

The policy would continue to provide for import of items required for energy conservation or for alternative resources of energy. Some more items have been placed on OGL in pursuance of this objective.

OTHER PROVISIONS

Import of specialised aids for physically handicapped persons will continue to be permitted liberally. Besides, applications for import of capital goods for setting up industries to rehabilitate disabled persons will be given special consideration. Import of specially designed components will be allowed for manufacture of vehicles fitted with disability controls and devices, for use by physically handicapped persons.

A comparatively simpler procedure has been evolved for import of equipments required for development of sports.

Import procedures have been further simplified. REP licensing work for exporters has been completely decentralised. This will provide better service to small exporters.

Formalities of import licencing producers have been dispensed with for non-resident Indians who wish to set up small scale industries in India. They have been allowed to import capital goods and initial requirement of raw materials under OGL.

It is hoped that, through these measures, further impetus will be given to exports, savings in imports will be effected, growth of indigenous industry assured, and our major endowments of manpower and agriculture will be fully exploited.

PROF. MADHU DANDAVATE (Rajapur): Sir, it is a very important policy Statement. I have given a notice under Rules 193 and 184 that there should be a discussion on this Statement

because the demands of the Ministry of Commerce are likely to be guillotined. Therefore, I have suggested that a discussion may be taken up on this and Parliament must find some time for it.

MR. DEPUTY SPEAKER: It will be duly considered.

PRO. MADHU DANDAVATE: You are replying like a Minister, Sir.

12.30 hrs.

CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT) BILL*

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NIHAR RANJAN LAKSAR): Sir, I beg to move for leave to introduce a Bill to amend the Central Industrial Security Force Act, 1968.

SHRI CHITTA BASU: (Barasat): Sir, I rise to oppose the Bill.

Mr. DEPUTY SPEAKER: Take only one or two minutes.

SHRI CHITTA BASU: Why, Sir?

Mr. DEPUTY SPEAKER: Because it is a very small Bill.

SHRI CHITTA BASU: A small Bill does not mean that it is right.

I rise to oppose the introduction of the Bill. The reasons are as follows:

The Bill, although it looks very innocent, has got a deeper intention.

MR. DEPUTY SPEAKER: Innocent. Like the Minister.

SHRI CHITTA BASU: Yes, I am also innocent.

The purpose of the amending Bill is to change the very character of the parent Act.

[Shri Chitta Basu]

The parent Act was to raise the Central Industrial Security Force, not to make it a part of the Armed Forces. Now, this amending Bill wants to convert that Force, which was not an armed force, into a regular armed force. The amending Bill is just opposed to the provisions of the parent Act. It is contradictory to the objectives of the parent Act. The Home Minister has got no jurisdiction, particularly on the subject of raising armed forces. It is within the jurisdiction of Defence. The Home Ministry proposes to change the entire character of the Industrial Security Force into an armed force, which was not envisaged in the parent Act.

Mr. DEPUTY SPEAKER: Why do you go into the details of the Bill?

SHRI CHITTA BASU: I am coming to it. It is contradictory to the objectives of the parent Act.

Mr. DEPUTY SPEAKER: Then wait for the reply of the Minister.

SHRI CHITTA BASU: This is one of the reasons.

Mr. DEPUTY-SPEAKER: Don't go into the details.

SHRI CHITTA BASU: There are other constitutional reasons also.

Mr. DEPUTY-SPEAKER: What are the provisions of the Constitution which are being infringed?

SHRI CHITTA BASU: Articles 19-C and Articles 50 of the Constitution are infringed. I shall deal with these Articles also. The Bill seeks to give to the members of the Force the right or power to arrest without warrant. This is being done, although IPC has got enough and comprehensive provisions for that.

The Ministry visualizes a certain situation; and for that, they want to have this power with all the members of the Force.

Sections 353 and 332 of the Indian Penal Code also provide for the situations. Instead of relying on the existing power under Sections 353 and 332 of the Indian Penal Code, Government gives power to all members of the Force, to make arrests without warrant. This is contradictory to the existing provisions of the Indian Penal Code.

Thirdly, I come to the constitutional aspects of the Bill. The bill denies the right of association.

Mr. DEPUTY SPEAKER: The Bill has not yet been introduced. Only on constitutional and legal points you can speak. Why go into details of the Bill? You are opposing at the stage of introduction itself. How do you know that it will come before the House?

SHRI CHITTA BASU: It is violative of Articles of the constitution, because it denies the right of association.

Lastly, it is violative of Article 50. Article 50 envisages separation of Judiciary from the Executive. And now this Bill wants to give power to the Commander who will be the accuser, the power of the Magistrate. The Commander will be the accuser, he will enquire into the offences; and he will try for the offences.

Therefore, it is violative of Article 50 of the Constitution. Therefore, this House has no legislative competence to take up the Bill. Therefore, I am opposed to the introduction of the Bill and finally say that it is undemocratic, unwarranted; it seeks to militarise industrial relations. That is a very dangerous trend that they want to introduce a military element in the industrial relations. This is highly objectionable and I think we should not give permission to the Hon. Minister to introduce the Bill.

SHRI SUDHIR GIRI (Contai): I endorse the views expressed by Mr. Chitta Basu. I do not want to take the time of the House. That is why I want to confine myself to this. Please refer to Seventh Schedule of the Constitution, List II. On page 342, it states as follows:

“Public order (but not including the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof) in aid of the Civil power”.

That is, public order, law and order, is within the absolute jurisdiction of the State Government. Then you please refer again to Seventh Schedule of the Constitution, List I. On page 334, it states as follows:

“Deployment of any armed force of the Union or any other force subject to the control of the Union or any contingent or unit thereof in any State in aid of the civil power...”.

Here I lay stress on the fact of the ‘civil power’. The armed force should be deployed by the Central Government in aid of the civil power. While there has been appointed a Sarkaria Commission to review the relationship between the Centre and the States and when the States are demanding for more power, the Centre, by virtue of this enactment is going to make serious inroads into the States’ power. Therefore, this is very unjustified and it is an injustice to the States and it is also against the principle of democracy. Therefore, I oppose the introduction of the Bill.

PROF. RUP CHAND PAL (Hooghly)
I oppose the introduction of the Bill on certain grounds. At this stage, it is not proper to give the background or to remind the House of the background in which it was originated in 1965—the idea—and the enactment in 1968. Even at that time, all the State Government, even Congress Government, the Chief Ministers had opposed to it saying that it was a serious inroad into the jurisdiction of the State. Now, after 13 years, there is proposal for further inroad into the jurisdiction of the States, that is public order, at a time when there is the Sarkaria Commission to review the restructuring of the whole relations between State and the

Centre. This is a very serious question, whether the Home Ministry is competent enough to meet a proposal to raise the armed force. This is a very serious question that the Home Ministry is proposing to raise the armed force, whether it is the jurisdiction of the Home Ministry to do that. It is being seen that the Ministers are praising the performance of the public sector undertakings. The other day, I remember, some very important Ministries were quoted as saying that the performance of the Government of India’s public sector undertakings, the joint sector undertakings, is very good and the contribution of their employees is really praiseworthy. At such a time will it not deteriorate the industrial relations? From our own experience we have seen and many times it has happened, that the Central Industrial Security Force itself was being used by the management which is a party to the industrial dispute using the Force against very just trade union movement. What will happen if this is converted into an armed force? We expect that the Armed Forces should be held in high esteem by the whole country, by the whole people by all sections of the people. They have been held in high esteem and great trust, if the Armed Forces are posted there—as has been done in the past—in any industrial dispute against the workers and the employees at the time of strike or just trade union activity, it will cause further deterioration of industrial relation.

Lastly, this last point was also a question, as you know, which has been referred to a joint select Committee and lot of evidence had been taken. The Attorney-General had been called and many things remained confusing. It was not settled. I am not referring to it now. I am just mentioning one point. It has been said that this force might be use not only in the Government of India undertakings but also in other public sector undertaking. What will happen to the jurisdiction of the Armed Forces in the case of the States hold 51 per cent of the shares will in any joint sector undertaking. What will be the jurisdiction of this Armed Force? Huge township are also there by the side of the plants and civil population are involved. They will come

[Prof. Rup Chand Pal]

in clash with this Force and it will deteriorate the situation prevailing, and the respect and the esteem being commanded by the Armed Forces will to a large extent be eroded in future if such a Bill is passed.

Mr. DEPUTY SPEAKER : The Minister will reply now.

SHRI CHITTA BASU : Sir, I am...

(Interruption)

Mr. DEPUTY SPEAKER : I do not allow. He is replying. Why are you getting up ?

SHRI CHITTA BASU : I am on a point of order. Please see Rule 72.

Mr. DEPUTY SPEAKER : He is on a point of order.

SHRI CHITTA BASU : Rule, 72 first proviso. A full discussion is allowed.

Frist proviso to Rule, 72 says—

“Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the speaker may permit a full discussion thereon.”

I raise an objection on the ground that this House has got no legislative competence to consider this Bill.

Mr. DEPUTY SPEAKER : Have I not allowed you ? I have allowed three hon. Members to speak. I did not cut short time. You had a full discussion.

SHRI CHITTA BASU : It is upto you to rule me out. But it is my duty to draw attention. You may kindly allow a general discussion as to whether there should be a discussion.

Mr. DEPUTY SPEAKER : I have already done it. You have already had it. Please sit down. You have been permitted to make a brief statement.

SARI KRISHNA CHANDRA HALDER (Durgapur) : A thorough discussion should be held.

Mr. DEPUTY SPEAKER : In order to oppose the introduction of the Bill you have been allowed, and it is over. Now the Minister will reply. You can only raise the two constitutional points.

SARI NIHAR RANJAN LASKAR : Hon. Members have raised certain objections. But I think there is no necessity for them to raise these objections at this very stage. You know very well—and all of us know very well that at this stage the only question is whether this House has the legislative competence or not. It has.

SHRI CHITTA BASU : It has not got.

Mr. DEPUTY SPEAKER : Please, please. You have stated your point.

SHRI NIHAR RANJAN LASKAR : One or two hon. Members stated that this House has got legislative competence. This Bill is meant for a limited purpose mainly to protect the interests of the industries run by the Government of India or by the public sector. Therefore, this House has got the legislative competence as per item 2 of the Seventh Schedule to the constitution.

Mr. DEPUTY SPEAKER : The question is :

“That leave be granted to introduce a Bill to amend the Central Industrial Security Force Act, 1968.

Let the lobbies be cleared...

...the lobbies have been cleared.

Now, the question is :

“That leave be granted to introduce a Bill to amend the Central Industrial Security Force Act, 1968.”

The Lok Sabha divided:

Division No. 3]

[12.50 hrs.

AYES

Anand Singh, Shri
 Azad, Shri Bhagwat Jha
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhatia, Shri R. L.
 Birender Singh, Rao
 Brar, Shrimati Gurbrinder Kaur
 Buta Singh, Shri
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Choudhari, Shrimati, Usha Prakash
 Damor, Shri Somjibhai
 Das, Shri A. C.
 Devarajan, Shri B.
 Dhandapani, Shri C. T.
 Engti, Shri Biren Singh
 Fernandes, Shri Oscar
 Gaekwad, Shri R. P.
 Gehlot, Shri Ashok
 Gogoi, Shri Tarun
 Gomango, Shri Giridhar
 Jain, Shri Bhiku Ram
 Jain, Shri Viridhi Chander
 Jena, Shri Chintamani
 Kandaswamy, Shri M.
 Krishna Pratap Singh, Shri
 Kunwar Ram, Shri
 Laskar, Shri Nihar Ranjan
 Mallick, Shri Lakshman
 Mallkarjun, Shri
 Misra, Shri Nityananda
 Mohanty, Shri Brajamohan

Padayachi, Shri S. S. Ramaswamy
 Parashar, Prof. Narain Chand
 Pardhi, Shri Keshao Rao
 Patel, Shri Ahmed Mohammed
 Patel, Shri Shantubhai
 Patil, Shri Shivraj V.
 Patnaik, Shrimati Jayanti
 Pattabhi Rama Rao, Shri
 Poojary, Shri Janardhana
 Prabhu, Shri R.
 Pullaish, Shri Darur
 Ram, Shri Ramswaroop
 Rana, Vir Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Raut, Shri Bhola
 Rawat, Shri Harish
 Reddy, Shri M. Ram Gopal
 Sahi, Shrimati Krishna
 Sathe, Shri Vasant
 Sathiyendran, Shri M. S. K.
 *Satish Prasad Singh, Shri
 Sethi, Shri Arjun
 Shankaranand, Shri B.
 Sharma, Shri Kali Charan
 Singh, Dr. B. N.
 Singh, Kumari Pushpa Devi
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Swaminathan, Shri R. V.
 Tewary, Prof. K. K.
 Tripathi, Shri Kamalapati
 Tytler, Shri Jagdish
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram

*He voted by mistake from a wrong Seat and later informed the Speaker.

Verma, Shrimati Usha

Zainul Basher, Shri

NOES

Azmi, Dr. A. U.

Basu, Shri Chitta

Chakraborty Shri Satyasadhan

Dandavate, Prof. Madhu

Datta, Shri Amal

Digamber Singh, Shri

Giri, Shri Suddir

Halder, Shri Krishna Chandra

Hasda, Shri Matilal

Jegjivan Ram, Shri

Jagpal Singh, Shri

Mehta, Prof. Ajit Kumar

Mirdha, Shri, Nathu Ram

Mukherjee, Shrimati Geeta

Pal, Prof. Rup Chand

Pandit, Dr. Vasant Kumar

Paswan, Shri Ram Vilas

Rahi, Shri Ram Lal

Rajan, Shri K. A.

Rajda, Shri Ratansinh

Rajesh Kumar Singh, Shri

Ram Kinkar, Shri

Roy, Shri A. K.

Singh, Shri B. D.

Sinha, Shrimati Kishori

Sinha, Shri Nirmal

Sinha, Shri Satyendra Narayan

Yadav, Shri Chhotey Singh

Zainal Abedin, Shri

MR. DEPUTY SPEAKER : Subject to correction, the result* of the division is :

Ayes—70 ; Noes—29.

The Motion Was Adopted.

SHRI NIHAR RANJAN LASKAR :
Sir : I introduce the Bill.

12.50 hrs.

MATTERS UNDER RULE 377

(i) NEED TO CONSTRUCT ADDITIONAL RAILWAY LINE BETWEEN KHURDA AND PURI

SHRIMATI JAYANTI PATNAIK (Cuttack :) Puri is the abode of Lord Jagannath. Large number of tourists from different parts of India and also from abroad visit Puri throughout the year. It is a place of pilgrimage and international tourist centre. International tourists arrive at Bhubaneswar airport and go to Puri by train *via* Khurda. Besides three express trains also run between Delhi and Puri, 13 other passenger trains also run between Khurda and Puri. But almost every day these trains reach several hours late than the schedule time of arrival. The reason is not far to seek. There is a single track between Khurda and Puri causing problem of adjustment of schedules and making it difficult to introduce additional train. If an additional track is constructed between Khurda and Puri, the problems of traffic will never be there. The passenger trains and the express trains running between these places will be able to maintain punctuality and will give great relief and convenience to the tourists travel in these trains. The distance between Khurda and Puri is only 44 Kms. Therefore, the fund required for the construction of a single line

*The following Members also recorded their votes.

AYES : Shrimati Ram Dulari Sinha, Shrimati Madhuri Singh, Shri R. Y. Ghorpade, Shri N. Dennis, Shri M. Arunachalam, Shri Ram Kumar Meena, Shri Nurul Islam and Dr. V. Kulandaivelu.

NOES : Shri Mani Ram Bagri and Shri Bapusaheb Paruleker.