

12 hours.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

DEPLOYMENT OF CENTRAL INDUSTRIAL SECURITY FORCE IN DURGAPUR STEEL PLANT.

SHRI JYOTIRMOY BASU (Diamond Harbour): I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and I request that he may make a statement thereon :—

“The deployment of Central Industrial Security Force in Durgapur Steel Plant; Durgapur.”

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): Mr. Deputy Speaker, Sir, arrangements have been taken in hand to constitute a Central Industrial Security Force in pursuance of the Central Industrial Security Force Act, 1968. The Force is being constituted to raise a well trained, efficient and disciplined body of men for the better protection and security of industrial undertakings of the Central Government including their corporate undertakings.

As a part of the general scheme it has been decided to constitute an Industrial Security Force in the Durgapur Steel Plant. All members of the existing watch and ward staff of the undertaking will be invited to apply for enrolment in the force and all those who apply will be enrolled, subject to their satisfying the requirements of physical fitness. Those who are found physically unfit will be provided other suitable employment.

SHRI JYOTIRMOY BASU: About the Central force, let me quote a few extracts from the Calcutta Weekly Notes of the High Court, which is very relevant. It says apart from other things that :

“The maintaining of police force by the Central Government for use in the State is absolutely unconstitutional and illegal.”

“...The Central Government was thus divested of any authority to maintain a

police force. The only authority which the Central Government was entrusted with was the authority to extend the jurisdiction of the police force of one province to another presumably for the purpose of detection of crime in border areas and that also to be exercised with the consent of the other province and of the railway police...”

Now comes a very relevant part :

“The Reserve Police force that was raised could not and did not find any application to the then British Indian Provinces and I have never heard of any use of the Central Reserve Police in the British Indian Provinces during the period 1937 to 1947....”

“...The Centre has not been given any extra-territorial immunity like the Foreign Embassies for its properties or its employees within the State. They remain subject to the State laws as any other citizen and his property.”

As regards the army being called for enforcing internal security, it says :

“The Army so called acts under the direction of the State Government and not under those of the Centre.”

I find that the Home Minister is not listening to what I am saying. He is not interested in anything which is expressed by more competent lawyers than his bureaucrats who try to please him and please his political purposes.

This Industrial Security Force was the creation or thought or brain-child of a fellow who was a former IG of Assam, Shri S.N. Dutta who was here brought as Industrial Security Adviser or something like that. There was serious objection to this. Even in those days the public undertakings were not anxious to have such a force, and they did not approve of it. Even the Congress Chief Ministers like Shri P.C. Sen and the Chief Minister of Mysore and the persons speaking on behalf of the Assam Government opposed this force. Yet, in the teeth of severe opposition by the State Government and also the Members of the House in the Joint Committee and in the

House, the Bill was passed by brute majority overlooking the sentiments of others. This is nothing but another arm of the Central police. They want to have a parallel police force for political and repressive purposes. In these circumstances, may I ask the hon. Home Minister to tell us whether in order to improve relations with the state Governments which are not Congress-dominated, and to come to a clear understanding and to avoid confrontation, he will sit down with the State Government and re-discuss the whole thing and do nothing which does not please the State Government who are the undisputed keepers of law and order in that particular State ?

SHRI Y. B. CHAVAN : I would like to answer the last question first, because that is the only question he asked ; otherwise, it is a long lecture without much content in it.

SHRI JYOTIRMOY BASU : That is a matter of opinion. What he said is worth nothing.

SHRI Y. B. CHAVAN : I did not ask his opinion.

First of all, I must make the point very clear that this is not a police force. These points have been argued at length on the floor of the House only last year. It is a watch and ward force. I do not know how all those things he quoted from a High Court judgment are applicable here.

SHRI JYOTIRMOY BASU : It is a central force.

SHRI Y. B. CHAVAN : Yes, but not a police force.

As far as discussing these matters with the State Governments are concerned, it is a good principle. In this case, the Steel Ministry has already discussed the matter with the West Bengal Government.

MR. DEPUTY-SPEAKER : Shri Dwivedy.

SHRI JYOTIRMOY BASU : Let me put my second question.

MR. DEPUTY-SPEAKER : That is not allowed. It is not done.

SHYI JYOTIRMOY BASU : I can show from the records that it has been allowed on previous occasions.

MR. DEPUTY-SPEAKER : I have checked up. I will correct myself later he proves otherwise.

SHRI SURENDRANATH DWIVEDY (Kendrapara): The hon. Minister has stated in his reply that under the Industrial Security Force Act this force is stationed in Durgapur. I know the Act empowers him. Since this was meant for protecting all Central industrial establishments in the country, why was Durgapur specifically selected for the purpose? Is it because the conditions of law and order in West Bengal are so bad that Government thought it proper to induct the force there first? When did they think of the need for having this force there? Also, has there been any delay in the process of stationing this force on account of the hesitation of the Government of India? Also, since they have a Central Reserve Police for coming to the aid of any central property, for protecting it, whenever occasion arises, and since there is opposition and objection to the stationing of a separate industrial security force in the establishments not only by the West Bengal Government but also other State Governments, in spite of the fact that the Bill was passed, in view of the consideration that relationship between the States and the Central should not be strained further, will Government consider the advisability of not implementing the Act until and unless the Central Government are convinced that central property would not be protected by the concerned State Government? In this connection did the State Government tell the Central at any stage 'we are not concerned, we are not going to give any protection against destruction of the property of the establishments of the Centre here'?

SHRI Y. B. CHAVAN: If I may say so, he has repeated the same objection he raised at the joint committee stage and also on the floor of the House. When we recommended to the House the passing of this legislation, our intention was to implement it. There is no question of having second thoughts on it.

As to why it was started in Durgapur, since the force has been constituted, it must

[Shri Y. B. Chavan]

be started somewhere. If it was started at some other place, the question would be asked as to why it was started there.

The most important point is that in these matters, we should discuss it with the State Government concerned. As I said, we have done so.

SHRI SAMAR GUHA (Contai): The public undertakings are established in different States. If the Central Reserve Force or the Industrial Security Force are posted for the protection of those public undertakings and ensure law and order there, naturally all the self-respecting States will consider an indirect censure upon them or a stricture that the State Governments are unable to maintain law and order or protect the installation. The Industrial security force has been set up and question is about its implementation. As I said no State can agree to set up an industrial security force. All the country knows that the law and order situation in West Bengal is almost on the verge of anarchy. What has happened in West Bengal is unprecedented and has never happened in the last 22 years in any part of the country. It is not a blow to the West Bengal Government; it is a blow to democracy that the police force should act in such a way. In view of the objections raised by West Bengal and also the objections that may be raised by other State, will the Central Government consult the Home Ministers of the different States and chalk out certain guidelines in case the State Governments fail to extend protection to the public undertaking or maintain law and order and also under what conditions the Central Government's industrial security force will be used?

SHRI Y. B. CHAVAN: I repeat that this is not a force which has responsibility to deal with the law and order problem. In no way or under no circumstances are we thinking of withdrawing any authority of the State Government to deal with the law and order problem by establishment of this force. Already there is a separate security force in the corporation. It is not something new. What we are doing is that those individual watch and ward forces are being constituted into one industrial security force. This is not something new. Hon. Member Samar Guha has completely misunderstood the scheme and even the attitude of the State

Government in this matter.

SHRI C. K. CHAKRAPANI (Ponnani): The decision to deploy the Central security force in Durgapur created confusion and complication.....(Interruptions).

SHRI SAMAR GUHA: The last part of my question still remains.....

MR. DEPUTY-SPEAKER: Too late now to go back.

SHRI C. K. CHAKRAPANI: All of us know that law and order problem is a State subject. When you informed them of your decision regarding the deployment of this Force to the Government of West Bengal, they expressed their objection to it. They said that this will create more complications and more confusion. In order to have a better relationship between the Centre and the States, will the Government revise the decision that has been taken now?

SHRI Y. B. CHAVAN: There is no question of changing the decision, but as far as the State Governments are concerned, I know that in principle they are opposed to the Force as such, but in this particular matter, about timing, etc., discussions were held with them and they have agreed to certain matters of procedure, manner and other things in regard to the Industrial Security Force.

SHRI SAMAR GUHA: Sir, about the second part of my question.

MR. DEPUTY-SPEAKER: The Home Minister will discuss it with you.

12.16 hrs.

RANSACKING OF WEST BENGAL ASSEMBLY HOUSE BY POLICEMEN

MR. DEPUTY-SPEAKER: I have received several communications—from Shri Dwivedy, Shri Vajpayee, Shrimati Ila Palchoudhuri and others also—in which they wanted to draw the attention of the House to the event that took place yesterday in West Bengal. It is really an unprecedented, outrageous event—policemen ransacking the Assembly House. That is the main question, and at this hour; though it pertains to the