

[श्री० शेर सिंह]

जो हमारा समुद्री तट है, सीमित साधन होते हुए भी, जहाँ तक सम्भव होगा उसकी सुरक्षा के लिए भी, तथा समुद्र के नीचे जो सम्पत्ति है जो हमारे छोटे छोटे लोग सी में काम करते हैं उनकी देख-भाल करने के लिए, उनकी मदद करने के लिए बेस की सुरक्षा के लिए ये लोग अपना वायित्व ठीक तरह से निभायेंगे, इतना मैं आश्वासन दिलाता हूँ।

SHRI VAYALAR RAVI: Every Member spoke about death penalty. At least you must have one agency. In BSF you have it. Why have you not expressed any opinion on what you think. It is not a judicial body. It is a two member court.

PROF. SHER SINGH: It is a very wide question. It cannot be tackled just at this level, whether we are going to abolish capital punishment. But in this case it has been provided only for mutiny. Government will have powers to commute. It is only with the final sanction of the government that this punishment will be imposed; otherwise not.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

14.42 hrs.

STATUTORY RESOLUTION RE. DIS- APPROVAL OF DELHI POLICE ORDINANCE, 1978 AND DELHI POLICE BILL

SHRIMATI PARVATHI KRISHNAN (Coimbatore): I beg to move:

"That this House disapproves of the Delhi Police Ordinance, 1978 (Ordinance No. 2 of 1978) promulgated by the President on the 1st July, 1978".

I had already at the time when the Ordinance was placed on the Table of the House expressed my opposition to it. The very concept that is behind the Ordinance, behind the Bill is repugnant to the concept of the rule of law; it also stands discredited by the

living experience of our people because we have seen how during the period of emergency particularly with even the limited powers that the police have, what excesses they could commit. There was no redress for the grievances that were there against the police till now. There are many cases still pending to be settled. That is why the Delhi Committee of the Communist Party of India at the time when the ordinance was being talked about, when a Select Committee was there in the Metropolitan Council, presented a memorandum to the Council and also to the Prime Minister in which they made it absolutely clear:

"To begin with we may be permitted to state that the institution of police commissioner owes its origin to the need felt by the British Imperialists rule to devise a system of police administration which could ensure perfect safety for their tribe in the three major urban strongholds (Bombay, Calcutta and Madras) occupied and used by them as springboards for rapid expansion of their empire. The idea evidently was to facilitate ruthless use of punitive force, unfettered by any considerations of legality, in order to enforce abject submission on the part of the colonial subjects. A system designed *ab initio* to dispense with any discreet or judicious use of coercive/punitive State machinery against the people should not. You would agree, be allowed to have a place in the scheme of any administration which lays claim to being a defender of the democratic and fundamental rights of the people."

Therefore, it is in this background that the ordinance was passed and the Bill, which really gives draconian powers to the police, is now before the House. Nobody denies that in Delhi today the law and order situation is very serious. But this is not the answer to it. Action has to be taken by the Government and by the elected representatives to give protection to the civilian general public. For that action, there is enough that can be

done even in your existing law. You do not have to give greater powers to the police force in order to see that law and order is maintained, because we have seen that under the existing laws, if the police moves promptly, law and order can be maintained. But so long as your police continues to behave as it does, so long as the elected representatives and the elected Government do not see to it and check what the police does, so long as the elected Government does not also take speedy action on all those recommendations and judgments that come from the court, this kind of thing will continue, so long as politics is not removed from the sphere of governmental action where fullest safeguards are necessary. With regard to the ordinance, the first point I would like to bring to the notice of the House is that the Police Commissioner now will not be answerable to the elected authority of Delhi. Delhi has been demanding Statehood for a very long time and you have also introduced a Bill to give Statehood to Delhi. We do not think it goes far enough and we will discuss it when it comes. But when that Bill is on the anvil, what is the hurry to come out with this ordinance and with this Bill before that Bill comes? By this you are bringing in another authority who will be outside the purview of the elected State Assembly of Delhi, i.e., the Administrator. The Administrator today is going to have over-all powers over this Police Commissioner and the police in Delhi. He can do whatever he likes because he is not answerable to the people of Delhi. There is no democratic principle behind this Bill at all. When we are asking for further extension of democratic rights, you are bringing a Bill which only further extends the authoritarian rule and that too in the name of restoring democracy you are giving further strength to the bureaucracy because it is the bureaucratic authoritarian rule that is going to come into being under this Bill. Therefore, the first thing is that the police are going to be answerable to the Administrator, who will not be responsible to the Metropolitan

Council which is there today and or to the Council of Ministers that is coming tomorrow. But he is going to be a law unto himself with the Central Government looking into it whenever they have the time. In other words, he is going to have such wide powers that cut across the existing powers of the elected bodies that are there. As far as the ordinance and Bill are concerned, three things are lumped together and the police are given wide powers over all these. These three things are criminal activities, communal disturbances, and genuine political and trade union activities. The police are now going to have to power to interfere in all these three things. Previously the police was there to keep law and order and criminal activities came within the purview of the police. They were empowered to act in such matters. Communal disturbances and genuine political activity should be under the purview and under the jurisdiction of the elected representatives. How can you hand them over to the Administrator? Therefore, in a bureaucratic manner are you going to bring about communal harmony? Are you going to enable the people to carry on with their genuine legitimate political activity?

We have seen how the police behave. After this ordinance has come, we are extremely concerned because we saw what happened on the 14th. How the police, when it chooses, allows unruly elements, reactionary, unruly elements, with a certain reactionary political ideology behind it, to run riot. On the other hand, when there is a strike, when there is a meeting of the workers, you suddenly find that the police are very much ahead of time and they even try to prevent legal, normal activity as is provided in our Constitution and in various labour legislations. Therefore, today all these activities are going to be brought under one umbrella, and that umbrella is the great Administrator, the Fuehrer of Delhi, who is not answerable to any elected, legislative body, who is not

[Smt. Parvathi Krishnan]

answerable to the Assembly on which Mr. Kanwarlal Gupta is so very keen.

Therefore, you are doing away with the present system of quasi-judicial supervision through the executive magistracy over the police and switching on to a system of the Police Commissioner with the Administrator, which will inevitably lead to authoritarianism.

Then I would like to say that the Bill gives to the police very wide powers, and they will now be transgressing into the provisions of the Delhi Municipal Corporation Act. For instance, Clause 35 of the Bill deals with sanitation, preservation of order etc. and Clause 37 says—I do not know whether you have read through the Bill:

"The Commissioner of Police may, from time to time, make regulations prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose:"

This is a power that is there with the Delhi Municipal Corporation. Why is the police being vested with the power that: so far has been with the Municipal Corporation? I can understand if the Minister gets up and says about the law and order situation that theft is going on, murders are taking places this has happened, that has happened, but here Clause after Clause—Clause 35, 36, 37, 60, 63, 65 etc.—conflicts with the existing provisions of the Delhi Municipal Corporation Act.

Take for instance Clause 83 which is in conflict with sections 391 and 418 of the Delhi Municipal Corporation Act. Section 418 is with regard to Punishment when certain municipal regulations are not observed and there, where the Municipality provides for a fine of Rs. 100, our Janata which has come into being on the slogan of restoration of democracy, has raised it. All the time we are being told that the freedom of the

press is more important. "I do not mind if I die of hunger or starvation, but the press will be free"—this is what Shri Kanwarlal Gupta said, because then he is reported in the press. I thought he was interested in the Delhi Police, but he is not.

Anyway, now what happens? Clause 98 provides for penalty for failure to keep in confinement cattle etc. It says:

"For the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to three hundred rupees, or with both; for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both."

Sir, with the experience we have had of the manner in which the police harass every citizen, who is an innocent chap, this is a obnoxious piece of legislation. Bit by bit, clause by clause, when you go through it, you will find that the police can do anything they' like, because today it is not a question of having the case go through a judicial magistrate and then the magistrate coming to a conclusion, giving the accused person the right to defend himself under the existing laws of the land. No. The police are going to have their own courts and they are going to be outside the purview of the judiciary and they are going to have these very wide draconian powers.

I have a hunch that certain principle was put before the Government that it is necessary in Delhi because of the law and order situation that we have to have a Police Commissioner, as exists in Madras, Bombay, Calcutta and so on. But I wonder whether the Minister is really aware of every single clause in this Bill, every single power that the police is given—I doubt it very much; at least I hope I would be enlightened—I hope he will

enlighten us when he speaks during the clause by clause consideration as to what exactly is behind giving the police those powers which even today vest with the Municipal Corporation. For instance, take the licence to open tea houses. What has the police got to do with it? Why should they be given that power?

Then there are people like me; I am not a Minister, nor the Deputy-Speaker of Speaker. When I come to Delhi and get down at the New Delhi Station, the licensed porter can only come with me as far as the gate of the railway station in Delhi. I am living across the road. If I want my baggage to be carried across the road, the licensing of that poor chap who earns 25, 50 or 80 paise is to be done by the police. Can you imagine the harassment that is going to be there? According to the Act, a "police officer" means any police man, any constable. So, anybody can stop this poor chap. Can you imagine the harassment that is going to take place to hundreds of thousands of passengers, who just live across the road to Paharganj in the case of New Delhi Station or to Nai Sarak in the case of Old Delhi Station? The autorickshaw or taxi will not come because it is so near, and those people have more luggage because they have gone on a pilgrimage or are returning after a vacation. Of all citizens, why should these porters come within the ambit of this section to say that the police will license these people? What does it mean? You talk about unemployment and you shed crocodile tears. But when people are trying to earn an honest paise, the police are going to be given these powers to harass these poor chaps who come and help the passengers and thereby earn an honest paise.

Similarly, there are so many such provisions. I would not like to take the time of the House by dealing with them. When we come to the clause

by clause consideration, since we have given notice of amendments, we will certainly move those amendments and, may be, then the hon. Minister will see the light of day and refer the Bill to a Select Committee, or perhaps withdraw it altogether, or hand over the police to the Elected State Assembly that is coming into being.

Why do you want to put the cart before the horse? There is something very fishy in it. When we discussed the Cost Guard Bill we talked about fishermen and so on. But this is politically fishy, not fish in the sense in which we talked about in the Cost Guard Bill. It is a politically fishy legislation, and we are totally against it, because the Act says that a "police officer" means a constable. So, he can do anything he likes and get away with it.

15.00 hrs.

Then, I come to clause 21—punishments. Here, I would like to speak on the side of the police because, basically, this goes against my conscience as a trade unionist; it goes against any tenet of free and democratic functioning in the country. Because there are some policemen who are very brutal and some who do attack the people in a very wrong way and there are some who are found guilty of the Emergency excesses, we should not deny to the police the right to fight for their own rights also. We have given an amendment that these punishments that are there are much too stringent. There should be some safeguards against the higher officers harassing the officers lower down because we have seen this happening very often. Therefore, as far as the punishments are concerned, the reduction in pay, withholding of increment, fine not exceeding one month's pay, all these are things that go against all tenets of democratic functioning.

When somebody has done something wrong, you chargesheet him and

[Smt Parvathi Krishnan]

you take appropriate action against him. Why this kind of thing that he is either made to pay a fine or his pay is not given? I do not think that is right. Why should a poor policeman's family suffer? If you withhold his pay, is it only he who is going to suffer? His family also suffers. Therefore, on principle, we are totally against these provisions for the punishment of the policemen. We are of the firm opinion that there should be only a departmental action to be taken because they have to maintain discipline. But not the kind of punishment that is envisaged in Clause 21.

The other most obnoxious thing is Clause 30, I think, the punitive fines, restoring or giving fresh life to something that the British imperialists imposed on this country. The punitive fines are to be imposed just arbitrarily where some communal disturbance is alleged to have taken place or even at a place where somebody alleges that due to "disturbances", his property has been damaged. The punitive fines on all the people in the locality can be imposed under this law. Do you think this is right? Can anybody with any conscience today think in terms of punitive fines which we fought bitterly in the days of the national liberation movement? All of those here who participated in the liberation movement will remember how punitive fines were a thing which we fought politically and punitive fines were something that was abhorrent.

We cannot allow today, in the year 1978, after 31 years of freedom in this country, the punitive fines to come again on the statute book and the total and wholesale power given to the police to impose those punitive fines as and when they like. What kind of justice is this? What kind of democracy is this?

SHRI D. N. TIWARY: It is the people's fine.

SHRIMATI PARVATHI KRISHNAN: If it is the people's fine, it is all right. But these are punitive fines

to be imposed by the police, as they like. I least expected Pandit Tiwary to support these punitive fines. If he finds people who unauthorisedly occupy these buildings that are under his jurisdiction, that is a different matter.

The punitive fines for what? Is this the way our people are going to be taken along with progress? Is this the way our people are going to be mobilised in order to see that every section is brought into the task of national development? Is this the way that you are going to harness this great wealth of the country, that is, the human wealth, that we have, the hands that are there to labour and build new constructions, to build those big projects that the hon. Minister sitting opposite has in mind? Is this the way you are going to harness the labour of those who are going to build the new railway lines that Mr. Sheo Narain dreams of every day? Is this the way you are going to put through, Mr. Minister of Education, your scheme for adult education—by punitive fines being imposed? This goes against all democratic principles. This goes against the democratic principles even more when you are giving this totally blanket power to the police to impose this fine at any time. They just have to say that this is a disturbed area, they just have to declare it a disturbed area. That is all. There is no provision here for the people of that area to get any justice from anywhere, and they have to pay the fine.

This kind of legislation is something that one cannot just imagine—a Government that claims to have restored democracy trying to bring before this august House such a Bill and trying to impose this sort of fine upon the people of Delhi. That is why, from the beginning to the end, we oppose this Ordinance, and we oppose this Bill also. I would demand of the Minister that he withdraws this Bill and does not ask us even to discuss such a shameful piece of legislation on the floor of this august House.

MR. DEPUTY-SPEAKER: Resolution moved:

"This House disapproves of the Delhi Police Ordinance, 1978 (Ordinance No. 2 of 1978) promulgated by the President on the 1st July, 1978."

Now, the Minister will move his Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. D. PATIL): Sir, I beg to move:*

"That the Bill to amend and consolidate the law relating to the regulation of the police in the Union territory of Delhi, be taken into consideration."

The Delhi Police Commission, also known as the Khosla Commission, in its report submitted in 1968, recommended the introduction of the Commissioner of Police system in Delhi. Though the above recommendation remained under consideration of the Government, it was in November 1976 that a decision was taken by the previous Government not to accept the recommendation. After the present Government took over, the matter was reconsidered in the light of the complexities of the task of Police and the new challenges faced by them with progressive urbanisation of the Union territory of Delhi and the rapid growth of population. It was felt that the duality inherent in the present Police-Magistracy system inhibits the Police in quickly responding to situations and affects their efficiency in their primary task of crime control and maintenance of law and order. Such an arrangement also tends to curb the initiative and efficiency of Police. The Police Commissioner system had been obtaining in the former Presidency towns of Bombay, Calcutta and Madras right from the inception of the modern concept of policing, and it has been operat-

ing to advantage in other metropolitan areas of Hyderabad, Bangalore, Ahmedabad, Nagpur and Poona, where it was introduced subsequently. After considering all aspects of the matter and in the interest of the improvement of the efficiency of the Police in the Capital city, the present Government decided to switch over to the Police Commissioner system. An announcement was made in this regard in both Houses of Parliament by the former Home Minister on 8-8-1977 and it was indicated that steps were being taken to see that the change over to the new system was affected as early as possible. The necessary legislation was drafted and placed before the Metropolitan Council of Delhi in December, 1977, for obtaining their recommendations. The recommendations of the Metropolitan Council were available only in the second week of May, 1978. Since considerable delay had already occurred, the change-over was brought into force by promulgating the Delhi Police Ordinance, 1978, on 1st July, 1978. This Bill only seeks to replace the said Ordinance.

The Bill is mainly based on the Bombay Police Act, 1951 with some modifications to suit the requirements of Delhi...

SHRIMATI PARVATHI KRISHNAN: What are the modifications?

SHRI S. D. PATIL: I am coming to that.

It provides for the appointment of a Commissioner of Police and the vesting in him, subject to the control of the Administrator of the direction and supervision of the police force in Delhi. Under the Bill, the Commissioner of Police may be empowered by the Central Government to exercise and perform the powers and duties of an Executive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure, 1973 as may be specified.

*Moved with the recommendation of the President.

[Shri S. D. Patil]

Similarly any officer subordinate to the Commissioner of Police, being an officer not below the rank of an Assistant Commissioner of Police, may be empowered by the Central Government to exercise and perform the powers and duties of an Executive Magistrate under such of the provisions of the Code of Criminal Procedure, 1973 and in relation to such areas in Delhi as may be specified. The Bill also empowers the Commissioner of Police to exercise the powers of a District Magistrate under the Acts specified in Schedule I thereto.

The other important features of the Bill are the following:

(a) The Commissioner of Police will have power to make regulations for regulating traffic of all kinds, licensing and controlling of places of public amusement or public entertainment or prohibiting the carrying of gun-powder or any other explosive substance in public places, directing the closing or disuse of any source, supply of receptacle of water and providing against pollution (if the same or of water therein, regulating the conduct of assemblies and processions, etc.

(b) The Commissioner of Police will have power to disperse gangs and external bad characters and habitual offenders.

(c) The Commissioner of Police will have certain powers to prevent cruelty to animals.

(d) Creation of certain new offences with respect to disregarding rules of the road, causing obstruction or mischief by animals, causing obstruction in streets, doing offensive acts in or near a street or public place, behaving indecently in public and annoying passengers in streets, etc.

As already mentioned, the Bill is modelled on an existing law, that is, the Bombay Police Act, 1951. A number of provisions of the said Act relating to externment of bad characters,

regulation of traffic, control and licensing of places of public amusement or public entertainment etc. were extended to Delhi in the past and have been in force for a number of years. Some of the provisions of the Bill are based on or are analogous to the provisions of the Police Act, 1861 and other laws like the Madras Town Nuisances Act as in force in Delhi. Thus both the administration and the public are already familiar with many of the provisions of the Delhi Police Bill. The Bill seeks to amend and consolidate the existing laws relating to police apart from introducing the Commissioner of Police system.

I am sure this Bill will be welcomed by all sections of the House except Shrimati Paravathi Krishnan. At this moment she is not prepared. Sir, I commend this Bill for the acceptance of the House.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to amend and consolidate the law relating to the regulation of the Police in the Union territory of Delhi, be taken into consideration."

Now, there are some amendments for sending it to the Select Committee and two for circulation.

Shri Ramanand Tiwary—are you moving your amendment?

SHRI RAMANAND TIWARY (Buxar): Yes, Sir.

MR. DEPUTY-SPEAKER: Then, Dr. Baldev Prakash—not here.

Shri Kanwar Lal Gupta also not here.

Shri Vinayak Prasad Yadav also absent.

SHRI RAMANAND TIWARY: I beg to move:

"That the Bill to amend and consolidate the law relating to the regulation of the police in the Union

territory of Delhi, be referred to a Select Committee consisting of 17 members. namely:—Shri Jyotirmoy Bosu, Shri Hitendra Desai, Shri Morarji R. Desai, Shrimati Mrinal Keshav Gore, Shri Samar Guha, Shri Hari Vishnu Kamath, Shrimati Parvathi Krishnan, Shri K. Lakkappa, Shri Dhanik Lal Mandal, Shri Ram Vilas Paswan, Shri Vasant Sathe, Dr. B. N. Singh, Shri Ugrasen, Shri Chandradeo Prasad Verma, Shri Vinayak Prasad Yadav, Shri Yuvraj; and Shri Ramanand Tiwary.

with instructions to report by the second day of the next session." (1)

SHRI G. S. REDDI (Miryalguda) : Mr. Deputy-Speaker, Sir, the Delhi Police Bill, as a consequence of the Ordinance, has come into force from the 1st July 1978. On behalf of my party I support the Bill because the provisions of the Bill are not made new—it is only new to Delhi city—because it was already in force in Bombay, Madras, Calcutta, Poona, Nagpur and Hyderabad.

There are two systems of Police Administration—one is with the co-operation of the District Magistracy and other is the Commissionerate. Now, the system adopted by the Government is the system of appointing Commissioners of Police, Assistant Commissioners of Police and so on. This system is adopted with a view to have more control in order that the law and order situation could be better organised and administered. Now it is only since 1st July that we are under the Commissioner of Police in Delhi. This should have been brought into force in Delhi long back. I do not know what were the obstacles. It appears that the obstacles were of the type that Indian Administrative Service was jealous with this type of administration that the Commissionerate should come over to Delhi. Any way various powers entrusted to the Police in Delhi, I hope, will be only for the better administration in Delhi.

Sir, the other day we saw how the Police Administration completely failed to control the crowd near the Prime Minister's house. It was a sorry state of affairs that our Prime Minister should be subjected to this type of harassment due to the failure of the police. If the Commissioner is empowered, he should be able to exercise a better control and I do not think that such an incident could have happened in the city of Delhi. Besides that, we are daily reading papers that there are so many atrocities and crimes being committed. Personally I do not see any change in the administration or any change in the protection of life and property of the people of Delhi even after the Commissioner has been appointed.

As an example, I would say that the traffic is also under the control of the Commissioner of Police. We people from the South, when we alight at the Delhi Railway Station, what do we see? We are subjected to the harassment by the auto rickshawwallahs and taxiwallahs so much that we are subjected to a cruel treatment and no auto rickshaws or scooters or taxis will be easily available unless we seek the protection of the police constables who are there at the station. Of all the cities that I have visited, Bangalore seems to be a model for the Police Administration where the passengers that come from outside from other countries feel happy that they are helped as soon as they alight from the train. There the administration is so good that they get the conveyance easily. That gives a very good impression of our country. If the foreigners are harassed or even the people coming from the South are harassed in the Delhi Railway Station, just imagine the impression the passengers will carry that the police is ineffective in order to provide the security.

I come to another incident that has happened. In the *Times of India* paper, it has been reported that one Mr. Wallace, who is a History Sheeter of Budle A of Tilak Nagar Police

[Shri G. S. Reddi]

Station has been appointed as a member of the Public Relations Committee, Delhi Development Authority.

Now, on my putting a question in the Parliament I have received the following reply:

"Shri P. S. Wallace, President Indian Christian Association, was nominated by the Delhi Administration, as a member of its Public Relations Committee as a representative of a minority community. According to information available with the Delhi Police, he was convicted in one case u/s 279/337 I.P.C. and fined Rs. 100/- or in default to undergo 30 days simple imprisonment."

So, Sir, I do not know how a man who has been convicted for a criminal offence has been chosen as a member of the Public Relations Committee of the Delhi Administration.

Moreover as per the report in the *Times of India* he is a history sheeter with thirteen convictions against him. How is it that the Police were not able to point out that this man has been convicted thirteen times and he be not taken on the Public Relations Committee. It seems either the Police were negligent or the Delhi Administration were not careful in selecting a proper representative as a member of the Public Relations Committee. With the coming in of the new set-up, the Commissioner should be more vigilant so that the people may feel that the police are protecting and safeguarding their life and property. Secondly, the police should enforce such traffic rules that the passengers at the railway station feel happy that they are provided all kind of conveyance and there is no harassment in this regard. With these few words I support the Bill.

SHRI SHAMBHU NATH CHATURVEDI (Agra): Mr. Deputy Speaker, Sir, this new Bill—which replaces an Ordinance—has been brought to im-

prove the police administration in the capital city of Delhi. Sir, the Statement of Objects and Reasons says:

"The duality inherent in the police-magistracy system as provided in the Police Act, 1961 inhibit the police in quickly responding to situations and effects their efficiency in their primary task of crime control and maintenance of law and order. After considering all aspects of the matter and in the interest of improvement of the efficiency of the police in the Capital city, it was felt that the balance of advantage would be in favour of a change-over to the Police Commissioner system which avoids such duality and which has been working efficiently in Bombay, Calcutta and Madras and other metropolitan cities such as Hyderabad, Bangalore, Ahmedabad, Nagpur and Poona."

Sir, Smt. Parvathi Krishnan, who opposed this Bill seems to have several mis-conceptions about this Bill. She said that there will be less of accountability. I wish to point out that there is no change at all in accountability. If the police was answerable to the administration of Delhi in the past, it will continue to be answerable still. If the police was answerable to the Home Ministry of the Government of India, it continues to be answerable to the Government of India. There is therefore no diminution in regard to accountability at all. Another thing which she said was that judicial powers have been transferred to the police. It is absolutely not correct. Only the executive powers of the District Magistrate have been transferred to the Communists because there was divided responsibility, as I have already pointed out.

Now conditions have greatly changed. The work of the police has become more complex and more difficult. Population has increased. Urbanisation is going apace. The duties and responsibilities of the police have further widened but their strength, organisation and training and conditions of

work have remained almost primitive. If an effort is made to improve their conditions of work, their organisation and training and in other respects, I think, it should be welcomed.

Then, Sir, the crime situation is much worse in the urbanised areas than in the rural areas. We might have been able to muddle along in the countryside with the old Act, but in the Metropolitan areas, it has become increasingly difficult to control the various manifestations of lawlessness which are occurring every day.

Sir, it seems from the evidence available that the cities are unable to cope with the mounting civic problems generated by rapid urbanisation. The living environment is thus creating a situation which is more favourable to the breeding of crimes than for healthy citizenship. Super-imposed upon this is the crimogenic nature of the impersonal environment itself. The capital cities are naturally political centres of gravity. All kinds of agitations, demonstrations and processions take place almost daily in these cities to attract public attention and to pressurise the Government. The presence of Ministers and the other dignitaries adds considerably to the duties of the police.

The industrial cities have the additional feature of recurring labour-management conflicts and those with colleges and universities witness regular manifestations of student unrest.

In short, the police have to work in an environment which throws incessant challenges to them. These are the present conditions of their work.

Every day we see demonstrations of one type or the other which divert the attention of the police and take away much of their time.

Sir, I think an assessment has been made that 70 per cent of the time of the police is being taken up by such activities which have normally little to do with investigation, prevention and control of crimes.

MR. DEPUTY SPEAKER: The Hon. Member will continue on the next day. Now we take up the next item.

15.30 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Substitution of Article 40)

श्री तेज ब्रताथ सिंह (द्वीरपुर) : : उपस्थित महोदय, मैं प्रस्ताव करता हूँ कि भारत के संविधान का और संशोधन करने वाले विधेयक को पुरः स्थापित करने की अनुमति दी जाय ।

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

श्री तेज ब्रताथ सिंह : मैं विधेयक पुरः स्थापित करता हूँ ।