

in the State. I, therefore, took the opportunity of exchanging views with Sheikh Abdullah relating to wakfs affairs in the State. It was a discussion purely connected with wakf matters. (*Interruption*).

श्री कंबर लाल गुप्त (दिल्ली सदर) : यह बिल्कुल गलत है। इन्होंने ने पालिटिक्स भी डिस्कस की है।

SHRI BAL RAJ MADHOK (South Delhi): Wakf's is not under the hon. Minister. It is under the Ministry of Industrial Development.

MR. SPEAKER: No, no. He is the Minister concerned.

श्री कंबर लाल गुप्त : अध्यक्ष महोदय, इन्होंने पालिटिक्स डिस्कस की है। उनके घर पर ये खुद गए थे।

MR. SPEAKER: How can you say that? When an Hon. Minister says something you have to accept it. No more discussion about that now.

12.59½ hrs.

CENTRAL INDUSTRIAL SECURITY FORCE BILL *contd.*

Clause 3 — *contd.*

MR. SPEAKER: The House will resume further consideration of the Industrial Security Force Bill. We have already taken a long time. We have already taken 20 minutes for the Clauses. We have got one hour and forty minutes now. We have already exceeded the time allotted by the Business Advisory Committee. It is an important Bill, I know. I appeal to hon. Members to see that we adhere to the time-limit.

13 hrs.

The Lok Sabha adjourned for lunch till Fourteen of the clock

The Lok Sabha re-assembled after Lunch a five Minutes Past Fourteen of the Clock

[MR. DEPUTY SPEAKER *In the Chair*]

CENTRAL INDUSTRIAL SECURITY FORCE BILL *contd.*

Clause 3 — *contd.*

MR. DEPUTY-SPEAKER: We are on clause 3. Shri Tyagi.

57LSS/68—8

SHRI C. K. BHATTACHARYYA (Raiganj) : Sir, before he speaks, I want to submit that yesterday had moved an amendment to clause 3, sub-clause (2), and the Minister had said that he would reply to it. After I moved that amendment pointing out the defective drafting of sub-clause (2) of clause 3, it struck me as queer that the Joint Committee composed of so many eminent men had approved of that draft. Then I went through the report of the Joint Committee and the report of the Joint Committee says on page 39:-

"Clause 3 to 7

The clauses were adopted without any amendment."

So the clause should stand in the Bill as it was in the original Bill. This is the Joint Committee's report if this report has to be believed.

You now compare the two Bills. You take the Bill as it was introduced in the Rajya Sabha. In the second line of the sub clause at the end there is the word "and". In the Bill which has been placed before us now that word "and" has been changed into "who". The Joint Committee's report says that there was no amendment in the clause.

Now the question is who substituted the word "and" by "who"? Anyone, Who might have done it must have done it behind the back of the Joint Committee. So this word "who" in this sub-clause is an unauthorised interpolation and it is now for you to rule whether a -draft which is not warranted by the Joint Committee's report and which differs from the recommendation of the Joint Committee should be placed before the House or whether you would ask the Minister to re-submit it after drafting it according to the recommendation of the Joint Committee.

SHRI HIMATSINGKA (Godda): Anyway, it is wrong language

Mr. DEPUTY-SPEAKER : We are now considering a Bill as adopted by Rajya Sabha In their wisdom they might have changed it. I cannot vouchsafe whether they have changed it or not.

SHRI NAMBIAR : (Tiruchirappalli) To correct it we will make an amendment.

MR. DEPUTY-SPEAKER: That is an independent thing. If you think that the original draft was better, there is an amendment.

SHRI NAMBIAR: Let him accept the amendment.

SHRI K. NARAYANA RAO (Bobbili): Assuming, not conceding, that there is a possibility of this word being amended by Rajya Sabha, are we not to be indicated at least somewhere, somehow that the Rajya Sabha has amended the original Bill as it was introduced? In the absence of that we will be completely in the dark. We must be in a position to know whether the Rajya Sabha has amended or modified the Bill as it was introduced; otherwise, we will be in the dark, with the result that we have no indication of the real state of things.

MR. DEPUTY-SPEAKER: We are considering this Bill as it has emerged from the other House. It might have been amended by the Rajya Sabha, but it will be checked up.

SHRI K. NARAYANA RAO: I am not talking about this particular Bill as such. I am submitting this for future also. There must be some method whereby we may be informed if there are any changes made by the Rajya Sabha in the Bill as introduced. I am submitting this only for our guidance in future.

श्री हबेन सेन (आसनसोल) : इस बिल के आरम्भ में यह दिया हुआ है :

"As passed by Rajya Sabha on 13th May, 1968."

मेरा कहना है कि बिल ऐज इंट्रोड्युस्ड में शब्द "एंड" था जिसे कि ला मिनिस्टर ने कमेटी के चैअरमैन के ऐप्रूवल से "हु" कर दिया इसलिए मेरा कहना है कि इस तबदीली के कारण इस बिल को फिर कमेटी के पास वापिस भेजना पड़ेगा ।

SHRI S. M. BANERJEE (Kanpur): It is just a presumption that the Rajya Sabha might have amended it, but not even the Minister is prepared to say that it was done by the Rajya Sabha.

SHRI NAMBIAR: He is prepared to accept the amendment.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Sir, you know the way the Joint Committee handles Bills which go before them. After certain changes are made here and there in the clauses, a general authorisation is given to the Chairman and the Draftsman to make consequential and verbal changes here and there.

I would invite your attention to the report of the Joint Committee which was presented to the Rajya Sabha and this hon. House. After the paragraph dealing with clause 22, a general statement has been made here to the effect:-

"The other changes made by the Committee are of a consequential or verbal nature".

This is one of the changes of a consequential or verbal nature which the Committee authorises the Draftsman to do and which is made by the Draftsman. Every Select or Joint Committee does that.

MR. DEPUTY-SPEAKER: Even if a verbal change changes the meaning, an amendment is called for and again the Bill will have to go there.

SHRI VIDYA CHARAN SHUKLA: This does not change the substance or any meaning whatsoever. It can be checked up.

Shri K. NARAYANA RAO: Grammatically also it does not convey the intention. The change of the word "and" into "who" makes a totally different consequence.

SHRI VIDYA CHARAN SHUKLA: We will check it up.

SHRI K. NARAYANA RAO: It reads:-

"The Force shall be constituted in such a manner, shall consist of such number of supervisory officers and members of the Force"—

the words following this should be—

"and shall receive such pay and other remuneration as may be prescribed."

That is to say, the sub-clause contemplates three things; firstly, the Force shall be constituted in a particular manner prescribed by the rules; secondly, the number, of supervisory officers and members; and

thirdly, the amount of salary and remuneration being provided to them. All the three things are integrated. Therefore the word "who" does not make any sense at all here. It is not merely a consequential. Perhaps it may be a mistake somewhere, somehow. We cannot just explain it away in the manner the hon. Minister has done.

MR. DEPUTY-SPEAKER : I agree. "Who" should not have been substituted for "and". It is obvious, because the construction of the clause is such that "and" fits in better.

SHRI C. K. BHATTACHARYA : The Minister said about general powers being given to somebody. The report nowhere says that general power of changing was given. Only one consequential change was made and that was in clause 2. There it is stated:-

"Necessary and consequential changes" have also been made in the Bill accordingly. It is in clause 2 only and in no other clause.

SHRI HIMATSINGKA : how could they make a mistake?

SHRI R. D. BHANDARE (Bombay Central) The word 'who' has been deleted now?

MR. DEPUTY-SPEAKER : The amendment to that effect is there. If we carry the amendment that word will be deleted. But for the time being the word 'and' is there.

SHRI S. M. BANERJEE : I want your ruling on this.

MR. DEPUTY-SPEAKER : The hon. Minister has already said that he is considering the issue. As the clause is constructed, the word 'who' does not fit in this clause at all; and 'and' is the correct word. The hon. Minister is considering it. So, why should hon. Members become impatient?

SHRI INDER JIT GUPTA (Alipore) It cannot be a consequential change.

MR. DEPUTY-SPEAKER : There is some mistake somewhere. I cannot blame them.

श्री बेबेन सेन : मिनिस्टर का कन्सिडरेशन सन्तोषजनक नहीं हो सकता बिल पर

हम लोगों को। फिर विचार करना पड़ेगा। इसलिए मैं चाहूंगा कि वह इस पर कन्सिडरेशन करके एक सही बिल हम लोगों के सामने विचारार्थ रखें।

उपाध्यक्ष महोदय : श्री ओम प्रकाश त्यागी।

श्री ओम प्रकाश त्यागी (मुरादाबाद) : क्लोज नम्बर 3 पर मैं ने अपना संशोधन नम्बर 45 मूव किया है जिस में मैं ने चाहा है कि आफ्टर "औफ" शब्द "सैंट्रल" ईसर्ट कर दिया जाए।

यहां हाउस में इस चीज को लेकर एक मतभेद रहा है कि क्या सैंट्रल गवर्नमेंट इंडस्ट्रियल इंस्टीट्यूशंस में अपनी डाइरेक्ट फोर्स रखे या प्रान्त की ही पुलिस केवल रखे और ऐसी हालत में मैं समझता हूँ कि गवर्नमेंट जब इस को पास करने पर तुली हुई है तो उसे इस प्रकार से इस बिल को उपस्थित करना चाहिए जिससे कि इस में कोई मतभेद न रहे। बिल का मौजदा क्लोज नम्बर 3 (1) इस प्रकार है :

"There shall be constituted and maintained by the Central Government a Force to be called the Central Industrial Security Force for the better protection and security of industrial undertakings owned by that Government."

बाई डेट गवर्नमेंट यह एक वेग टर्म है और इसीलिए मैं ने अपने मौजदा अमेंडमेंट के जरिए इस चीज को साफ करना चाहा है और इसीलिए मैं ने "औफ"के बाद शब्द "सैंट्रल" जोड़ने का सुझाव दिया है ताकि यह चीज बिल्कुल साफ हो जाए कि सैंट्रल गवर्नमेंट द्वारा एक फोर्स का गठन किया जायगा जोकि सैंट्रल इंडस्ट्रियल सिक्योरिटी फोर्स कहलायेगी और यह सैंट्रल इंडस्ट्रियल अंडरटैकिंग के बेटर प्रोटेक्शन और सिक्योरिटी के लिए होगी। हमें इस को बिल्कुल साफ कर देना चाहिए ताकि कोई शक व शकह की गुंजाइश न रहे और कोई भी मनेजमेंट या कोई भी

[श्री ओम प्रकाश त्यागी]

ऐथारिटी उस का अलग अलग अर्थ न निकाल सकें और इस का मिस्यूज न कर सकें। इसलिए इस में सेंट्रल शब्द वहां पर बढ़ा दिया जाए और बाई डेंट गवर्नमेंट की जगह पर और बाई दी सेंट्रल गवर्नमेंट कर दिया जाय। केवल और बाई दी गवर्नमेंट रखना संदेह पैदा कर सकता है कि गवर्नमेंट के दिल में गड़बड़ है और मैं चाहूंगा कि वह इस वेगनैस को इस में से हटा दे। अगर गवर्नमेंट ने इस को ईमानदारी से पास करना है तो उसे मौजदा वेगनैस को निकाल देना चाहिए।

श्री अब्दुल गनी डार (गुड़गांव) : उपाध्यक्ष महोदय, 57 नम्बर के अमेंडमेंट में यह चाहता हूँ कि क्लॉज नम्बर 3 में फौर लाइंस 5 टु 7 बदले में यह सबसटीच्यूट कर दिया जाए :

“(2) The force shall be arranged in such manner and shall consist of such number of supervisory officers and members of Force as may be authorised.

(3) The supervisory officers and members of the Force shall receive such pay and other remuneration as may be prescribed

इस सिलसिले में मैं सिर्फ यह अर्ज करना चाहता हूँ कि जब से मैं पार्लियामेंट में आया हूँ मैं ऐसा महसूस कर रहा हूँ कि हमारी सरकार इस तरीके से चल रही है जैसे सारे अधिकार वह अपने हाथ में लेना चाहती हो। जब उस की ऐसी मंशा है तो उसे साफ तौर पर इसे कह देना चाहिए और वाजै कर देना चाहिए। बैंकडोर से आना उचित बात नहीं है। हालांकि उन की मंशा साफ मालूम पड़ती है कि इस तरह से बैंकडोर से आयें और स्टेट्स को बिल्कुल अपाहिज कर दें। मैं ने इस चीज को साफ करने के लिए इसे दो हिस्सों में बांटा है। एक तो यह कि जो आप फोर्स आर्गनाइज करने जा रहे हैं वह किस की ऐथारिटी में होनी चाहिए और जाहिर है कि जैसी गवर्नमेंट की मंशा है वह ऐथारिटी सेंट्रल गवर्नमेंट हो सकती है और वह इस की

जिम्मेदारी ले कि वह फोर्स किस तरह से संगठित की जाए और यह कि उस में इतने सुपरवाइजरी आफिसर्स रहेंगे और इतने उस फोर्स के मैम्बर्स रहेंगे।

अपने अमेंडमेंट के दूसरे हिस्से में मैं ने यह चाहा है कि वह यह डिसाइज करे कि सुपरवाइजरी आफिसर्स और मैम्बर्स ऑफ दी फोर्स इतनी पे और दूसरे रेग्युलेशन पायेंगे। इस का डिसेशन वह ले क्योंकि डिप्टी स्पीकर साहब आप इस बात के गवाह हैं कि कई कमिशन बैठे लेकिन दिल्ली पुलिस की तनखाह भी नहीं बढ़ा सके जो कमिशन ने फैसला दिया है और उन के वचनों भूखे मर रहे हैं उनकी समस्या हल नहीं हो पाई है। लेकिन यह सरकार टस से मस नहीं हुई, इसलिए इस फोर्स के सैनिकों को कितना वेसिक तनखाह के इलावा भत्ता मिलेगा? दोनों बातें क्लियर हो जानी चाहिए कि वह भरती किस लिए किए जा रहे हैं। अगर वह इस लिए भरती किए जा रहे हैं कि चूँकि करोड़ों रुपये पब्लिक सेक्टर में बरबाद हो रहे हैं अफसरों की या मैनेजमेंट की गलती से, आए दिन चोरियां होती हैं, उन को रोका जाए, तब बात दूसरी है। जब मैं ने सुना कि श्री दरबारी डी० आई० जी० सी० आर० पी० को आई जी० बनाया जा रहा है, जिन्होंने बहुत अच्छा काम किया है, तो मैं बड़ा खुश हुआ। चाहे यह उड़ीसा के चीफ मिनिस्टर का मामला हो चाहे किसी मैनेजमेंट का मामला हो, मुझे पूरा भरोसा है कि वह बहुत अच्छा काम करेंगे। लेकिन अगर उन को अपने मतलब के लिए वहां पर भेजा जा रहा है और उन को इस लिए इस्तेमाल किया जाय कि वह मैनेजमेंट या सरकार के इन्स्ट्रक्शन पर चलें, तो उन का काम अच्छी तरह से चलने वाला नहीं है। आज पब्लिक सेक्टर को बहुत ज्यादा देखने की जरूरत है। वहां के अफसर बहुत नालायक हैं और उन की नालायकी की वजह से आज करोड़ों रुपए बरबाद हो रहे हैं। अगर दरबारी जैसे अफसर को, जिस की मैं बहुत तारीफ:

करता हूँ और जिस ने सी० वी० आई० के डी० आई० जी० होते हुए बड़ा काम किया है, वहाँ की चोरियों को रोकने के लिए रक्खा जा रहा है तब ठीक है। लेकिन अगर इस लिए रख रहे हैं कि मजदूरों और मेकेनिकों को खराब करे तो मैं समझता हूँ कि यह गलत बात होगी। आगे दफात आ रही है जिन पर बहस होगी मैं ने इस पर भी अमेंडमेंट रखे हैं। जो बंगाल से आए हुए हमारे चेअरमैन हैं मैं उन से मुत्तफिक हूँ। इस को क्लियर कर दिया जाय कि सेंट्रल गवर्नमेंट की मंजूरी से वह भरती होंगे और उन की मंजूरी से वह वहाँ रहेंगे और काम चलायेंगे जिस में कि वहाँ की बेइमानियों को रोका जा सके।

[श्री عبدالغنى ڈار (گوڑگاؤں) :
 اپادھیکش مہودئے - ۷۰ نمبر کے
 امینڈمینٹ میں یہ چاہتا ہوں کہ
 کلوز نمبر ۳ میں فار لائنس ۵ ٹو ۷ کے
 بدلے میں یہ سبسٹی چیوٹ کر دیا
 جائے -

"(2) The force shall be arranged in such manner and shall consist of each number of supervisory officers and members of Force as may be authorised.

(3) The supervisory officers and members of the Force shall receive such pay and other remuneration as may be prescribed."

اس سلسلے میں میں صرف یہ عرض کرنا چاہتا ہوں کہ جب سے میں پارلیامنٹ میں آیا ہوں میں ایسا محسوس کر رہا ہوں کہ ہماری سرکار اس طریقے سے چل رہی ہے جیسے سارے ادھیکار وہ اپنے ہاتھ میں لینا چاہتی ہو۔ جب اس کی ایسی منشا ہے تو اسے صاف طور پر اسے کہہ دینا چاہئے واضح کر دینا چاہئے۔ بیک ڈور سے آنا اچت بات

نہیں ہے۔ حالانکہ ان کی منشا صاف معلوم پڑتی ہے کہ اس طرح سے بیک ڈور سے آئیں اور اسٹیٹس کو بالکل اہاج کر دیں۔ میں نے اس چیز کو صاف کرنے کے لئے اسے دو حصوں میں بانٹا ہے۔ ایک تو یہ کہ جو آپ فورس آرگنائز کرنے جا رہے ہیں وہ کس کی اتھارٹی میں ہونی چاہئے اور ظاہر ہے کہ جیسی گورنمنٹ کی منشا ہے وہ اتھارٹی سینٹرل گورنمنٹ ہو سکتی ہے اور وہ اس کی ذمہ داری لے کہ وہ فورس کس طرح سے سنگھٹ کی جائے اور یہ کہ اس میں اتنے سپر وائزی آفیسرس رہیں گے اور اتنے اس فورس کے میمبرس رہیں گے۔

اپنے امینڈمنٹ کے دوسرے حصہ میں میں نے یہ چاہا ہے کہ وہ یہ ڈیپارٹمنٹ کرے کہ سپر وائزی آفیسرس اور میمبرس آف دی فورس اتنی بے اور ریمونریشن پائینگے۔ اس کا ڈیپارٹمنٹ وہ لے کیونکہ ڈپٹی اسپیکر صاحب آپ اس بات کے گواہ ہیں کہ کئی کمیشن بیٹھے لیکن دلی پولیس کی تنخواہ بھی نہیں بڑھا سکے جو کمیشن نے فیصلہ دیا ہے اور ان کے بچے بھوکے مر رہے ہیں ان کی سمسیا حل نہیں ہو پائی ہے۔ لیکن یہ سرکار اس سے مس نہیں ہوئی۔ اس لئے اس فورس کے سینکوں کو کتنا بیک تنخواہ کے علاوہ ہتھ ملے گا؟ دونوں باتیں کلیئر ہو جانی چاہیں کہ

[شری عبدالغنی ڈار]

وہ بھرتی کس لئے کئے جا رہے ہیں۔ اگر وہ اس لئے بھرتی کئے جا رہے ہیں کہ چونکہ کروڑوں روپے پبلک سیکٹر میں برباد ہو رہے ہیں افسروں کی یا مینیجمنٹ کی غلطی سے۔ آئے دن چوریاں ہوتی ہیں۔ اس کو روکا جائے۔ تب بات دوسری ہے۔ جب سے میں نے سنا کہ شری درباری ڈی۔ آئی۔ جی۔ سی۔ آر۔ رہی۔ کو۔ آئی۔ جی۔ پی۔ بنایا جا رہا ہے۔ جنہوں نے بہت اچھا کام کیا ہے۔ تو میں بڑا خوش ہوا۔ چاہے یہ اڑیسا کے چیف منسٹر کا معاملہ ہو چاہے کسی مینیجمنٹ کا معاملہ ہو۔ مجھے پورا بھروسہ ہے کہ وہ بہت اچھا کام کرینگے۔ لیکن اگر ان کو اپنے مطلب کے لئے وہاں پر بھیجا جا رہا ہے اور ان کو اس لئے استعمال کیا جائے کہ وہ مینیجمنٹ یا سرکار کے انسٹرکشن پر چلیں۔ تو ان کا کام اچھی طرح چلنے والا نہیں ہے۔ آج پبلک سیکٹر کو بہت زیادہ دیکھنے کی ضرورت ہے۔ وہاں کے افسر بہت نالائق ہیں اوزان کی نالائقی کی وجہ سے آج کروڑوں روپے برباد ہو رہے ہیں۔ اگر درباری جیسے افسر کو۔ جس کی میں بہت تعریف کرتا ہوں اور جس نے سی بی آئی کے ڈی آئی جی ہوتے ہوئے بڑا کام کیا ہے۔ وہاں کی چوریوں کو روکنے کے

لئے رکھا جا رہا ہے تب ٹھیک ہے۔ لیکن اگر اس لئے رکھ رہے ہیں کہ مزدوروں اور میکانکوں کو خراب کرے تو میں سمجھتا ہوں کہ یہ غلط بات ہوگی۔ آگے دفات آ رہی ہیں جن پر بحث ہوگی۔ میں نے اس پر بھی امینڈمنٹ رکھے ہیں۔ جو بنگال سے آئے ہوئے ہمارے چیرمین ہیں میں ان سے متفق ہوں۔ اس کو کلیئر کر دیا جانا چاہئے کہ سنٹرل گورنمنٹ کی منظوری سے وہ بھرتی ہونگے اور ان کی منظوری سے وہ وہاں رہیں گے اور کام چلائیں گے جس میں کہ وہاں کی بے ایمانیوں کو روکا جا سکے۔]

श्री एस० एम० जोशी (पूना): उपाध्यक्ष महोदय, जब यहां सारी चर्चा हो रही है तब तन्द्वाह के वारे में भी चर्चा हो रही है। जब यह बिल राज्य सभा में आया तब उस में मैं ने देखा कि फानैन्शल मेमोरेंडम उस में दिया हुआ था। उस में यह बतलाया गया है 1 करोड़ 18 हजार रुपए इस पर खर्च होंगे रिकरिंग एक्स्पेंडिचर के रूप में। ऐसी स्थिति में यह एक ऐसी चीज हो गई जिस के लिए पैसा कंसोलिडेटेड फंड से लेना पड़ेगा। जब भी विद्डाल होता है तब कंसोलीडेटेड फंड से होता है। राज्य सभा में जब फाइनेन्शल मेमोरेंडम दिया गया तो उस में बतलाया गया कि इस पर 1 करोड़ 55 लाख और 90 हजार २० टोटल खर्च होगा जिस में 37 लाख 69 हजार नान-रिकरिंग होगा। रिकरिंग एक्स्पेंडिचर 1 करोड़, 18 लाख 21 हजार २० का होगा। इस के माने यह है कि यह बहुत बड़ा खर्च है। इस लिए राज्य सभा में इस को ला कर शुरू से ही एक गलत चीज हो गई है। आखिर

राज्य सभा में यह बिल आया कैसे ? आर्टिकल 117 में हम लोग क्या पाते हैं।

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States":

इस बिल के बारे में शुरू से ही मन्त्रिणा-पात हो गया है। यह बिल यहाँ आना चाहिए, या क्योंकि हम लोग इस पर करोड़ों रुपए खर्च करने जा रहे हैं। इस को वहाँ कैसे रखना गया ? वहाँ पर यह पास हुआ, इस पर तर्कीमें हो गई, उस के बाद यहाँ ले आया गया है, जिस में करोड़ों रुपयों का खर्च इन्वाल्ड है। इस सब बातों को देखते हुए मेरा यह कहना है कि यह बिल इन आर्डर नहीं है।

SHRI TENNETI VISWANATHAM (Visakhapatnam): I am only supporting what Shri S. M. Joshi has said. He has pointed out what we have missed all along. Sometimes we give very little thought. But there are others who, apparently, sit behind but they look into these things more carefully than others. I entirely agree with the point of order raised by him. I think, we cannot leave it to the Supreme Court. We have to decide it here.

SHRI K. NARAYANA RAO : Sir, the exact import of the intentions of article 117 of the Constitution as been misunderstood by Shri S. M. Joshi and also Shri Tenneti Viswanatham. Here, I draw a distinction between two situations. One is a Bill which directly involves expenditure from the Consolidated Fund of India and another as one which involves incidentally an expenditure from the Consolidated Fund of India. So, there is a distinction between sub-sections (1) and (3) of article 117. The sub-section (3) says:

"A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the

President has recommended to that House the consideration of the Bill."

Here, the only discipline imposed is a Bill which involves expenditure from the Consolidated Fund of India, must receive the recommendation of the President. It does not say, as sub-section (1) of article 117 says, that such a Bill shall not be introduced in the Rajya Sabha. It does not say so. What it says is that it shall not be introduced or passed without the recommendation of the President. Therefore, we have to draw a distinction between a Bill which directly involves expenditure and a Bill which incidentally involves a expenditure. So, I do not think there is any substance in the point of order raised.

MR. DEPUTY-SPEAKER : Will you please explain why that 'and' is there? The two clauses are separate. I would like you to throw some light on that.

SHRI K. NARAYANA RAO : It says:

"A Bill which if enacted and brought into operation....."

Here, the restriction is both on the Lok Sabha and the Rajya Sabha. When it comes to sub-section (3), the restriction is on both the Houses of Parliament, that is to say, both envisage and contemplate the introduction and the passing of the Bill in both the Houses only on the assumption that such a Bill could be introduced in the Rajya Sabha and could be passed by the Rajya Sabha. The Sub-section (3) envisaged only the recommendation of the President. You have to draw a distinction between the two. So far as the present Bill is concerned, it belongs to the category of sub-section (3), not to sub-section (1) of article 117.

SHRI NAMBIAR : Sir, clause 3 clearly says:

"There shall be constituted and maintained by the Central Government a Force to be called the Central Industrial Security Force for the better protection.."

A Force is being constituted. So, the entire expenditure is to be incurred hereafter. It is not incidental expenditure. There is no question of incidental expenditure here. It is an expenditure from the consolidated Fund of India. The Financial

[Shri Vidya Charan Shukla]

Memorandum is also there. It should not have been introduced in the Rajya Sabha. It should have been introduced here. The only remedy is that this Bill should be withdrawn and resubmitted to this House for its consideration. That is the only alternative. Article 117 of the Constitution makes it quite clear. If they want, they can pass it in this century. The century is long enough. They should not circumvent the Constitution. They say everyday that we are breaking the Constitution. But, on every issue, it is they who are breaking the Constitution. Specially, the Home Ministry is notorious for that. He should withdraw the Bill and do justice to the House and to the Constitution.

MR. DEPUTY-SPEAKER: I would like to have some guidance from the hon. Members who take interest in this. As Mr. Narayana Rao pointed out, sub-section (3) of article 117 is of a general nature.

We will have to find out how to construct the meaning of that article. It is of a general nature. Does it cover altogether? I am not clear about the last part of sub-section (1) of article 117. I want a clear answer for this. "...shall not be introduced or moved except on the recommendation of the president..'" This is alright. This is an independent clause. But what about this part, namely, "...and a Bill making such provision shall not be introduced in the Council of States"? This is a separate clause altogether. So, let us construe the article properly. If you can throw some light on that, it would be better.

SHRI VIDYA CHARAN SHUKLA : May I draw your attention to article 110 which specifies this? Article 117 (1) says:

"...for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110...."

If you go through (a) to (f) of clause (1) of article 110, you will find that the present measure does not fall within any of those mentioned in (a) to (f). It clearly falls within sub-section (3) of article 117. This is the position about this Bill. (Interruptions).

MR. DEPUTY-SPEAKER : Let him finish.

SHRI VIDYA CHARAN SHUKLA: May I read out (a) to (f) of article 110 (1)?

MR. DEPUTY-SPEAKER: Yes.

SHRI VIDYA CHARAN SHUKLA: It reads as follows:

- "(a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) the regulation of the borrowing of money or giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;
- (c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;
- (d) the appropriation of moneys out of the Consolidated Fund of India;
- (e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;
- (f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State."

These are the things. This Bill does not confer any authority for withdrawal of funds. (Interruptions)

It comes only under 117 (3). Article 117(3) reads thus :

"A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed...."

MR. DEPUTY-SPEAKER : That is a general clause. Please see (e) of 110 (1) which reads thus:

"the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India...."

SHRI VIDYA CHARAN SHUKLA: It is not charged. We are only drawing.

It is not charging on the Consolidated Fund of India. We are not charging(Interruptions)

MR. DEPUTY-SPEAKER : Mr. Viswanatham

SHRI TENNETI VISWANATHAM : There are three sections to which I would make reference, namely, article 109 (1), article 110 (1), sub-clauses (c) and (d), and article 117 (1).

First, the constitution makers gave a general idea that money bill shall not be introduced in the Council of States. They laid down that provision in art. 109. They have laid down the importance of Lok Sabha for certain purposes. So far as money bill is concerned they said, it shall not be introduced in the Council of States. Then the question is what is a Money bill. Money bill is defined in the next Article. It involves the payment of moneys into or withdrawal of moneys from any Fund, as per sub-clause (c) of Article 110. Sub-clause (d) says, appropriation of moneys out of the Consolidated Fund of India. Every pie that we spend must be appropriated from out of the Consolidated Fund and it comes under the Appropriation Accounts and the Accountant General will certainly make it part of the Appropriation Accounts. The inter-relation between these Articles once again appears in Article 117. It says 'A bill making such provision shall not be introduced in the Council of States' Therefore they have clearly said that money Bills involving appropriation of any money from the Consolidated Fund of India shall not be introduced in the Council of States. It seems to be a very clear proposition.

SHRI S. M. BANERJEE. Article 117 is very clear and specific. A bill cannot be introduced except on the recommendation of the President. It shall not be introduced in the Council of States. There is no ambiguity about it. This is mandatory. There is no doubt about it. As stated by Shri S. M. Joshi, this Bill was introduced in the Rajya sabha with the recommendation of the President and with the Financial Memorandum attached to it. There was this Financial review attached. What does it imply, Sir? It implies, it is a money bill. Under the constitution it should have been introduced in the lower House. The hon. Minister has read article 110, from (a) to

(g). Whatever is to be spent from out of the Consolidated Fund of India comes under money Bill. There is no ambiguity about it. The bill was wrongly introduced in Rajya Sabha. I have every respect for the other House. But under the Constitution it is necessary that this Bill should be introduced in the Lok Sabha. So, I request the hon. Minister to withdraw the Bill and re-introduce it in this House again. In the name of justice it should be done.

SHRI V. KRISHNAMOORTHY : On more than one occasion, as Deputy-Speaker, you have given your ruling. Any Bill in regard to any single pie which is taken out of the consolidated fund of India, is a money Bill. It is a money Bill and more than one crore is to be spent from out of the consolidated fund of India. Since it definitely involves expenditure from the Consolidated Fund of India, it is certainly a money Bill. The mere fact that the Bill does not contain any financial statement with regard to expenditure and also from where it is to be charged is a lacuna and we can't proceed with this Bill without the financial memorandum...

MR DEPUTY SPEAKER: The question is whether it was properly introduced in Rajya Sabha or not. That is the only question.

SHRI V. KRISHNAMOORTHY : There are 2 things; one is absence of financial memorandum. That is number one.

Another thing is that this Bill has not been properly introduced because it has been introduced in the Rajya Sabha. So the hon. Minister may be asked to withdraw it.

श्री जार्ज फरनेन्डीज (बम्बई-दक्षिण) :
उपाध्यक्ष महोदय, माननीय सदस्य, श्री एस० एम० जोशी, ने जो व्यवस्था का प्रश्न उठाया है, उस का पूरा समर्थन करते हुए मैं उसके साथ संविधान के अनुच्छेद 117 (3) को भी जोड़ना चाहता हूँ, जिसमें कहा गया है:

"A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House

[श्री जार्ज करनेगीबज]

of Parliament unless the President has recommended to that House the consideration of the Bill".

श्री जोशी ने यहां पर यह मुद्दा उपस्थित किया कि इस बिल को सबसे पहले राज्य सभा में पेश ही नहीं किया जा सकता; वह लोक सभा में पेश किया जाना चाहिए, क्योंकि वह संविधान के अनुच्छेद 110(1) के भाग (ए०) में (एफ०) में दी गई डेफिनीशन में बैठ जाता है। इसके अलावा संविधान के अनुच्छेद 117(3) को दृष्टि में रखते हुए मन्त्री महोदय ने इस बिल को राज्य सभा के बाद यहां पेश करने में एक बहाना बड़ी भूल की है। इस बिल की जो प्रति हमें दी गई है, उसके पहले पन्ने पर लिखा हुआ है :

"The Central Industrial Security Force Bill, 1968, as passed by the Rajya Sabha on the 13th May 1968".

इस बिल के आखिरी पन्ने पर ऊपर "राज्य सभा" लिखा हुआ है और नीचे यह लिखा हुआ है:

"A Bill to provide for the constitution and regulation of a Force called the Central Industrial Security Force for the better protection and security of certain industrial undertakings".

लेकिन इस बिल में यह कहीं भी नहीं बताया गया है कि इस बिल को यहां पेश करने के लिए राष्ट्रपति की सम्मति दी गई है या नहीं।

जैसा कि मैं ने अभी बताया है, संविधान के अनुच्छेद 117(3) में कहा गया है:

"A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India".

मैं समझता हूँ कि मन्त्री महोदय या किसी और मानवीय सदस्य की तरफ से यह तो नहीं कहा जायेगा कि इस बारे में कानमालिडेडिड फंड में से खर्च नहीं होने वाला है।

राज्य सभा में जो बिल पेश किया गया था—उस बिल की प्रति मेरे पास है—, उसमें लिखा है:

"The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended the consideration of the Bill by the Rajya Sabha.—B. B. Banerjee, Secretary".

मैं संविधान के अनुच्छेद 117(3) को फिर पढ़ देता हूँ। उसमें लिखा है :

"A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill".

MR. DEPUTY- SPEAKER: In Bulletin Part II published on 13 Aug, 1968, the same President's recommendation is there :

"The President, having been informed of the subjectmatter of the Bill to provide for the constitution and regulation of a force called the Central Industrial Security Force for the better protection and security of certain industrial undertakings, as passed by Rajya Sabha on 13 May 1968, has recommended under cl. (3) of article 117 of the Constitution of India the consideration of the said Bill in the Lok Sabha".

So that objection is met. The only question before us is whether it could be introduced first in the Rajya Sabha. On that I want guidance.

श्री जार्ज करनेगीबज : तो फिर मैं यह निवेदन करना चाहता हूँ कि संविधान के अनुच्छेद 110(1) (ई) में कहा गया है कि अगर किसी बिल में इन मामलों के सम्बन्ध में कोई व्यवस्था हो, तो वह मनी बिल समझा जायेगा :

"the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India."

अनुच्छेद 110(1) (इ०) (एफ०) में कहा गया है:

"receipt of money on account of the Consolidated Fund of India or the

public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State".

जहाँ तक इस कानून का सम्बन्ध है, इस को अमल में लाने के बाद 'कानसालिडेटेड फंड' में से बहुत बड़े पैमाने पर पैसा खर्च करना पड़ेगा। जब इस बिल के बारे में अनुच्छेद 117 (3) के अनुसार राष्ट्रपति की सिफारिश प्राप्त की गई है, तो उससे यह बिल्कुल साफ़ हो जाता है कि इस बिल को सबसे पहले इस सदन में ही पेश किया जाना चाहिए था और उस के बाद ही इस पर बहस हो सकती थी।

MR. DEPUTY-SPEAKER: I would like to know from where you are going to get this money.

SHRI VIDYA CHARAN SHUKLA: Of course, all expenditure come from the Consolidated Fund of India; there is no denying the fact. Under Article 110 Money Bills are divided into two categories; they are defined under this Article. According to us, this measure is not a Money Bill because neither there is any charge on the Consolidated Fund of India nor there is any authorisation for drawing any money from the Consolidated Fund of India. Authorisation for drawal of money from the Consolidated Fund of India is only in the Appropriation Accounts which are passed by this House and without that authorisation the Government of India cannot draw any money from the Consolidated Fund of India. Only after this House passes the Appropriation Accounts which contain this authorisation, the Government of India can draw any money from the Consolidated Fund of India. The Financial Memorandum attached to this Bill indicates that the expenditure on the constitution and maintenance of this Force will be incurred from the Consolidated Fund of India. It is not as if this Bill authorises the Government of India to draw any money from the Consolidated Fund of India for this purpose. Neither there is any charge on this. So, my humble submission is that this is not a Money Bill.

Your ruling is that if there is any expenditure proposed to be incurred from the Consolidated Fund of India under the provisions of a particular Bill, then there should be a Financial Memorandum attach-

ed to such a Bill. That is why a Financial Memorandum has been appended to this Bill. I would like to repeat that this Bill does not authorise the Government of India to draw any money from the Consolidated Fund of India; such an authorisation will have to be given by this House by passing the Appropriation Act. That is why this is not a Money Bill.

MR. DEPUTY SPEAKER: I would like to know from you how we can put such a restrictive meaning on the provisions under this Article, saying that in the case of this Bill only proposals for expenditure or revenue are there. Appropriation is a consequential act arising out of the Finance Bill. Appropriation is the last act. After that you get the sanction of this House. Let us try to understand the position: is it that when you come before this House for appropriation and you get the sanction of this House, then alone these provisions regarding Money Bills are attracted, or when you get the sanction of the house to incur expenditure in future these provisions of the Constitution are attracted. This point should be considered.

SHRI VIDYA CHARAN SHUKLA: I would like to draw your attention to Article 110(1)(a) and (b). You have queried whether what is contained in the Finance Bill is not authorisation to draw any money. But, Sir, the Finance Bill is considered to be a Money Bill because of (a) and (b) of Article 110. 110(1)(a) reads:

"the imposition, abolition, remission, alteration or regulation of any tax."

110(1)(b) reads:

"the regulation of [the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India".

Because of these provisions, the Finance () Bill is taken to be a Money Bill. If you will go through this Bill, you will find there is neither any charge nor any authorisation in any one clause of this Bill. If anyone of these two had been

provided for in the Bill, then it would have clearly become a money Bill. Just because a Financial Memorandum has been appended to the Bill, it does not become a Money Bill. If that is the plea of those friends on the opposite side, I will have to disagree with that. The Financial Memorandum shows the likely expenditure to be incurred for which authorisation will have to be asked separately. In bold letters the Financial Memorandum shows the expenditure to be incurred in future. That is all. That does not make this a Money Bill because the Government is not authorised to draw any money from the Consolidated Fund of India. It will have to bring it in the budget or appropriation Bill or other wise to get the authority of the Parliament to draw money out of the Consolidated Fund. By the mere passage of this bill no money can be drawn unless it is again authorised either in the financial budget or the appropriation Bill.

SHRI DATTATRYAYA KUNTE (Kolaba): Mr. Deputy Speaker, having read the recommendation under Art. 117(3)—and it has now been accepted that the recommendation of the President is there—we are only concerned with Art. 17(1) which reads thus:

A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States.

This indicates that the Bill which is defined in Art. 110 shall not be introduced in the Council of States. We will go to Art. 110. Sub-clauses (a) to (f) are not the material points in Art. 110. They are elucidations, they are examples. The wording is ".....all or any of the following matters, namely—." But the relevant part is the last word in line 2 of Article 110(1). Here it is said: "For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provision....." It means thereby that if a Bill contains any other provision, then even if (a) to (f) are included in the Bill, it will not be a Money Bill. The word 'only' is the material

word in the case of Money Bill. Otherwise it would so happen that every Bill has a memorandum and a financial statement because after all any legislation passed here starts with an expenditure from the Consolidated Fund. The moment it is passed, it becomes a law. Therefore, all that it would mean is that the Constitution wanted to lay down that these Bills shall be introduced in this House. The very fact is that this Bill has been introduced in the Rajya Sabha and yet this House has accepted it. I will give another instance and even if it is not accepted, I will argue from the constitutional point of view. What do Articles 110 and 117 lay down? Art. 117 lays down that those Bills in which matters referred to in Art. 110 are involved shall not be introduced in the Rajya Sabha. What does Art. 110 say? It clearly says that the Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, that is, (a) to (f). But they are not the only matters and then it will not become a Money Bill and it will not come under the definition in Art. 110. Therefore, whatever is said in Articles 110 and 109 is not applicable to this particular Bill because of the word 'only.' This word 'only' has been laid down because the Constitution says that as far as any financial business is concerned, it shall be originated in this House and you know why it should not go to the Upper House. The reason is that the Council of States does not deal with financial matters and it does not take any decision. It may discuss the budget; it may discuss the financial provisions, but it never takes a decision. Any decision on financial matters is taken only by this House, the Lok Sabha, and therefore any Bill which deals with Art. 110, whether it is a financial Bill or a Money Bill, has to be introduced in this House only. This is the position and therefore in this particular case the word 'only' in line 2 of Art 110 clarifies the situation.

SHRI HIMATSIKKA : I support the argument that has been put forward. Moreover, you know there are two kinds of expenditure, one is charged and the other is voted. Sub-clause(e) refers to expenditure charged on the Consolidated Fund. This makes a distinction between voted expenditure and charged expenditure. Therefore, this is not a charged expenditure. There-

fore, it cannot come under sub-clause(e). It is not a Money Bill because it does not come within this provision. Any Bill that is passed in this House will certainly mean a certain amount of expenditure. Those Bills which make provision for a certain amount of expenditure are taken care of in sub-clause (3), which lays down that the recommendation of the President shall be obtained. That has been obtained. There is nothing wrong in the Bill having been introduced in the Rajya Sabha.

SHRI NAVAL KISHORE SHARMA (Dausa) : While deciding this matter, we have to refer to article 110 as a whole. It is divided into two parts. Sub-clause (1) says that a Money Bill should contain only provisions dealing with all or any of the matters enumerated in sub-clauses (a) to (f). Sub-clause (g) refers to incidental matters. We are considering a Bill which relates to incidental matters. If the Bill is passed the expenditure for the up-keep and organisation of the central force would be incidental. Therefore, it is not a Money Bill. It is neither illegal nor improper that the Bill was first introduced in the Rajya Sabha.

SHRI R. D. BHANDARE : Sir, I support the argument advanced by Mr. Kunte that it is not a Money Bill, but a Bill which involves finance. Sub-article (1) of article 117 deals only with matters enumerated in article 110, which means, items which can be the subject matter of a Money Bill. When I say it only means Money Bill, I say it in the sense in which Mr. Kunte put forward his argument, *i. e.* a Bill which deals with matters enumerated under article 110 only. But there might be thousands of other Bills which may not be Money Bills but which deal with finance. Such Bills are covered by sub-article (3) of article 117, which requires that such Bills must be recommended by the President. These are the two different sub-articles dealing with two different situations. In that sense, we are justified in passing this Bill, even though it was originally introduced in the Rajya Sabha, because it is not a Money Bill.

15 hrs.

MR. DEPUTY SPEAKER : Your argument is that there was nothing improper. That is the only question.

SHRI R. D. BHANDARE : It deals with

financial matters and not the money Bill.

SHRI TENNETI VISWANATHAM : A point has been raised with regard to the word 'only.' Now the Constitution-makers here were very careful. They wanted to avoid any misinterpretation. Therefore, they introduced two clauses. As I said in the beginning we need not depend only upon Art. 110 and 117. There is another Article 109. It clearly says that no money Bill shall be introduced in the Council of States. I suppose you have seen that. Art. 110 describes what is a Money Bill and in order to see that the matters are even clearer, it gives also another mention of it in clause (2). Clause (1) says what is the money Bill. In clause (2) it says what is not a Money Bill. Therefore whatever it does not give in clause (2) of art. 110 certainly will come under clause (1) of Art. 110. Otherwise the Bill must either come in clause (1) or clause (2) involving expenditure. We are talking of Money Bills. I am not talking about other Bills. The only question is whether a Bill involving expenditure and withdrawal of money from the Consolidated Fund of India is a Money Bill or not. What is a Money Bill? It is clearly said : if it contains only provisions dealing with any of the following. As regards the word 'only', if we insist upon the meaning that was attached to the word 'only' by Mr. Kunte and Mr. Bhandare, what happens to the Income Tax Act? There are so many Acts which are Money Bills also, which provide the machinery to collect that money or spend that money or to receive that money. Therefore, what I say is that the fact that the Bill speaks about the creation of the security force, does not render it any the less a Money Bill. Just as in the Income Tax Act we have got a provision for constituting a band of officers. Similarly we have to see if it contains only provisions relating to finance. I wonder if it is not like Portia's argument 'Give him the flesh not the blood.' Therefore, they are asking for the impossible. Therefore what I submit is that the drafters knew that there will be some people who misunderstand things. Therefore they introduced sub-clause(2) which clearly says what are not Money Bills. Therefore, the matter is very clear namely Art. 109(1) says that a Money Bill shall not be introduced in the Council of States. Art. 110 says what are

[SHRI TENNETI VISANATHAM]

Money Bills and sub-clause(2) of Article 109 says what are not Money Bills. Therefore, I think the matter is very clear and if a doubt comes, the decision is left to the Chair. The reason is that these are matters which cannot be decided by vote. These are matters which have got to be decided by the brains. Therefore it is left to you.

SHRI DATTATRAYA KUNTE : I am simply referring to what Mr. Viswanatham just now said. He is talking about sub-clause(2) of Art. 110 . He said that that clause defined what was not a Money Bill. It does not define what is not a money Bill. That would be very clear from the wording of the clause itself. It reads thus :

"A Bill shall not be deemed to be a money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties."

Therefore, if a Bill provides for fines or other pecuniary penalties that does not by itself make it a money Bill. Therefore, article 110(2) is not a definition of what is not a money Bill but it is only an exception to article 110(1). Therefore, if it is to be an exception it has to be read that way and not as a definition of what is not a money Bill. Article 110(1) defines a money Bill, and in clause (2) there are many exceptions given which indicate what are not money Bills. So, it has to be read that way as exceptions only.

SHRI K. NARAYANA RAO : Shri Tenneti Viswanatham has introduced an entirely new element into this discussion. When he was stressing the word 'only' and referred to income-tax, he had obviously ignored article 110(1)(g), which says :

"any matter incidental to any of the matters specified in sub-clauses (a) to (f)....."

That is, it refers to all incidental matters relating to the collection of taxes etc. which are already covered by those sub-clauses. Therefore, it does not mean as though only a skeleton Bill would be there.

There is another factor which we have to bear in mind, namely, that we shall not be defining the limitations on the powers of the Rajya Sabha. We should not ignore this fact. The Constitution has imposed a limitation on the Rajya Sabha by providing that a money Bill shall not be introduced

there. The Constitution has also clearly laid down what a money Bill is. Now comes the question of interpretation. We should interpret the provisions in such a restricted manner that we should not encroach upon the powers and functions of the other House. This is a fact which we must constantly bear in mind.

What meaning has to be given to article 117(3)? As the article stands, we must give some meaning to the words occurring there. The phrase 'A Bill which involves expenditure' occurs there, and it must be given a meaning in juxtaposition to article 117(1) which confines itself to the word 'only', as rightly pointed out by Shri the Dattatraya Kunte.

My hon. friend Shri Tenneti Viswanatham referred to article 110(2) and stated that what was not covered by clause (2) was a money Bill. I would put it the other way, namely that what is not covered by Clause (1) is not a money Bill. The purport of clause 2 of article 110 is that a Bill which is ostensibly a money Bill shall not be deemed to be a money Bill under certain given circumstances, that is, where it provides for charging of fines, for imposition of pecuniary penalties and so on. Naturally these are charging provisions and the Bill may be considered to be a money Bill but this clause saves those Bills from being categorised as money Bills.

Regarding the present Bill, I would like to support the hon. Minister in what he has stated. After what he has stated, I think that there should not have been any discussion at all. After all, what is the purpose of this Bill? This Bill seeks to provide for the creation of a certain security force. That is the only thing contemplated. The exact amount of expenditure that will be incurred is not known, and only a rough estimate has been given.

MR. DEPUTY-SPEAKER : The scope of the discussion is very limited. The hon. Member must confine himself to that specific aspect.

SHRI K. NARAYANA RAO : I am confining myself to the specific point. As the Bill stands, we can only have a very rough idea of the expenditure that is going to be incurred. Everything that is laid down is for the future. The whole thing

is in an embryonic stage. Therefore, if we say that it is a money Bill that would not be proper.

Therefore, I would submit that this entire discussion is out of order.

SHRI INDRAJIT GUPTA : Sir, you have been pleased to observe that the only question before us at present is whether this is a money Bill or not. I respectfully beg to differ from you. That is not the only question. Even though article 109(1) makes it categorically clear that a money Bill shall not be introduced in the Council of States, we cannot assume that article 109(1) refers to the same type of Bill which is envisaged in article 117(1). If it had been so, then article 117(1) would have simply referred to a Money Bill. A Money Bill is already defined in article 110. So, it would have said that a Money Bill shall not be introduced or moved except on the recommendation of the President and shall not be introduced in the Council of States. But article 117(1) says something different. It says: "A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President....."

MR. DEPUTY-SPEAKER : Read the marginal note of article 110—Definition of "Money Bill". That is also important.

SHRI INDRAJIT GUPTA : It may be. But the fact remains that article 117(1) is satisfied provided the Bill makes provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110. Secondary, I will also point out that it does not mean a Money Bill; it means a Bill providing for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110. Then, if we take article 110, the Minister was relying on sub-clause (d)—"the appropriation of money out of the Consolidated Fund of India." Then he correctly said that this is not a Bill which provides for appropriation. But what about sub-clause (e), which says :

"the declaring of any expenditure to be expenditure charged on the Consoli-

dated Fund of India or the increasing of the amount of any such expenditure;"

Appropriation may come later; appropriation is the final stage. But, before that, there is expenditure which is declared to be expenditure charged on the Consolidated Fund of India.

If you kindly look at the Financial Memorandum attached to the Bill, I would like to know by what stretch of imagination this House can give its approval to this Bill, pass this Bill, without, at the same time, approving of the expenditure which is declared in the Financial Memorandum, which he himself admits will ultimately have to be appropriated out of the Consolidated Fund. It cannot come from anywhere else. That is a clear declaration here and it is not a small amount. Shri Kunte says that every Bill might require a little amount of money from the Consolidated Fund. But, in this case, it is a substantial amount, Rs. 118 lakhs of recurring expenditure, which is not a trifling matter, and this amount declared in the Financial Memorandum as the amount which will have to come from out of the Consolidated Fund.

Therefore, on these two counts I submit that the provisions of article 117(1) were meant precisely to cover an instance of his kind, because even one sub-clause of article 110 may involve a very big and substantial expenditure, declared to be an expenditure charged on the Consolidated Fund, though it may not be appropriated here and now by this Bill. The appropriation may come later. Therefore, article 117(1) is not coterminous with a Money Bill as defined in article 110(1). Therefore, it should not have originated in Rajya Sabha.

SHRI SHRI CHAND GOYAL (Chandigarh) : The House is faced with an important constitutional problem and arguments have been advanced by both sides in support of their contention. Article 110 (3) says:—

"If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final."

[SHRI SHRI CHAND GOYAL]

Even though you are an eminent lawyer and understand the constitutional problems, still my submission would be that the House is in need of better legal guidance. So, we may summon the Attorney-General and seek guidance from him. Unfortunately, even the Law Minister is not present in the House now.

SHRI NAMBIAR : Perhaps he is having his nap.

SHRI SHRI CHAND GOYAL : Or, may be, having some other important work. I am not concerned with his private life.

Since you are called upon to exercise your discretion, the discretion must always be guided by legal and judicial consideration and it must not be exercised without proper legal guidance.

In this behalf I will submit that it appears that it was only by inadvertence that this Bill was introduced in the Rajya Sabha. In the normal course of business this Bill ought to have been introduced in this House.

Under such circumstances, the Bill may be declared *ultra vires* only on the ground that it could not be introduced in the Rajya Sabha.

SHRI NAMBIAR : On a point of order, Sir. Shri Piloo Mody is sleeping.

MR. DEPUTY-SPEAKER : May I point out to the hon. Member, Shri Piloo Mody, that he is not allowed to sleep in the House.

SHRI S. M. BANERJEE : He should not snore.

SHRI PILOO MODY (Godhra) : Is it possible to sleep when a man is blowing his horn into your ears? After all, the Speaker must use some discretion.

AN HON. MEMBER : He was meditating.

SHRI SHRI CHAND GOYAL : I appeal to your good self to have the guidance of the Attorney General on such an important occasion because we are going to decided about the validity of this Bill.

SHRI JAGANNATH RAO JOSHI : According to clause (3) of article 117 the President can recommend to the House

consideration of a Bill. There is that recommendation of the President appended to the Bill. So it could very well have been introduced in the Rajya Sabha.

SHRI R. D. BHANDARE : The principle underlying clause (1) or article 117 and article 110 is as to who should have the power over the purse of the people, and the principle underlying the clause (3) of article 117 is as to who should have the power over expenditure. Even expenditure cannot be incurred unless the President recommends it. That is the distinction between the two positions. The power over the purse of the people in a democracy is only the right of the Lok Sabha. So far as expenditure out of the Consolidated Fund is concerned, unless there is a recommendation by the President, it cannot be incurred. Two distinct principles are involved here. Therefore let us not confuse the issue.

MR. DEPUTY-SPEAKER : Clause (1) of article 117, as Shri Indrajit Gupta tried to point out, is something which is not entirely covered by "Money Bills." The issue has been raised not because it is a Money Bill. What happens if under certain legislation Government is supposed to incur expenditure, say, to the tune of Rs. 4 crores, Rs. 5 crores or any amount? In such a position that is not clear. Shri Kunte pointed out clause (2) of article 110 saying that it will not be deemed to be a Money Bill only on the grounds stated there. Therefore looking into the Constitution and hearing all the arguments I cannot say that this is a Money Bill. It is very clear that it is not a Money Bill. On that point everybody is satisfied.

The question now is a very ticklish question, namely, whether a Bill, which involves quite a large sum of money, should originate only in this House or can originate in the Rajya Sabha. On that point, I think, once we get the President's recommendation, our hands are bound down. That is the position that has emerged out of this discussion.

SHRI TENNETI VISWANATHAM : I am sorry, Sir. The Constitution says that it is the ruling of the Chair that prevents it and not the President's certificate.

MR. DEPUTY-SPEAKER : The ruling of the Chair is regarding it being a Money Bill. I have said that it is not a Money Bill. On that point, I am very clear.

There was another point raised, incidentally, by Mr. Kunte and Mr. Indrajit Gupta that though they accepted this was not a Money Bill but it involved quite a large amount of expenditure. Now, the President has given the assent and, I think, we must rest there and proceed with the Bill.

There is a motion of Mr. S. M. Banerjee which we have rejected once. The motion is to the effect that the Attorney-General of India be called to address the House on this particular issue. I do not think, at this stage, we can proceed with it.

SHRI S. M. BANERJEE : Kindly hear me.

MR. DEPUTY-SPEAKER : We have disposed it of once.

SHRI S. M. BANERJEE : This motion is for discussing certain constitutional aspects. We have referred to articles 110 and 117 of the Constitution. After your ruling—we bow down to your ruling—we accept it is not a Money Bill but the point which was raised by Mr. Indrajit Gupta and Mr. Tenneti Viswanatham has not been, unfortunately, covered by your ruling. That is why.....

SHRI VIDYA CHARAN SHUKLA : After your ruling, Sir, where is the point of the Attorney-General coming in ?

SHRI S. M. BANERJEE : Why is this Government shaky of the Attorney-General? Why should the post not be abolished at all? I am in your hands, Sir.

MR. DEPUTY-SPEAKER : Better withdraw it. Let us now proceed with the Bill. The hon. Minister.

SHRI VIDYA CHARAN SHUKLA : Sir, the point raised by Mr. Lobo Prabhu's amendment is substantially the same that he raised in the amendments to clause 2 and the same answer applies to that. He says that the Force should also guard the private sector installations. I have already explained that it is not possible to enact, in this Parliament, an Act for guarding the private sector installations

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As regards amendments No. 22 and 23 moved by Mr. Nambiar, his suggestion is that this Force for guarding the Central Government properties should be constituted by State Governments, it should be recruited by State Governments and it should be managed by State Governments. It is, obviously, not acceptable because this is the Force meant entirely for the purpose of Central Government properties and this is the watch & ward force which will be guarding the Central Government installations and the Central Government properties. The original jurisdiction that the State Governments have will not be disturbed because outside the periphery of the industrial undertakings of the Government of India, the State Governments' jurisdiction will exist as it is. But it is for the purpose of the properties of the Central Government only that the watch and ward force will operate. It will not be possible for us to agree to State Government constituting the Force, running the Force and regulating the Force.

As regards the amendments No. 45 and 46 moved by Mr. O. P. Tyagi, we have examined his suggestion. His suggestion is that the word 'Central' should be inserted. This would take away the efficacy of the Act. Therefore, it is not possible to accept it.

As regards the amendment moved by Mr. C. K. Bhattacharyya, he wants the clause to be broken into two parts, one part containing the provisions regarding the constitution of the Force and the other part dealing with the remuneration and supervision of the Force. We had it examined by the Draftsman of the Law Ministry. We have been advised that the clause, as it has been put in the Bill, is most appropriate and that the breaking it up will cause confusion. Therefore, I am not in a position to accept this amendment also.

MR. DEPUTY-SPEAKER : What about 'and' and 'who'?

SHRI VIDYA CHARAN SHUKLA : About that, the Draftsman of the Law Ministry changed from 'and' to 'who' for a particular purpose which I would explain presently. The change was approved by the Chairman of the Joint Committee at its 12th sitting. The changed draft was put up before the Chairman of the Joint Com-

[Shri Vidya Charan Shukla]

mittee and it was duly approved by the Chairman at the 12th sitting of the Joint Committee. It was done mainly to make the position clear because if the word 'and' was there, it would mean the salaries of all the Force whereas we wanted to say, 'salaries of the officers and supervisory staff'. That is why we put the word 'who' so that the whole matter becomes clear. That was done by the Draftsman and approved by the Chairman of the Joint Committee.

SHRI TENNETI VISWANATHAM : Here it is written 'undertakings owned by that Government.' Does it not refer to all public sector undertakings ?

SHRI VIDYA CHARAN SHUKLA : It means owned by Central Government

SHRI TENNETI VISWANATHAM : What is ownership ? If it is only 51 per cent and 49 per cent may be of the others, do you call it 'owning' or not ? In the definition you have said that the definition of 'public sector undertakings' is as defined under the Companies Act and all that.

SHRI VIDYA CHARAN SHUKLA : In companies, if 51 per cent and above of the shares are owned by any particular interest or group of persons or a person, then it is considered normally that he would be the owner. Here most of the public sector undertakings are entirely owned by the Government of India.

SHRI TENNETI VISWANATHAM : I was not asking that. I know the definition of public sector undertakings and government companies. The definition clause also refers to that. Here, instead of saying 'Central Government undertakings as defined there', the expression used is 'owned by that Government.' 'Owned' means total ownership and it is certainly not ownership if even 10 per cent of the shares are held by others.

MR. DEPUTY-SPEAKER : Corporate ownership. It is a question of company.

SHRI TENNETI VISWANATHAM : My point is why is this term used—'owned by that Government'? There must be some purpose.

MR. DEPUTY-SPEAKER : Now let us proceed. I shall put all the amendments to the vote of the House.....

SHRI C. K. BHATTACHARYYA : Please allow me one minute, Sir. After

what the hon. Minister has stated, a question arises. It remains recorded in the Joint Committee's report that clauses 3 to 7 were passed without any amendment. This is on record. But the Minister says that behind the back of the Joint Committee, the Law Department changed the draft and the Chairman of the Committee approved of it..

MR. DEPUTY-SPEAKER : The Committee has authorised such consequential things. That is there.

SHRI C. K. BHATTACHARYYA : You please go through the report.

MR. DEPUTY-SPEAKER : I have gone through that. The Committee has authorised the Chairman and the Draftsman....

SHRI C. K. BHATTACHARYYA : This is nowhere stated in that. Please go through that.....(Interruptions)

MR. DEPUTY-SPEAKER : It is there. In their 11th Sitting, 'the Committee authorised the Draftsman to carry out changes of minor and consequential nature, if necessary, in the Bill.' Then, in their 12th Sitting, 'the Committee adopted the Bill as amended and the draft report with consequential and some other minor changes.' Now I want to close this. Now there is no room for any objection. The Committee has authorised....

SHRI C. K. BHATTACHARYYA : I appeal to you, Sir: is this a consequential change ? It changes the whole character of the sentence.

MR. DEPUTY-SPEAKER : You said that it had not authorised. Now I have quoted the authority from the report. Secondly, the Bill has come here as passed by the Rajya Sabha. The Minister has also given the explanation.....(Interruptions)

SHRI C. K. BHATTACHARYYA : If the Rajya Sabha says that two and two make five, do we accept it ? Should we not consider whether we should allow the Bill to be passed with this kind of defect ?

MR. DEPUTY-SPEAKER : I shall now put all the amendments to the vote of the House.....

SHRI SRINIBAS MISRA (Cuttack): This is a serious violation of the privilege of the House.....

MR. DEPUTY-SPEAKER : Is Mr. Bhattacharyya pressing his amendment? Is he pressing for a separate vote or shall I put all the amendments together?

SHRI C. K. BHATTACHARYYA : If you say that, I shall certainly vote for the Clause as drafted in the Bill with the full knowledge that, if a school-boy had brought it to me, I would have scratched that sentence.

MR. DEPUTY-SPEAKER : That is not fair. I don't know what is the point of order.....

SHRISRINIBAS MISRA : It is a serious breach of privilege of this House, Sir. The Select Committee or Joint Committee passes certain things and powers are given to the Chairman that consequential amendments will be made. After that, it was accepted. What have they done? Behind the back of the joint committee, even the Rajya Sabha appears to have been cheated, Sir.

MR. DEPUTY-SPEAKER : Mr. Misra, I have read the exact portion. At this stage this point need not be raised. Please resume your seat.

SHRI H. N. MUKERJEE (Calcutta North East) : If you are in a position to say that these are consequential changes and not substantial, please say it.

MR. DEPUTY-SPEAKER : I read out from the report. But as it is this House is not concerned with the report. We are concerned with the Bill, as it has emerged from Rajya Sabha. This is before the House. You can pass it, amend it, or throw it out. It is your business. I am not concerned to probe behind.....

SHRI SRINIBAS MISRA : We are very much concerned with it. On the assumption that the Joint Committee has looked into it, something was done behind the back of the Joint Committee. The Rajya Sabha has passed it. We are concerned with all these things.

MR. DEPUTY SPEAKER : I will make the position clear once again. We are not concerned with the deliberations of this committee of Rajya Sabha. It was a Rajya Sabha Committee. As I said, the Bill, as it has emerged from Rajya Sabha, is before the House.

SHRI H. N. MUKERJEE : These are very important procedural matters which we have noticed your taking very great care about. That is why we wish that you consider this much more carefully and circumspectly. Certain questions were raised which go to the root of the matter in regard to financial matters and this House does not want to pass anything unless this House is absolutely convinced about the *bona fides* of the position. You said that we need not take notice of the Joint Committee's report because it was a Committee which was appointed by the Rajya Sabha. This raises fundamental issues in regard to discussion by the House in respect of Bills based upon reports of joint committees are concerned. I am not prepared to take it as it is and that is why I wish you apply your mind to this matter. I am not prepared to take it that this House,—only because a joint committee which was appointed by the other House has given a report, and the Bill is based thereon,—has nothing to do with that joint committee's report. We examine the Bill only on the basis of the joint committee's report. If there is any lacuna in the report of the joint committee we have to refer it back to Rajya Sabha, with due respect to Rajya Sabha, and we have to request them to reconsider this matter. That being the position, we cannot take any final decision in the matter and if such matters crop up in the legislative process at a particular stage notice has to be brought to it. That is why the Rajya Sabha has to be told about it. That is why I beseech you to give your mind to this matter and not give your decision straightway. I wish you give your mind to it. If this is continued, this becomes part of the conventions of this Parliament. It would be a serious matter if you say that we are concerned only with the Bill as it has emerged from the Rajya Sabha and not with the report. Both the report and the Bill are coming together. And so, that is a proposition which I am not going to accept without a great deal of cogitation.

Therefore, I say when a serious point has been raised in regard to the validity of the Joint Committee Report itself, the way in which it has been presented, the matter has got to go back to the Rajya Sabha and the Rajya Sabha has got to be told that something has got to be done

[Shri H. N. Mukerjee]

by them, in the first instance, and by us later on, if that becomes necessary. That is my very modest submission.

SHRI VIDYA CHARAN SHUKLA : Nothing was done behind the back of the Joint Committee. It was brought to the notice of the Chairman of the Committee by the draftsman and it was approved by the Chairman.

SHRI DEVENSEN : It was not approved by the Committee.

SHRI VIDYA CHARAN SHUKLA : It was a verbal change from 'and' to 'who.' Then it was brought before the Rajya Sabha. The Rajya Sabha has passed it and now it is before us. So the allegation that it was done behind the back of the Committee is not correct.

SHRI DATTATRAYA KUNTE : This really would raise an issue of privilege of this House. To be told to us that we are only concerned with the Bill as passed by the Rajya Sabha is not proper. I would like to see what exactly the Rajya Sabha has passed. For that, the Report of the Joint Committee has to be before us. As you have pointed out, at the 11th sitting, they gave the right to make consequential changes, but at the previous sitting this particular clause was passed without any amendment. So when that particular clause has been passed without any amendment, the position is very clear. Now the word 'and' was substituted by 'who'. The point arises whether the substitution is merely a consequential change. Even a little knowledge of the English language will make it clear that it is not a consequential change.

SHRI VIDYA CHARAN SHUKLA : Verbal change.

SHRI DATTATRAYA KUNTE : It is not even a verbal change. Let the hon. Minister hear patiently. It is neither a consequential change nor a verbal change. This is patent on the face of it.

This raises another question, whether the Bill presented to the Rajya Sabha, as reported by the Joint Committee was properly presented or not taking for granted what the draftsman pointed out to the Chairman. The Chairman may think that this is a consequential change. But it is for you and this House also, because this is not a matter

merely of giving a ruling. This is a matter concerning the English language. To say that the substitution of 'and' by 'who' is merely a verbal or consequential change is too tall an order for even a person with a little knowledge of the English language.

Therefore, in all humility, I would say 'No', even if you say that we have only to look at the Bill as passed by the Rajya Sabha. The Bill as reported by the Joint Committee and as passed by the Rajya Sabha, both have to be taken into consideration by us. Therefore, we cannot possibly accept the explanation given by the hon. Minister that it is either a consequential or a verbal change.

MR. DEPUTY-SPEAKER : It is very difficult for me to allow Members to argue on every point. On what you have said and what Shri H. N. Mukerjee pointed out, initially when this point was raised, I had said specifically—it is on record—that this is not a happy change, from 'and' to 'who.' But ultimately it has the seal of approval of the Rajya Sabha. No doubt we take into consideration the Report of the Joint Committee. But as I said, the other House, the House of Elders, have given their approval. Whether they had gone into thoroughly or not is not our business.

SHRI S. KANDAPPAN (Mettur) : That does not in any way preclude us from considering it here.

MR. DEPUTY-SPEAKER : You are free to consider it. If you think that the change was not authorised and is not in any manner consequential, you can vote on it. There is an amendment.

SHRI S. KANDAPPAN : It is not a question of voting. I happened to be on the Committee along with many other Members.

We did not have a clear idea of the Government's mind and why they were bringing this Bill. At least many Members did not get a clear idea. The Government had their own reasons to hide their motives. As Mr. Bhattacharyya and Mr. Kunte pointed out, the motives of Government were not clear. To make this change and then call it a consequential change is very unfair. This is a substantial change and the point to be considered is whether the Government have the right to bring this

kind of a substantial change after the recommendations of the Joint Committee. This is something very serious to be considered first of all. We raise it because we know that the Government are not prepared to tell us in so many words clearly as to why they wanted such a substantial change. We do know the mischief that this Bill can play. On the basis of these things you have to apply your mind, as Mr. Mukerjee pleaded, and give a ruling on this.

MR. DEPUTY-SPEAKER : When the issue was raised on the other side, I expressed my view that this change is not a consequential change. I have already said it.

श्री रवि राय : यह हाउस के प्रिविलेज का मामला है। इस को मंत्री महोदय वापस ले।

MR. DEPUTY-SPEAKER : But the Joint Committee has authorised.....

SHRIS. KANDAPPAN : We authorised only consequential change and verbal change, not other substantial changes.

MR. DEPUTY-SPEAKER : The Chairman has authorised. What am I to say on this ?

SHRI TENNETI VISWANATHAM : In the meeting held on 11th they were authorised. There was another meeting on the 12th. On the 12th it was not there. Only after that meeting, this change was made, even according to the Minister.

SHRI S. KANDAPPAN : You yourself said that this is not a consequential change. We authorised only consequential changes.

SHRI TENNETI VISWANATHAM : We have got the highest respect for the Chairman of the Joint Select Committee. The Officer took it and she simply signed. It was signed after the 12th meeting, not after the 11th meeting.

SHRI K. NARAYANA RAO : This is only a grammatical change.

MR. DEPUTY-SPEAKER : I cannot call it a consequential change. The question is whether it was authorised. I said to Mr. Bhattacharya that if he wanted to press his amendment to vote, I would put it separately.

SHRI TENNETI VISWANATHAM : The voting is always on their side.

SHRI K. NARAYANA RAO : We should also consider how far it is a grammatical change.

MR. DEPUTY-SPEAKER : We have got to consider whether the authority given to the Chairman and the Draftsman was properly exercised or not. He has raised so many point on this question—so many fundamental questions. How am I to go behind the text of the Bill as it has emerged and come before this House ?

SHRI K. NARAYANA RAO : My submission is that whether it is a grammatical change or not, should be considered.

SHRI HIMATSINGKA (Godda) : I am assuming that the Chairman rightly allowed the word to be changed. But the question is, does the clause as it stands make any meaning ? If it does not, what is the difficulty in changing 'who' into 'and' ? If you permit, I will move my amendment.

MR. DEPUTY-SPEAKER : I will permit you to move. If the Minister accepts, then there is no question.

SHRI HIMATSINGKA : I beg to move :

Page 3, line 6,

for "who" substitute "and".

SHRI S. KANDAPPAN : You were pleased to observe that this is not a consequential change.

MR. DEPUTY-SPEAKER : I have accepted the Amendment. I will now ask the Minister to reply.

SHRI H. N. MUKERJEE : How can you allow such a discrepancy to be covered by a last-minute amendment proposed by somebody ?

MR. DEPUTY-SPEAKER : All the issues have been brought before the House. It appears to me that this change is not a consequential change. It should not have been changed. I have already said that. Now it must be corrected. We cannot go back to the original and therefore he has moved an amendment.

श्री रवि राय : इस को मेहरबानी कर के राज्य सभा को वापस भेज दिया जाय।

SHRI VIDYA CHARAN SHUKLA: The amendment moved by the hon. Member does not relate to the present matter under discussion.

SHRI PILOO MODY (Godhra) : May I ask: Has the report used the word 'and'? Was the Rajya Sabha within its right to pass an amendment and turn it into 'who'. If the Rajya Sabha has that right, the Bill as it has come to the Lok Sabha would contain the word 'who' irrespective of what the report said. When we discuss a Bill here, we discuss it as it comes down to us from the Rajya Sabha? Or, do we discuss the report of the Select Committee? Quite obviously, we must discuss the Bill that has been handed down to us by the Rajya Sabha with whatever amendments made on the floor or otherwise. I do not think there is any other matter involved here and if we then want to make an amendment and change it, by all means do so and let us play this game of 'who' and 'and' and 'and' and 'who' between the Rajya Sabha and the Lok Sabha.

SHRI VIDYA CHARAN SHUKLA : The amendment moved by the hon. Member is not related to the changing of the word 'who' into 'and'. It is entirely different. There is no amendment moved by the House for changing the word.

MR. DEPUTY-SPEAKER : He has moved it.

SHRI VIDYA CHARAN SHUKLA : You have raised a question. It was only to make the position of this clause clear that the word was changed from 'and' to 'who.'

SHRI RABI RAY : Who changed it?

SHRI VIDYA CHARAN SHUKLA : It was done by the Draftsman and it was approved by the Chairman of the Joint Committee at their twelfth meeting. If there was an amendment to change the word from 'who' to 'and', we could have consi-

dered it. But there is no such amendment at present.

MR. DEPUTY-SPEAKER : He has moved that amendment.

SHRI VIDYA CHARAN SHUKLA : It is not related to the changing of the word.

SHRI HIMATSINGKA : I moved it.

SHRI VIDYA CHARAN SHUKLA : I will read this clause and try to explain to the House why this verbal change had to be made. Sub-clause (2) of clause 3 reads:

The Force shall be constituted in such manner, shall consist of such number of supervisory officers and members of the Force who shall receive such pay and other remuneration as may be prescribed.

This sub-clause relates to the pay of the officers and when the word 'and' was used originally, it covered the entire Force, not the supervisory officers only. To make it clear that it applies only the supervisory officers and members of the Force, the word 'who' has been added instead of the word 'and'. That is only to clarify the matter. Now, even if there is an amendment, I would say that the amendment would make the clause worse and confuse the matter further. This is an improvement on the original clause.

MR. DEPUTY-SPEAKER : I would put to vote Shri Himatsingka's amendment separately and the other amendments together. I shall now put amendments Nos. 4, 22, 23, 45, 47 and 57 together to vote.

Amendments No. 4, 22, 23, 45, 47 and 57 were put and negatived.

I shall now put the amendment moved by Shri Himatsingka to vote. The question is:

That on page 3, line 6, for the word 'who' substitute 'and'.

The Lok Sabha divided:

Division No. 8]

AYES

[15.55 hrs.

Adichan, Shri P. C.
Banerjee, Shri S. M.
Basu, Shri Jyotirmoy
Biswas, Shri J. M.
Chatterjee, Shri N. C.

Chauhan, Shri Bharat Singh
Dar, Shri Abdul Gani
Dwivedy, Shri Surendranath
Esthose, Shri P. P.
Fernandes, Shri George

Gowda, Shri M. H.
 Goyal, Shri Shri Chand
 Gupta, Shri Indrajit
 Halder, Shri K.
 Joshi, Shri Jagannath Rao
 Joshi, Shri S. M.
 Kachwai, Shri Hukam Chand
 Kalita, Shri Dhireswar
 Kameshwar Singh Shri
 Kandappan, Shri S.
 Kundu, Shri S.
 Kunte, Shri Dattatraya
 Kushwah, Shri Y. S.
 Meghachandra, Shri M.
 Misra, Shri Srinibas
 Molohu, Prasad Shri
 Mukerjee, Shri H. N.
 Nambiar, Shri

Nihal Singh, Shri
 Patil, Shri N. R.
 Puri, Dr. Surya Prakash
 Ray, Shri Rabi
 Saboo, Shri Shri Gopal
 Samanta, Shri S. C.
 Sen, Shri Deven
 Sharma, Shri Yajna Datt
 Shashtri, Shri Ramavatar
 Shastri, Shri Raghuvir Singh
 Singh, Shri J. B.
 Sivasankaran, Shri
 Thakur, Shri Gunanand
 Tyagi, Shri O. P.
 Viswambharan, Shri P.
 Viswanatham, Shri Tenneti
 Yadav, Shri Jageshwar

NOES

Achal Singh, Shri
 Ahirwar, Shri Nathu Ram
 Ahmed, Shri F. A.
 Anjanappa, Shri B.
 Ankineedu, Shri
 Arumugam, Shri R. S.
 Azad, Shri Bhagwat Jha
 Bhagat, Shri B. R.
 Bhandare, Shri R. D.
 Bhargava, Shri B. N.
 Bist, Shri J. B. S.
 Chanda, Shri Anil K.
 Chanda, Shrimati Joyotsna
 Chandrika Prasad, Shri
 Chavan, Shri Y. B.
 Dalbir Singh, Shri
 Dass, Shri C.
 Desai, Shri Morarji
 Dhillon, Shri G. S.
 Dixit Shri G. C.
 Gajraj Singh Rao, Shri
 Gandhi, Shrimati Indira
 Ganga Devi, Shrimati
 Ganpat Sahai, Shri
 Gautam, Shri C. D.
 Ghosh, Shri Parimal
 Girja Kumari, Shrimati
 Govind Das, Dr.
 Gupta, Shri Lakhani Lal
 Hazarika, Shri J. N.
 Iqbal Singh, Shri
 Jadhav, Shri V. N.
 Jamir, Shri S. C.
 Kamble, Shri
 Kasture, Shri A. S.

Katham, Shri B. N.
 Kedaria, Shri C. M.
 Kesri, Shri Sitaram
 Kripalani, Shrimati Sucheta
 Krishana, Shri M. R.
 Krishnamoorthi, Shri V.
 Laskar, Shri N. R.
 Lutfal Haque Shri
 Mahadeva Prasad, Dr.
 Mandal, Shri Yamuna Prasad
 Mehta, Shri Asoka
 Minimata Agam Dass Guru, Shrimati
 Mishra, Shri G. S.
 Naidu, Shri Chengalraya
 Nayar, Dr. Sushila
 Pahadia, Shri Jagannath
 Pandey, Shri K. N.
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parmar, Shri Bhaljibhai
 Partap Singh, Shri
 Parthasarathy, Shri
 Patil, Shri S. D.
 Poonacha, Shri C. M.
 Qureshi, Shri Mohd. Shaffi
 Radhabai, Shrimati B.
 Raj Deo Singh, Shri
 Raju, Shri D. B.
 Ram, Shri T.
 Ram Dhani Das, Shri
 Ram Sewak, Shri
 Ram Subhag Singh, Dr.
 Rana, Shri M. B.
 Rane, Shri
 Rao, Shri K. Narayana

Rao, Shri Thirumala
 Rao, Dr. V. K. R. V.
 Raut, Shri Bhola
 Reddy, Shri Ganga
 Reddy, Shri P. Antony
 Reddy, Shri Surendar
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Sayeed, Shri P. M.
 Sen. Shri Dwaipayan
 Sen, Shri, P. G.
 Sethuraman, Shri N.
 Shambhu Nath, Shri
 Sharma, Shri M. R.
 Sharma, Shri Nawal Kishore
 Shastri, Shri Biswanarayan

Sher Singh, Shri
 Shinde, Shri Annasahib
 Shiv Chandika Prasad, Shri
 Shukla, Shri Vidya Charan
 Siddheshwar Prasad, Shri
 Singh, Shri D. N.
 Snatak, Shri Nar Deo
 Solanki, Shri S. M.
 Sonar, Dr. A. G.
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Sursingh, Shri
 Swaran Singh, Shri
 Vyas, Shri Ramesh Chandra
 Yadav, Shri Chandra Jeet

MR. DEPUTY-SPEAKER: The result* of the division is: Ayes, 45, Noes 101.

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—(Appointment and Powers of supervisory officers)

MR. DEPUTY-SPEAKER: We will take up clause 4. I will have to apply the guillotine. We have exceeded the time by 3 hours. (*Interruptions*).

Mr. Nambiar.

SHRI H. N. MUKERJEE: I make a submission at this point of time. Otherwise the truant Ministers are not to be found, particularly the Law Minister. I reminded you yesterday and to-day also on many recent occasions about the demand for the summoning of the Attorney General to address this House. This demand has been made by a section of the House, howsoever numerically insignificant they may be. This is an important matter. It is a serious matter to which thought has to be given. It is not a matter to be decided by vote. On the last occasion I did not mention this because the Ministers were not here. The Minister of Law is never here. He is taking the law into his hands! Therefore I suggest to you in the presence of The Prime Minister and other important

dignitaries on the other side that this matter is given proper attention and if necessary, from our side and from the side of the friends in the opposite, a considered view can be prescribed. Certain matters have cropped up where the opinion of the Attorney general is absolutely essential and it should not be decided by vote. Therefore since they are here I would like this to be communicated as I have no other way of doing that.

SHRI NAMBIAR: Sir, I beg to move: Page 3, line 8—

after 'Government' insert

"With the consent of the State Government where the headquarters exist." (24)

Page 3, line 11,—

add at the end—

"from among the panel of names submitted by all the State Governments." (25)

I have already been saying that this is a very serious legislation. There is contradiction between the State Governments and the Central Government's position. I have already stated that you are going to create a parallel force which will go in to the day to day working of a State Government. It usurps the right of the Police in that State and even with the so-called limit of the Central undertakings, this force is going to interfere. The hon. Minister, Shri V. C. Shukla stated that after all they have a type of watch and ward and nothing more. If it is so, the whole scheme of the Bill should have been different. Clause 4 clearly states:

*Shri C. K. Bhattacharyya also recorded his vote for 'NOES'.

"The Central Government may appoint a person to be the Inspector-General of the Force and may appoint other persons to be Deputy Inspectors-General....."

There will be many Deputy Inspectors General. That means there will be one Inspector-General and many Deputies. That force shall be constituted at a particular State and perhaps a particular battalion may be deployed in a particular, State. But it is not at all a force and it is equal to that of a watch and ward.

Regarding recruitment also, what is he going to do with the present incumbents of the watch and ward. For instance in Durgapur or in Rourkela or in Neyveli, all these undertakings have got their security force as they are called. What are we going to do with this motion these men? Will these men go into the force? If not, what is the alternative for them. I have got information that in Durgapur there are about 3,000 employees in the watch and ward staff, known as security force. They have the right of forming an association. They have formed an association. They represented certain grievances to the Government and they are being looked into. These persons of the Union were being victimised and many representations are being received from them by the Government. What will happen to these men? I may also state that a circular has been issued to these undertakings. In that circular they have created a new type of police wherein most of these watch and ward staff will not get entry. In that case what will they do with regard to these men. Therefore, the whole question is a very confused one. They want to use the force against the will of the State Government and they want to work against the interests of the workers in the industrial undertakings. Therefore, my amendment is very pertinent. I want to avoid any rupture between the Centre and the States. In the interests of the country, this contradiction between the States and the Centre should not take place and we should try to avoid it. Therefore, my amendment seeks to provide that every action of the Centre in regard to this force in the State will be with the consent of the State Government. If the consent of the Government is there, then you can have a coordinated approach to the whole problem.

16 hrs.

My amendment No. 25 is also in this direction. The clause says that there shall be an Inspector-General of Police. Who is this Inspector-General? My amendment suggests that you may ask the State Governments to submit a panel of names and the Central Government may pick one from that so that the State Governments may feel that they are consulted and there is coordination. Every step that we take, every inch that we move must be in the direction of coordination and co-operation with the State Governments.

SHRI VIDYA CHARAN SHUKLA: One thing I have made very clear in the beginning is that when this Force is constituted it will include such members of the present watch and ward in various industrial undertakings who are found fit after screening for serving in this force and such people who are not found fit to be recruited to this security force we shall try and see whether they can be provided with alternative employment. He has forgotten this assurance which I gave.

Regarding his other amendment, he is again agitating the same point which he agitated on clauses 2 and 3, the State Government should have the right or authority to appoint the officers of this force which will be appointed by the Central Government for guarding its own property. Clearly, it is unacceptable to us.

SHRI NAMBIAR: Why is he so much against the State Governments?

SHRI VIDYA CHARAN SHUKLA: I am not opposed to the State Governments.

MR. DEPUTY-SPEAKER: I will now put amendment Nos. 24 and 25 to the vote of the house.

Amendments Nos. 24 and 25 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 4 stand part of the Bill"

The motion was adopted.

*Clause 4 was added to the Bill
Clauses 5 and 6 were added to the Bill.*

MR. DEPUTY-SPEAKER: We have exceeded the time fixed by the BAC by three hours—general discussion by two hours

[Mr. Deputy Speaker]

and clause by clause consideration by one hour. So, I will guillotine further discussion on clauses. At the final stage, I will permit one hour for third reading, even though that is also extra, in addition to what BAC has allotted. If we go on discussing the 50 amendments, we will not be able to finish the clause by clause consideration today.... (Interruptions).....I am sorry, I cannot help them. In the BAC the time was allotted. I have already exceeded it. What more can I do? I will show a little latitude at the third reading.....(Interruptions)

SHRI LOBO PRABHU (Udipi) : I have only one amendment.

MR. DEPUTY-SPEAKER : If I permit one amendment to him, I will have to permit 49 amendment to others. I will put all of them to vote.

SHRI LOBO PRABHU : You should give me a chance to speak.

MR. DEPUTY-SPEAKER : I assure you, I will give you a chance during the third reading.

SHRI LOBO PRABHU : I do not want a chance at the third reading when my amendment has already been disposed of.....(Interruptions)

SHRI V. KRISHNAMOORTHY : (Cuddalore) : Sir, the time for this Bill should be extended.

SHRI LOBO PRABHU : Why do you want to guillotine it when the specific amendments are being considered? It is useless to give more time at the third reading when the clauses could not be considered with the amendments.

MR. DEPUTY-SPEAKER : Am I to rule out all the constitutional points of order?

SHRI LOBO PRABHU : You can do a lot.

MR. DEPUTY-SPEAKER : I will give you ample opportunity at the final stage.

SHRI LOBO PRABHU : So, you are not allowing amendments to be moved,

MR. DEPUTY-SPEAKER : No, Now we are on clause 7.....(Interruptions)

SHRI LOBO PRABHU : You must allow me an opportunity to move my amendments and speak on them.

MR. DEPUTY-SPEAKER : No speeches now. I will put them to vote.

SHRI LOBO PRABHU : How can it be done?

MR. DEPUTY-SPEAKER : I have every right to do. (Interruptions)

SHRI LOBO PRABHU : I must have an opportunity.

MR. DEPUTY-SPEAKER : The representative of your Party was in the Business Advisory Committee. The time fixed was 5 hours. I have extended it by 3 hours. It is not possible now.

SHRI LOBO PRABHU : I would have finished it if you had not taken this time.

MR. DEPUTY-SPEAKER : It is because you are taking the time of the House. (Interruptions)

SHRI V. KRISHNAMOORTHY : You extend the time. You cannot go on like that.

MR. DEPUTY-SPEAKER : I will give you ample time at the final stage.

SHRI LOBO PRABHU : You will have to give to all of us.

MR. DEPUTY-SPEAKER : The amendments are not moved at all. So, I put.....(Interruptions)

SHRI H. N. MUKERJEE : Are we trying to work in a parliamentary system or not? If it is a parliamentary system, if a particular measure, for good reason or bad reason, appears to have created so much excited opposition, a decision of the Business Advisory Committee, merely because it has been okayed by the House at an earlier stage, should not be quoted as something that cannot be changed. You can guillotine, I know; we can try filibuster upto a stage and fail, I know. If we are prompted to either guillotine or filibuster, it is an end of parliamentary system. Do we want to do that? If this is a matter which is agitating the House and the country, are we going to be shut out like this? I have not taken part in the discussion and I do not propose to take part in this. But I do not understand how a parliamentary system can go on like that. They do not care because they are here determined with authoritarianism. But we care about the way of working of Parliament. You have got to find out time. The House will have to find time.

MR. DEPUTY-SPEAKER : The time-limit is fixed because it is a guidance to the House. The time fixed was 5 hours and I can extend it by half an hour or an hour. I have extended it by 3 hours. I have recognised the importance of it. As I said, at the final stage, I will give more time. Am I not trying to be as liberal as possible ?

SHRI H. N. MUKERJEE : Here, it is a matter of principle that is involved. (Interruptions)

SHRI LOBO PRABHU : You cannot deprive me of my opportunity to speak on the amendments. I take the trouble of giving the amendments.

SHRI PILOO MODY : If there is no time, how will you manufacture one hour at the end of the debate ?

MR. DEPUTY-SPEAKER : As Prof. Mukerjee pointed out, I recognise the importance and the amount of feeling about this Bill on this side of the house. I will give more time at the final stage of the Bill.

SHRI LOBO PRABHU : But I cannot move my amendments at the final stage.

श्री हुकम चन्द कछवाय : (उज्जैन) :
उपाध्यक्ष महोदय, जिन माननीय सदस्यों ने संशोधन दिये हैं, उन को बोलने का मौका जरूर मिलना चाहिए। इस बिल के लिए समय बढ़ा दिया जाये। मेरा प्रस्ताव है कि इस बिल के लिए दो घंटे का समय बढ़ा दिया जाये।

SHRI NAMBIAR : We are only three persons.....

MR. DEPUTY-SPEAKER : 50 amendments are to be moved.

SHRI ABDUL GHANI DAR (Gurgaon) : On a point of order.

SHRI S. M. BANERJEE : The time has to be extended.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH) : You have rightly pointed out that the Business Advisory Committee gives guidance for the time of the House. If there is any difference of opinion—it is natural that sometimes members want to have more time—the practice that is being followed is to refer the matter to the B. A.C. again,

Whenever such cases arose the Speaker was good enough to refer the matter to the B. A. C. again. We call all the leaders.....

MR. DEPUTY-SPEAKER : I have already extended the time. Now referring it again to the B. A. C. is not possible.....

DR. RAM SUBHAG SINGH : We accept it. We want that it should be finalised within the time.

SHRI SURENDRANATH DWIVEDY (Kendrapara) : You are prepared to give one hour at the third stage. Perhaps it would be better to give that time now because the speeches on the amendments will be pointed. In the Third Reading there will be just general speeches. So, you can permit them to speak on the amendments, and at the Third Reading you may not permit much time.

MR. DEPUTY-SPEAKER : This is a good compromise.

SHRI ABDUL GHANI DAR : On a point of order.

MR. DEPUTY-SPEAKER : We can do one thing. We are on Clause 7. We can take into consideration one or two important amendments. Only one amendment on a Clause. You may indicate that, Mr. Lobo Prabhu.....

SHRI LOBO PRABHU : I have three amendments.

श्री अब्दुल गनी दार : मेरा प्वाइंट आफ आर्डर यह है कि आप ने कहा इनकी पार्टियों के आदमी थे, लेकिन हमारी पार्टी का कोई आदमी नहीं था और यह कोई रूल नहीं है कि आप इतने जरूरी अमेंडमेंट्स को इस तरह रजथू कर रहे हैं। ऐसा कर के आप डेमोक्रेसी को क्या मुंह दिखाएंगे ? यह तो अन्धी को बहरा खींचे, वही बाली बात है। अन्धी को दिखाई नहीं देता, बहरे को सुनाई नहीं पड़ता। किस रूल के तहत आप हमारे अमेंडमेंट्स को रोक रहे हैं।

[شری عبدالغنی ڈار میرا پوائنٹ
آف آرڈر یہ ہے کہ آپ نے کہا ان
کی پارٹیوں کے آدمی تھے لیکن ہماری
پارٹی کا کوئی آدمی نہیں تھا اور

[شری عبدالغنی ڈار]

یہ کوئی رول نہیں ہے کہ آپ اتنے ضروری امینڈمنٹس کو اس طرح رٹس تھرو کر رہے ہیں۔ ایسا کر کے آپ ڈیموکریسی کو کیا منہ دکھائینگے۔ یہ تو اندھی کو بہرا کہینچے وہی والی بات ہے۔ اندھی کو دکھائی نہیں دیتا بہرے کو سنائی نہیں پڑتا۔ کس رول کے تحت آپ ہمارے امینڈمنٹس کو روک رہے ہیں۔

MR. DEPUTY-SPEAKER : I in one hour we shall finish. I am prepared to sit here for one hour. But after that, there will be guillotine. There will be no final Reading.

Clause 7—(Superintendence and administration of the Force).

MR. DEPUTY-SPEAKER : Now we are on Clause 7. Mr. Lobo Prabhu..... He is moving his amendment. Mr. Daven Sen.:.....He is also moving his amendment. Mr. Abdul Ghani Dar.....His amendment is the same as Mr. Daven Sen's. Mr. Nambiar.....He is also moving his amendment.

SHRI LOBO PRABHU : I beg to move:

Page 4, lines 3 and 4,—

for "under the general supervision, direction and control"

substitute "according to the requirements." (5)

SHRI DEVAN SEN (Asansol) : I beg to move

Page 4,—

for lines 2 to 5,—

substitute "shall discharge his functions under directions that may be given by the Central Government in this behalf." (13)

SHRI NAMBIAR : I beg to move:

Page 4, lines 4 and 5,—

for "Managing Director of that undertaking"

substitute—

"Superintendent of Police of the District where the Industrial undertaking is situate." (27)

SHRI LOBO PRABHU : I move this amendment because the expression 'under the general supervision, direction and control' is not complete without the addition of the words 'Manager of the Undertaking.' This is a very important amendment because it is agreed on both the sides that this Bill should not be used to interfere with legitimate trade union activities and industrial disputes. I am wholly in agreement that this Bill should not be used for that purpose because the purpose of this Bill is only to protect government property. I have gone through the Bill carefully and this particular provision that the Force will be under the general supervision, direction and control of the Manager of the enterprise gives an ample opportunity to the management to interfere with the trade union activities and the industrial disputes. So, I propose that those words be deleted and in their place it may be said that the police force will act according to their discretion or according to the requirements of the situation. I might add that, as an administrator, I would have repudiated that any private person should ask a magistrate or police to act in a particular manner. That discretion is of the magistrate or the police and not of a third party. To say that they should act according to the Manager or any other party is not correct. I therefore press my amendment. It is a very simple matter and I suppose my hon. friends will support it.

SHRI NAMBIAR : I support what my hon. friend has just now said. You know, Sir, very seldom do we agree. But here, Sir, he has brought out this important point and that is why we agree. If you read section 7, sub-clause (2) you will see the abnoxious nature of it, if this is allowed under the Managing Director. The sub-clause (2) says :

"Subject to the provisions of sub-section (1), the administration of the Force within such local limits as may be prescribed shall be carried on by a Deputy Inspector General, Chief Security Officer or Security Officer in accordance with the provisions of this Act and of any rules made thereunder and every supervisory officer placed in charge of the protection and security of an industrial undertaking shall, sub-

ject to any directions that may be given by the Central Government in this behalf, discharge his functions under the general supervision, direction and control of the Managing Director of that undertaking."

My. hon. friend Shri Lobo Prabhu also said, the Managing Director should not be given the powers of the magistrate to do whatever he likes, to instruct the Force to act. After all, Sir, even the superintendent of Police under the powers given, cannot act as he likes without an order of the magistrate. That being so, here the managing director who is only administering it is given the right to dictate to the Force. My amendment No. 27 says:

for "Managing Director of that undertaking" substitute

"Superintendent of Police of the District where the industrial undertaking is situated"

The Superintendent of Police of that area must have the right to take these actions. That is my submission.

श्री देबेन सेन : उपाध्यक्ष महोदय, खंड 7 उपखंड (2) की आखिरी दो पंक्ति में डिप्टी कमिश्नर चाहता हूँ। आखिरी दो पंक्तियाँ इस प्रकार हैं :

".....discharge his functions under the general supervision, direction and control of the Managing Director of that undertaking."

16.17 hrs.

[SHRI R. D. BHANDARE in the Chair]

इस बिल में कहा है राज्य सरकार का कोई अधिकार इस फॉर्म पर 'यह मैंने कल भी पूछा था, मंत्री महोदय ने कोई जवाब नहीं दिया। आज भी मैं पूछता हूँ कि इस फॉर्म का अधिकार तो आप ने दे दिया मैंनेजर के हाथ में तो राज्य सरकार का कहां अधिकार है इस फॉर्म पर ?

मेरा दूसरा प्वाइंट है कि मैनेजिंग डाइरेक्टर बिजनेस करेगा फैंक्ट्री के लिए, स्पार्ड नहीं करेगा। स्पार्ड करने के लिए सेंट्रल गवर्नमेंट का स्पार्ड हर एक जगह पर आप लोग बिठा रहे हैं और बैठा कर

राज्य सरकार की ताकत को खत्म करना चाहते हैं, ट्रेड यूनियन मूवमेंट को आप खत्म करना चाहते हैं। इन शब्दों के साथ मैं अपने अमेंडमेंट को पेश करता हूँ।

श्री अब्दुल गनी वार : मेरा अमेंडमेंट बिलकुल साफ है। मैं भी यही चाहता हूँ कि चूँकि यह जितने पब्लिक अंडरटेकिंग्स हैं यह कारपोरेशन के तहत हैं और उनके जो मैनेजिंग डाइरेक्टर बनाए जाते हैं यह बड़े-बड़े लोग बनाए जाते हैं। यह यूनियन पब्लिक सर्विस कमिशन के जरिए नहीं आते बल्कि यह सरकार जो इन के लोग चुनाव में नाकामयाब हो जाते हैं उन को या जिस-जिस को यह चाहते हैं उन को भर्ती करती है। इसलिए मैं चाहता हूँ कि उस के हाथ में यह फॉर्म न दी जाए कि वह जिस तरह चाहे मुलाजिमों के खिलाफ और मजदूरों के खिलाफ इसको इस्तेमाल करें। मैं ऐसा भरोसा कर के यह कहता हूँ कि यह सेंट्रल गवर्नमेंट के हाथ में रहे, आप कहेंगे कि एक जवान से आप कहते कि यह नालायकों को भर्ती करती है और दूसरी तरफ आप कहते हैं कि सेंट्रल गवर्नमेंट को एथोराइज किया जाये, तो यह मैं इसलिए कह रहा हूँ कि मैं समझता हूँ कि इंस्पेक्टर जनरल जिस को यह बनाने जा रहे हैं, ही इज बेरी आनेस्ट, वह पब्लिक सर्विस कमिशन के जरिए आया है, इसलिए मैंने यह अमेंडमेंट दिया है कि सेंट्रल गवर्नमेंट एथोराइज्ड हो, कोई मैनेजिंग डाइरेक्टर इस के लिए एथोराइज्ड न हो कि वह अपनी नालायकियों को छिपाने के लिए, अपनी गलतियों को दबाने के लिए जिससे करोड़ों रुपये का नुकसान देश को हो रहा है, उस को छिपाने के लिए वह इस फॉर्म का इस्तेमाल करे। सेंट्रल गवर्नमेंट एथोराइज्ड हो, वह हिदायत दे, उस के मुताबिक काम चले।

: [شری عبدالغنی دار (گوڑاؤں)]

میرا امینڈ مینٹ بالکل صاف ہے۔ میں بھی یہی چاہتا ہوں کہ چونکہ یہ جتنے

[شری عبدالغنی ڈار]

پبلک انڈرٹیکنگس میں یہ کارپوریشن کے تحت ہیں اور ان کے جو مینیجنگ ڈائریکٹر بنائے جاتے ہیں یہ بڑے بڑے لوگ بنائے جاتے ہیں۔ یہ یونین پبلک سروس کمیشن کے ذریعے نہیں آتے بلکہ یہ سرکار جو ان کے لوگ چناؤ میں ناکامیاب ہو جاتے ہیں ان کو یا جس جس کو یہ چاہتے ہیں ان کو یہ بھرتی کرتی ہے۔ اس لئے میں چاہتا ہوں کہ اس کے ہاتھ میں یہ فورس نہ دی جائے کہ وہ جس طرح چاہے ملازموں کے خلاف اور مزدوروں کے خلاف اس کو استعمال کرے۔ میں ایسا بھروسہ کر کے یہ کہتا ہوں کہ یہ۔ سینٹرل گورنمنٹ کے ہاتھ میں رہے آپ کہیں گے کہ ایک زبان سے آپ کہتے ہیں کہ یہ نالائقوں کو بھرتی کرتی ہے اور دوسری طرف آپ کہتے ہیں کہ سینٹرل گورنمنٹ کو ایتھورائز کیا جائے تو یہ میں اس لئے کہہ رہا ہوں کہ میں سمجھتا ہوں کہ انسپیکٹر جنرل جس کو یہ بنائے جا رہے ہیں۔ ہی از ویری آئیٹسٹ وہ پبلک سروس کمیشن کے ذریعہ آیا ہے اس لئے میں نے یہ امینڈمنٹ دیا ہے کہ سینٹرل گورنمنٹ ایتھورائزڈ ہو۔ کوئی مینیجنگ ڈائریکٹر اس کے لئے ایتھورائزڈ نہ ہو کہ وہ اپنی نالائقیوں کو چھپانے کے لئے اپنی غلطیوں کو

دبانے کے لئے جس سے کروڑوں روپیہ کا نقصان دیش کو ہو رہا ہے اس کو چھپانے کے لئے وہ اس فورس کا استعمال کرے۔ سینٹرل گورنمنٹ ایتھورائزڈ ہو وہ ہدایت دے اس کے مطابق کام چلے۔]

SHRI S. KANDAPPAN : I hope Government will see the wisdom of the amendment of Shri Nambiar. We know that almost all State Governments including those belonging to the Congress have opposed this Bill.

MR. CHAIRMAN : This has been agitated.

SHRI S. KANDAPPAN : They are very much suspicious of this encroachment upon their rights to maintain law and order in the States. After all, the Central undertakings are scattered in various parts of the country. Government have been repeatedly telling us that this Force is to protect the property. I am sure Government will never suspect the *bona fides* of the State Governments to protect the property that belongs to the Centre. After all, it is the property of the people, whether it immediately belongs to the State or the Centre. In this particular case, when the Force is already there, it has been created by the Centre, is trained by the Centre, is deployed by the Centre, and when the Bill comes into force, and law and order in the State concerned is going to be handled by the state, what is the difficulty in giving discretion to the Superintendent of Police of that area to see whether a particular situation warrants the deployment of the Force in that area ? If that is done, I think a lot of misunderstanding can be removed and the States will have the feeling that they are also given the responsibility of handling the situation. This is a very good amendment and I hope Government will accept it.

SHRI VIDYA CHARAN SHUKLA : First of all, there is no question of suspecting the *bona fides* of State Governments. If the functions and duties of this Force are properly understood, the question of doubting or not doubting the *bona fides* of State Governments would not arise. This force is a watch and ward force working within the periphery of

the industrial undertakings of the Central Government. It has no duties of the normal police. Normal police work is not the work of this force. It will do the work of watch and ward. If Shri Nambiar thinks that this watch and ward force of the Central Government should be under the superintendence and direction of the local police, it is obviously unacceptable because it will never work like that. If it were a police force, that question would have arisen. But it is not; it is only a watch and ward force.

SHRI S. KANDAPPAN : Something more than watch and ward.

SHRI VIDYA CHARAN SHUKLA : No, it is a watch and ward force, nothing more. I have maintained that throughout. If you read the provisions of the Bill, you will find that it is nothing more than a watch and ward force. It is not a police force of any kind. Therefore, this amendment is not acceptable to us.

Shri Lobo Prabhu wants by his amendment that the general manager should not have supervision over this force. Obviously in a Central undertaking, the watch and ward has to be under the general manager. It cannot be an independent force. In every undertaking, it has to work under the general supervision of the general manager or managing director, as the case may be.

Therefore, all these amendments including that of Shri Devan Sen are unacceptable to us.

SHRI LOBO PRABHU : What is the objection to the force working under its own officer? He has the duty of protecting the property. Why does he want to bring in the manager?

SHRI VIDYA CHARAN SHUKLA : The Officer will have to be under the general supervision of the general manager for the purpose of co-ordination.

MR. CHAIRMAN : There cannot be dual authority.

I shall now put amendment No. 5 to vote.

Amendment No. 5 was put and negatived.

MR. CHAIRMAN : I shall now put amendment No. 13 to vote.

Amendment No. 13 was put and negatived.

MR. CHAIRMAN : Amendment No. 26 is the same as No. 13. So it is barred.

The question is :

Page 4, lines 4 and 5, —

for "Managing Director of that undertaking"

substitute—

"Superintendent of Police of the District where the Industrial undertaking is situate" (27)

The motion was negatived.

MR. CHAIRMAN : The question is :

"That clause 7 stand part of the Bill".

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8—(Dismissal, removal, etc. of members of the force).

SHRI NAMBIAR : I beg to move :

Page 4,—

Omit lines 12 to 20 (28)

SHRI OM PRAKASH TYAGI (Moradabad) : I beg to move:

Page 4,

Omit lines 16 and 17 (48)

SHRI SHINKRE (Panjim) I beg to move :

Page 4, line 16

for "seven" substitute "thirty" (49)

Page 4, line 17,—

Omit "or reduction in pay scale" (50)

Page 4, lines 19 and 20, —

omit "or deprivation of any special emolument" (51)

श्री ओम प्रकाश त्यागी : सभापति महोदय, मैं जानता हूँ कि मंत्री महोदय ने यह निश्चय कर लिया है कि अगर इस पर कोई अमेन्डमेंट आ गई तो फिर इसे राज्य सभा के पास ले जाना पड़ेगा, इस लिये वह इस को जल्द से जल्द पास कराना चाहते हैं, चाहे इस में गलती हो या अच्छाई हो। यह बड़े खेद की बात है कि मंत्री महोदय इस प्रकार की धारणा बना कर चल रहे हैं।

सभापति महोदय, मेरे अमेन्डमेंट की एक अच्छी भावना यह है कि सुरक्षा दल में जो सिपाही काम करने वाले होंगे, वे गरीब आदमी होंगे, उन के जो वेतन मिलेगा, वह बहुत बड़ा होगा। इस प्रकार जो दूसरी फोर्स हैं, चाहे पुलिस फोर्स हो या वाच एण्ड वार्ड के

[श्री ओम प्रकाश त्यागी]

लोग हों, उनको तनख्वाहें बहुत कम मिलती हैं, जिसकी वजह से वे लोग भ्रष्टाचार की तरफ जाते हैं। हमारी फैक्टरीज में चोरियां भी इसी कारण से होती हैं। जिन लोगों को हम वहाँ पर चौकीदार के रूप में रखते हैं; उन को कम तनख्वाह देते हैं और वे अपनी जरूरत को पूरा करने के लिये भ्रष्टाचार और चोरबाजारी चलाते हैं। सरकार के अन्य विभागों में कहीं भी इस प्रकार की व्यवस्था नहीं है कि भूल करने वालों का वेतन काटा जाये। इस विधेयक में आप जो इस प्रकार की वेतन काटने की व्यवस्था कर रहे हैं, इसका उन पर बहुत बुरा प्रभाव पड़ेगा। मैं इस बात में सहमत हूँ कि जिनमे कुसूर किया है, उस को दण्ड अवश्य मिलना चाहिये, जिसमे कि अनुशासन बना रहे और वे ठीक प्रकार से काम करें, परन्तु आप जो दण्ड हम में देने जा रहे हैं इम का प्रभाव तो उस के बीबी बच्चों पर पड़ेगा। बीबी-बच्चों ने तो कोई त्रुटि नहीं की है, मात दिन का वेतन काट कर आप इम का कुप्रभाव उन पर क्यों डालने जा रहे हैं। वेतन कट जाने में तो उस के घर का बजट ही अप-मेट हो जायेगा। इसलिये मेरी मंत्री महोदय से प्रार्थना है कि उस को दण्ड तो अवश्य दिया जाये, परन्तु आर्थिक दण्ड न देकर उसे शरीरिक दण्ड दिया जाये या उस की ड्यूटी ज्यादा लगा दीजिये या और किसी रूप में दण्ड दीजिये, परन्तु उस के बीबी-बच्चों के पेट पर, जिनका कोई कुसूर नहीं है, लात मत मारिये। मेरी आपसे प्रार्थना है कि आर्थिक दण्ड को, जो कि उस के बीबी बच्चों पर इफेक्ट करता है, हटा दीजिये तथा उसको और किसी तरीके से दण्ड देने का रास्ता निकालिये।

श्री शिंकरे : समापति जी, मेरे ख्याल से जो कर्मचारी हमारे इण्डस्ट्रीयल अण्डरटेकिंगज में काम करते हैं, उनके काम को तीन तरह से अच्छा किया जा सकता है—1. उन का हृदय परिवर्तन कर के,

2. उन को पारितोषिक दे कर, तथा

3. उन को सजा दे कर। मैं समझता हूँ कि राम राज्य के विषय में जो प्रयत्न हुये थे...

सभापति महोदय : आप का वक्त बहुत कम है।

श्री शिंकरे : मेरे ख्याल से पारितोषिक प्रदान करना तो एक प्रकार से ब्राइब ही है, इस लिये सजा ही एक ऐसा मार्ग है जो हमारे कर्मचारियों को एक अच्छा रास्ता दिखा सकता है।

हम जानते हैं कि बहुत से सरकारी कर्मचारी जो कुछ करते हैं वह जब उनको इन्स्टीगेट किया जाता है, तभी करते हैं। यहाँ पर जब स्ट्राइक के बारे में डिस्कशन हुआ था, तो यह कहा गया था कि सरकारी कर्मचारियों ने बहुत सी गलतियाँ कीं लेकिन वह गलतियाँ इसी वजह से हुई थीं। इसलिए मैं समझता हूँ प्रखर मजा मिलनी चाहिए। जैसा कि मैंने कहा, पब्लिक अण्डरटेकिंग हमारे नाग मन्दिर हैं, उनकी सुरक्षा हमें करनी ही पड़ेगी। इसलिए जितनी प्रखर मजा कर्मचारियों को मिले उतना ही अच्छा रहेगा। वे काम अच्छा करेंगे। जो संशोधन मैंने दिया है उसमें 7 डेज की जगह पर 30 डेज रखा है। इसके साथ ही मैंने रिडक्शन इन पेन्सन्स को ओमित करने के बारे में भी संशोधन दिया है। आप उनको सजा प्रखर दीजिए, सात दिन के स्थान पर 30 दिन रखिए लेकिन रिडक्शन इन पेन्सन्स को ओमित कर दीजिए। मैं आशा करता हूँ मन्त्री जी मेरे संशोधन को स्वीकार करेंगे।

SHRI NAMBIAR : I also support this amendment. He must agree to this.

श्री अब्दुलगनी वार : मेरे भी चार अमेंडमेंट हैं।

[شری عبدالغنی ڈار میرے بھی چار ایمنڈمنٹس ہیں -]

सभापति महोदय : आपके अमेंडमेंट नं० 58, 59, 60 और 61 वैसे ही हैं जैसे कि

अमेन्डमेन्ट नं० 48, 49, 50 और 51 हैं इसलिए आपको इजाजत नहीं मिलेगी।

श्री अब्दुल गनी बार : लेकिन मैं बोल तो सकता हूँ।

[श्री عبدالغنی ڈار : لیکن میں بول تو سکتا ہوں۔]

सभापति महोदय : जी हां।

श्री अब्दुल गनी बार : मैं आपका ध्यान इस तरफ दिलाना चाहता हूँ कि आपने मैनेज-मेन्ट के अख्तियार में दिया है कि उनकी हिदायत के मुताबिक वे काम करें। दूसरी तरफ शुक्ला साहब फर्मा रहे हैं कि यह सेक्योरिटी फोर्स वाच ऐन्ड वार्ड है। वाच ऐन्ड वार्ड का काम सिर्फ इतना देखना है कि कोई अफसर या मजदूर माल चुराकर तो नहीं जा रहा है या कोई अफसर या मजदूर कोई मशीन तो खराब नहीं कर रहा है। अगर यह फोर्स इस तरह की है तब तो ठीक है, आप उनको सजा भी दीजिए और जुर्माना भी कीजिए। मैं समझता हूँ कि इस वक्त गवर्नमेंट बिल्कुल शौचक्की हो रही है, उसको कुछ नजर नहीं आता। एक तरफ तो वह एक फोर्स बनाती है और कहती है कि यह वाच ऐन्ड वार्ड है और दूसरी तरफ जिस पर वह फोर्स बैठी हुई है उसी को आप सारे अख्तियारात दे रहे हैं। इसको एक बच्चा भी समझ सकता है। आज रेलवे में भी वाच ऐन्ड वार्ड है, वह चोरों को ही पकड़ते हैं। इसलिए आप इसको साफ करें कि वे कौन सा जुर्म करें, मैनेजिंग डायरेक्टर का हुक्म न मानें और चोर को न पकड़ें तब आप सजा देंगे या चोर को पकड़ें तब सजा देंगे क्योंकि उसने मैनेजिंग डायरेक्टर का हुक्म नहीं माना ?

[श्री عبدالغنی ڈار : میں آپ کا

دھیان اس طرف دلانا چاہتا ہوں کہ آپ نے مینیجمنٹ کے اختیار میں دیا ہے کہ ان کی ہدایت کے مطابق

وہ کام کریں۔ دوسری طرف شکلا صاحب فرما رہے ہیں کہ یہ سکیورٹی فورس واج اینڈ وارڈ ہے۔ واج اینڈ وارڈ کا کام صرف یہ دیکھنا ہے کہ کوئی افسر یا مزدور مال چرا کر تو نہیں جا رہا ہے۔ یا کوئی افسر یا مزدور کوئی مشین تو خراب نہیں کر رہا ہے۔ اگر یہ فورس اس طرح کی ہے تب تو ٹھیک ہے آپ ان کو سزا بھی دیجئے اور جرمانہ بھی کیجئے۔ میں سمجھتا ہوں اس وقت گورنمنٹ بالکل بھونچکی ہو رہی ہے۔ اس کو کچھ نظر نہیں آتا۔ ایک طرف تو وہ ایک فورس بناتی ہے اور کہتی ہے کہ یہ واج اینڈ وارڈ ہے اور دوسری طرف جس پر وہ فورس بیٹھی ہوئی ہے اسی کو آپ سارے اختیار دے رہے ہیں۔ اس کو ایک بچہ بھی سمجھ سکتا ہے۔ آج ریلوے میں بھی واج اینڈ وارڈ ہے۔ وہ چوروں کو ہی پکڑتے ہیں۔ اس لئے آپ اس کو صاف کریں کہ وہ کون سے جرم کریں۔ مینیجنگ ڈائریکٹر کا حکم نہ مانیں اور چور کو نہ پکڑیں تب آپ سزا دیں گے یا چور کو پکڑیں تب آپ سزا دیں گے کیونکہ اس نے مینیجنگ ڈائریکٹر کا حکم نہیں مانا۔]

MR. CHAIRMAN : I shall now put amendments Nos. 28 and 48 to vote.

Amendments Nos. 28 and 48 were put and negatived.

श्री आर्ज फरनेन्डोस : सभापति महोदय, सदन में कोरम नहीं है।

श्री रामावतार शास्त्री (पटना) : पहले कोरम का प्रबन्ध कीजिए।

MR. CHAIRMAN : The bell is being rung. Now there is quorum. Does the hon. minister want to reply ?

SHRI VIDYA CHARAN SHUKLA : There is nothing much in it.

MR. CHAIRMAN : I will put the amendments Nos. 49, 50 and 51 to the vote of the House.

Amendments Nos. 49 to 51 were put and negatived.

MR. CHAIRMAN : The question is :
"That clause 8 stand part of the Bill",
The motion was adopted.
Clause 8 was added the Bill.

श्री शिव चन्द्र झा (मधुबनी) : सभापति महोदय, आप लिस्ट नं० 2 देखें। क्लॉज 8 पर मेरा भी एक अमेन्डमेंट नं० 7 था, उसका क्या हुआ ?

SHRI INDRAJIT GUPTA : To add to the confusion, there are two lists bearing the number "List No. 2".

MR. CHAIRMAN : There is no amendment in your name. This amendment was moved in the last session on 5th August, 1968. It has lapsed.

Clause 9—(Appeal and revision)

SHRI NAVAL KISHORE SHARMA (Dausa) : I beg to move :

Page 4, line 22, after "days" insert—

"exclusive of the days spent in obtaining the copies required for filing the appeal".
(29)

I leave it to the wisdom of the minister.

MR. CHAIRMAN : I will put this amendment No. 29 to the vote of the House.

Amendment No. 29 was put and negatived.

SHRI C. K. BHATTACHARYYA : May I say a few words on the clause ? The marginal note says "appeal and revision", but if you go through the clause there is provision only for appeal and no provision for revision.

I believe something has gone wrong somewhere in drafting the Bill. When they put in the marginal note 'Appeal and revision' when they made provision for an appeal, revision should also have been provided in the same clause. Unfortunately, if you go through the Bill nowhere the word 'revision' is mentioned in the text of the clause. The workers who had been brought under this clause have been losing an important right. I am told that in the Rajya Sabha they have passed it and 'you rubber stamp it here and now'. Sir it is for you to consider it. (*interruptions*)

SHRI VIDYA CHARAN SHUKLA : As the hon. Member has been pointing out there is a provision for revision in sub-clause 3. We have to go not by the main marginal note but what is contained in the main clause itself. Moreover, there is no amendment to provide anything here at this time. No amendment is before the House. Therefore even though what the Hon. Member says may be correct or it may be necessary to mention revision here, there is no amendment here. Therefore, we have to vote the clause as it is.

SHRI NAMBIAR : Will you bring it in the Rules ?

SHRI VIDYA CHARAN SHUKLA : We shall keep this point in view.

SHRI C. K. BHATTACHARYYA : In the Bill it is stated that he may prefer an appeal. It must also have been stated that he may also ask for the revision of the order.

SHRI VIDYA CHARAN SHUKLA : That lacuna will be filled in.

MR. CHAIRMAN : The question is :

"That clause 9 stand part of the Bill".

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10—(Duties of Members of the Force).

SHRI DEVYEN SEN : I beg to move :

Page 5,—

for lines 9 to 23—

substitute "(b) to protect and safeguard the industrial undertakings owned by the Central Government." (14)

SHRI NAMBIAR : I beg to move :

Page, 5 line 8—

add at the end—

"and countersigned by the Superintendent of Police of the District where the industrial undertaking is situate". (30)

Page 5—

omit lines 21 to 23 (32)

श्री देवेन सेन : सभापति महोदय, मेरी नरमीम है कि लाइन 9 से 23 तक डिलीट कर दी जाए। और उसकी जगह यह बैठाया जाये :

'To protect and safeguard the Industrial undertakings owned by the Central Govt.'

इतना ही काफी है और कोई इधर उधर की अन्डरटेकिंग उसमें न जोड़ी जायें।

SHRI NAMBIAR : My amendments are 30 and 32. This is clause 10. It is the king pin of the whole operation of this Bill. It must be read. Then only it will be understood. The entire mischief of the Home Ministry including Mr. Shukla coming here is obvious. It reads :

"It shall be the duty of every supervisory officer and member of the Force—

(a) promptly to obey and execute all orders lawfully issued to him by his superior authority;"

etc., etc. Who is the superior authority The Managing Director. What for : to protect and safeguard the industrial undertakings owned by the Central Government together with such other installations as are specified by that Government to be vital for the carrying on of work in those undertakings, situate within the local limits of his jurisdiction. You can extend it. For the operation of the railway coal is important. The pin is important. The sleeper is important. Therefore, a sleeper may be taken from the forest and it will be cut. Therefore, I must also see, in order to protect the railway, I go to the forest and I must catch hold of person who is actually cutting the wood. You can imagine it. What is the sort of authority ? The authority is the Managing Director. He can do anything he likes.

At the end of sub-clause (d) you will find :

"to do any other at conductive to the better protection and security of the indus-

trial undertakings referred to in clauses (b) and (c).

This speaks of "any other act conductive". Who is to decide and define what is the other act which is conductive ? The omnipotent General Manager and the State Government, or anybody else, has got no authority to step in; they are kept completely outside the orbit of operation of section 10. Therefore, I am pleading again with the hon. Minister to take the co-operation of the State Governments and see that things are done in a smooth manner. My amendment seeks to add the words "countersigned by the Superintendent of Police where the industrial undertaking is situate". Do not allow everything to be done by the General Manager or Managing Director; take the police force of the State also into confidence. You should ask the Police Superintendent to countersign the proposal made by the Managing Director so that the operation will have some legal validity. The State will also feel that it is taken into confidence.

My amendment No. 32 seeks to omit the omnibus sub-clause (d) which says :

"to do any other act conductive to the better protection and security of the industrial undertakings referred to in clauses (b) and (c)".

after all, it does not do any good; the section will read better if you delete it. If you secure the co-operation of the State Government and remove this omnibus clause, it will purify the clause in such a way that it may look reasonable. Even with this clause, do not think that you can do anything you like in India. It is not possible. So, why not seek the co-operation of the State Governments? After all, it is their duty to maintain law and order. I hope my pleading with this sore throat will have some effect.

I quite appreciate his predicament. If he agrees to any amendment, however minor it may be, he will have to go to Rajya Sabha. He is afraid of it. But it will have to be done. I am told that on one day Rajya Sabha passed 20 Bills. Such is its capacity. So, if any amendment is accepted here, you can get it passed there also. Just for the sake of avoiding that inconvenience do not make the Bill clumsy. That is a what I have to say.

SHRI OM PRAKASH TYAGI : Sir, I beg to move:

Page 5, lines 11 and 12,—

omit "to be vital for the carrying on of work in those undertakings". (52)

सभापति महोदय, मुझे विशेष बात नहीं कहनी है, सिर्फ इतनी प्रार्थना है कि जब सेंट्रल गवर्नमेंट के केन्द्रीय उद्योग या संस्थान की रक्षा के लिये वह फोर्स रखी है और उसको अधिकार है

"to protect and safeguard the industrial undertakings owned by the Central Government"

में समझता हूँ कि इतना ही काफी है।

"together with such other installations as are specified by that Government to be vital for the carrying on of work in those undertakings, situate within the local limits of his jurisdiction:

मेरी समझ में नहीं आता है कि इन शब्दों को रखने की क्या जरूरत है :

to be vital.

इससे परिभाषा टेढ़ी हो जाती है और मनेजमेंट इसका दुरुपयोग करेगा। इसलिए मेरी प्रार्थना है कि क्लीयर वर्ड्स में आपको आना चाहिए और वह यह कि जो इंडस्ट्रियल अन्डरटेकिंग्स हैं उसकी रक्षा करेगा। अब इसके साथ यह और कि वह जो आवश्यक समझे उसकी भी रक्षा करेगा, तो ये पावर्स ऐसी हैं जिनका दुरुपयोग हो सकता है। पहले ही आपने इस प्रकार की फोर्स लगा दी और इस प्रकार की पावर्स लेने के पश्चात् तो उसको और भी ज्यादा खतरनाक पावर्स हो जाती हैं। इसलिये मेरी प्रार्थना है कि इसमें से ये शब्द निकाल दिये जायें :

"to be vital for the carrying on of work in these undertakings".

इसको हटा देने से आपका काम चल जायेगा यही मेरी प्रार्थना है।

श्री विद्याचरण शुक्ल : सभापति जी, इसके बारे में जब फर्स्ट रीडिंग चल रही थी तभी यह मामला साफ कर दिया गया था

कि केन्द्रीय सरकार के जो कारखाने हैं उनके साथ यदि और कोई बूमरी चीज है जैसे पावर या वाटर सप्लाय का कोई सोर्स, तो उनकी भी रक्षा करना उतना ही आवश्यक है जितना कि सरकारी कारखाने की रक्षा करना आवश्यक है। और कहीं-कहीं ऐसा है कि पावर या उमके पानी का जो साधन है वह राज्य सरकार से संबंधित हो और उसके लिये केन्द्रीय सरकार का वाच एण्ड वार्ड फोर्स वहां रखना अनुचित होता। इसलिए हमने यह भी प्राविधान कर दिया है कि जब ऐसी किसी सम्पत्ति पर जिसके ऊपर केन्द्र का अधिकार नहीं है, उसका सम्पत्ति नहीं है, हम अपनी फोर्स उसी बक्त भेजेंगे जब राज्य सरकार से अनुमति ले लेंगे। यह हमने एक प्राविधान कर दिया है।

जहां तक कि श्री नम्बियार का सवाल है उनके जितने संशोधन है वह सब एक ही लाइन पर चले आ रहे हैं। वह हर जगह चाहते हैं कि राज्य सरकार का अधिकार इस फोर्स के ऊपर रहे और उनके निर्देशन के अनुसार ही यह केन्द्रीय सरकार की जो वाच एंड वार्ड की फोर्स है वह काम करे। इसके बारे में मैं पहले ही कह चुका हूँ और उसे फिर दुहराये देता हूँ कि यह जो वाच एंड वार्ड की फोर्स है वह केवल सेंट्रल गवर्नमेंट की सम्पत्ति की रक्षा करने के लिए है। उसका कोई पुलिस से मतलब नहीं है। पुलिस का जो काम है, राज्य सरकार की पुलिसका जो काम है वह इसको नहीं करना है। वह राज्य सरकार की पुलिस अपना काम अलग करेगी और इसे यह अपना काम अलग करना है। हम चाहते हैं कि न तो राज्य सरकार की पुलिस इस के ऊपर कोई अधिकार रखे और न ही सेंट्रल गवर्नमेंट की यह फोर्स राज्य सरकार की पुलिस के ऊपर कोई अधिकार रखे। इसलिये ऐसे संशोधन जिनके कि द्वारा एक के अधिकारों को दूसरे के ऊपर लादा जाये ऐसे किसी भी संशोधन को मैं मंजूर करने में असमर्थ हूँ।

MR. CHAIRMAN : I put all the amendments together to the vote of the House.

Amendments Nos. 14, 30, 32 and 52 were put and negatived.

MR. CHAIRMAN : Now, I put clause 10 to the vote of the House. The question is:

"That clause 10 stand part of the Bill."

*The Motion was adopted.
Clause 10 was added to the Bill.*

CLAUSE 11—(*Power to arrest without warrant*)

MR. CHAIRMAN : There are series of amendments to clause 11.

SHRI LOBO PRABHU : I beg to move:—
Page 5, line 30,—

after "view to" insert "causing damage or" (7)

SHRI INDRAJIT GUPTA : I beg to move:—
Page 5, line 25,—

omit "without any order from a Magistrate and without a warrant," (15)

SHRI DEVEN SEN : I beg to move:—
Page 5, line 25,—

for "without any order from Magistrate and without a warrant"

substitute "with an order from the Magistrate and with a warrant" (16)

SHRI INDRAJIT GUPTA : I beg to move:—
Page 5, lines 26 to 30,—

omit "or against whom a reasonable suspicion exists of his having been concerned in, or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing" (17)

Page 5,—
omit lines 33 and 34. (18)

SHRI NAMBIAR : I beg to move:—
Page 5, line 25,—

for "without any order from a Magistrate and without"

substitute "with any order from a Magistrate and with" (33)

SHRI ABDUL GHANI DAR : I beg to move:—
Page 5, line 25,—

for "without any order from a Magistrate and without a warrant".

substitute "with an order from the Magistrate and with a duly warrant".(34)

SHRI NAMBIAR : I beg to move:—

Page 5,—

(i) *for lines 26 to 30, substitute—*

"any person who has been concerned with any cognizable offence".

(ii) *omit lines 31 to 34. (35)*

Page 5,—

omit lines 35 to 39 (37)

SHRI OM PRAKASH TYAGI : I beg to move:—

Page 5, lines 29 and 30,—

for "taking such precautions with a view to committing"

substitute—

"Intending to commit" (53)

SHRI LOBO PRABHU : This is a very important clause because this is the only clause which gives powers to the Force. In this clause, I am a little surprised that the Government which is so very assertive about protecting public property is giving away that power. I would like the hon. Minister to please let me know whether it is a question of cognizable offence to steal Government property, to damage public property and all that. If these are not cognizable, no member of the Force can effect an arrest. I have, therefore, proposed an amendment that where is damage, loss or destruction of Government property, the power to arrest will arise. I would like to press this because without this power, the whole of the Bill becomes infructuous.

SHRI INDRAJIT GUPTA : This is covered already.

SHRI LOBO PRABHU : It is not covered. It says:

"...taking such precautions with a view to committing, a cognizable offence....."

It is nothing more. But these are not cognizable offences. Theft is not a cognizable offence; damage to property is not a cognizable offence. It means they are free to do this without any liability to arrest. I would like the Government to consider this very carefully because I do not think

[Shri Lobo Prabhu]

that it is their intention to frustrate their own Bill.

SHRI NAMBIAR: My amendments are 33, 35 and 37.

All that the hon. Minister has said so far is proved to be a falsehood now. He said that it was only a watch and ward staff. Here the watch and ward staff is given these powers:

"Any supervisory officer or member of the Force may, without any order from a Magistrate and without a warrant arrest any person who has been concerned in or against whom reasonable suspicion exists.."

Here he is given the power to arrest without a warrant. If it is a watch and ward staff, if he feels that a particular thing is going to be committed, he can get a warrant from the Magistrate. Why do you want to get away from the Magistrate and local police completely and make it a State of your own, an island of your own? We cannot understand that. You owe an explanation to the House. Why are you doing this? I have a great respect for Shri Shukla. But what to do? When he speaks falsehood or does incorrect things, I have to correct him. Let him correct himself. My amendment is simple. I say this:

"for 'without any order from a Magistrate and without',

substitute 'with any order from a Magistrate and with'."

Then only the genuineness of the watch and ward staff comes into the picture: otherwise, it is a sheer Force - simply go and arrest and you need not get anything from a Magistrate.

Further, I oppose what Mr. Lobo Prabhu said. This clause itself is obviously a very retrograde one and Mr. Lobo Prabhu wants it to be all the more powerful. Here, in this Clause, the latter part says:

".....against whom a reasonable suspicion exists of his having been concerned in, or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing, a cognizable offence....."

This means that you can arrest any person for anything and then say that when you arrested him, he was likely to damage the whole Boiler. The law permits it. Only an affidavit is to be signed by him, 'with all the knowledge at my command. I thought that he was likely to burst the boiler. Therefore, I arrested him and beat him. What to do? I thought he would burst the Boiler'. This is very bad. This sort of legislation is intended for a Police State. You are running into that position without telling the country that you are getting into a Police State. Don't you understand the consequence of that? Please do not make it a Police State. It would be very bad on your part if you do that. Therefore, for Heaven's sake, accept my amendment. You do it with warrant and with an order from a Magistrate. Also, as I have indicated in my amendment, the cognizable offence part of it is to be removed.

Now I come to my third amendment. The sub-clause (2) of Clause 11 says :

"If any person is found trespassing on the premises of any industrial undertaking referred to in clauses (b) and (c) of section 10, he may, without prejudice to any other proceedings which may be taken against him, be removed from such premises by any supervisory officer or member of the Force."

17 hrs.

'Premises' means what? There is a factory; there is a colony, there is a residential area. What is meant by 'premises'? 'Premises' means the entire undertaking. Therefore, if anybody goes to the colony—anybody will have relations—using public roads—people will have to walk or go in cars—then it can be said that he is trespassing. There must be a limit to this. Do not make this Parliament a seal or just a rubber stamp.

This obnoxious legislation should not be passed, Sir. It will be a very black day in the history of this Parliament to get this passed. Please see that these black chapters are not written into the statute-book. Posterity and our grand-children will laugh at us and they will say, 'our grandfathers were so foolish to pass such a kind of legislation'. Please do not do that. I would plead with the hon. Minister to accept my amendment.

श्री अब्दुल गनी बार : इस में यह दिया गया है कि विदाउट वारण्ट जिस को चाहे कोई पकड़ ले। मुझे डर है कि खुदा नखास्ता यहां की सिक्योरिटी फोर्स किसी मेम्बर या किसी मिनिस्टर को यह समझ कर पकड़ ले कि वह पागल है तो उस को भी इसका हक है क्योंकि वह भी तो सिक्योरिटी फोर्स है। मंत्री साहब के पिता मेरे मोहतरम दोस्त भी थे और लीडर भी थे। अगर यह इस तरह का बिल पास कराते हैं तो उनको क्या मुंह दिखायेंगे कि वह एक जम्हूरी मुल्क में किस तरह का लेजिस्लेशन पास करा रहे हैं या किस लाइन पर वह जा रहे हैं। ऐसा तो किमी डिक्टेटरशिप में या अय्यूब-शाही में ही हो सकता है। लेकिन जो लोग पंडित जवाहरलाल नेहरू और महात्मा गांधी का नाम लेते थे और आज भी महात्मा गांधी के नाम से जीत कर आते हैं, उनके यहां ऐसी बात चले तो में समझता हूँ कि इससे ज्यादा रुस्वाई हमारी दुनिया में और नहीं हो सकती। आखिर मंत्री साहब देश की रुस्वाई क्यों करते हैं? वह 40 परसेंट लोगों को रिप्रेजेंट करते हैं और हम 60 परसेंट लोगों को रिप्रेजेंट करते हैं। मैं समझता हूँ कि उन के ऐसे शानदार मिनिस्टर को इस तरह की बात नहीं करनी चाहिये।

شری عبدالغنی ڈار : اس میں یہ دیا گیا ہے کہ وہ دو آؤٹ وارنٹ جس کو چاہے کوئی پکڑے۔ مجھے ڈر ہے کہ خدا نخواستہ یہاں کی سکیورٹی فورس کسی ممبر یا کسی منسٹر کو یہ سمجھ کر پکڑے کہ وہ پاگل ہے تو اس کو بھی اس کا حق ہے کیونکہ وہ بھی تو سکیورٹی فورس ہے۔ منتری صاحب کے ہنا میرے محترم دوست بھی تھے اور لیڈر بھی تھے۔ اگر یہ اس طرح کا بل پاس کراتے ہیں تو ان کو کیا

منہ دکھائینگے کہ وہ ایک جمہوری ملک میں کس طرح کا لیجسلیشن پاس کرا رہے ہیں۔ یا کس لائن پر وہ جا رہے ہیں۔ ایسا تو ڈکٹیٹر شپ میں یا ایوب شاہی میں ہی ہو سکتا ہے۔ لیکن جو لوگ پنڈت جواہر لال نہرو اور مہاتما گاندھی کا نام لیتے تھے اور آج بھی مہاتما گاندھی کے نام سے ہیبت کر آتے ہیں۔ ان کے یہاں ایسی بات چلے تو میں سمجھتا ہوں کہ اس سے زیادہ رسوائی ہماری دنیا میں اور نہیں ہو سکتی۔ آخر منتری صاحب دیش کی رسوائی کیوں کرتے ہیں۔ وہ ۴۰ پرسینٹ لوگوں کو ریپریزینٹ کرتے ہیں اور ہم ۶۰ پرسینٹ لوگوں کو ریپریزینٹ کرتے ہیں۔ میں سمجھتا ہوں کہ ان کے ایسے شاندار منسٹر کو اس طرح کی بات نہیں کرنی چاہئے۔

श्री ओम प्रकाश त्यागी : सभापति महोदय, इस में वाच ऐड वार्ड को जो अधिकार दिये गये हैं किसी को पकड़ने और गिरफ्तार करने के वह ठीक हैं और दिये जाने चाहिए। लेकिन उन को इस तरह के अधिकार दे देना कि सन्देह मात्र पर यों ही वह किसी को पकड़ सकते हैं, यह ठीक नहीं है। कछ तो उन के पास प्रमाण होना ही चाहिये कि फलां आदमी गड़बड़ करने का इरादा रखता है या करता है। ऐसा हो तो ठीक है लेकिन इसमें दिया गया है कि :

“...he is taking such precautions with a view to committing, a cognizable offence relating to....”

[श्री श्रीम प्रकाश त्यागी]

यह बड़ा वेग टर्म है। मैं समझता हूँ कि इस तरह तो कोई भी वाच ऐंड वार्ड का आदमी किसी भी भले आदमी को पकड़ कर जेल में डाल सकता है, और अगर जेल में नहीं डाल सकता तो कम से कम तंग तो कर ही सकता है। मैंने अमेंडमेंट दिया है कि कम से कम इतना तो रखें कि "इंटेंडिंग टु कमिट" कुछ ऐसा हो जिससे उस का इरादा तो प्रकट होता हो। लेकिन इसमें हम ने कहा है कि :

"...he is taking precautions to commit"

इसके अन्तर्गत कोई वाच ऐंड वार्ड का आदमी या अफसर किसी भी भले आदमी को अपमानित कर सकता है।

मैं फिर अपील करूंगा कि इस तरह के वेग शब्द इस बिल में से निकाल दिये जायें।

श्री देवेन सेन : सभापति महोदय, यह जो बिल है यह खास तर से ट्रेड यूनियनों के खिलाफ इस्तेमाल किये जाने के लिये लाया गया है। किसी के भी हक में यह पावर दी जाती है। सुपरवाइजरी आफिसर या मन्बर आफ दि फोर्स या वाच ऐंड वार्ड का आदमी इस पावर को इस्तेमाल कर सकता है। वाच ऐंड वार्ड के आदमी की तन्खाह बहुत कम होती है। किसी भी आफिसर की तन्खाह 500 या 600 रु० होती है जब कि वाच ऐंड वार्ड की तन्खाह यशिकल से 30 रु० माहवार होती है। इस में रक्खा गया है कि :

"Any member of the Force can arrest without any order from a magistrate and without a warrant."

मैं आप की नज़र 11 (2) की ओर दिलाना चाहता हूँ। उस में लिखा है कि :

"If any person is found trespassing on the premises of any industrial undertaking referred to in clauses (b) and (c)."

यह इशारा है ट्रेड यूनियन वर्कर्स के खिलाफ, जो कि एम्प्लोयीज नहीं हैं, यूनियन के एक सेक्स्ट्री हैं। या बाहर के आदमी हैं, अगर किसी भी कारखाने में जाएं अपनी ट्रेड यूनियन

का काम करने के लिये तो वाच ऐंड वार्ड का आदमी उस को अरेस्ट कर सकता है। ऐसा तो हिटलर के जमाने में भी नहीं था।

मैं इस का विरोध करता हूँ।

SHRI VIDYA CHARAN SHUKLA: Regarding the amendment of Shri Lobo Prabhu, I may remind him that the provision he wants to insert was first put in the original Bill, as it was brought before the House. During the discussion, hon. Members belonging to all sides suggested that such a provision should not exist for non-cognisable offences and it should be in conformity with the Cr.P.C. and should be only for cognisable offences. In view of that, this particular provision has been limited to cognisable offences. Otherwise it would have been a very wide power and it might have been much more effective. But there was a chance of its misuse and that was why we agreed to delete non-cognisable offences from the scope of this and limit it to cognisable offences.

As for other points raised, my mind is not closed to any amendment which seeks to improve the Bill. We can go back to the Rajya Sabha. This has already taken 8 months; it can be delayed for two more months. That is not my intention, to reject all amendments, whether they are good or bad. I am willing to accept amendments which improve the Bill and make it more effective. Here is a veteran labour leader, Shri Deven Sen, alleging that we are bringing this measure to oppress trade union activities. This force is not being given any police powers. Its work has been defined in the same way and to the same extent as the present watch and ward.

I would like to point out to Sarvashri Tyagi, Nambiar and Sen that if they are open to our viewpoint and want to understand it, sec.59 of the Cr.P.C. The powers given to a private citizen under that section are the same as those we want to give to members of this force, and no more. We have provided in subsequent clauses that anybody arrested by a member of this force shall without any delay be taken to the nearest police station and handed over.

SHRI DEVEN SEN: Why not within 24 hours ?

श्री ओम प्रकाश त्यागी : एक भले आदमी को पकड़ कर पुलिस स्टेशन ले जाना ठीक नहीं है ।

SHRI VIDYA CHARAN SHUKLA : I want Shri Tyagi to understand that this is the power of arresting without warrant and taking to the nearest police station, which is available to any private citizen also. The section says :

"Any private person may arrest any person who in his view commits a non-bailable and cognisable offence, or any proclaimed offender, and without unnecessary delay, shall make over any person so arrested to a police officer...."

This is the power we are giving to the members of the force, nothing more.

SHRI NAMBIAR : There is a difference. The private citizen is not armed. Here arms are given.

SHRI VIDYA CHARAN SHUKLA : I submit there are no extra of Draconian powers given. The minimum powers are being given to this force so that they are able to discharge their duties properly.

SHRI NAMBIAR: The Cr.P.C. provides that a private citizen can arrest. But that citizen is not given arms, whereas this force is given arms and it has got the seal of the Government. So, there is a difference. (Interruptions).

MR CHAIRMAN: After the minister's reply, there can be no discussion. I will now put all the amendments to clause 11 to the House.

Amendments Nos. 7, 15 to 18, 33 to 35, 37 and 53 were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12—(Powers to search without warrant.)

श्री हेबेन सेन : I beg to move :

Page 6,—

omit lines 1 to 8. (19)

यहाँ पर जो सर्च करने का प्राबिजन रखा गया है, मैं चाहता हूँ कि इसको डिलीट कर दिया जाए । विदाउट वारंट सर्च करने का जो प्राबिजन है पेज 6 पर लाइन्स 1 से आठ तक और 18 से 36 तक, मैं इसको डिलीट कराना चाहता हूँ ।

दूसरी बात यह है कि यह चीज ट्रेड यूनियन को खत्म करने के लिए लाई गई है । आप कहते हैं कि यह फोर्स वाच एंड बार्ड का काम करेगी । जहाँ तक वाच एंड बार्ड का सम्बन्ध है वे लोग ट्रेड यूनियन के मेम्बर बन सकते हैं । क्या ये लोग भी ट्रेड यूनियन के मेम्बर बन सकेंगे ? क्या आप इनको एलाउ करेगें कि ये ट्रेड यूनियन के मेम्बर बन जायें । एक बात यह भी है कि यह फोर्स आर्म्ड होगी या विदाउट आर्म्ड होगी, यह भी बिल में कहीं स्पष्ट नहीं किया गया है । मैं चाहता हूँ कि इसका भी स्पष्टीकरण होना चाहिये ।

17.12 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

SHRI NAMBIAR : While supporting the amendment moved by Mr. Deven Sen, I have to raise my voice of protest against this obnoxious provision. After you have apprehended a person without a warrant, what is there for you to search ?

MR DEPUTY-SPEAKER : You have no amendment. The mover of the amendment has spoken. Now, I will put amendment No.19 to the vote of the House.

Amendment No. 19 was put and negatived.

MR. DEPUTY-SPEAKER : The question is:

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 was added to the Bill.

Clause 14 —. (Deputation of the Force to industrial undertaking in public sector.)

SHRI DEVEN SEN: I beg to move:

Page 6, —

omit lines 18 to 36. (20)

SHRI ABDUL GHANI DAR : I beg to move :

Page 6, line 25,—

omit "and any installations attached thereto." (40)

SHRI NAMBIAR: I beg to move:

Page 6, line 27,—

for "Managing Director" substitute—

"District Superintendent of Police".

(41)

The point here is again in respect of the 'Managing Director - substitute District Superintendent of Police and page 7, line 18, — add at the end 'with the consent of the concerned State Government'. My submission is this. Clause 14 is such an important clause that the Managing Director and the Inspector General or the 4 Deputy Inspectors-General are made very powerful. We know that is the scheme. Now what I say is you must associate yourself with the State Government in one form or the other. Therefore, my recommendations and pleadings, let him accept. Let him accept this amendment whereby the District Superintendent of Police will also be associated with the work of the scheme and the Managing Director will not be the sole authority to issue instructions. The point here is that the Managing Director is made very powerful. He does not know the law also. He is not supposed to know the criminal law or the Civil Procedure Code. He will be a bureaucrat. He may be a regi retired man finding some place here and there. We have seen many of such people wide spoiling everything. Therefore, to such persons authority cannot be given.

Therefore, you must accept the association of the State at the level of the District Superintendent of Police. At least at some level there should be some association. Please accept this.

MR. DEPUTY-SPEAKER : I shall now put amendments 20, 40 and 41 to the vote of the House.

Amendments Nos. 20, 40 and 41 were put and negatived.

MR. DEPUTY-SPEAKER The question is: "That clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

Clause 15 —(Officers and members of the Force to be considered always on duty and liable to be employed anywhere in India.)

MR. DEPUTY-SPEAKER: Mr. Nambiar I will allow you a couple of minutes at the end. With all your persuasion you have not succeeded.

SHRI NAMBIAR: I beg to move:

Page 7, line 18 —

add at the end —

"with the consent of the concerned State Government" (42)

SHRI NAVAL KISHORE SHARMA : I beg to move:

Page 7, line 21—

after "Act" insert —

"during the tenure of his service." (43)

MR. DEPUTY-SPEAKER: Mr. Nambiar-I will give you a couple of minutes at the end. All your persuasions have not been of any avail. It is for the Minister to accept your amendments.

You have not succeeded.

I will now put amendments 42 and 43 to the vote of the House.

Amendments Nos. 42 and 43 were put and negatived.

MR. DEPUTY-SPEAKER: The question is: "That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16

MR. DEPUTY-SPEAKER: There is no amendment to this clause. The question is:

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17—(Surrender of certificate, arms, etc., by persons ceasing to be members of the Force)

SHRI SHINKRE: I beg to move:

Page 7, line 36, —

for "one month" substitute—"six months". (54)

MR. DEPUTY-SPEAKER : Mr. Dar are you moving your amendment ?

श्री अब्दुल गनी डार : मैं अपना एमेंडमेंट मूव नहीं करता हूँ। डेमोक्रेसी का मज़ाक हो रहा है। एक मिनट में कुछ नहीं हो सकता है।

[شری عبدالغنی ڈار : میں اپنی امینڈمنٹ موو نہیں کرتا ہوں۔ ڈیموکریسی کا مذاق ہو رہا ہے۔ ایک منٹ میں کچھ نہیں ہو سکتا (ع۔)]

श्री शिकारे : मैंने जो एमेंडमेंट पेश किया है वह जो आम्ज़ सरेंडर नहीं करते हैं, उनके बारे में है। मैं समझता हूँ कि यह एक भयंकर गुनाह है और जो इस गुनाह को करने वाले हैं उनको ज्यादा शिक्षा मिलनी चाहिये। हमने देखा है कि मंट्रल रिजर्व पुलिस फॉर्स के कई लोग केमल में आम्ज़ और यूनिफाम्ज़ ले कर भाग गए हैं। जब लोग भाग जाते हैं यूनिफाम्ज़ और आम्ज़ ले कर तो वे उनको यूज भी कर सकते हैं डैकोयटीज़ करने के लिए या दूसरी प्रकार की थैफ्ट्स करने के लिए। इस लिए मैं समझता हूँ कि जो लोग इस प्रकार के गुनाह करने वाले हैं उनको सज़ा ज्यादा मिलनी चाहिये।

MR. DEPUTY-SPEAKER : Does the Minister want to say anything by way of reply ?

SHRI VIDYA CHARAN SHUKLA : No.

MR. DEPUTY-SPEAKER : I will now put amendment No. 54 to the vote of the House.

Amendment No. 54 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18 — (*Penalties for neglect of duty etc.*)

SHRI SHINKRE : I beg to move :

Page 8, line 14,—

for "six months" substitute "one year". (55)

MR. DEPUTY-SPEAKER : I will now put amendment No. 55 to the vote of the House.

Amendment No. 55 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 18 stand part of the Bill"

The motion was adopted.

Clause 18 was added to the Bill.

Clauses 19 and 20 were added to the Bill.

Clause 21—(*Protection of acts of officers and members of the Force*)

श्री ओम प्रकाश त्यागी : I beg to move :

Page 9, line 2,—

for "Act" substitute "act" (56)

उपाध्यक्ष महोदय, मेरे खयाल में इस क्लॉज में "एक्ट" शब्द शायद भूल से कैपिटल लेटर के साथ लिखा गया है। इसको ठीक कर लेना चाहिए। अगर इसको इसी तरह रहने दिया गया, तो यह बहुत बड़ी ब्लंडर होगी।

श्री अब्दुल गनी डार : मेरी एमेंडमेंट भी यही है। मैं समझता हूँ कि या तो मुझे अंग्रेजी नहीं आती है, या लिखने वाले को नहीं आती है और या छापने वाले को नहीं आती है। अगर यह बर्ड "एक्ट" इसी तरह रहने दिया गया, तो दुनिया मज़ाक करेगी। मिनिस्टर साहब को यह संशोधन तो मान लेना चाहिए।

[شری عبدالغنی ڈار : میری

امینڈمنٹ بھی یہی ہے۔ میں

سمجھتا ہوں کہ یا تو مجھے انگریزی

نہیں آتی ہے۔ یا لکھنے والے کو

نہیں آتی ہے اور یا چھاپنے والے کو

نہیں آتی ہے۔ اگر یہ ورڈ 'ایکٹ',

اسی طرح رہنے دیا گیا تو دنیا مذاق

کریگی۔ مسٹر صاحب کو یہ

سنوودھن تو مان لینا چاہئے۔]

SHRI VIDYA CHARAN SHUKLA : I do not wish to enter into any arguments with the hon. Members. The amendment moved by them is *prima facie* not acceptable because it is only a printing error. I wish to bring it to your notice, Sir, that because of a printing error, instead of an ordinary "a" a capital "A" has been used. With your permission, Sir, I would like to correct that printing error.

MR. DEPUTY-SPEAKER : Usually, if it is a printing error and it is obvious, the House permits the correction of it. Does the hon. Member want to press his amendment in view of what the hon. Minister has said ?

SHRI OM PRAKASH TYAGI : No, Sir. I would like to withdraw it.

MR. DEPUTY-SPEAKER : Has the hon. Member the leave of the House to withdraw his amendment ?

SOME HON. MEMBERS : Yes.

The amendment No. 56 was, by leave, withdrawn.

श्री अब्दुल गनी डार : इस क्लॉज को सब ने पढ़ा होगा। मिनिस्टर साहब ने पढ़ा होगा, उन के सेक्रेटरी ने पढ़ा होगा, ला मिनिस्टर ने पढ़ा होगा, हमारे सेक्रेटरी ने पढ़ा होगा, बाप ने भी पढ़ा होगा। इस लिए इसको प्रिंटिंग एरर कह देना बिल्कुल इन्साफ नहीं है। यह गलती तो इरादतन की गई है। इस लिए इसको एमेंडमेंट मानना चाहिए और मिनिस्टर साहब को इसे मंजूर करना चाहिए।

[**شری عبدالغنی ڈار :** اس کلاز کو سب نے پڑھا ہوگا۔ منسٹر صاحب نے پڑھا ہوگا۔ ان کے سیکریٹری نے پڑھا ہوگا۔ لا منسٹرنے پڑھا ہوگا۔ ہمارے سیکریٹری نے پڑھا ہوگا۔ آپ نے بھی پڑھا ہوگا۔ اس لئے اس کو پرنٹنگ ایرر کہہ دینا بالکل انصاف نہیں ہے۔ یہ غلطی تو ارادتاً کی گئی ہے۔ اس لئے اس کو

امینڈمنٹ ماننا چاہئے اور منسٹر صاحب کو اسے منظور کرنا چاہئے۔]

MR. DEPUTY-SPEAKER : I have permitted it and the House have permitted it, because it is a printing error which can be corrected without moving an amendment. In future, they should be more careful to avoid such errors.

Now, the question is :

"That clause 21 stand part of the Bill"

The motion was adopted.

Clause 21 was added to the Bill.

Clause 22 was added to the Bill.

The Schedule, Clause 1, the Enacting Formula and the title were added to the Bill.

SHRI VIDYA CHARAN SHUKLA : I beg to move :

"That the Bill be passed"

MR. DEPUTY-SPEAKER : Now, I have extended time by an hour. Just 5 minutes each.

Motion moved :

"That the Bill be passed".

SHRI INDRAJIT GUPTA (Alipore) : Mr. Deputy-Speaker, Sir, I have only one thing to say to the Government again that they have not come forward during the whole of this discussion with any concrete factual evidence to show that during the last few months or years there has been any such marked increase in acts of sabotage or any kind of destruction of the property of these public sector undertakings as to warrant this kind of a Bill being brought forward. They may say, "Yes, such things are increasing." But during the whole of this discussion they have not cited a single case or a single instance to buttress their argument with any kind of facts relating to this.

I wish to say that during the whole period of Emergency—there was the Proclamation of Emergency in this country from 1962 to 1967—it was never considered necessary to have a Bill like this. Now, suddenly, when the Emergency has been withdrawn, when conditions do not warrant it at all, they have come forward with this Bill. Therefore, we have got legitimate ground.

I think, for the apprehensions that exist in our mind.

It is we of the trade unions, particularly, who have been continually agitating that the labour relations, the employer-employee relations, which exist in these public sector plants should be taken over by the Central Government. They do not bother about that. They do not accept that demand. It is no patently ridiculous on the part of the Government. Take, for example, the Hindustan Steel Ltd. It has five or six units spread over the States. Then, there is the Hindustan Machine Tools Ltd. and so many other undertakings. They do not bother. If the West Bengal Government, the Bihar Government, the Orissa Government, the Madhya Pradesh Government, all according to their own understanding, according to their own attitudes, even with their own labour laws, govern the employer-employee relations, there will be utter chaos there, utter anarchy, where standardisation and uniformity is necessary. It is we who have been pressing for it. If you want that labour unrest should be tackled successfully and some amount of order should be brought into the things, please take over the labour relations and don't leave it to the State Governments. We have said that in spite of our United Front Government being there. How can Durgapur be tackled by one Government, Rourkela by another, Bhilai by another and Bokaro by another when you require some standard norms to be laid down of labour relations? They do not bother about that. Only when it is a question of forging some new weapon of repression, in the name of maintaining law and order—he says, it is not law and order but it is law and order—inside the plant, they are concerned very much about having a separate instrument, institution of their own. I say this is not the way in which these public undertakings can be tackled and this is not the way in which they will bring about any kind of orderly working whatsoever.

Finally, I would say that my apprehensions have been strengthened more by the arguments that he gave yesterday relating to clause 14 because, he says that this is nothing but a Force which will replace the existing watch and ward and will be permanently posted in each of these establishments. This runs completely counter to what is written in clause 14 of the Bill.

Clause 14 has never visualised that this Force should be permanently posted substitute for the watch and ward in each establishment. It says clearly that whenever the necessity arises, the Managing Director may ask for or requisition the help of such a Force and then it will be posted, deputed, to that establishment and, when that necessity no longer exists, even if the Inspector-General feels so, that Force can be withdrawn. Is that the same having a permanent Force in an establishment for all the 24 hours? He is trying to make us believe that. From all these things, it is quite obvious that the real motive is something else, a very sinister motive, that this should be used as a weapon of repression against trade union movement and workers.

Sir, we are opposed to this Bill *in toto*. Although we have moved amendments, we do not feel this Bill can be amended. We oppose the Bill totally.

SHRI S. KANDAPPAN (Mettur) : In spite of the strong opposition from the very beginning, the Government seems to be bent on having this Bill passed.

I am sorry to say that, in the beginning when it was referred to the Joint Committee, they failed to advance any cogent arguments in support of the Bill. Even in the Joint Committee, as I have already had an occasion to point out, the Government was not with a clear mind about the purpose of this Bill. Now, even at this stage, Mr. Shukla is claiming that it is only a watch and ward. If it is only to substitute the present watch and ward staff that are existing in the various public undertakings, I am sure we need not have this kind of a Bill for that and incur a recurring expenditure of more than a crore of rupees per annum. Whatever they may say, the expenditure is there and I feel that, in the present situation of our economy, this expenditure is unwarranted and it is a criminal waste, apart from the other substantial reasons that we have got against this Bill.

After all, industrial peace, and particularly discipline in the public sector undertakings depends on the management. If he concedes the right of the Government to say that they do need a Force to protect

[Shri S. Kandappan]

the installations, I am sure, by the very same logic, they have to concede that even the private enterprises like Tatas and others do need a Force like that. But really they cannot afford that. Simply because the tax-payers cannot protest against this Government, this Government seems to think that, in spite of the losses that they are incurring in these plants, they can have additional expenditure and add to the capital investment and the recurring expenditure; thus, even the meagre profit that we might get out of these plants is reduced.

I had a very bitter experience in the Joint Committee. Apart from labour leaders, trade union leaders, even the General Managers of public sector undertakings never claimed that they needed a Force of this type to protect their installations. In fact, many of the General Managers openly declared in the Committee that, as things stood there, they were happy with it. Some people felt that there should be some kind of training for the existing watch and ward staff. In that case, they could very well be trained. What is afflicting the public sector undertakings is not sabotage, as Mr. Indrajit Gupta pointed out. In one particular case — I do not want to name him — a General Manager of a public sector undertaking stated in the Committee that he had an intelligence wing under him. We were annoyed by this exposure and we pointedly asked, "What for are you having an intelligence wing? Are you running a Home Ministry of your own?" He said that he needed the Intelligence wing to say over his labourers whether they are plotting to sabotage and all that. Then a pointed question was put to him whether there was any case brought to his notice by the intelligence wing that the workers, even at the tune of an agitation, or when some kind of an unrest in the plant area, were plotting to sabotage certain things to destroy the plant, and he said that no such case was brought to his notice. So, that is clear. In any plant, whether it is Government or private, if the labourers cannot be relied upon, if you go on suspecting the workers who handle the plant, I am sure that even with the brutal force that the government are creating, even with the Army, you can not protect you plant. The whole issue

is different. If the government really fear that there is some danger, there is some potential threat for their installations, definitely it has to be tackled differently and not by creating such a Force. This is my main argument. That is where I do not feel convinced by the arguments advanced by the Minister of State or even by the Home Minister. I would like to plead with the Minister even at this stage to see that this kind of duplication is not created.

Another serious thing is this. Even after 20 years of the Congress rule, I regret to say, the Central Government has not learnt the lesson, the bitter lesson. It is not by the proliferation of central departments, it is not by adding additional departments to the centre and encroaching on the legitimate rights of the States that this country is going to be strengthened. It is rather the other way round. After all, India comprises of various States. The strength of the centre lies in the strength of the States. If you do not have your confidence in the State Government, whichever the Government may be in the State, whether it is communist or DMK or Swatantra or any other party, if you can't rely upon them, if you don't depend upon them, I am afraid, Sir, the unity of India cannot be strengthened. What does it really amount to? This is really a sort of suspicion on the part of the Central Government. I know they would deny it. But the fact is this. Unless they have got such a kind of suspicion, there is no ground at all for this kind of a Bill taking away the powers from the States and telling this august body that it is the Central Government which has got to keep its own property. Is it logical? If the Government here tells me that because it is the property of the centre, the State may not take any interest, it is really a very strange argument to make. Because, after all, property of the nation is the property of the people. The taxes are got from the people, whether it is taxes imposed by the State or by the Centre. The property is the common property of the people, whether the property is held by the State or by the Centre. So, if the Government at the Centre is going to tell us that the State may not take any interest in the property of the people, because it is some central undertaking, it is a very strange argument to make. So,

I would appeal to this Government, even at this late stage to withdraw this Bill. I do not feel there is any kind of threat because it has been proved and even during the worst periods of the emergency there was no sabotage or anything of that kind. So, I would like to plead with the hon Minister even at this late stage, to withdraw this Bill, although, I am sure, he is not going to withdraw it.

SHRI K. NARAYANA RAO (Bobbili): This is a simple and innocuous measure. Various extraneous points have been brought in this discussion. My hon. friend said that this Bill is encroaching upon the legitimate rights of the trade unions. Another point was raised about the Centre-State relations. If we look at the entire scheme of things under this Bill, this is intended to give protection to the property of the Central Government. Mr. Kandappan said that it is suspicion-oriented. It is not a suspicion-oriented measure at all, so far as the State Governments are concerned. There are various public sector undertakings. We have put in crores and crores of rupees in those undertakings. So many sophisticated machinery has been brought from foreign countries which are all located there. We cannot afford to take any risks. Just like the railway platform being burnt, we cannot take any such risk there. We cannot keep a wake after the event, after some disaster has taken place. There is a necessity to have this kind of Force to see that such things do not take place.

I suppose, the destruction of property is not one of the objects of the trade union movement. If destruction of property is not their aim, why should they be afraid of this measure? Why should they be allergic about this thing? So far as the legitimate trade union movement is concerned this Bill does not come into the picture at all. Only in respect of destruction of property this Bill will come in. This will not touch legitimate trade union rights. With these words I support the measure. Thank you.

श्री अन्सुल गनी द्वार (गुड़गांव) : डिप्टी स्पीकर साहब, मैं इस मामले पर, जबकि यह बिल यईं स्टेज पर है, आपका

ज्यादा समय नहीं लेना चाहता हूँ। लेकिन मैं यह कहना चाहता हूँ कि पार्लियामेंट की हिस्ट्री में, खास तौर से भारत की पार्लियामेंट की हिस्ट्री में, यह व्लैकैस्ट डे कहलायेगा, क्योंकि आज तक जब से मैं यहाँ आया हूँ, भट्टाचार्य जी को अपनी पार्टी के खिलाफ इतना गुस्से में नहीं देखा, जितना मैंने आज देखा और उस पर भी आपका फ़तवा भट्टाचार्य जी के हक में गया। "एण्ड" की जगह "हू" और "हू" की जगह "एण्ड" की आपको इजाजत नहीं थी, लेकिन आपने कह दिया कि सलैक्ट कमेटी की सिटिंग में हम ने सब की मन्जूरी ले ली थी। मैं पूछना चाहता हूँ कि क्या आपने जो नोटिस भेजा था, उस में ऐसा लिखा था कि हम ऐसा करने जा रहे हैं। अगर भेजा था और सब उस में नहीं आय, तब तो मैं मान सकता हूँ कि ऐसा हो सकता है, लेकिन ऐसा हुआ नहीं।

दूसरी बात में यह कहना चाहता हूँ— आनरबिल शुक्ला साहब जानते हैं और डिप्टी स्पीकर साहब भी जानते हैं कि ऐसी सिक्क्योरिटी फ़ॉर्स इतनी ताकतवर नहीं हो सकती कि वह बहुत बड़े पब्लिक एन्टरप्राइज की पूरे तौर पर हिफ़ाजत कर सके। अगर डिफ़िक्टी आयेगी तो आपको स्टेट की मदद लेनी पड़ेगी, उस की मदद के बग़ैर काम नहीं चल सकेगा। आपने देखा है कि जेलों में वाइंडर होते थे, जब हम जेलों में होते थे तो वे लाठी बरसाते थे, लेकिन जब हम सब इकट्ठे हो कर उठते थे, तो फिर एलार्म बजता था, और पुलिसवाले आते थे, लेकिन वहाँ पर एक चीज थी कि जेल भी स्टेट की थी और पुलिस भी स्टेट की थी, वे एक दूसरे के साथ कोआपरेशन करते थे। लेकिन यहाँ पर सैन्ट्रल गवर्नमेन्ट जो रास्ता अख्तियार कर रही है और चोर दरवाजे से घुसने का, स्टेट को बिलकुल अपाहिज करने का, डिप्टी स्पीकर साहब, यह व्लैकैस्ट है कहलायेगा, इन की यह कोशिश ब्लैकैस्ट कोशिश कहलायेगी और इस की

[**श्री अब्दुल गनी डार**]

जमानत सिर्फ एक भट्टाचार्य साहब है, जिनकी में बेहद इज्जत करता हूँ।

श्री عبدالغنی دار (گوڑگاؤں) :

ڈہٹی سپیکر صاحب - میں اس مرحلے پر جبکہ یہ بل تھرڈ سٹیج پر ہے آپ کا زیادہ وقت نہیں لینا چاہتا ہوں۔ لیکن میں یہ کہنا چاہتا ہوں کہ پارلیامنٹ کی ہسٹری میں - خاص طور سے بھارت کی پارلیامنٹ کی ہسٹری میں یہ بلیکسٹ ڈے کہلائکا کیونکہ آج تک جب سے میں یہاں آیا ہوں بھٹاچاریا جی کو اپنی پارٹی کے خلاف اتنا غصہ میں نہیں دیکھا جتنا میں نے آج دیکھا اور اس پر بھی آپکا فتوہ بھٹاچاریا جی کے حق میں گیا۔ اینڈ کی جگہ ہو اور ہو کی جگہ اینڈ کی آپ کو اجازت نہیں تھی۔ لیکن آپ نے کہہ دیا کہ سلیکٹ کمیٹی کی میٹنگ میں ہم نے سب کی منظوری لے لی تھی۔ میں پوچھنا چاہتا ہوں کہ کیا آپ نے جو نوٹس بھیجا تھا اس میں ایسا لکھا تھا کہ ہم ایسا کرنے جا رہے ہیں۔ اگر بھیجا تھا اور سب اس میں نہیں آئے تب تو میں مان سکتا ہوں کہ ایسا ہو سکتا ہے۔ لیکن ایسا ہوا نہیں۔

دوسری بات میں یہ کہنا چاہتا ہوں۔ آئریبل شکلا صاحب جانتے ہیں اور ڈہٹی سپیکر صاحب بھی جانتے ہیں کہ ایسی سیکورٹی فورس

اتنی طاقتور نہیں ہو سکتی کہ وہ بہت بڑے پبلک اینٹرپرائز کی پورے طور پر حفاظت کر سکے۔ اگر ڈیفیکلٹی آئیگی تو آپ کو سٹیٹ کی مدد اپنی پڑیگی۔ اس کی مدد کے بغیر کام نہیں چل سکیگا۔ آپ نے دیکھا ہے کہ جیلوں میں وارڈز ہوتے ہیں۔ جب ہم جیلوں میں ہوتے تھے تو وہ لائٹی برساتے تھے لیکن جب ہم سب اکٹھے ہو کر اٹھتے تھے تو پھر ایلارم بجتا تھا اور پولیس والے آتے تھے لیکن وہاں پر ایک چیز تھی کہ جیل بھی سٹیٹ کی تھی اور پولس بھی سٹیٹ کی تھی۔ وہ ایک دوسرے کے ساتھ کواپریشن کرتے تھے۔ لیکن یہاں پر سینٹرل گورنمنٹ جو راستہ اختیار کر رہی ہے چور دروازہ سے گھسنے کا سٹیٹ کو بانکل اہاج کرنے کا۔ ڈہٹی سپیکر صاحب - یہ بلیکسٹ ڈے کہلائیکا۔ ان کی یہ کوشش بلیکسٹ کوشش کہلانے گی۔ اور اس کی ضمانت صرف ایک بھٹاچاریا صاحب ہیں جنکی میں یبعد عزت کرتا ہوں۔

श्री ओम प्रकाश त्यागी : (मुरादाबाद):
उपाध्यक्ष महोदय, मैं इस विषयक पर बहुत सोचने-विचारने की चेष्टा की कि सरकार इस बिल को किस दृष्टि से ला रही है। मैं इस बात पर सहमत हूँ कि देश में इस प्रकार के तत्व अपना सिर उठा रहे हैं जो इस देश की एकता को समाप्त करना चाहते हैं और जिनके इर.दे इस देश के लिए अच्छे नहीं हैं....

श्री शशि भूषण (भारगोन) :
टुकड़े टुकड़े करना है।

श्री ओम प्रकाश त्यागी : टुकड़े करने का इरादा है और वे केन्द्रीय उद्योगों में भी खतरा उत्पन्न कर सकते हैं। यदि सरकार की यही इच्छा है कि वे तत्व जो हमारे देश की सम्पत्ति और महत्वपूर्ण संस्थानों के लिये खतरा बन सकते हैं उन से इनको बचाया जाय, यदि सरकार ईमानदारी से यह विचार रखती तो कल परम्पों श्री यशपाल सिंह जी ने जो विल इस सदन में रखा था, उस का विरोध न करती। उपाध्यक्ष महोदय, समूचे संसार में यही एक ऐसा देश है, जिसमें देशद्रोहियों के लिये, ट्रेटर्ज के लिये कोई कानून नहीं है। यदि आप वास्तव में कुछ करना चाहते हैं तो ऐसा कानून बना कर लाइये, जो इस प्रकार के अराष्ट्रीय कार्य करने हैं, चाहे आपके औद्योगिक संस्थानों में करते हैं या कहीं भी करते हैं, उन को कड़ाई के साथ दण्ड दिया जा सके।

आपने एक रास्ता निकाला है कि आप केन्द्रीय उद्योगों के ऊपर अपनी फोर्स रखेंगे— मैं कहना चाहता हूँ कि आप एक दूसरा खतरा मान लेने जा रहे हैं और वह यह है कि आप केन्द्र के प्रति राज्य की सरकारों में विद्रोहात्मक भावना उत्पन्न करने जा रहे हैं और ऐसी स्थिति में यह संघर्ष अवश्य होगा। मैं कहना चाहता हूँ कि जब आपके पास पावर्स हैं कि प्रान्तीय गवर्नमेंट और अगर केन्द्रीय संस्थानों की रक्षा करने में असमर्थ हैं तो आप कड़ाई के साथ प्रेसिडेन्ट शासन वहाँ लायू कर सकते हैं और इस प्रकार की सरकार को सहन मत कीजिये। इस के अतिरिक्त आपने एक पावर और भी ले रखी है—आपके पास सैन्ट्रल रिजर्व फोर्स है, जहाँ भी आप खतरा अनुभव करते हैं, वहाँ आप सैन्ट्रल रिजर्व फोर्स को भेज सकते हैं। परन्तु दुख है कि आप ऐसा न कर के एक और फोर्स उत्पन्न कर रहे हैं, बल्कि मुझे आश्चर्य है कि आपने अपनी बात बहुत ही गलत ढंग से पेश की है। आप कहते हैं कि वह फोर्स वाच एण्ड वार्ड होगा, वाच एण्ड वार्ड तो वहाँ पर आलरेडी है, लेकिन यह अलग से एक वाच एण्ड वार्ड आप वहाँ पर बनाने

जा रहे हैं जो हथियार लेकर डण्ड पेलता रहेगा, खायेगा, पियेगा, मौज करेगा। वाच एण्ड वार्ड तो आपने इस का नाम दे दिया है, परन्तु वास्तविकता यह है कि वह भी आपकी एक पुलिस फोर्स होगी, जिसे किसी आन्दोलन को दबाने के लिये आप अपने पास रखना चाहते हैं—आपने इस बात को छिपाया है। मैं समझता हूँ कि आपने यह एक गल्ती की है। आपके पास पुलिस फोर्स है, उससे यह काम लीजिये परन्तु आप तो दो वाच एण्ड वार्ड बना रहे हैं, एक टेम्पेरेरी रहेगा और दूसरे की जब कभी आवश्यकता पड़ेगी, बुला लिया जायेगा। आपने हर जगह मैजिस्ट्रेट को पुलिस फोर्स इस्तेमाल करने की पावर्स दी हैं, इस लिये कि वह कानून का जानने वाला होता है, जहाँ कहीं भी पुलिस फोर्स का इस्तेमाल होता है, स्थानीय मैजिस्ट्रेट के आर्डर्स से होता है, लेकिन यहाँ पर आपने उस संस्थान के मैनेजर को ये पावर्स दे दी हैं, जिसको कानून का कोई ज्ञान नहीं होगा। इसका नतीजा क्या होगा—जिस पार्टी की गवर्नमेंट होगी, वह उन संस्थानों में अपने आदमियों को रखेगी, अपने आदमियों की यूनिशन का समर्थन किया जायेगा और दूसरे के खिलाफ उस पावर का इस्तेमाल किया जाएगा। इसका एक दूसरा परिणाम यह भी होगा कि इस देश में आज जो विद्रोह की भावना, असन्तोष की भावना बढ़ रही है, वे आप की इन कार्यवाहियों के खिलाफ दूसरा रास्ता निकाले।

अन्तिम बात मैं यह कहना चाहता हूँ—आज आप यह फोर्स प्रोटेक्शन के नाम पर बनाने जा रहे हैं, लेकिन गरीब जनता पर, जो पहले ही नंगी और भूखी है, कल टैक्स लगाये जायेंगे, मरी हुई जनता को अपने इस अबुद्धिमत्तापूर्ण कार्य के लिये एक्स्ट्रा टैक्स लगा कर आप तंग करना चाहते हैं, इस लिये मैं इस विधेयक का विरोध करता हूँ और आपसे प्रार्थना करता हूँ कि इसे वापस ले लीजिये।

SHRI C. K. BHATTACHARYA (Raiganj) : Sir, admitting the necessity of

[Shri C. K. Bhattacharyo]

this Bill, I would request Government to take particular caution so that the powers given by this Bill of a rather sweeping character are applied with the extreme care. It has been our misfortune to see that forces properly organised and trained and placed under very well-trained officers misuse their powers and create problems for the people and for the Government. I do not know; unless proper care is taken, this newly organised force might create difficulties, particularly because in this field, Government is taking a very novel step. A force created by the Central Government is being placed under an outside authority that is, under the superintendence, direction and control of the managing director, who is not a part of the force. I do not know how this novel experiment will succeed or where it will lead to. Government should take care.

While I say this, I must with regret make another remark that this Bill will continue to bear in itself an example of slipshod legislation. I am sorry for that. Perhaps persons sitting in Government develop an ego which does not want to learn. What they have not agreed to learn from the House today, they will have to learn in future by burning their fingers in the court of law.

SHRI SRINIBAS MISRA (Cuttack) : It appears that the Government has not learnt any lesson from their experience regarding the Railway Protection Force. This Bill apparently has been brought for the security of the public undertakings of the Union of India. The RPF also was established for the same purpose. Have they been able to check the sabotage and pilferage of railway property? Their recent experiences must have taught the Government that that is not the method. But they are trying to impose the inefficiency of the Government and their officers upon the labour and upon the public.

India is a Union of States. Without States, this Government cannot remain. There must be States and a proper Centre-State relationship. Without taking the States into confidence the Union cannot run. Also, the States cannot run unless they obey the laws made by Parliament. These are fundamentals. The minister has

blocked all our attempts from this side to take the States into confidence. The States are there and this force will be there. Is it a prelude to the fact that this Union is going to have something like so many islands like Vaticans in the shape of public undertakings having their jurisdiction, with some sort of army and the manager there? Is it a prelude that the minister is going to introduce Bills to have separate magistrats to try offences under this Act? And separate jails for putting these people into jail. So unworthy. I will only quote our ex-President, Dr. Radhakrishnan, who said that there are so many Chengiz Khans now and they have got telephones. These General Managers are likely to come into conflict with the labour. This country recognizes Industrial Disputes Act. This country recognized that the labour are entitled to a living wage. That is recognized. Therefore, the labour must have been trying for a living wage. So there must be a conflict between the employer and the employed. There should be a conflict between the General Manager and the labour. In this conflict the Government has come out with this piece of legislation to support the Watch and Ward staff and to support them by the legal means; to make their action legal. Previously the Watch and Ward staff were coming into conflict with the labour. In this conflict as the Union Government owns property legal provision has been made to legalize the illegal action of the Watch and Ward.

That is what it comes to. Are they going to legalise these illegal acts and are they going to support so many factions which are contending in the country? Are they going to take sides? This is what is being done by this Bill. If you want to legalise the action of the management what authority is there? Where is the authority to put the labour into jail?

SHRI S. KANDAPPAN: In most of the cases it is they who misappropriate.

SHRI SRINIBAS MISRA : Only because they are the owners and therein they come into competition in the public business. Therefore the Government must think that he is a businessman. And the Government which is carrying on these businesses, they should not have taken this power to strengthen their business.

SHRI DATTATRYA A KUNTE (Kolaba):
 When we pass this Bill we would have delegated unlimited powers to the State which the State is not going to exercise itself but we, in turn, are delegating to persons who are not exactly Government servants. Now they are going to exercise this authority with the help of the armed forces which the Minister is pleased to call 'watch and ward department'. What is the guarantee that this delegated authority given to the managers will be used very carefully? This Bill does not contain any such guarantee. Then again at one stage a reference is there that not only the installations under the direction of the Manager are to be protected but the authority will extend to such other installations which are vital to the running of that particular installation. Now what is 'vital' to the running of that particular installation has not been defined. It has been left to the sweet will of the General Manager or the Minister might say to the discretion of the Government. He says that it 'prescribes'. Will they define this word 'vital'? Secondly, the Minister wanted to point out that they will be taking the consent of the State Governments within whose jurisdiction these installations are located. Let us take a case where there is a collusion between the Central Government and the State Government. What happens? They may take an installation and declare it as vital. Let us take another case in which the power was never used. My Hon. friend, Shri Bhandare said that there is nothing that they will not have the authority. This is an unlimited power which is given to them. I am not agreeing with Mr. Bhandare. I am glad at least one Member from the Congress Benches is feeling that way. It might happen that once the permission is given, it cannot be revoked by the subsequent government. Therefore, one has to see what unlimited powers are given to the managers and further unlimited powers, by notification, to the Government in collusion, if necessary with the State Governments. This has to be guarded against. I hope common sense will prevail in the end and any calamity will be averted.

श्री ज्ञान करनेन्दीब (बम्बई-दक्षिण) :
 अध्यक्ष महोदय, सरकार जो विधेयक अपने बहुमत के आधार पर यहां मंजूर कराना चाहती

है, उस पर करीब दो साल से बहस चल रही है। भूतपूर्व गृह मंत्री, श्री नन्दा जी ने इस पर बहस शुरू की थी। सन् 67 में लोक सभा के पहले सत्र में इस विधेयक को पेश किया गया, बाद में राज्य सभा में ज्वाइन्ट सेलेक्ट कमेटी में इस पर बहस हुई। फिर राज्य सभा ने उनको पास किया और आज यहां पर हमें इसका अन्तिम संस्कार करना है। इसके लिए आज सरकार हमारे सामने यहां बैठी है। हमने तो यह सोचा था कि जब संविधान को लेकर और इन्सानियत को लेकर काफी तर्क सरकार के सामने रखे जायेंगे, तब कुछ बुद्धि इस सरकार को आ जायेगी और वह इस विधेयक को वापिस ले लेगी या फिर कम से कम इस विधेयक में जो जन-विरोधी और नागरिक-अधिकार विरोधी बातें हैं उन को वापिस ले लेगी। लेकिन बड़े अफसोस की बात है कि सरकार किसी भी हालत में इस काले कानून को मंजूर कराने के लिए बिल्कुल अपना मन बनाकर बैठी है। इसमें कोई शक नहीं है कि सरकार यह जो इंडस्ट्रियल सेक्योरिटी फोर्स बनाने जा रही है, यह अपने हाथ में बन्दूक लेकर चलने वाले कुछ लोगों को, अपना आसन मजबूत करने के लिए ही बना रही है। पलटन इनकी है, पुलिस इनकी है, बार्डर सेक्योरिटी फोर्स इनकी है, सेन्ट्रल रिजर्व पुलिस इनकी है, स्पेशल आर्म्ड कांस्टेबुलरी इनकी है, टैरीटोरियल आर्मी इनकी है, होम गार्ड्स इनके हैं, लेकिन ये सारे बन्दूक वाले लोग इनके बचाव के लिए पूरे नहीं हैं। इसलिए सरकार आज सात बटालियन की इन्डस्ट्रियल सेक्योरिटी फोर्स और खड़ी करने जा रही है। लेकिन मुझे सरकार को यह याद कराना है और यह इशारा भी देना है कि आप जो यह मत लेकर बैठे हैं कि बन्दूक वाले लोगों से आपका आसन मजबूत रहेगा, इस मत को आप छोड़ दीजिये। गए साल दिल्ली में आपने देखा है कि आपकी पुलिस ने आपको किस किस का उत्तर दिया। वही पुलिस जिसको कि आपने अपना आसन मजबूत रखने के लिए दिल्ली में रखा था, उसका मुकाबला करने के लिए आपको बार्डर सेक्योरिटी फोर्स दिल्ली

[श्री जाजं फरनेन्डीज]

बुलानी पड़ी। लेकिन आज आप कुछ और लोगों के हाथों में बन्दूक देने की बात कर रहे हैं। आप जानते हैं कि पुलिस के लोग भी इन्सान होते हैं। हाथ में बन्दूक रखने वाले लोग भी आदमी और इन्सान होते हैं। वे भी इसी मुल्क के नागरिक होते हैं। उनकी भी वही समस्याएँ रहती हैं जोकि इस देश के और गरीब आदमियों की हैं। असल में तो दूसरे कर्मचारियों की अपेक्षा पुलिस और पलटन वालों की अधिक समस्याएँ रहती हैं। सरकार को मालूम होना चाहिये कि जब इस किस्म के लोगों को बाच एण्ड वार्ड में से हटाकर अथवा बाच एण्ड वार्ड को सुपरमीड करने के लिए आप इस किस्म की पलटनों को बनाते हैं, 24 घंटे उनसे काम लेते हैं, सवा मी, डेढ़ मी तनख्वाह देते हैं, नौकरी के बारे में बहुत सख्त नियम बनाते हैं और जिस दिन उन्होंने कोई गलती की तो किमी भी कानून के अन्तर्गत, बिना किमी यूनियन का संरक्षण दिए हुए, सड़क पर फेंकने का काम करते हैं और आज मझे दुख है कि इस विधेयक को सरकार तमाम लोगों के विरोध के बावजूद, हिन्दुस्तान के पूरे मजदूर आन्दोलन के विरोध के बावजूद, हिन्दुस्तान की कई प्रदेश सरकारों के विरोध के बावजूद और अपने ही दल के जो समझदार और अकलमन्द लोग हैं उनके विरोध के बावजूद, मंजूर करने जा रही है। मैं अन्त में आपको इशारा दूंगा कि जितनी बन्दूकें आज आप इस देश में खड़ी करते हैं, याद रखना कि दुनिया में पहली ही जगह पर ऐसी बात नहीं की जा रही है, और मुल्कों में भी यह चीजें हुई हैं, वह सारी बन्दूकें किसी दिन आप लोगों के ऊपर ही चनेंगी और यह सारा मामला आप लोगों के साथ भ्रम हो जायेगा। इस बात का इशारा देते हुये मैं इस विधेयक का सख्त विरोध करता हूँ।

18 HRS.

SHRI NAMBIAR (Tiruchirappalli): Mr. Deputy-Speaker, Sir, those of us who plead for bringing in more and more public undertakings, nationalised undertaking

thought that by doing so, you will develop an industrial complex in this country and you will create better relations between the labour and the Government. If it is a question of building up a socialist pattern of society, what is the *modus operandi*? The *modus operandi* is that more and more undertakings will come into the hands of Government and the workmen working in those undertakings will participate in the management of the affairs and will create better relations. That is how we implement what is vaguely stated as the socialist pattern of society. But instead of developing cordial relations between the employer and the employee and making it possible for the workmen to participate in the management, the Government goes to the extent of not even believing the State Governments because they feel that they do not share the political views of the Government at the Centre.

This is an unfortunate situation. What is the result? The result is that the Government think in terms of sending a Force, an Army, a Police Force, to all these undertakings under the guise of protecting the property. After all the property in India, whether it belongs to the State Government or to the Central Government or to a private person, is the property of the people of this country. What is the sanctity, particularly, attached to the Central Government property? Why a sort of peculiarity is shown in that? It is not a question of defending the property or protecting the property. It is a question of suppressing the trade union movement of the workmen. It is very clear. Therefore, what will happen is that, in the public undertakings where so much capital is invested, instead of creating a healthy tradition and healthy understanding, you will create a bad blood. That is the danger of this Bill.

I submit, after all, the Government must think in terms of what sort of a thing they have to develop in this country. If they think in terms of mistrust for the labour and send police to suppress them under these headings—let them have it the result will be that there will be so much of contradictions and controversies that it will create new problems. Therefore, the Government must at least now, though late, withdraw this obnoxious Bill. If at all, it does not do, then the posterity will record a foolish thing on the part of the Government.

श्री बिद्या चरण शुक्ल : उपाध्यक्ष महोदय, कई सदस्यों ने इस पर अपनी राय देते हुए यह कहा कि इस बिल की जरूरत क्यों पड़ी ? इसके बारे में मैं पहले भी बता चुका हूँ और दोबारा फिर बताना चाहता हूँ । जस्टिस मुकर्जी ने अपनी रिपोर्ट में जो हटिया के अग्नि काण्ड के बारे में उन्होंने दी थी जब हैवी इंजीनियरिंग कारपोरेशन में आग लगायी गयी थी, उस समय यह कहा था, इसकी सिफारिश की थी कि इस तरह का फॉर्म हिन्दुस्तान में बनाना आवश्यक है । इसके बाद माननीय सदस्य शशि भूषण ने एक उदाहरण दिया कि दुर्गापुर में किम तरह के वाच ऐंड वार्ड के लोगों ने उपद्रवकारियों के साथ मिल कर करीब-करीब एक करोड़ रुपये का नुकसान उस पब्लिक सेक्टर के कारखाने में किया और इस तरह के न जाने कितने उदाहरण हम दे सकते हैं कि जिनके अनुसार इस तरह के वाच ऐंड वार्ड के सेन्ट्रलाइज्ड फॉर्म की आवश्यकता हमारे देश में है ।

दूसरी जो बात माननीय सदस्य बार-बार कह रहे हैं विरोधी दल के उसके बारे में मैं कई बार आपके सामने कह चुका हूँ, सेकेन्ड और फर्स्ट रीडिंग में भी कि इस फॉर्म का जो भी काम है उसमें किञ्चित् मात्र भी जो राज्य सरकारों की पुलिस का काम है उससे इसका कोई मतलब नहीं है और जरा भी काम राज्य सरकार का यह फॉर्म नहीं करने वाली है । यह फॉर्म वही काम करेगी जो आज का वाच और वार्ड फॉर्म काम करता है । राज्य सरकार का कोई भी अधिकार हम इस कानून के द्वारा नहीं लेने जा रहे हैं, न एक अतिरिक्त से कोई फॉर्म बनायी जा रही है । इस तरह की जो शक की बातें की जाती हैं, और जब उन बातों को समझाया

जाता है उसको न समझते हुये बार-बार शक दोहराया जाता है तो आश्चर्य होता है कि यह कोई बात समझना चाहते हैं या केवल अपनी ही बात सब के सामने रख कर, और जो समझदारी की बात है उसको न समझ कर केवल अपनी ही बात देश के सामने रखना चाहते हैं ऐसा लगता है ।

इसके अतिरिक्त बहुत सी बातें की गई कि इससे कोई नुकसान होगा, सरकार का या पब्लिक सेक्टर का ज्यादा खर्च होगा, ऐसी कोई बात नहीं है । इसके विपरीत इन को जो नुकसान होता है वह बचाया जायेगा । आज जो पब्लिक सेक्टर का समर्थन करते हैं वही यदि इस तरह का विरोध करें तो सबमुच में आश्चर्य होता है । पब्लिक सेक्टर का जो भला चाहते हैं उन को चाहिए कि इस तरह के फॉर्म का वह समर्थन करें जिससे पब्लिक सेक्टर के कारखाने और अच्छी तरह से चला सकें और उन की रक्षा कर सकें ।

फर्नेन्डीज साहब ने क्रान्ति और पुलिस की बात कही । मैं उन से कहना चाहता हूँ कि न इसमें क्रान्ति की बात है न किसी को तंग करने की बात है । यह केवल सीधी बात है कि हमारे कल कारखाने, जो जनता की सम्पत्ति हैं उन की सम्पत्ति रक्षा करना यही हमारा उद्देश्य है और इसी उद्देश्य की पूर्ति के लिए हम यह बिल सामने रख रहे हैं । मुझे आशा है कि भारी बहुमत में यह मदन डम को पास करेगा ।

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed".

The Lok Sabha divided :

Division No. 9]

AYES

[16.13 hrs.

Achal Singh, Shri
Ahirwar, Shri Nathu Ram
Anjanappa, Shri B.
Arumugam, Shri R. S.

Bhagat, Shri B. R.
Bhandare, Shri R. D.
Bhanu Prakash Singh, Shri
Bhargava, Shri B. N.

Bhattacharyya, Shri C. K.
 Chanda, Shri Anil K.
 Chandrika Prasad, Shri
 Chavan, Shri Y. B.
 Choudhary, Shri Valmiki
 Dass, Shri C.
 Deshmukh, Shri B. D.
 Deshmukh, Shri Shivajirao S.
 Dixit, Shri G. C.
 Dwivedi Shri Nageshwar
 Gajraj Singh Rao, Shri
 Ganpat Sahai, Shri
 Ghosh, Shri Parimal
 Govind Das, Dr.
 Gupta, Shri Lakhan Lal
 Hazarika, Shri J. N.
 Himatsingka, Shri
 Jadhav, Shri V. N.
 Kamble, Shri
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Katham, Shri B. N.
 Kedaria, Shri C. M.
 Khan, Shri M. A.
 Lutfal Haque, Shri
 Mahadeva Prasad, Dr.
 Mahishi Dr. Sarojini
 Mandal, Shri Yamuna Prasad
 Mukerjee, Shrimati Sharda
 Naidu, Shri Chengalraya
 Pahadia, Shri Jagannath
 Pandey, Shri K. N.
 Pant, Shri K. C.
 Parmar, Shri Bhaljibhai
 Partap Singh, Shri
 Patel, Shri Manibhai J.
 Patil, Shri S. D.

Poonacha, Shri C. M.
 Qureshi, Shri Mohd. Shaffi
 Radhabai, Shrimati B.
 Raju, Shri D. B.
 Ram Dhani Das, Shri
 Ram Sewak, Shri
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri
 Rana, Shri M. B.
 Rao, Shri Jaganath
 Rao, Shri K. Narrayana
 Rao, Shri Muthyal
 Rao, Dr. V. K. R. V.
 Raut, Shri Bhola
 Reddy, Shri Ganga
 Reddy, Shri Surendar
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Sankata Prasad, Dr.
 Sayeed, Shri P. M.
 Sen, Shri Dwaipayan
 Sen, Shri P. G.
 Sethi, Shri P. C.
 Sethuraman, Shri N.
 Sharma, Shri M. R.
 Sharma, Shri Navalkishore
 Shashi Bhushan, Shri
 Shinde, Shri Annasahib
 Shiv Chandika Prasad, Shri
 Shukla, Shri Vidya Charan
 Singh, Shri D. N.
 Snatak, Shri Nar Deo
 Sonar, Dr. A. G.
 Surendra Pal Singh, Shri
 Uikey, Shri M. G.
 Yadab, Shri N. P.

NOES

Banerjee, Shri S. M.
 Chandra Shekhar Singh, Shri
 Dange, Shri S. A.
 Dwivedy, Shri Surendranath
 Fernandes, Shri George
 Goyal, Shri Shri Chand
 Gupta, Shri Indrajit
 Joshi, Shri S. M.
 Kachwai, Shri Hukam Chand
 Kandappan, Shri S.
 Kothari, Shri S. S.

Kundu, Shri S.
 Misra, Shri Srinibas
 Nair, Shri Vasudevan
 Nambiar, Shri
 Nihal Singh, Shri
 Ranjit Singh Shri
 Sen, Shri Deven
 Sen, Dr. Ranen
 Shastri, Shri Ramavatar
 Shastri, Shri Raghuvir Singh
 Tyagi, Shri O. P.

श्री हुकम चन्द कच्छवाय (उज्जैन) : हम
वाकआउट करते हैं।

श्री जार्ज फरनेन्डीज : काला कानून
वापिस लो।

(*Shri Hukam Chand Kachwai, Shri George
Fernandes and some other Members then
left the House.*)

MR DEPUTY-SPEAKER The result
of the Division is:

Ayes—81; Noes—22.

The motion was adopted.

18.13½ hrs.

JOINT COMMUNIQUE ON INDO-
NEPAL TRADE TALKS

The Minister of State in the Ministry
of Exrternal Affairs (Shri B.R. Bhagat :
Sir, I beg to lay on the Table a copy of the
Joint Communique issued on Indo-Nepal-
Ministerial talks held at Kathmandu
between November 15 to 19, 1968.

(*Placed in Library, See No. LT-2196/68*)

18.14 hrs.

*The Lok Sabha then adjourned till
Eleven of the Clock on Wednesday, November
20, 1968! Kartika 29, 1890 (Saka).*