

Title: Discussion on the Central Industrial Security Force (Amendment and Validation) Bill, 1999 (Bill passed).

MR. CHAIRMAN: We shall now take up Item No.13.

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): I beg to move:

"That the Bill further to amend the Central Industrial Security Force Act, 1968, and to validate certain revision petitions disposed of under the rules made under the said Act, as passed by Rajya Sabha, be taken into consideration."

Sir, it was in 1968 that the CISF was raised and given a statutory status by the adoption of a CISF Act 1968. The concept was that we have so many public undertakings and there was need for creation of a special security apparatus for these industrial undertakings.

Sir, the Central Security Force serves this purpose. But it has been experienced that the Government of India has to attend to the security of several other sections which may not strictly fall within the definition of public undertakings. Take for example, all places and establishments connected with Atomic Energy or Space. Now, we need securities for them. But the law itself says that this particular CISF will be used for public undertakings; those particular Government bodies do not come within the purview. One purpose of today's Amendment is to ensure that the CISF can be used for other Government units also, which may not strictly fall within the purview of a public undertaking. Also, because of the changes that have been coming about in the economic set up and because of the fact that the CISF has developed a kind of an expertise in the matter of security, which even private institutions and private undertakings would like to avail of, a provision is being made to allow CISF to be a consultant to such undertakings, which are not public undertakings but private undertakings.

These are the two purposes for which this Central Industrial Security Force (Amendment and Validation) Bill has been brought. It has already been passed by the Rajya Sabha, and, therefore, as passed by the Rajya Sabha, I have come to this House to secure its endorsement.

Thank you.

MR. CHAIRMAN : Motion moved:

"That the Bill further to amend the Central Industrial Security Force Act, 1968, and to validate certain revision petitions disposed of under the rules made under the said Act, as passed by Rajya Sabha, be taken into consideration."

MR. CHAIRMAN: There is an amendment to the Motion for Consideration of the Bill.

Shri Priya Ranjan Dasmunsi, are you moving?

SHRI PRIYA RANJAN DASMUNSI : Sir, I am not moving the amendment but I will certainly make a few observations.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, the hon. Home Minister has just stated the objectives of this Central Industrial Security Force (Amendment and Validation) Bill, 1999, which is before the House.

">There are serious concerns among the CISF cadres, senior officials about their fate in future.

">Sir, I quite share with the observation of the hon. Home Minister that in the changed scenario both in the economic front and political front, deployment of officials, specially of the paramilitary forces are the order of the day. But in the case of CISF, this Amendment says one thing, which did not specify and clarify as to what it means. It says:

">"Any such other duties as may be entrusted to it by the Central Government"

">Further, Section 7 of the principal Act says:

">"(h) any other duty which may be entrusted to him by the Central Government from time to time."

">Also I understand that the scope of this Bill is to provide consultancy to the private industrial houses. Maybe in the long run, the meaning of 'industry' as it is given here, 'private industrial houses, Indian partnership firm in any manner or form', CISF could be asked to go there; and even to those places where CRPF, BSF or other IPS cadres are functioning in whatever form or nature of the duty it may be.

">My first objection to this Amendment is that this subject was dealt with thoroughly in the Fifty-fourth Report of the Standing Committee of the Home Affairs where this matter was discussed in depth after gathering information from all quarters.

">Finally, this Standing Committee was of the opinion that in future the parity of these officers who are coming from the Civil Services Examination and other details should be examined first. The Ministry of Home Affairs thereafter, in response to the Standing Committee's observation, formed one Committee, headed by the then Special Secretary, Mr. Nikhil Kumar. I understand the second Committee was also formed which was headed by Mr. Kakkar; and they made certain recommendations. Nikhil Kumar's recommendations were not very clear. Therefore, another Committee was set up which was headed by Mr. Kakkar. The recommendations are not known to us. But in the light of the recommendations, the Home Minister should explain how the Government came forward with this Bill.

">Therefore, the change of nature of duties as envisaged in the CISF (Amendment and Validation) Bill should also be coupled with the issue of these directly recruited officers of CISF, in consonance with the 54th report of the Parliamentary Standing Committee on

Home which had discussed this issue at length and recommended reallocation of the direct officers of CISF into IPS or any other Group `A" Civil Service. Here the amendment is silent.

">The direct Group `A" officers of CISF have qualified the same Civil Services Examination meant for intake of IPS. These officers have undergone the same foundation course meant for the IPS and the other Central Group `A" Civil Services, and moreover, they also underwent the same indoor and outdoor training as that of an IPS officer. All restrictions imposed on IPS in Rules 4 and 17 were imposed on direct Group `A" officers of CISF but not on direct officers of CRPF, BSF and ITBP. In this context, it may be mentioned that even Group `B" officers of State or Provincial Police Services are conferred with IPS after certain years of service.

">Even the Fifth Central Pay Commission has recommended for merger of isolated posts with an organized cadre in the same Ministry or outside as per annexure 224(1) of the Report of the Fifth Pay Commission.

">The Home Minister must clarify this position in regard to the future of these officers. The Home Minister may come out with a statement straightaway saying that this is not a problem of directly recruited officers of CISF but there are similar other problems of the paramilitary forces.

">I would like to address the hon. Home Minister through you that of the entire paramilitary forces in the country CISF is the only paramilitary force whose officers are selected through Combined Civil Services Examination. Thus, there is no question of clubbing them with others together. This is my submission to the Home Minister.

">Some of the officers in CISF were allotted other Group `A" services like IPS, Audit and Accounts, Railways but were not permitted to join them due to rules existing in the past.

">Therefore, I would humbly submit to the hon. Home Minister that there is a very strong IPS lobby both in the Ministry of Home Affairs and in the entire bureaucracy. (Interruptions) Please do not take it otherwise. I met some of the officers and I can tell the hon. Minister that some of such bright officers, even the women, are suffering, even for their status and rank. At the same time, when an IPS officer who is now DG or DIG in CISF is asked to go and take, they even cannot become Commodore. So, this kind of disparities are still there.

">While candidates selected for IPS and for Central Group `A" Services can take extension for one year to appear at the Civil Service Examination, an IPS officer will be eligible to appear for IAS, IFS and Central Group `A" Services. Central Group `A" officer can also appear for IAS, IFS and IPS.

">The CISF recruitment rules were not changed accordingly after the recruitment in CISF started through Civil Services Examination, and there was no initiative on the part of CISF to change the same to bring parity with other Central Services included in Civil Services Examination list.

">The Department had never been honoured such parity as mentioned even though the same was upheld by the Delhi Bench of CAT in some cases.

">Now, I would urge upon the hon. Minister that while such restrictions - rule 4 and 17 - are based on the parity among higher Civil Servants, what action has the Ministry of Home Affairs taken to give these officers such parity in the Service Conditions?

">I can cite so many examples or cases of so many officers. I have with me, cases of at least 15 bright officers, who had been victimised. I do not like to quote by taking much time of the House. Out of these officers, three of the officers were women.

">There are many officers in CISF who were selected for the IPS, IRAS, IRTS and IRPS and were not allowed to join the same on account of rule 4 and 17 on the premise that all Central Group A Civil Services stand on equal footing.

">1526 hours (Shrimati Margaret Alva in the Chair)

">Therefore, it would have been better if the hon. Minister of Home Affairs considered it fit, without getting it passed today -- I have withdrawn my amendment as I do not want to embarrass the hon. Minister -- to have a relook into the whole thing, if not sending it further to the Standing Committee on Home Affairs and come out again with the Bill. It is because, one of the observations of the Committee that was appointed is not clear to us, even to the House. Since it was not clear, and on the recommendations of the Standing Committee, you have appointed another Committee - Kakkur Committee, I think, it is not reflected in this Bill. It would have been more proper to ensure justice or whether the hon. Minister of Home Affairs will ensure the House that if there are lapses where my observations have not been put into effect to protect the interests, the parity and other things of the CISF cadre, will he come out with some relevant rules along with this amendment in future course to see that their future, ambition, status and their long duration of service -- they have a better mental faculty -- are not disturbed with?

">After all, spending such a long time in the service, the same kind of batchmates are facing different kinds of treatment. It is not fair also for the homogeneity of the system for which your Bill is got that you have to deploy them for other activities and other duties.

">Therefore, I would like very sincerely to address the hon. Minister to look into the issue. I will just explain a few attributes of Group A Civil Services.

">"The highest cadre post is not below the rank of Joint Secretary

">It has all standard time scales

">At least 50 per cent of the vacancies in junior time scale are filled by direct recruitment.

">All vacancies above junior time scale and up to Senior Administrative Grade (SAG) are filled by promotion from the lower grade.

">The Senior scale to these officers is given in the 5th year, the JAG in the 9th year, the SAG in the 14 year as per time scale. They will be eligible for Joint Secretary/IG after 16th year subject to DPC.

">All direct officers at Junior scale of a particular year are bunched together and placed at the top of the existing vacancies of a particular year followed by the promotee officers at the bottom.

">Feeder cadre for these Group A services should be a Group B service with a minimum of six years of service.

">It is mandatory that there is no deputation till the level of JAG.

">They are all eligible for central deputation pool."

">These are the attributes of Group 'A' Civil Services.

">CISF could not appear before many Committees because they have no organised associations and three of their representations have been turned down on so many occasions.

">Now, the example can be cited about some of the sections of the Ministry of Home Affairs as to how they could be amalgamated. There are instances how on earlier occasions such things had happened. I will just give an example for the information of the hon. Minister -- I hope he is in possession of such an information -- that earlier, the recommendations of the National Police Commission in regard to the status and promotional alternatives, which recommended certain things by Shri Nikhil Kumar.

">"According to the Committee's recommendations (accepted by the Government), the faulty system of fixation of seniority in CISF (Rota Quota System), has been discontinued and quota of deputation from the IPS has been reduced. Since the seniority of direct officers cannot be changed retrospectively, it is simply not going to have any effect on their plight."

">Therefore, the recommendation which the other Committee, that is, the Kakkar Committee has made, also requires to be seen, and since we are not in the knowledge of that recommendation, it is difficult at this stage to make any contribution in the light of the amendments because we do not know whether the recommendation of the Kakkar Committee also has been reflected in these amendments or not.

">I would, therefore, humbly submit that please do not cover them under rule 4 and 17 of the Civil Services Examination. If you are sincere to engage them in any other duties, maintaining their status, their promotional avenues at par, then have a re-look at the entire thing and if the lapses are there, either frame rules and regulations or the hon. Minister may not insist on the Bill to be passed today. He himself can suo motu refer it for further examination by the Standing Committee in the light of the two recommendations which are expected to come before the House, that is, (i) the Nikhil Kumar Committee's recommendation which is lying with you, and (ii) the Kakkar Committee's recommendation. I would humbly appeal to the Home Minister that without making any hurry, he should have a direct interaction at his level with the CISF officials, without leaving it to be interacted by the bureaucracy because there is an apprehension and fear that these officers will not be given justice by the existing cadre, the IPS, in the Home Ministry.

">With these words, I conclude and hope that the Home Ministry will very favourably respond to remove the anxiety, apprehension and anguish of the CISF cadre.

MAJ. GEN. (RETD.) B.C. KHANDURI: Thank you, Madam Chairperson. I rise to support the Bill with certain suggestions. My suggestions are in two parts. In the first part, I would like to make some comments, some minor observations on the various clauses that have been included in this Bill, and in the second part, I would also like to dwell on what Shri Dasmunsi has just now stated.

">In clause 2 of the Bill, the only change from the existing Bill is that the words "and to provide technical consultancy services to industrial establishments in the private sector" have been added. This is the only addition to the title and I do not know whether the various major changes that have been included in the Bill would really be legally tenable. This may please be looked into because we are changing the major issues but we are not changing the title. If those issues are also to be brought in, then, maybe, the title would also need to be suitably modified.

">About clause 3, it has nothing to do with this Bill, but just I want to bring to the Home Minister's notice that we are referring to the Indian Partnership Act of 1932. I think it is time that somebody should look into it and update it. My suggestion is that even if this 1932 Act is to be reproduced and some minor changes are to be made, then it should be updated and we should not go by an Act which has been made in 1932.

">There is an existing omnibus provision in clause 4 of the existing Bill and, therefore, I do not know why various additional things are being included. We have this omnibus clause which says: "and to perform such other duties as may be entrusted to it by the Central Government". Was this clause by itself not sufficient to get the many types of duties or was it necessary to specifically add some duties into it and then also close the scope for any duties other than those duties? Therefore, when you say in clause 3 that such and such shall be inserted, that means we have both the clauses - the omnibus clause as well as the specific clauses...(Interruptions)

">श्री मुलायम सिंह यादव : खंडूरी साहब, आप तो देशी की बात करते थे, अब विदेशी भाषा में बोल रहे हैं।

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">भेजर जनरल (सेवानिवृत्त) भुवन चन्द्र खण्डूरी (गढ़वाल): ठीक है, मैं हिन्दी में बोलता हूँ। मंत्री जी, पैरा ५ में आपने कुछ पैनल्टीज डाली हैं। जैसा पहले बताया गया था की आपने सर्विस की टर्मस एंड कंडीशंस बदली हैं। क्या ऐसा बिना लोगों की सहमति के करना, कानूनी रूप से सही है या नहीं? कई पैनल्टी जो शामिल की गई हैं या अनेक प्रकार के दंड जो दिए जा सकते हैं, क्या वे सही हैं, क्या यह लीगली सही होगा या नहीं?

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">बन्दूरी जारी पैरा-६ की सबक्लान-२ में क्या है, वह नहीं देखा गया है। सैक्शन-९ की सब क्लान-२ में लिखा है -

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">"In disposing of an appeal, the prescribed authority shall follow such procedure as may be prescribed".

">इसमें पूरी छूट दी गई है, जो भी प्रोसीजर आप अपनाना चाहें, वह है, फिर सबक्लान-२(डू) और (

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">b)

">झरो दी जा रही है, यह स्पष्ट नहीं है। यह बात मेरी समझ में नहीं आ रही है।

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">पैरा-७ में एक शब्द आया है -

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">owned and funded -

">यह जानना चाहूंगा कि ये सारी संस्थायें पूर्ण रूप से गवर्नमेंट फंडेड है या पार्शियल गवर्नमेंट फंडेड है? यह समस्या बाद में आ सकती है। जो कुछ पैसा हमारे द्वारा दिया जाता है, कुछ दूसरी संस्थायें भी दे रही हैं, कुछ बलड-बैंक भी दे रहा होगा - इस बारे में उसके अन्दर लिखा है या नहीं, यह कृपया देख लीजिए।

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">दूसरी बात, जो प्रियरंजन दास मुंशी जी ने भी उठायी है, उसके बारे में मैं भी कहना चाहता हूँ। ५४वीं रिपोर्ट में विस्तार से इस विषय के बारे में लिखा है।

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CISF

के अधिकारी, जिनको

UPSC

के द्वारा छूट दी गई है, उनकी टर्मस एंड कंडीशन्स, सेवा शर्तों को बदला जा रहा है - यह उचित नहीं है। ५४वीं रिपोर्ट में इसके बारे में विस्तार से चर्चा की गई है और रिपोर्ट में ११७ से १३० पैराग्राफ्स इससे संबंधित हैं, इनमें से मैं सिर्फ दो ही पैराग्राफ्स १२९ और १३० को पढ़ना चाहता हूँ। पैरा-१२९ में लिखा है -

"129. The Committee feels that due to faulty and skewed personnel policies followed in CISF (e.g. ROTA QUOTA System etc.) taking its toll, and due to lack of initiative on the part of CISF/MHA in the last 10-12 years to rectify these faults, an irreparable damage has already been done to these officers which cannot be reversed by Cadre Review as stated by the Special Secretary before the Committee. Their promotions will continue to remain vacancy based due to the need based deployment pattern of CISF. ..."

उनको काफी नुकसान पहले ही पहुंच गया है। सेवा शर्तों को बदलकर,

UPSC

कैडर से पैरामिलीटरी कैडर में लेंगे, तो उनके साथ अन्याय होगा। इसी प्रकार पैरा-१३० में लिखा है -

"The Committee expresses its deep concern over the issue and strongly recommend reallocation of these direct Group "A" officers of CISF who were recruited through Civil Services Examination into Indian Police Service (IPS) or in other Group "A" services in order to settle their grievances".

इसके बारे में मैं माननीय मंत्री जी से निवेदन करना चाहूंगा कि यह उनकी उचित मांग है। करीब १५० अधिकारी हैं, जिनमें पुरुष भी हैं और महिलायें भी हैं, इनके लिए उचित व्यवस्था की जाए। यह कोई नया सुझाव नहीं है। इससे पहले इंडियन क्रन्टियर एडमिनिस्ट्रेटिव ग्रुप-बी की सर्विस थी। ग्रुप-ए में थे और क्रन्टियर सर्विस में लाया गया है। यह उनकी उचित मांग है। मेरा आपसे आग्रह है कि इसको मान लेना चाहिए। मैं निवेदन करता हूँ कि इसको अपने वक्तव्य में स्पष्ट कर दें। इससे उनका जो मनोबल कम हो रहा है, वह नहीं होगा।

इस शब्दों के साथ मैं इस बिल का समर्थन करते हुए, अपनी बात समाप्त करता हूँ।

SHRI RUPCHAND PAL (HOOGLY): Madam Chairperson, I rise to oppose the Bill because as a direct consequence of the disastrous policy of disinvestment, one of the casualties of that process is the CISF. The Central Industrial Security Force was set up to ensure security to the public sector industrial establishments. Now, through this Amendment, two basic proposals are being made. One is, this particular Force will render security assistance to the private sector, of course, against payment of, maybe subsequently, a very

token and nominal fee. Second is, there are 140 and odd officers in the Central Industrial Security Force who were recruited through the combined All India examination. Among the Central paramilitary forces, CISF is the only paramilitary force which has its officers selected through the combined Civil Services examination. But now, changes are proposed to be made in the nature of their duties. They are going to be deployed to curb militancy; and these people, who were trained to ensure security in our important and vital industrial establishments, will be provided for MPs, and even for VVIP or VIP duties. This is humiliation which no right-thinking person can tolerate. These people who sat for these Combined Services Examinations, some of them were offered All India services like IAS and IPS, but they were not allowed to join the services. Now, the nature of their duties are being changed.

">Some of the Committees might have gone through this issue. My colleague on the other side had made a mention to Shri Nikhil Kumar Committee. This Committee had submitted its Report and the Action Taken Report which, to my mind, is not very specific about the role of these officers, on how parity can be ensured to them in respect of seniority, promotion, discontinuation of the rota/quota system, and also parity in respect of pay-scales. I think, the Government is very evasive on this particular issue.

">I think, there is another Committee which was set up, to which a reference has already been made, that is, the Kakkar Committee. I would like to know from the hon. Home Minister about the recommendations, if there are any, that might have been made by this Committee. I am saying this because the National Police Commission, very recently, has made a specific recommendation that parity should be ensured to these people. But the Government, I think, is yet to spell out its reaction to the recommendations made by the National Police Commission.

">A reference has been made to the Fifty-fourth Report of the Standing Committee where the Committee expressed its deep concern over the issue and strongly recommended the reallocation of these direct Group `A" officers of CISF, who were recruited through All India Civil Services examination, into either the Indian Police Service or any other Group `A" Services in order to settle their grievances. Instead of taking into account the unanimous recommendation of the Standing Committee contained in its Fifty-fourth Report, the Government is now proposing to make changes which will have far-reaching consequences in the services itself. It will be ultimately dismantled and it will be misused.

">Madam, I am making a reference to the Bill; I am trying to be very much relevant to that. It is mentioned here :

">"The Central Industrial Security Force have achieved specialisation in the field of industrial security."

">Sir, now all those persons who have achieved that specialisation would be deployed for taking care of the MPs to ensure their security. This is a gross misuse of their talent and their training which have been imparted on public money only.

">SHRI PRIYA RANJAN DASMUNSI : The hon. Minister is considering the MPs as industrial units! ... (Interruptions)

">SHRI RUPCHAND PAL : Madam Chairperson, I would like to know from the hon. Minister whether the Government has any concrete thinking about the merger of this service. It has been mentioned by my colleague from that side that in case of some `B" Group officers, their service has been merged with the All India Services. Why not, this service is also merged with the All India Services? They are competent and talented officers, who had been given offers to join the IPS and such other Services but deprived themselves of joining those Services and joined the CISF. Now, after so long a period of their efficient and competent service to the nation, they are being humiliated by being asked to render service to the private sector.

">Madam Chairperson, how would the private sector use their services? They are at their discretion. We cannot permit our own people, who have been trained by public money, to be grossly thrown at the mercy of the private sector who would be using their services for pittance.

">I would like to make a suggestion that these officers of the CISF should be considered, through amendments, for inclusion or for joining the All India Services. They should be granted parity in matters of promotion, in matters of seniority, and in matters of pay scales. Only then we can support this Bill. Otherwise, we cannot support it. Moreover, they should never be allowed to render services to the private sector. There are umpteen number of areas in the industrial establishments and in such other areas where militancy is on the rise and where the Government has a re-thinking on tackling insurgency and containing militancy. Things are happening on a daily basis --

">sometimes in Bihar, sometimes in Madhya Pradesh and sometimes in Andhra Pradesh.

">Madam Chairperson, only today some hon. Members from that side were speaking about providing security to the communication installations, like telephones and such other things, in the State of Andhra Pradesh and such other areas. There are so many areas which need protection. I think, the services of the CISF should be used for giving protection to Government establishments and for giving protection to the public sector establishments.

">Madam, Chairperson, I would finally like to repeat that the officers of the CISF should be given parity; they should be considered for selection to the All India Services, which they are quite competent to enter.

SHRI KHARABELA SWAIN (BALASORE): Madam Chairperson, I rise to support this Bill. From what the hon. Home Minister had said while making his initial comments about this Bill and from what I have gathered by going through this Bill, I do not agree with the views expressed by the hon. Member, Shri Rupchand Pal that the CISF would be used at discretion by the private organisations. It is because the hon. Minister has already said that their services would be utilised for protection of certain installations like the atomic installations, the space centres etc. which strictly do not come under the private sector.

">Madam Chairperson, Shri Pal has mentioned that CISF is the only one organisation of its kind in the world and it has got the expertise as well. Since 1968, this organisation has been engaged in just manning the industrial institutions of India and so they know where exactly the shoe pinches. Now, there is no harm if they give some specific advice about security to the private organisations on

">With regard to providing consultancy service, the CISF can provide consultancy services to private installations in matters of threat perception, risk analysis and crisis management. As a package, they can offer to private sector, consultancy services in designing of integrated security plans, contingency plans for rescue and evacuation, security of industrial townships, selection, installation and use of gadgetry, high protection, and responsibility schedules of security hierarchy and, last but not least, safeguard against sabotage and subversion. When this organisation is capable of providing this service to private agencies and earn some money by that, why should they not do so? The services will not be provided free of cost. The Government has taken the right decision in bringing this Bill forward to enable the CISF to render service not only to the public sector undertakings but to private installations also.

">I do not wish to go into the details. I agree with what Shri Dasmunsi has said with regard to Group A officers of the CISF. I agree with Maj. Gen. Khanduri and Shri Rupchand Pal in this regard. I am not going to repeat what they have already mentioned. But I will try to bring one or two points to the attention of the House. I was also a civil servant once, so, I understand their problems. The CISF was started in the year 1987. I would like to say, for the kind information of the hon. Home Minister, that since 1996 there has been no recruitment to posts in Group A service in CISF. Not only the Group A officers of the civil service recruited to posts in CISF but officers from Army and IPS are also appointed to those posts. Officers of the CISF are also promoted to Group A posts in that organisation. So, it is not similar to any other Group A service. When the officers joined the service in 1987, they knew it to be like any other Group A service and that they will get promotions like in any other Group A service after they put in a service of six to seven years.

">Madam, you will be surprised to know that to get to the rank of a Commandant, the equivalent of Superintendent of Police in IPS, it takes 20 to 23 years in this organisation. In IPS or any other service, to get to this grade it takes only four to five years. Other points have been elaborated by Shri Dasmunsi, Maj. Gen. Khanduri and I will not repeat them. I only appeal to the hon. Home Minister to realise that there is a strong IPS lobby. They say that people from other services should not join their service. I appeal to hon. Home Minister to consider this point very sympathetically and see that justice is done to the Group A officers of the CISF.

">Finally, I would like to make a point which may not be a direct concern of the Bill under consideration but it is a related topic. It is with regard to another paramilitary force, the Railway Protection Force (RPF). I would like to draw the attention of the hon. Minister to this issue. Fifty per cent of the money given to GRP goes from the Railway Department but they are not under the control of the Railways. If a robbery takes place, or a murder is committed, or there is a theft in a train, people cannot approach the RPF. They will have to go to the GRP which is not under the control of the Railways but under the control of the respective State Governments. Whenever a State Government feels that somebody has become inefficient he is posted to the GRP.

">So, I would appeal to the hon. Home Minister that he should consider the points of giving more power to the RPF by calling the Home Secretaries of the States because law and order is a State Subject. Without the consultation of the State Governments, this will not be possible.

">Sir, I would also appeal to the hon. Home Minister that he should convene a meeting of the Home Ministers of all the States to see that the RPF is given more power so that they can effectively man the railway installations in India.

SHRI E.M. SUDARSANA NATCHIAPPAN (SVAGANGA): Respected Chairperson, it is really a wide approach that an amendment is brought about here. But the services given to the private enterprises are also appreciable because nowadays there are many private consulting services coming up. They are coming up like mushrooms. They are getting a lot of money as deposits but they are providing a very less amount as salaries to the security people who are sent for the private industries. Therefore, if the Government interferes in the matter, the ordinary people can get jobs as well as better salaries.

">Madam, I am just representing the cause of constabularies. I am not talking about the IPS ranks or Central Services people who are recruited in Class-I posts. I would like to draw the attention of the hon. Home Minister to a point that the ratio between the number of officers and the men is very low. That ratio should be increased so that more constabularies are recruited.

">Moreover, the constabularies are coming from remote rural areas. Especially from my constituency and other such areas, many people have come up. These people are having home sickness when they are put up in States like Assam or other similar places. With the result, after completing in five years or ten years, they are resigning from their jobs and coming back to their native places. But these types of things can be avoided by posting them in the States where they belong to. It is because, we have mostly joint families, and we have to look after their mothers, fathers, brothers, sisters and children. Therefore, we have to find a way out to have their postings in their own States.

">Madam, another point on which I would like to draw the attention of the hon. Home Minister is that they should be provided with more training to combat terrorism because in this type of industries especially in petrol industries, lots of terrorists activities are taking place. It may not be as severe as in Assam but it is there in almost every State. Even in Chennai, a lot of theft is taking place in the pipelines and other things. So, they should be fully trained. They should have the way of finding out the culprits. They should be in a position to protect the property of the nation in a proper manner.

">Finally, I would like to draw the attention of the hon. Home Minister that the provisions regarding the service matters should be properly framed because it is not controlled by the Government alone. It is only controlled by the private employers. Therefore, their job securities are to be protected. The private employers should not exploit the situation of a very stringent and disciplined force being recruited there. Their should be protection for the people who are sent to the private sector.

SHRI SUNIL KHAN (DURGAPUR): Madam Chairperson, the Central Industrial Security Force Act was framed only to protect the public sector undertakings, that is, the Government property. As the Government has decided to close down certain public sector undertakings, the activities of CISF will, also to a large extent, be extended to the private sector. The CISF Act was framed only to protect the properties of public sector undertakings, and the Government properties throughout the country. But despite that, public sectors undertakings have their own security forces.

">Even at the time of framing of this principal Act, some hon. Members opposed it in this very House.

">At that time, Government has assured further that the CISF would not be utilised to suppress the trade union movement. But everybody knows that there were numerous unknown reports of the deployment of CISF against the trade union movement.

">In various places, several people have been the victims of CISF firing, even those who safeguard corrupt officials.

">On the other hand, CISF have completely failed to protect the property to which they are entrusted. Still the pilferage is going on. The only art of specialisation which they have achieved is to suppress the trade union movement.

">The private sectors are very much interested to have such specialisation as provided in Section 10 Clause (e) of the principal Act which is perhaps given at free or nominal charges.

">Again in the case of theft or otherwise, particularly keeping the eye on the protection of private sector, the removal of such personnel is substituted with forced retirement in Section 8 Clauses (i) and (ii) sub-clause (e) in which many punishment clauses are inserted. If the CISF personnel are to be utilised in the suppression of workers' movement, what would be the position of the Government?

">In Section 9 of the principal Act, sub-Section (1), Clause 2 (c) is to be inserted by which the aggrieved personnel force may be allowed to appeal its case to judicial court if the aggrieved personnel is not satisfied with the order of Authority.

">For example, if some incident of corruption happened in case of public sector or private sector against which workers demonstrate, then generally we see CISF deploy to disperse the demonstration or order to fire on the demonstrators.

">CISF should not be deployed to suppress such type of demonstration.

">So, I oppose this Bill.

SHRI ANADI SAHU (BERHAMPUR, ORISSA): Madam Chairperson, I rise to support the Bill. Before I speak on the Bill, let me speak about the plight of the Assistant Commandants who have been recruited earlier. My friend Shri Priya Ranjan Dasmunsi suggested that they be taken into Indian Police Service. But I would suggest that it would not be proper to take them into the Indian Police Service at this stage after they have put in about 15 or 16 years of service. I would appeal to the hon. Home Minister to think of reserving some posts for them in the rank of DIG and IG so that the bottleneck that might have been created could be eased out and after a few years, those officers who had been recruited at the initial stage in Class I Services may not be there and things can be sorted out in a different manner.

So far as this Act is concerned, the intentions are two-fold in bringing this amendment. One is to widen the scope and ambit of this Act itself and the second is, once the scope has been widened, to add certain more duties to the persons in the CISF. Once certain duties have been added to, then the question of punishment will come. The main intention of this Act is to see that the Supreme Court decision on Sanatan Sahu and CISF regarding dismissal from service has to be taken into consideration and a retrospective order is to be made. That has to be made in Clause 10 of this amending Act.

I will start with the amending Act Clause 10 itself. May I request the hon. Home Minister to think of those persons who could not afford to go to the Supreme Court to fight out their case because of certain delegated authority?

Now, this delegated authority is proposed to be validated by clause 10. Those persons who have lost their jobs may not have an opportunity to get their service back. Sanatan Sahu could be one single person who has got the job back. I would request the Government to be condescending enough to take into consideration the memorials. After the Bill is passed, it will be an Act and so nothing can be done later. I would request that the Government should be condescending enough to take up their cases whenever a memorial comes to the Government and see if they could be reinstated in service. That is the first appeal I would make to the hon. Minister of Home Affairs because this would deprive many persons from getting back their jobs.

So far as the ambit and scope are concerned, private industrial undertakings would be able to take the services of the CISF. Since the CISF has the expertise, it would be able to give guidance in running private industrial establishments. The one good provision here is that it will give technical consultancy services and would protect individuals. I had seen earlier that when the CISF was constituted in 1968, the Indian Police Service officers were not interested in going there because many public sector undertakings were taken together and the persons who had been serving in the security Branch in those undertakings who did not have proper training or attitude were taken as part of the CISF. Later on, in 1983, it became a Force. So, some sort of an authority came in; slowly, a good number of people have been recruited.

There were instances when the CISF personnel were willing to give protection to individuals. That is being provided for in this Act so that both establishments and individuals would get equal protection and equal security. By amending section 3 of the CISF Act, the duties of the CISF personnel have been widened. It has been added here "any other duties that may be entrusted by the Central Government". This, I hope, would mean quelling riots, calamity relief and even anti-terrorist activities. The CISF did a very good job at Paradip during the super-cyclone. It could become a rule since there are provisions for making rules. The duties to be performed as per section 3 could be specified.

Another issue that has come up in the Courts is regarding the punishment that has been provided. In clause 5 (e), it has been provided, "withholding of promotion". It is not very specific. So far as promotion is concerned, in any police service, if the ACR is not good, if there has been a punishment, the person is not promoted. But if the punishments are expunged or the ACR is expunged, his case comes up before the board which takes up promotions. Withholding of promotions as a punishment may not be good in the sense that as to the period for which the promotion will be withheld, increments can be withheld, as a specific pecuniary loss. But withholding of promotions is very ambiguous and may create confusion as it has created confusion for which clause 10 is being revalidated.

1609 hours (Shri P.H. Pandiyan in the Chair)

So, I would request the hon. Minister of Home Affairs to kindly consider this aspect and remove any confusion regarding punishment as such with regard to withholding of promotion. These are matters which need to be thought of.

Last but not least, there are a number of private security agencies which have come up. Uniformed officers, on retirement, set up such institutions for providing security to industrial organisations. Some of these security organisations have adopted a little bit bullying tactics. In 1987, there was a talk to make an enactment for registration and control of private security agencies but it did not come into being.

Even now, there is scope in this Act to provide for certain regulatory mechanism under the provisions of Sections 3, 10 and 14(a). They are to regulate the work of the private organizations by providing certain provisions under the rules which are being made by the Central Government from time to time. So, I would request that these rules may be made so as to regulate the work of the private security agencies.

With these words, I support the Bill. I thank you very much.

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Mr. Chairman, Sir, I am extremely grateful to all the hon. Members who have participated in this debate.

">The focus has been on the conditions of the CISF Services. So far as this Bill is concerned, I can only say that it does not directly relate to that except in minor matters such as the one referred to just now by Shri Anadi Sahu and the Bill essentially does relate to firstly defining or rather, not limiting the CISF merely to public undertakings and widening the scope with which they could be concerned.

">The Government does not presently propose that the CISF personnel should be providing security to private enterprises. No. There have been appeals, why can they not give us consultancy or advice, since they have specialisation. So, it was felt that there was no harm in that, whatsoever in the new economic environment that has developed. Shri Rupchand Pal or someone else may continue to have a certain strong bias against the private sector. But this Government does not have a bias against the private sector. We think that both the public sector and the private sector have a very important role to play in the Indian economy and in this, the Government is also to be the principal regulator of the economic growth and economy. Therefore, if it has certain expertise, which it could extend to the private sector, it certainly would be willing to do it.

">As you would notice, we have specified it in the Statement of Objects and Reasons that:

">"Over the years, the CISF have achieved specialization in the field of industrial security which can be used gainfully by providing consultancy services to the private sector to develop and strengthen their security network. Such consultancy services will be on full cost recovery basis."

">I emphasise this and it is not a sort of payment or anything of that kind. I am aware that in March 1999, a meeting of the Standing Committee on Home was held in which this issue of CISF was discussed at length. It is as a result of those discussions that a high level committee was constituted. The information that there was a Nikhil Kumar Committee and then subsequently, there was a Kakkar Committee is not quite correct. There was just one Committee, the Nikhil Kumar Committee; and that Committee made several recommendations. It is a result of those recommendations which were accepted by the Government, that CISF cadre officers today can go up to the level of IG; they can go up to the level of IG. IPS quota has been considerably lowered, after the recommendations of the Committee were accepted by the Government.

">So, today the Service Conditions of CISF cadre officers have considerably improved after the discussions among the MPs in the Standing Committee and the decisions of the Government.

">As regards the request that has been made by Shri Priya Ranjan Dasmunsi that this Bill does not directly relate to the Service Conditions of CISF, to the direct recruits, their relative positions, vis-a-vis IPS officers, I can only assure the House that I would go into it thoroughly and independently and I would try to see that no injustice is done.

">An hon. Member remarked that the CISF has failed to give security to the public undertakings. That is not at all true. Their performance has been very good, and excellent. I must compliment them on the manner in which they have been looking after the 222 public undertakings that we have in this country. As for the concerns expressed by the hon. Members regarding the service conditions, particularly in regard to the grievances of the directly recruited people, I would go into them independently. As far as this Bill is concerned, it provides consultancy services to the private sector and their area of responsibilities would be beyond public undertakings. It would be Government units or Government-funded units.

">There was a suggestion that this concept may be extended to the VIP security. But I am of the view that the para-military forces who are on the VIP security need to be withdrawn. The other day I had discussed this matter at some length. So, there is no question of providing this kind of security to the VIPs.

">With these few words, I commend this Bill for the unanimous acceptance of this House.

">SHRI RUPCHAND PAL : I have said that there are many officers in the CISF who have been selected for IPS, IRS etc., and are not allowed to join the same because of Rules 4 and 7, on the premise that all Central Government civil servants cannot be treated on equal footing. Now, after this amendment, will they be adversely affected? If they are going to be adversely affected, how is their interest going to be protected?

">SHRI PRIYA RANJAN DASMUNSI : The hon. Home Minister has just replied that the scope of this Bill is limited to providing

consultancy services to the private sector. I think it is very essential. But the moment you say, "any other duties", the duties become an obligation. The apprehension of the CISF is that the parity may not be maintained. Since the hon. Minister has asserted that he would not look into it as it is not linked to the Bill, may I submit, through you, Mr. Chairman, to the hon. Minister, in consultation with officers of his Ministry, to meet a group of officers, whomsoever he feels competent, to remove their anxieties and also to look into some points that they raise.

">MAJ. GEN. (RETD.) B.C. KHANDURI : Sir, since 1996 no recruitment has taken place. So, there is a feeling among the officers that their services are being wasted. As the hon. Member has suggested, these sort of misgivings could be removed if an interaction takes place.

">SHRI L.K. ADVANI: I will have a candid interaction with the CISF officers and ensure that if there are any grievances on this score, particularly on the question of parity, they would be removed.

">MR. CHAIRMAN (SHRI P.H. PANDIYAN): The question is:

">"That the Bill further to amend the Central Industrial Security Force Act, 1968, and to validate certain revision petitions disposed of under the rules made under the said Act, as passed by Rajya Sabha, be taken into consideration."

">The motion was adopted.

">MR. CHAIRMAN: Now, the House will take up clause by clause consideration of the Bill.

">The question is:

">"That clauses 2 to 10 stand part of the Bill".

">The motion was adopted.

">Clauses 2 to 10 were added to the Bill.

">MR Chairman: The question is:

">"That clause 1, Enacting formula and

">Title Stand part of the Bill.

">The motion was adopted.

">Clause 1, the Enacting Formula and the Title were added to the Bill.

">SHRI L.K. ADVANI: Sir, I beg to move:

">"That the Bill be passed".

">MR. CHAIRMAN: The question is:

">"That the Bill be passed".

">The motion was adopted.">
