
دیہی چیئرمین صاحب! جیسا کہ اس بل کو پیش کرتے وقت ہمارے لامنسٹر صاحب نے فرمایا تھا کہ کم سے کم یہ ایک ایسا بل ہے جس پر اپوزیشن کی طرف سے کوئی اعتراض نہیں ہوگا۔
میں نے سمجھا کہ واقعی ہمارے اس سیشن میں شاید ایک دن ایسا آ جائے جس دن ہمارے مخالف بھائی صحیح بات کو مان جائیں۔ ابھی میرے اپوزیشن کے دوست نے اتنی زوردار تقریر کی اور اس بل کے خلاف بہت سی باتیں کہہ ڈالیں۔ انہوں نے اپنی فاط آواز کو ہندوستان کے چاروں کونوں تک پھیلانے کی کوشش کی جس سے سب کو معلوم ہو جائے کہ واقعی میں اس پارلیمنٹ میں ان کے آنے کا کوئی خاص مطلب نہیں ہے۔ ہوائے اس کے کہ وہ ہندوستان کے جائز حکومت کی جو کہ مہجارتی (majority) سے آئی ہے ہر بات میں

مخالفت کرے چاہے وہ بات صحیح ہو یا غلط ہو اس سے ان کو کوئی سروکار نہیں۔ ان کو اس بات کا بھی خیال نہیں ہے کہ ان کی جو مخالفت یہاں پر ہوتی ہے اس کی باہر ہنسی اور مذاق اڑایا جاتا ہے بلکہ یہ ان کا مقصد رہتا ہے کہ منہ بولنا چاہیئے چاہے جایز بات نکلے یا ناجایز بات نکلے۔

میرے بھائی نے جو بات یہاں پر کہی اس میں انہوں نے بار بار بہار کا ذکر کیا اور کہا کہ اس طرح کا قانون اس لئے بنایا جا رہا ہے کہ ہمیں جگہ بہ جگہ اگر پولیس فورس کی ضرورت پڑے تو اس سے کام لے سکیں۔ جیسا کہ ابھی ہمارے لا منسٹر صاحب نے کہا کہ اگر ایک ڈاکو بھاگا جا رہا ہو اور بہار کا کوئی پولیس انسپکٹر یا کانسٹیبل اس ڈاکو کا پیچھا کر رہا ہو تو وہ انسپول سے آئے نہیں بڑے سکتا ہے جہاں سے بلکل کی سرحد آتی ہے کیونکہ وہاں سے بلکل کا قانون لاکو ہو جاتا ہے۔ اس لئے کوئی ایسا قانون بنایا جانا چاہئے جس سے کہ اگر کچھ لوگ بھاگے جا رہے ہوں اور ہمارے بہار کی پولیس ان کے پیچھے جاتی ہے تو اس کو آگے بھی جانے کے لئے کوئی قانون نہ روک سکے۔ اور اس کو قانون حق میں بہار کی قانون کی طرح تریٹ (treat) کیا جائے۔ مگر ہمارے بھائی کہتے ہیں کہ اس قانون کے پیچھے کوئی نہ کوئی چیز ضرور چھپی ہے۔ انہوں نے خود کہا کہ

اگر بلکل میں ہم لوگ کانگریس ڈرنسڈت کو کورنر (corner) کر لیں اور اتنا کورنر کر لیں کہ پولیس پر بھی قبضہ ہو جائے اور فوج پر بھی قبضہ ہو جائے تو اس موقع پر کیا ہوگا۔ کیا اس وقت بہار کی پولیس اور فوج کو بلایا جائے گا۔ میرے دوست نے شاید کانسٹیٹیوشن کو اچھی طرح سے نہیں پڑھا ہے۔ اگر انہوں نے کانسٹیٹیوشن کو پڑھا ہوتا تو ان کو معلوم ہو جاتا کہ جس روز وہ اس طرح کی حالت بلکل میں کر دیں گے پولیس اور فوج کو کورنر کر لیں گے تو اس وقت کے لئے ہمارے کانسٹیٹیوشن میں ایمرجنسی پراوڈس (provisions) موجود ہیں۔ اس وقت ہمارے لئے یہ ضروری نہیں ہے کہ ہم بہار ہی کی پولیس کو بلائیں۔ اگر اس طرح کا کوئی انٹرنل ڈسٹربنس (disturbance) ہو جائے اور وہاں پر بغاوت شروع ہو جائے تو ہم کو بہار سے یا کسی دوسری جگہ سے فورس منگانے میں کوئی رکاوٹ نہیں پڑے گی۔ اگر آپ لوگ واقعی بغاوت پر آمادہ ہو جائیں تو ہمارے کانسٹیٹیوشن میں انٹرنل ڈسٹربنس ہونے کے وقت جو قاعدے قانون بنائے گئے ہیں ایسی حالت کا مقابلہ کرنے کے لئے اس وقت ہم ان قواعد سے کام لے سکتے ہیں۔

ہمارے اس قانون سے ہرگز یہ مطلب نہیں ہے کہ کسی استیٹ کی جڈت کی آواز کو دبانے کے لئے طاقت استعمال کی جائے۔ ہمارے دوستوں کو شاید یہ معلوم

[Khwaja Inait Ullah.]

نہیں کہ جب بنگال میں رائٹس (riots) ہو رہے تھے تو بہار کی پولیس وہاں پر نہیں تھی - میں جانتا ہوں کہ ہندوستان میں ایسا وقت بھی آسکتا ہے جبکہ ایک صوبہ کو، پولیس دوسرے صوبہ میں بھیجنا پڑے - اگر پولیس سے کام نہیں چلیگا تو ہم کو آرمڈ پولیس فورس (armed police force) بھیجلی بیویگی - فوج بھیجنے کی اجازت کا بل تو ابھی ابھی ہمارے بھائی نے پاس کر ہی دیا ہے - اب پولیس کے کچھ سپاہیوں، انسپکٹروں کو ایک پراونس سے دوسرے پراونس میں اپنے ہی ملک میں اور ڈومینین (dominion) میں کسی خاص کام سے کچھ عرصہ کھائے بھیجا جائے - تو اس پر ہمارے مخالف بھائیوں کو اعتراض ہوتا ہے تو اس سے صاف نظر آتا ہے کہ آپ کا اعتراض کوئی معنی نہیں رکھتا ہے اور بے معنی ہے - ایسا اعتراض نہیں کرنا چاہئے جس کے کچھ معنی نہ ہوں - آپ جب کبھی اعتراض کرتے ہیں تو آپ صرف اعتراض کے لئے اعتراض کرتے ہیں کسی فائدہ کے خیال سے نہیں ہندوستان کی حکومت بعض ملکوں کی طرح ایسی نہیں ہے کہ وہ آپ کی آواز کو طاقت سے بند کر دے آپ کو حق ہے کہ آپ اپنے منہ سے جو کچھ کہنا چاہیں کہیں - اس قانون میں کوئی ایسی نئی بات نہیں ہے اس میں تو صرف آپ کے صوبوں کو چلانے کے لئے آسانی بہم پہنچائی جا رہی ہے - اس قانون

کے بغیر صوبوں کو جن مشکلات کا سامنا کرنا پڑتا ہے اس کو سنٹرل قانون بنا کر دور کیا جا رہا ہے - اس قانون میں کوئی نئی بات نہیں ہے اس لئے میں اپنے ایوزیشن کے مسجروں سے کہوں گا کہ وہ یہاں آئندہ جب کبھی کسی چیز کی مخالفت کریں تو پہلے سوچ لیں کہ یہ چیز مخالفت کے لائق ہے یا نہیں - غلط اور بے معنی مخالفت کرنا کوئی معنی نہیں رکھتا -

[For English translation see Appendix II, Annexure No. 57.]

SHRI B. RATH : I had no intention of speaking on this Bill, but it is because my hon. friend from Bihar has at least admitted certain of the statements made by the hon. Member from Bengal that I have risen to speak on this Bill. I will not go into the political aspect of the Bill, because it has sufficiently been dealt with, but I would simply say that my hon. friend from Bihar, in spite of his attack, has admitted one fact, that this Bill is meant to send out detachments of armed police force to another State even though the other State does not require its assistance.

KHWAJA INAIT ULLAH : I have never said so, Sir.

SHRI B. RATH : So I say the question of sending of this detachment to another State when there is no demand for it from the other States does not arise and as such the statement made by my friend from Bihar is not relevant to the subject. But my submission is that by introducing this Bill the Union Government is trying to arrogate to itself certain powers which are not vested in them under the Constitution. The police force or their discipline or the rules made under the Acts mentioned in the Schedule are completely within the

jurisdiction of the State Governments and by making a legislation on the , plea to bring about some uniformity with respect to discipline and other things when the police force of one j State goes on to another State, the Central Government is interfering j with the legislative powers of the I State Governments. I submit that if the Central Government are so much interested, then it is all the better for them—because they have the same brand of Governments in all the States — to advise the States privately to amend the Acts of the different States in such a way that the police of different States come within the same type of discipline and as such there will be no occasion for a police force going to another State to be controlled by the discipline of the State from which it goes as provided under this Bill. Sir, it has been admitted by the Law Minister that the Acts given in the Schedule are not uniform in character with respect to discipline and other things and that the different State Acts provide differently. Therefore my submission is that whenever the police force of one State goes to another State then that police force must be guided by the rules of the other State and not by those of the State from which it is going, because he has himself admit'ed that the rules are diiferent. And if a certain type of crime is committed in the other State and if the rule does not provide for it, then the man escapes. Supposing a police detachment goes from Orissa to Bengal. The Orissa Act does not provide for the policemen being taken to task for, say, having illegally broken open the house of a citizen while discharging his duty, whereas the Bengal Act provides for such crimes being punished. Now what will happen ? According to Orissa law since there is no punishment for breaking open the house of a ciitizen, that policeman escapes, while he would have been punished had he been brought under the law of the State in which he serves for the time being. So I would like the Law Minister to advise the State Governments to see that the provisions of the State laws become uniform. 26 CSDtb.

He should not interfere so as to make the discrepancies in law save the police detachment from coming under the mischief of the law in another State.

Another thing that the Law Minister said was that when an individual pursues a criminal into the other State, he should be guided by the discipline of his own law. I submit that this Act does not provide for such a contingency. It is not a question of an individual pursuing a criminal. This is in respect of a detachment and the detachment is never an individual.

KHWAJA INAIT ULLAH : Sometimes a detachment may consist only of five policemen.

SHRI B. RATH: Even then it is not one.

MR. DEPUTY CHAIRMAN : You go on.

SHRI B. RATH : I can go on ; but if the hon. Member wants som; help, I can assist him.

MR. DEPUTY CHAIRMAN : Order, order.

SHRI B. RATH : Now, Sir, I submit that this law, as my friend has pointed out, is not really so innocent as it seems to be. Firstly it is an encroachment on the State List. Secondly it is not intended for individual cases but the position is that a detachment will go from one State to another to suppress any movement that may be carried on by the people. Previously to this we had another Act which we have passed and that Act is to be supplemented by this Act. That must be understood. What have we done previously ? To break up unlawful assemblies we have empowered Government' to requisition the help of the naval ratings and Air Force personnel and now this will enable the police force of one State to go to another. In some of the J States there was no such Act, but

[Shri B. Rath.]

due to the grace of the Congress Governments this Act has come in many new places. For example, in Madhya Bharat, Orissa, Rajasthan, United Provinces and Bombay there was no Act and the armed police was created by the Congress Governments to quell riots. The Orissa Province was unfortunate enough to send a contingent of military police to Hyderabad and this was also used in our own State. We know what they have done in Hyderabad and how they behaved there and what for they were sent there. And this Act is meant for such purposes and not to run after criminals as is made out. So my submission is that these State armed forces should never be used, should never be requisitioned to go to another State and they must only function within the State, if necessary, and nowhere else. So I oppose this Bill.

SHRI C. C. BISWAS : My hon. friend suggests that it should not be possible for the armed police force of one State to go over to another. Therefore, according to him, each State should have an armed police force within its borders of sufficient strength not to be under the necessity of asking for assistance from another State. Unfortunately financial considerations, administrative considerations and other considerations make it almost impossible to accede to such a suggestion. As we have got to impose some restrictions on the size of the armed police force in any particular State, no single State can maintain such a force on an adequate basis, and we must take power to provide for sending the armed police force from one State to another neighbouring State.

It is not the object of this Bill to take any new power. That power is already there. That is in the Act of 1888. So, we are not taking new powers. Some States have passed certain laws by which special armed constabularies have been constituted. To give an instance, the Uttar Pradesh

Government suggested that there should be legislation in order that the forces which came over to Delhi should be subject to the disciplinary laws which were in force in Uttar Pradesh. That was done, and it is now proposed to extend the same principle to other State forces. That is about all. There are some persons with a coloured vision. They always see a spectre where there is none. They think that every piece of legislation wherever you find the word "police" used must be directed against Communists and for the suppression of political opponents. That is the nightmare that haunts them. If they suffer from this diseased imagination, how can any one deal with them? That is unfortunately my position.

This measure, I claim, is a very simple measure. You need not conjure up those terrible visions—contingencies in which armed forces will be despatched from one State to another in order to suppress Communists or other parties. Nothing of the kind. But it is said, the word "detachment" is there. That suggests that it could not be a case of ordinary crimes which might have to be investigated by the police of one State necessitating the police of that State travelling to the other State. That must, therefore, be for the suppression of Communist disturbances. Sir, if Communist disturbances are in the brain, I cannot help it. Of course I can understand my friends thinking and saying that the less police there are in the country, the better. I need not pursue the matter.

Sir, constitutional experts have spoken on the constitutional aspect. I may refer them only to entry 80 in the Union List in the Constitution, and also, so far as the State List is concerned, to entry 2 which relates to "Police, including railway and village police". Under this entry in the state list, a State can constitute a new police force, as has been done in some of the States. Then as to entry 80 in the Union List; it

expressly speaks of "extension of the powers and jurisdiction of members of a police force belonging to any State, to any area outside that State, but not so as to enable the police of one State to exercise powers and jurisdiction in any area outside that State without the consent of the Government of the State in which such area is situated." All that is asked for in this Bill is that the State of origin must retain disciplinary control over the police forces which it lends to another State. That is about all.

MR. DEPUTY CHAIRMAN : The motion is :

That the Bill to provide for the extension of disciplinary laws in force in any State relating to the armed police force of that State to members of the said force when serving outside that State, as passed by the House of the People, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN : There are no amendments tabled to this Bill.

Clauses 2, 3, 4 and 5 were added to the Bill.

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

SHRI C. C. BISWAS : Sir, I move :

That the Bill be passed.

MR. DEPUTY CHAIRMAN : The question is :

That the Bill be passed.

The motion was adopted.

The Council then adjourned till a quarter past eight of the clock on Friday, the 1st August 1952.