

out of the Consolidated Fund of the State of Bihar for the services of the financial year 1968-69."

*The motion was adopted.*

SHRI JAGANNATH PAHADIA: I introduce\* the Bill:

I beg to move\*:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the Services of the financial year 1968-69, be taken into consideration."

MR. SPEAKER: The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the services of the financial year 1968-69, be taken in to consideration."

*The motion was adopted.*

MR. SPEAKER: The question is:

"That clauses 1, 2, 3 the Schedule, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

*Clauses 1, 2, 3 the Schedule, the Enacting Formula and the Title were added to the Bill.*

SHRI JAGANNATH PAHADIA: I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

19.22 hrs.

# MOTION RE: MODIFICATION TO CIVIL DEFENCE RULES—Contd.

SHRI SRINIBAS MISRA (Cutback): I had almost finished my commission the other day. I had argued that because the power had been given to the government to associate the State Governments with the Civil Defence Orders, therefore, it is unnatural and improper for the Central Government to make rules debarring the participation of State Governments, so far as mines and factories are concerned. My contention was that that was an enabling provision and was also mandatory. Therefore, this omission to associate State Governments with rule 13 is against the Act itself. That apart, a perusal of the rules will show that there has been some mistake, there has been an omission by mistake. The State Governments have been omitted from rules 12 and 13. Of course, the Minister admitted that it is improper. Still, I find that they are reluctant to admit that these should be modified so that the State Governments could be included.

If it is a matter of prestige with them, they can assure the House that they will take the co-operation of the State Governments, because they have the power to make orders and by making orders they can delegate some powers to the State Governments as regards rule 13.

They have not come forward with such an assurance, which is creating an atmosphere of suspicion, so far as the Centre-State relation is concerned. There is misapprehension in the minds of the State Governments that they are not being associated, so far as mines and factories are concerned. Why?

You cannot go on with civil defence measures without the co-operation of the State Governments. You have to seek their co-operation. Then, why not put this in the rules itself? You have taken the power in your hands but the State Governments have been excluded. Why can't you associate them in this?

If the argument is that it has to go to the other House for concurrence they can say

\* Introduced/moved \* with the recommendation of the President.

[Shri Srinibas Misra]

that they will modify it or they can assure that they will associate the State Governments with this measure.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): The hon. Member has raised certain important issues, as far as this matter is concerned. The hon. Member knows also that it is our policy to associate that State Governments with all those matters which relate to civil defence. It is our belief that although civil defence is in the overall charge of the Central Government, no effective civil defence machinery can be created without the active and full co-operation of the State administrations. Because of certain specific reasons, to avoid confusion and contrary instructions, in these two particular rules the State Governments have not been given concurrent powers. But I see the point in the argument of the hon. Member and I can assure him that while we work these rules, we shall definitely see to it that the State Governments' co-operation is fully obtained and their co-operation is taken.

I hope, in view of this assurance the hon. Member will see his way to withdraw his amendment.

[ SHRI SRINIBAS MISRA: In view of the assurance, I seek the permission of the House to withdraw my motion.

MR. SPEAKER: Has he the leave of the House to withdraw his motion?

SOME HON. MEMBERS: Yes.

*The motion was, by leave, withdrawn.*

MR. SPEAKER: We will now proceed with the half-an-hour discussion.

19.26 hrs.

#### HALF-AN-HOUR DISCUSSION

#### INQUIRY INTO INCIDENTS AT INDRAPRASTHA BHAVAN

SHRI M. L. SONDHI (New Delhi): Mr. Speaker, Sir, the purpose of this discussion

s to bring into focus the policy of Government in relation to the Constitutional obligation to protect citizens against police excesses or police brutality. The happenings of Indraprastha Bhavan were the subject of an unofficial inquiry by two leading personalities of India, both men of legal acumen, and it is undoubtedly true that the Indian public has taken the findings of this unofficial inquiry composed of Shri Purshottam Trikamdas and Justice Sarjoo Prasad as being of importance. The name of Indraprastha Bhavan today arouses the national conscience in the country in favour of protesting against the failure of Government to protect Government employees, the citizens of Delhi, in their resolve to live lives which are peaceful and orderly.

I am not seeking through this discussion any narrow political purpose. What I seek is the development of a framework of modern legality in which we can tackle contemporary problems of social change and social disorder while maintaining the guidelines which the freedom movement gave us, Mahatma Gandhi gave us and other national leaders gave us when they urged that while adopting police measures the rule of law must be maintained.

The Home Minister has said in so many words that he has not taken note of the findings of this unofficial inquiry committee. Even at first sight this seems a strange declaration because every modern democratic government must make a vigorous effort to tap every single source of information and guidance in order to seek enlightenment and thereby pursue enlightened policies. It seems even stranger when it is remembered that the Home Minister and Members on the Treasury Benches are people who not long ago themselves suffered police brutality and magisterial excesses. It is in our collective memory and in yours that British rule in India manifested itself as a police state whenever nation-wide movements for constitutional rights were launched. Members on the Treasury Benches will remember Jalianwala Bagh. They will remember not only the Jalianwala Bagh in Amritsar but so many other Jalianwala Baghs throughout the country where they themselves suffered police brutality on a scale which even words cannot describe adequately.