

BHANU PRATAP SINGH,
MEMBER OF PARLIAMENT
(RAJYA SABHA)



206, Vithalbhai Patel Bhawan,
New Delhi.

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My dear Mr. Raju,

Mr. Girish Munshi had met me and I have explained to him why it is not possible to admit the Swatantra workers as a group. We are having enough headache dealing with four groups within the Janata Party. It has been decided to admit new entrants only as individuals. Yesterday I had spoken to Chandrashekhar to make an appeal that all those who were in the Opposition, but belong to parties other than the four merging parties, are welcome to join the Janata Party as individuals. Personally I would be happy to be associated with my colleagues in the Swatantra Party.

Yours sincerely,

(Bhanu Pratap Singh)

CC 3

श्री प्रकाशवीर शास्त्री (हावड़): आप ने अभी मेरे नाम का उल्लेख किया था इसलिये व्यक्तिगत स्पष्टीकरण मैं आप को देना चाहता हूँ। उस दिन भी और दूसरे दिन भी जो मैं ने यह कहा था कि आप अधिक उदार हैं तो उस के साथ साथ मैं ने आप की उदारता की सराहना की थी, निन्दा नहीं की थी।

Shri Lobo Prabhu (Udipi): Two thousand years ago Pliny laid down that home is where the heart is.

We are proud today that we have a Home Minister who has a big heart. It is with the heart that you can deal with the affairs of the home... (Interruptions.)

Shri Sheo Narain: Speak of the heart, not the head.

Shri Lobo Prabhu: You have no head. The Home Ministry stands for two of the rights enshrined in the American Constitution - right to liberty and right to happiness. The third right, namely, the pursuit of happiness is elaborated by the other Ministries. I had been Home Secretary to the Government of Madras and I have been interested in the Home Ministry for other reasons also. The Home Ministry was very much in the public eye during the last year and I think no other Ministry had been in the focus and under fire as the Home Ministry.

(Fd by DD)

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(Shri Lobo Prabhu--contd.)

For that reason, I feel very privileged when I open this debate against the Home Ministry, against the Home Ministry not in the sense that I have to find any fault with any person but against the Home Ministry because there are certain matters in which improvement is possible.

I begin with a thing very near to my heart. I belong to a minority community. There are others also here who belong to a minority community. The responsibility for minorities is a matter of importance not only to the minorities themselves but to the Government and to this country. We have to remember that this country is linked with one-fifth of the population of the world by Buddhism which it has given to the world. This country is linked with one-fourth of the world which follows Islam, because we are a country which at one time had the largest Muslim population in the world and today we are the second largest country with Muslim population. Thirdly, this country is linked with nearly the rest of the world through Christians who came here two thousand years ago. St. Thomas came directly after Christ and was treated with great hospitality. We have existed all this time in the friendliest of terms living with the other members of this country, living in complete friendship and co-operation. Anything that you do,

therefore, to the minorities affects your relations with the rest of the world. Therefore, it is a matter of great importance that certain doubts should be cleared.

I am very grateful that last year when I raised the question, the Minister of State affirmed that article 25 gives all religions, not only Christians, but to all religions including the Hindu religion the right to practise, profess and propagate their faith. I am glad that the Ministry has observed this dictum time and again when there were some unwarranted attacks on the different religions.

There is one point here which however remains to be clarified. I used the word 'clarified' because I think it is due to some misapprehension that it continues to exist so far on the book of instructions of the Home Ministry.

By a Cabinet decision it has been decided that foreign missionaries should not be encouraged in this country and that the priesthood of the Christians should be Indianised. I beg to point out that the choice of the priest is an internal matter and that article 25 should protect us if we chose those persons who serve us best. The Home Minister himself was kind enough on a previous occasion to point out that the Indian clergy was not able or not willing to perform certain disagreeable tasks like attending to lepers and the sick. But beyond that,

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(Shri Lobo Prabhu--contd.)

there is the fact that the Catholic church, for instance, is universal. It makes no difference between one colour and another, one country and another. To us, it is a principle that they are the same. If these people bring to us some foreign know-how, why should there be objection? There are 58,272 foreigners in this country. Does it matter that there are 5000 missionaries? Does it matter that they should be reduced in number? Last year about 300 of them have left. They have left because they are under the disagreeable necessity of every year renewing their stay here; every year, they have to get their visa renewed. Is it necessary in respect of priests who have been here for 30 or 35 years? Does the Home Ministry allow the rule of law when they refuse a visa to some of these priests? The rule of law is that every man should have a right and an opportunity to defend himself. Even if they do not do it, do they give some notice of what the charge against him is? And then he leaves this country with an apparently something on his character that he has been found to be a persona non grata with the Government. I would, therefore, suggest one thing. We have no sympathies for any foreigner who interferes in the security of this country. We are with the Home Ministry a hundred times if they turn out such persons, but please let them give a chance; let these persons not be made the

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(Shri Lobo Prabhu--contd.)

victims of some kind of intrigues by people who have their own motives.

I need not say to this House that it is not at all fair to doubt the loyalty of minorities in this country. I would like to point out that there is not one instance where a member of a minority community has been found to be a spy. I would like to remind my hon. friends that in the Indo-Pakistan conflict, the first to lay down their lives were Christians and Muslims. I would like to assure this House that if it comes to its defence, we shall never be behind anyone. In these circumstances, do not let us be in the agony of Shylock and say

"We are warned by the same summer,
Chilled by the same winter,
If you prick us, do we not bleed?"

Therefore, I would beg of the Home Ministry that in their broadly secular policy, let them avoid these slight pin-pricks of getting rid of a priest or two because that places us very wrong with the rest of the world and it makes us feel that they do not accept us.

Secondly, I come to the subject of the other disturbances which the Home Ministry is faced with. I come to the subject of the police. The police are getting a larger and larger part of the budget of the Home Ministry. This year, there is an increase of nearly Rs. 11 crores for the Central police. We had a discussion this morning about that. But first and

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(Shri Lobo Prabhu--contd.)

foremost, let us take the State police, the police who are concerned with the administration of law and order. It is very fortunate that the Calcutta High Court has clearly enunciated that the police have to act according to the law and according to the Criminal Procedure Code, irrespective of any directions from the Government. That is a very important principle, and it is the duty of the Home Ministry and this Parliament to encourage the police to do their duties by making it clear to them that they will be supported when they do their duties irrespective of what the passing government of the country may say or tell them. Of course, there are difficulties; when that same government which gives instructions also controls their postings and promotions, it is very difficult for the police to ignore the instructions they may receive. May I suggest that there are two ways in which the police can be assured of independence? First, we may adopt Rajaji's suggestion made recently that the police and the administration should be a reserved responsibility of the Governor. No doubt, it is a fundamental suggestion, but in due course, the Home Minister will be driven to accepting this that the police as technicians should not be contaminated by politics. If he does not wish to go so far, would he at least place the promotions and postings of the police in the hands of an independent authority like the Public Service

Commission? This is happening in Ceylon. This has happened in New Zealand. It is not a new departure. If they were to depend on the Public Service Commission they would be free to act according to the law and in the interests of the police. Secondly, law and order is suffering because the police do not take action under the preventive sections of the Criminal Procedure Code. The hon. Minister was flattering to me when I had raised the question and he had informed me that the State Governments had been informed that after a riot took place, the officers concerned would be asked to report if they had taken the necessary preventive action.

(contd. by FF)

Sir, it is necessary to emphasise this, because if preventive action is taken there will be no riots, and in the 30 years I was in service, there was not a single occasion where I had to face a riot and I was in some of the most inflammable areas of this country. And that I did because I took the simple precaution of demanding bonds under section 107 from whomsoever was likely to break the peace, from whosoever announced a programme which may imperil peace. I would like this to be emphasised: that these bonds should be taken not only from those who declare the political programmes but also from those who declare the labour programmes. No man has a right in the name of labour to destroy the peace of the people. The peace of the people is a fundamental right which, in the interests of the country, no section can imperil.

The third point about the police is you are spending a lot, but are you getting the best use for your money? Or, you mechanise the police. Are you doing it? I know from my own experience that after an accident, the two vehicles have to remain on the road for 24 hours or even more, because the police officer cannot get there.

ShriRanga: The people are also injured.

Shri Lobo Prabhu: Yes; they are not allowed to be removed. Can you not, when you are spending so much, provide a motor-cycle for your Station House Officers? Can you not provide jeeps especially in the bigger cities, and can you not have a control room?

Shri Lobo Prabhu - contd

Shri Ranga: Not even telephones.

Shri Lobo Prabhu: Sir, these are two very vital things, and I do not think the country will grudge an extra crore or two if you are going to provide them with this equipment to make the police a modern force.

The third important subject which has been before this House in connection with the Home Ministry is about the Centre-State relationship. We have had the spectacle of four Governments collapsing this year : in the wake of Haryana collapsing before. These four Governments have gone through a mid-term election, and the prospect arising is no better than what it was before. You have had a Committee on Defections. The question is, will you believe in this Committee and implement the recommendations of this Committee? Even today, you are forming a Government in Madhya Pradesh which is the same as before. (Interruption) I would not make an exception of my own party or any other party. We all rely on defectors. Our politics is bound up with defectors. Of course, we are not in power everywhere, (Interruption) What I would like to say is, you cannot do this by a change of law or convention. There is a simple thing to which I would like to draw your attention in this matter. There is comparative stability in the office of the President of municipalities, Has anyone found out why it is so? It is because while the President or the Chairman is elected by a simple vote, he cannot be removed except by two-thirds majority. Why not we introduce this simple change in these rules?

Shri Lobo Prabhu - contd

Then comes the question of the Governors. What are you going to do with our Governors? One Governor in West Bengal refused to read the address against himself presented by the Ministry, and another one in Punjab does it with a great deal of flourish. Who is right? Have you made up your mind what the Governor should do? And in the meanwhile what have you done? You are destroying the independence of the Governor by practically asking 'Mr Dharma Vira to go away. No doubt he has put in an application for leave, but he understood where he was. The application would not have been pressed if you had put the Congress into power there. The Governors do not know where their loyalties lie. If you are going to send a Governor whom the West Bengal Government wants, to whom will be the loyalty of the Governor? To you or to the West Bengal Government?

In this connection, I again refer to Rajaji who is the prophet not only for my party but is the prophet of this country. He said, make the office of the Governor a functionary one. Give him reserve powers to look after the police and administration, and thereafter you will possibly have a situation where the Governor will be better than he has been so far.

The fourth point which I would like to bring forward is concerned with the administration.

(contd by GG)

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Shri Lobo Prabhu contd

The administration of this country is largely concentrated in your office. You have the Public Service Commission. Even though 21 years have passed, you have not yet finalised the rules about the appointment and powers of the members. I do not want to go very deep into it, because my time is running out. I would only say this that don't appoint to the Public Service Commission people who remain obliged. If you want members to be independent, let them be serving officers or High Court Judges. Let them not remain at least in the eyes of the public the mere servants of the will of the Home Ministry. You must make this change as soon as opportunities arise. If you appoint serving men, you will get the confidence of the people and of the unemployed, because the unemployed are a very serious problem.

It is a staggering fact that there are at present not less than 333,000 and odd cases--more than a third of a million--pending before the High Courts. The Law Commission has warned you that there would be a breakdown if law was so dilatory and civil cases took more than 10 years to be decided. I would like the Home Ministry to consider seriously the question of delay arising from adjournment, convenience of lawyers or of judges or corruption of officials who want to make money from delay. This is a problem you cannot allow to linger long. You must ask the High Courts to suggest a way out to reduce delays.

Coming to the Vigilance Commissioner and Grievance Commissioner, the Grievance Commissioner has gone and the Vigilance Commissioner will also probably go in the near future, because the Lokpal is coming in. Your own report discloses that when the Vigilance Commissioner started functioning in 1963, the number of complaints received were nearly 6,000. This year, the number was only 1,000. It does not mean that corruption has decreased. It only means the public have lost confidence in that office. and they feel that the Vigilance Commissioner is of no vital use. Though much is expected, I do not think the Lokpal is going to be very much better. You are giving him probably the same powers. He will be under the Parliament instead of being under you. But what is Parliament with your burte majority? It will make no difference except that we will have a Vigilance Commissioner more glorified and with a bigger staff.

You have to find out why corruption exists and why you do not attempt to remove it. In this connection, I do not like to outrage my own modesty, but in 1962 you complimented me by adopting a system of spotlighting delays I suggested. That is, whenever an officer failed to write his note within a week of the receipt of the paper, he had to write it in red ink. There was thus a visual demonstration of the delay which the higher officers would take note of and take action. I do not know how far it continues. From my own enquiries, it appears that the highers have not taken care to implement it. That will remove one of the very important causes of

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Shri Lobo Prabhu contd

corruption, because the Grievance Commissioner's figures show that 80 per cent of the complaints relate to delay.

The second reason why the Lokpal may fail is, you are ^{not} going to remove the causes of corruption and reduce the opportunities for it through your controls, enterprises and other acts of interference with the life of the private individual. You are presenting opportunities to corruption and there is no wonder that it exists. You have to make up your mind from your end that it should stop.

I am glad the Minister of State is here. There is no use having a Lokpal or Grievance Commissioner, because as long as the minister is not a public servant, he cannot be touched even if he is exposed in Parliament. Ministers have been exposed many times and I do not think having a Lokpal will make any difference. Ministers will only feel the necessity of being honest if like any other citizens, they are exposed to the law of corruption, by being public servants. The hon. minister gave me an assurance in June, 1968 that Government was going to bring a Bill in respect of making ministers public servants. He has not done it nor has the Assurances Committee done anything in this matter. This Bill must come by which ministers should be declared public servants.

contd by

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(Shri Lobo Prabhu - contd.)

Now I shall speak as one who was a public servant to those who are now public servants. I had occasion, when the Bill came for essential services, to differ with the Government on this point that they failed to give these government servants the provision of the Joint Consultative Committee and the Industrial Disputes Act. You would not have had a strike if you had followed that Act. It is quite clear. The same thing I repeated when the Act was being passed, that the Act would be infructuous unless you included this thing and gave them a chance to be heard. Do not delay that. The moment you enforce that provision a strike becomes illegal, the same thing you were trying to get by the Ordinance.

To government servants among whom I once was I would like to say this that their privilege to influence the life of the people is more than anyone else. They have the power to do so much. They did not show discipline in this matter. They thought too much of their own interest and then they lost the chance. They have to serve the people. I would like, on this occasion, to address them as Lord Curzon addressed the government servants of his day, because what he said then is true today as it was then. It is a statement which should be hung up in every office. It is a statement worthy for them to note and for this country to benefit from.

(Shri Lebo Prabhu - contd.)

This was what he addressed them:

"To feel that somewhere among those millions you have left a little justice or happiness or prosperity, a sense of manliness or moral dignity, a spring of patriotism, a dawn of intellectual enlightenment or a stirring of duty where it did not exist before, that is enough reward. It is good enough as a watchword while in service and an epitaph thereafter".

Curzon added:

"I worked for no other aim. Let India be my judge".

I would like to add this. I said to myself the same thing when I left service, and I would like to say when I conclude my term of Parliament that I had no other aim than to serve the people and let the people of India be my judge.

(ends)

(Followed by JJ)