

**Shri N. Sreekantan Nair:** I have got a right to make an explanation in the Third Reading.

The whole question is that the Government do not understand the problems. The hon. Minister speaks about world standard. There is no world standard here; there is only an East African standard. Nowhere else in the civilized world, does this grow. What is the position now? He says that there are 15,000 acres. The question is that the value of the per acre yield is Rs. 500 to 700, if there are rains at the proper time. Will anybody in India or in any part of the world care to cultivate such a thing on a plantation basis? That is the root of the question. In the First Plan of Kerala we had allotted 20,000 acres for cultivation of this, but nobody was prepared to cultivate and the Government cultivated only 5,000 acres. This is done only in Kerala. So far as Kerala is concerned, there is the forest growth and the automatic wild growth here and there from which yield is taken. It is just as it is in East Africa. East Africa has no plantation for this; there it is collected from the wild forests. He does not understand the problem and he says that this can be improved.

Secondly, it is a question of subsidising manures and giving higher prices to cultivators, if you want him to cultivate it.

Without understanding these problems, you cannot solve these.

16.00 hrs.

**Shri Shyam Dhar Misra:** I have nothing to add except to say that some of the hon. Members from Kerala do not probably represent the interests of this industry in Kerala.

श्री शुक्ल चन्द कल्याण (देवास) : मैं व्यवस्था चाहता हूँ। मंत्री मंत्रीद्वय जवाब दे रहे हैं और गणपति नहीं है। यह क्या परस्पर हो गई है कि मंत्री जब जवाब देने के लिए खड़े हों तो दिन में गणपति रहे?

**Mr. Chairman:** The hon. Deputy Minister may resume his seat for a while. There is no quorum. The bell is being rung—

Now, there is quorum. The hon. Deputy Minister might resume his speech.

**Shri Shyam Dhar Misra:** As I have stated already, this cess will really help the producers and also the factories, and it will not be a burden on them. About Rs. 2.74 per quintal will be the levy, and it has been worked out that the burden will only be about two to three paise per k.g. It is not a levy on the producer, but it is a levy on the exporter when he exports this commodity. So, when there is more export, it will help the processing industry and when the industry is helped it will help the producer also. Therefore, I would request the hon. Members from Kerala to remove the confusion from their minds and accept the Bill as it is.

**Mr. Chairman** The question is:

"That the Bill be passed".

The motion was adopted.

16.03 hrs.

#### POLICE FORCES (RESTRICTION OF RIGHTS) BILL

**The Minister of Home Affairs (Shri Y. B. Chavan):** I beg to move...

**Shri S. M. Banerjee (Kanpur):** On a point of order. My point of order is that this Bill cannot be proceeded with under the various provisions of the Constitution.

**Mr. Chairman:** Let the hon. Minister move the motion and make his speech. Then, the hon. Member can raise his point of order.

**Shri Y. B. Chavan:** I beg to move:

"That the Bill to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to the

members of the Forces charged with the maintenance of public order so as to ensure the proper discharge of their duties and the maintenance of discipline among them, as passed by Rajya Sabha, be taken into consideration."

I would make just a few observations at this stage. The purpose of this Bill is to ensure that the police force and its fine tradition may not be spoiled by trade union activities and agitational activities which might ultimately lead to the breach of discipline in that fine force.

After Independence of this country, the police force in India has by and large proved to be the finest force. But recently there have been tendencies to introduce some sort of trade union activity in that fine police force. As we are all aware, this is the most effective instrument to keep public order in this country. The framers of the Constitution had contemplated this position. If you look at article 33 of the Constitution you will find that the framers of the Constitution had certainly thought of a particular position where it would be necessary to restrict the Fundamental Rights guaranteed by the Constitution. The Constitution has contemplated two services where it may be necessary to restrict these fundamental rights. One is the Armed Forces and the other is the 'Forces charged with the maintenance of public order'. These are the two categories; in the case of these two categories of services it was thought that in order to ensure the proper discharge of their duties and the maintenance of discipline among them these Fundamental Rights could be restricted by undertaking certain other legislation. In the case of the Armed Forces, section 21 of the Armed Forces Act which was passed in 1950, section 19 of the Navy Act passed in 1957 and section 21 of the Indian Air Force Act provide for such restrictions. Those were the laws contemplated under article 33 for

16.07 hrs.

[SHRI SHAM LAL SARAF in the Chair]

the Armed Forces. But for other services, namely the forces charged with the maintenance of public order, such legislation was not undertaken so far. Now, this piece of legislation removes that lacuna in the situation.

I do agree that the police forces also need to have their own association which should not indulge in trade union activities. Therefore, this Bill contemplates that under prescribed rules, they can have such organisation, association etc. for the purpose of recreational or such other activities. I am as much aware as any other Member of this House, if not more, that there are certainly some welfare problems of the police forces which have to be attended to . . .

**Shri Hari Vishnu Kamath (Hoshangabad):** On a point of order. You will readily agree that it is very sad now that the House is considering such an important Bill without a quorum and particularly when the hon. Minister is making an interesting speech.

**Mr. Chairman:** There is no quorum. The hon. Minister may resume his seat for a while. The bell is being rung—

Now, there is quorum. The hon. Minister may resume his speech.

**Shri Y. B. Chavan:** I was mentioning that some of the problems of the police force are, in my personal experience as Minister in charge of police affairs in another State a few years ago—for this reason, I can claim to know of the welfare problems of the police as intimately as anybody possibly can—are worthy of consideration. There are certainly some problems which need to be looked into with sympathy and consideration, problems of aid to them during times

[Shri Y. B. Chavan]

of distress etc. Therefore, some provision is necessary for that purpose. For that matter, they certainly can have some sort of association with the previous and specific sanction of the Central Government. That sort of organisational freedom will certainly be there.

But our idea is not to allow it to have any trade union activity which can encourage them to engage in agitational activities which will certainly undo the strength and discipline of the force which is, really speaking, the most important instrument to maintain law and order in the country. We have done the same by enacting the necessary legislation in respect of the army, navy and the air force. The role of the armed forces is certainly different....

**Shri Hari Vishnu Kamath:** No less important.

**Shri Y. B. Chavan:** Most important, no doubt. At the same time, internal security against the external threat is important. But the base of protecting the country from external threat is the guarantee of internal security. That is, really speaking, the foundation of security of the country, and the police force, which is the most disciplined force in the country, is the only guarantee of that. Its discipline has to be kept intact which is the responsibility of not only those who are responsible for the administration, but also the bounden duty of every citizen of the country. But unfortunately we see trends nowadays in some people to very lightheratedly try and tamper with this very important strength and discipline. Government, therefore, felt that they would fail in their duty if they did not come before this House to seek its sanction for this piece of legislation which will guarantee the strength and discipline of this very important force.

This, in short, is the purport of the Bill. Clause 3 explains what are the

restrictions, what are the freedoms, what are the responsibilities and what are the rights. I need not go into it because the structure of the legislation itself is very simple and does not need any explaining in detail.

I commend the motion for consideration.

**Mr. Chairman:** Motion moved:

"That the Bill to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to the members of the Forces charged with the maintenance of public order so as to ensure the proper discharge of their duties and the maintenance of discipline among them, as passed by Rajya Sabha, be taken into consideration".

**Shri Tyagi (Dehra Dun):** Is the hon. Minister in a position to assure this House that he will treat the police sympathetically and consider their demands with consideration?

**Shri Y. B. Chavan:** Yes, I said that. As one having been in charge of police affairs in a State for more than 6 years, I know their problems very intimately and I will consider them sympathetically.

**Shri S. M. Banerjee:** I rise to a point of order on two counts.

First, may I invite your attention to article 19 of the Constitution, which reads:

"All citizens shall have the right to freedom of speech and expression, to assemble peaceably and without arms, to form associations or unions, to move freely throughout the territory of India, to reside and settle in any part of the territory of India, to require, hold and dispose of property and to practise any profession, or to carry on any occupation, trade or business".

I feel that the police personnel are also citizens of the country.

**Mr. Chairman:** What is his point of order?

**Shri S. M. Banerjee:** It is that this Bill cannot be discussed.

**Shri Hari Vishnu Kamath:** Ultra vires the Constitution.

**Shri S. M. Banerjee:** Like all other citizens, the police have the right to form associations. There are such associations in Bihar, U.P. and other States. This had been done after the great police strike led by Ramanand Tiwari in Bihar when he was asked by the late Mahatma Gandhi to court arrest, to surrender himself.

16.18 hrs.

[MR. SPEAKER in the Chair]

The hon. Minister has taken shelter under article 33. Let me read it.

"Parliament may by law determine to what extent any of the rights conferred by this Part shall, in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them".

Now, the hon. Minister has moved for consideration a Bill which seeks to restrict their fundamental rights to form a union or association. From 1950 till 1966, the Government did not think of restricting this right. So far as the Delhi Police is concerned, from 1950 till September, 1966, it did not have any union. Of course, I agree that stoppage of work should not be allowed.

The third point is this. During the course of their discussion with the Home Minister recently, on the advice of Shri Hathi, they voluntarily surrendered the right to strike. I have

got a copy of their constitution. There is no right to strike there. They have not simply abjured the right to strike, but in their constitution itself, they have voluntarily forgone this right.

My second point of order is that I moved a motion for circulation of the particular Bill I do know under which rule....

**The Deputy Minister in the Ministry of Home Affairs (Shri P. S. Naskar):** Is it a point of order? I thought he was an experienced member of this House. (Interruptions)

**Shri S. M. Banerjee:** If you dispose of my first point of order, I will raise the second.

**Mr. Speaker:** I have heard him. It is under article 19.

**Shri S. M. Banerjee:** Articles 19 and 33 I have quoted. Disciplinary cases will not be heard even under article 33. So, I feel that this Bill should not be moved.

**Shri Nambiar (Tiruchurapalli):** Before you give ruling. . . .

**Mr. Speaker:** I am not giving my ruling. There is no need for me to give any ruling on the validity or otherwise of the Bill that is before the House. The House should consider whether it should pass it or not. It would be the courts that would determine whether something is ultra vires. The Speaker has never taken it upon himself to decide that point. Up till now we have never done it. Therefore, I think we should not spend time. Whenever they get an opportunity, members can press that point also.

**Shri Nambiar:** Of course, it is the courts which have to finally decide whether the law that we pass is really a law. That is a different point. What I submit is that according to the Constitution we cannot proceed to discuss this Bill because it is barred.

Article 33 reads:

"Parliament may by law determine to what extent any of the

[Shri Nambiar]

rights conferred by this Part shall, in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order, be restricted or abrogated....

There is no full stop there. Without a full stop or comma it goes on:

"...so as to ensure the proper discharge of their duties and the maintenance of discipline among them."

It means that is a condition, that it will ensure the proper discharge of their duties, the maintenance of discipline and all that. Did the Government say so? What the hon. Minister Just now stated was that they, the police, performed their duties very well. All honour to the police force. If that is so, what is the purpose of restricting their rights. On the other hand, it will not only not enable the police to discharge their duties properly, but it will enrage them and create a sort of feeling in them which will create more uneasiness among them. That is the danger. Therefore, I would say that the Constitution does not give power to this House to pass a law unless it is proved to the House that it will assist the police in the proper discharge of their duties. Therefore, unless and until that condition precedent is presented and accepted, we cannot restrict or abrogate their rights. That is my humble submission. Therefore, the Government have not satisfied this House to enable this House to consider this Bill.

**श्री बागड़ी (हिमाचल) :** जो हमारा संविधान है यह सबसे श्रेष्ठ है, यह सर्वश्रेष्ठ है। जब तक संविधान को नहीं बदला जाता है तब तक यह विधेयक जो कि संविधान के विरुद्ध है यहाँ नहीं लाया जा सकता है और न ही इस पर बहस आप कर सकते हैं। संविधान जो अधिकार जनता को देता है उसकी रक्षा

करना लोक सभा और राज्य सभा दोनों का कर्तव्य है। संविधान के खिलाफ किसी विधेयक पर चर्चा करना, बहस करना या किसी कानून को लाना, यह हमारे अधिकार क्षेत्र में बाहर की बात है। आर्टिकल 33 के अन्दर यह स्पष्ट अधिकार दिया गया है भारत के नागरिकों को कि वे अपने संगठन बना सकते हैं और इस पर आप तभी रोक लगा सकते हैं जब आप इस धारा को बदल दें। बिहार के अन्दर पुलिस वालों का पुराना संगठन है, राजस्थान के अन्दर भी पुराना संगठन है। दिल्ली में आज से उनका संघ नहीं है बहुत पहले से है। हमारे चत्तौण साहब जो रक्षा मंत्री पहले थे तब से यह संगठन उनका चला आ रहा है। यह तो नए मुसलमान हैं। जो नया मुसलमान होता है वह अल्ला, अल्ला ज्यादा पुकारा करता है। यही हमारे नए होम मिनिस्टर साहब कर रहे हैं। पुराना इनका संगठन चल रहा है। कानून और व्यवस्था टूटी नहीं है। यह नया कानून ला कर आप नई अड़चनें पैदा कर रहे हैं। इसको ला कर अग्न व्यवस्था को तोड़ने की कोशिश की जा रही है और मैं कहूँगा कि संविधान की हत्या की जा रही है। यह जो संविधान के विरुद्ध चीज हो रही है इस को ले कर आज सारी दिल्ली के पुलिस वाले भूख हड़ताल पर हैं। मैं कहना चाहता हूँ कि उनके जज्बात को जबरदस्ती उकसाने की कोशिश की जा रही है। इस वारंते गृह मंत्री जी को चाहिये कि इसको वह वापिस ले लें वरना मैं आप से अनुरोध करूँगा कि इस पर चर्चा की अनुमति आप न दें।

**अध्यक्ष महोदय :** दो बातें कही गई हैं। एक तो यह कि संविधान के यह खिलाफ है और दूसरी यह कि अगर यह पास हो गया तो इससे और मुश्किलत होंगी या पुलिस के जो आदमी हैं उनके अन्दर कोई बुरी भावना पैदा होगी। जहाँ तक पुलिस के अन्दर भावना वाली बात का सम्बन्ध है या उनके अन्दर

इसका क्या रिक्रेशन न होगा वह तो गवर्नमेंट ने खुद देखा है, उसे तो मैं नहीं देख सकता हूँ और न मैं उसमें खल दे सकता हूँ। गवर्नमेंट को देखना चाहिये कि क्या इसका अन्तर होगा और उस अन्तर को देखो हूँ, अर्थात् यह एडविजिवल है, प्राप्तर है या नहीं है। इसकी प्रोवाइडी, इसकी डिजायरेविमिटी को देखना गवर्नमेंट का काम है।

जहाँ तक इसका तात्त्विक है कि संविधान सर्वश्रेष्ठ है या नहीं, यह तिल्कुल ठीक है कि यह सर्वश्रेष्ठ है। मैं इस बात से इतिफाक करता हूँ कि यह सर्वश्रेष्ठ है। लेकिन अर्थात् यह विधान के खिलाफ है या नहीं, इसका फंगारा मैं नहीं कर सकता हूँ।

**श्री स० जो० बनर्जी :** एवर्नी जनरल को बलायें।

**अध्यक्ष महोदय :** जी नहीं। आपने कह लिया है अब आप ऐसी बात सुनें।

आज तक जब से आजादी आई है किसी स्पीकर ने अपने ऊपर नहीं लिया है कि किसी ला को वह यल्दा वायरस करार दे। हमेशा स्पीकर दे वही कहा है कि यह अदालतों का काम है।

अब मैं आगे बतलाता हूँ।

**Shri S. M. Banerjee:** I have another point of order regarding the circulation motion.

**Mr. Speaker:** That is not a point of order.

**Shri S. M. Banerjee:** I wish to submit that I moved a motion for circulation. I have been informed by the lobby assistant that it had not been allowed. Under what rule? I have been told that it has come from the Rayja Sabha and so it is not allowed. Under which rule is this? I would like to know.

**Mr. Speaker:** He is raising a point of order and he should quote the rule 2274 (Ai) LSD—9.

but he asks me under what rules it is barred.

**Shri S. M. Banerjee:** I have not the rule book with me.

**Mr. Speaker:** We can proceed now and then see the rule.

**Shri Nambiar:** I have given notice of a motion today to refer the Bill to a Select Committee. Yesterday was a holiday, and the day before also a Sunday.

**Mr. Speaker:** His motion is too late; I cannot help it. So far as Mr. Banerjee is concerned, he may kindly see rule 118. 'Any member may, if the Bill has not already been referred to a Joint Committee of both the Houses, move as an amendment that the Bill be referred to a Select Committee.' That is the only motion that can be made before it has been passed by Rayja Sabha.

**Shri Nambiar:** The Speaker can waive the rule.

**Shri Hari Vishnu Kamath:** It is in your discretion.

**Mr. Speaker:** Let me see. Mr. Shinkre.

**Shri Shinkre (Marmagao):** Sir, although I endorse the underlying idea, my misgivings start with one uppermost thought: whether this piece of legislation in the prevailing circumstances and legal position is at all necessary.

**Mr. Speaker:** It is all right that yesterday was a holiday. If it has been receive at least this morning, I would have allowed it. But it was received at 2.42 and then too it is not complete. It only says that the Bill be referred to a Select Committee of the Lok Sabha with the following members. That is all. Is that a motion? I am sorry I cannot allow it.

**Shri Shinkre:** Sir, the necessity for such a piece of legislation is a very grave and serious symptom of a still graver and more serious malady. The very fact that we have come to a posi-

[Shri Shinkre]

tion where we have to prevent the police forces by a law from forming trade unions reveals that all is not well in this country.

**Mr. Speaker:** He may continue tomorrow.

16.32 hrs.

MOTION RE: STUDENT UNREST AND TROUBLE IN RECENT MONTHS—Contd.

**Mr. Speaker:** Shri Umanath may continue his speech.

**Shri S. M. Banerjee (Kanpur):** When is the Minister going to reply Sir?

**Mr. Speaker:** The Minister was to be called just after Mr. Umanath, but they raised objections that certain parties have not been given an opportunity. So, I would call Mr. Bade, Mr. Hem Barua and then the Minister.

**Shri S. M. Banerjee:** I am also a sponsor of the motion, Sir, I may be given five minutes.

**Shri Umanath (Pudukkottai):** Sir, as I said the other day, what is happening in the student world is not as though there is any mental aberration or frustration or dejection among them. On the other hand, having taken part in the freedom movement, having reposed confidence in the Government that after independence their problems will be solved by the Government without their intervention, after 20 years the students find that things are deteriorating. So the students are now making themselves into a force to take their fate in their own hands and fight for better academic conditions, democratic liberties, etc. That is the crux of the situation today.

Regarding the various struggles and agitations that have taken place, there is no use taking them in a general way and saying they are due to lack of academic conditions, etc. Let us analyse the various aspects of it. One aspect of the student struggle, as

I see it, is against the police *zoolum*, by which I do not mean the lathi charges, firing, etc; but the machinery which we have inherited from the British.

The strike in Madhya Pradesh started in Gwalior on the 12th followed by Ujjain on 17th, Indore on 19th and Bhopal on 22nd. The whole thing centred round the Gwalior incident. In Gwalior, 2 students went to the police station to report against a truck driver who had dashed against them. The police officer, instead of taking the report, slapped one student and kicked the other. Sir, we are only for changing property relations and not for reconstruction of property. Lovers of property were silent when such a conflagration took place, because the first incident was because of the misbehaviour of a police officer. Nobody expressed any indignation against this misbehaviour of the police officer. One student went back and called the other students. They also did not attack the police station, but they were beaten up by the police officer; That very night the Principal went to the police station demanding that the police officer must be suspended. But senior police officers refused to do so. On the 13th also, there was no destruction of property. They went in a procession to the Police Commissioner to represent, but the Collector surrounded them with police and beat them up.

In protest against this repression of students there was demonstration in Ujjain on the 17th, in Indore on the 19th and on the 22nd in Bhopal. In all these towns the students struck work and took out processions. Then Section 144 was imposed. The students were told that if they did not disperse they will be beaten up. They refused to disperse because they wanted to express their anger against such repression and they were beaten up. All these things followed from that.

**An hon. Member:** What happened in Patna?