

Fewer Rights, More Bullets

The Central Industrial Security Force (Amendment) Bill

People's Union for Democratic Rights
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The Lok Sabha, on May 3, 1983, passed the Central Industrial Security Force (Amendment) Bill transforming the character of the security force formed fourteen years ago by a Parliamentary Act. This force, the Central Industrial Security Force (CISF) has the responsibility to protect industrial undertakings owned by Centre, and if so requested, those owned by state governments. The amendment is of serious nature affecting both the personnel of the CISF and workers in the public sector. We will briefly outline the context and implications of the Amendment.

Starting modestly with only the Post and Telegraph, Broadcasting and the Railways in the period of World War II, the public sector has registered the phenomenal growth in the post independent India, particularly with the emphasis on heavy industry in the Second Five Year Plan. It has strategic importance in the Indian Economy accounting for four-fifth of all investment in organized industry and for two-third of all industrial assets in the country. Public sector enterprises fall basically in two categories, those providing services (transport, trading and marketing, contract and construction) and those producing and selling goods (heavy engineering metal and minerals, oil, gas, coal, steel, transportation, equipment, defence, chemicals and pharmaceuticals, textiles, agricultural based industries, consumer goods). In the last thirty five years, investment in the public sector has grown from a mere Rs. 81 crores in the first plan to Rs. 97,500 crores in the Sixth, while the units have multiplied from 21 to the present 190. Safeguarding the crucial industrial units is obviously essential.

For almost two decades, until 1968, the industrial undertakings of the Central Government had their own watch and ward staff. In that year the Central Industrial Security Force Act was passed to ensure better "protection and security" of center owned industries by constituting a security force on an all India basis. Since the act gave certain powers of arrest to the CISF which normally belong to the police (which is a state subject) there was heated objection in the parliament from opposition parties, mainly on the ground that it violated the constitutional right of the state governments. In response, the then Minister of State for Home Affairs, Shri V.C. Shukla, had argued for the creation of the CISF on the ground that the prevalent system of haphazard recruitment of watch and ward staff compounded by its poor training was totally inadequate for protection of the assets of the government in the public sector. What was needed was a properly trained discipline force. And so the CISF came into being, its strength growing over the years from 2,000 to 49,000. At present it is posted at 115 industrial units.

But has the CISF indeed safeguarded government industrial undertakings? The Public account Committee (PAC) of the Parliament has reportedly pointed out the enormous losses suffered in the public sector due to theft, corruption and mal-practices. Corruption in fact is blatant, as for example in the Durgapur Steel Plant where the audit report shows loss of tonnes of steel as eaten by termites. Particularly notorious is the illegal mining and sale of coal by the mafia, especially in the Dhanbad coal-mine belt in Bihar. Such large scale operations as those conducted by the mafia are possible only with the connivance of not only officials, politicians etc., but of CISF itself, whose job is to prevent this plunder. Over the years the CISF has clearly failed to fulfill the purpose for which it was created.

The public sector has a work force of over 31 million. The First Five Year Plan stated that the public sector should “serve as model of respect of wages, working condition, implementation of labour laws and encourage the healthy growth of trade unions.” As with other grand vision the pious wishes of the government, the reality of public sector as a “model employer” leaves much to be desired. For example, as recently as February 1983, the Labour Minister, Shri. Virendera Patil, had to admit that though many comprehensive guideline as casual, migrant, and bonded labour have been issued since 1971, many public sector units have consistently ignored them. The authorities also attempted to restrict the rights of labour to collective bargaining, failed to provide adequate safety in industrial operations, delayed payment of arrears of wages and bonus, and taken recourse to various repressive measures. Conflict between management and workers, has therefore been on increase. The CISF at times has been used by the management and police to harass workers and curb trade union struggles. For example at Physical Research Laboratory (Ahmedabad), CISF beat up and put up several employees in lock-up when they were on a one day strike in solidarity with the nation wide campaign against ESMA in Jan. 1981. Recently, in June 1983, at National Fertilizer Unit (Haryana), the CISF along with police lathi-charged workers. In addition, the CISF raided workers colonies at night and beat them up. There are also instances of harassment on women. An attempted rape of an Adivasi woman led to ghero of CISF jawans by mine workers of Dalli-Rajhara resulting in police firing in which one worker was killed and 38 injured, in September 1980. In times of serious conflict additional forces of CISF have been deployed. Among other demands, therefore, unions have been asking for withdrawal of CISF.

The CISF itself has not remained unaffected by the strengthening of the labour movement by the agitation of various police forces in the past years. Discontent among the jawans over low salary, poor working condition, and humiliation at the hands of authorities came to a head in 1979. In February some leaf-letting was done among the jawans and organization was formed in May. The first incident occurred in Ranchi where an inspector of the CISF was allegedly torture to death at the behest of the commandant. Later, when 34 all India representatives of CISF were arrested in Delhi where they had come for the talks with the government, there were protests and gheraos at various places demanding their release. A week later, on June 25, at Bokaro, the army surrounded the agitating CISF jawans. In the ensuing clash 4 army and 19 CISF jawans were killed. Unofficial estimates put the number of CISF jawans killed at 65. Many were said to have been bayoneted to death after surrendering and their bodies disposed off surreptitiously.

It may be noted that units of Bihar Military Police and the CRPF then stationed at Bokaro, and refused to assist the army in its operations. The CRPF itself had been agitating for its demand and extended cooperation to CISF jawans. The latter sent representatives to the all India convention of trade unions (excluding the INTUC) of the public sector in July 1979 requesting its support for its demands, including the demand that its personnel to be treated as watch and ward staff of the factories to which it was posted. The CISF continued to agitate, as in Ranchi, where in Sept. 1980 the authorities had to disarm the unit posted there and transfer it elsewhere. Around 500 personnel were dismissed from service in the course of this agitation and 200 were charged with rioting and sedition.

As in the context of increase in the trade union movement of public sector workers and of unrest in CISF that the government has introduced the present Amendment. The Minister of State for Home Affairs, Shri N.R.Laskar stated in the Lok Sabha that the Amendment was necessary in view of disturbed condition in the North-East and of increased responsibility of the CISF for protecting sensitive installation like those of space, energy, oil refineries and coal mines. The Minister fails to explain why the present police and paramilitary forces at the disposal of the center do not suffice. Worse, he glossed over the fact that the CISF, whose strength has more than doubled in the past three years, has grossly failed to protect public property. As a scrutiny of the Amendment will make clear, its objective is not to make the CISF a genuinely effective force; its target in fact lie elsewhere.

The Amendment

The original CISF Act, 1968, states that its purpose is “to provide for the constitution and regulation of force for the better protection and security of certain industrial undertakings.” The majority of the clauses relate to the technicalities for the formation of this force; however, there are certain clauses which are of significance in terms of the powers given to CISF and the restriction placed on its members.

The Act empowered any member of CISF, without a warrant or orders from a magistrate, to arrest a person who has committed, or suspected to intend to commit, a cognisable offence relating to property belonging to an industrial undertaking of the public sector. As to restrictions, the Act placed members of CISF under penalties of Police (Incitement to Disaffection) Act, 1922. Further it removed them from benefit of Payments of Wages Act (1936), the Industrial Dispute Act (1947), and the Factories Act (1948).

The Amendment adds to the restrictions already incorporated in the original Act. The Amendment states that no member, without previous sanction of the Central Government or of the prescribed authority, can become a member or be in anyway associated with any trade union or political organisation, or be in any way associated with any organisation that is not of a purely social, recreation or religious nature. Members are prohibited for addressing or participating in any meeting or demonstration of a political nature. Further, they are prohibited from communicating with the press or publishing any material except

in the bonafide discharge of their duties, or if the publication is of a purely scientific, artistic or literary character.

While prohibiting all trade union and political activity or taking recourse to the press the Amendment enhances the power and authority of the officers vis-à-vis the ordinary jawans. Punishment for any breach of discipline, neglect of duty, or cowardice in imprisonment for a term extending to one year instead of the previous six month. And any offence in the section, notwithstanding provisions of the Code of Criminal Procedure (CrP, 1973) is not only cognisable as earlier but also non-bailable. Again, notwithstanding the provisions of CrP, the Central Government can vest the commandant with powers of a magistrate for enquiry and trial of a member. As such this section of the Amendment vastly increases the power of authorities by investing them with judicial powers that they previously did not have.

The above changes incorporated in the Amendment follow from the most significant change made in the beginning, namely, that the purpose of the industry to “provide for an *armed force* of the Union” (emphasis ours) for the same objectives as in the original Act. The category of “armed forces” immediately brings the CISF under the purview of Article 33 of the Constitution which gives the Parliament the power to modify and restrict the application of fundamental rights to certain categories of services, i.e. the Armed Forces or Forces charged with the maintenance of public order to ensure the proper discharge of their duties and for the maintenance of discipline among them.

If, on one hand, a major thrust of Amendment is to curb the rights of members of CISF and to place the lower ranks under harsher discipline, on the other hand Amendment makes changes in the direction of giving the CISF, as a whole, grater powers against the workers.

The Amendment extends the powers of arrest already granted in the Act to more areas. Any CISF member can now arrest persons who assaults or suspected to intend to assault a member of the force, or persons who threaten to restrain him in the execution of his duty. Further, a person can be arrested on the grounds of committing or intending to commit acts which endanger the life of any person engaged in the work of undertaking. These provision, compounded with the fact that the CISF has now the status of an armed force, enormously increases its power to intervene in labour agitations. Small wonder that CISF officials are elated with these provisions of the Amendment. Earlier the CISF had to hand over a person to the police who had the powers to arrest and charge-sheet him. A press quotes a senior CISF official thus: “We were only sheep in lion’s garb earlier... Now we can resort to lathi charge and tear-gassing and disperse the mob during the agitations in case they turn violent.” From a custodial force for protection of property, the CISF, in addition, has now become a law and order maintenance force. Thus what was earlier the unofficial collusion with the management has now been legitimised by the Amendment.

Clearly the government, while shielding the sources and extent of corruption in the public sector and turning the blind eye to the dismal failure of the CISF to protect public property, is seeking simultaneously to curb unrest within the CISF and thereby make it more coercive force for the repression of workers. From the late sixties, with the increasing tempo of movement in different parts of the country ranging from tribals, peasants, workers, students, teachers, constables, doctors and jawans, the state has been arming itself and paramilitary forces. Thus Amendment thus fits into a predictable pattern of response by the State to movements; fewer rights, more bullets.
