

Title: Discussion on the Border Security Force (Amendment) Bill, 2000. (Not concluded)

15.24 hrs.

MR. CHAIRMAN: The House will now take up the Border Security Force (Amendment) Bill, 2000.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Border Security Force Act, 1968 be taken into consideration."

I rise to move the Border Security Force (Amendment) Bill, 2000, which was introduced by my senior colleague, the hon. Home Minister, in this House on the 25th July, 2000. This is an innocuous but beneficial Bill with far-reaching consequences, since it provides for justice and equity and also ensures fairness to the personnel of the Border Security Force also, which is already available to the civilians under Section 428 of the Criminal Procedure Code and to the Army personnel under Section 169A of the Army Act.

It is, therefore, proposed to amend the Border Security Force Act, 1968 with a view to insert a new provision in the Border Security Force Act on the lines of Section 169A of the Army Act, 1950 and Section 428 of the Criminal Procedure Code, 1973, to provide for setting off the period of pre-trial detention against the sentence of imprisonment imposed on a person governed by the Border Security Force Act, 1968 and the Bill seeks to achieve the aforesaid object.

Incidentally, the Supreme Court also, in its judgment in 1996, has held that since Section 428 does not apply to the Border Security Force people, the Army Act has its own provisions and the civilians can also enjoy that benefit. That beneficial provision is there in the CrPC. This was missing so far. The Supreme Court had also drawn the attention to this side when they passed the judgment in a particular case. This was the Union of India and others *versus* Anand Singh Bisht in 1996.

This Bill is placed before this august House for consideration.

MR. CHAIRMAN :

Motion moved:

"That the Bill further to amend the Border Security Force Act, 1968 be taken into consideration. "

Shri Varkala Radhakrishnan, you have given an Amendment. Are you moving it?

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 29th December, 2000. "

SHRI SAMAR CHOUDHURY (TRIPURA WEST): Sir, I support the Bill. I also support this Amendment. But I want to add some points. I would like to draw the attention of the Minister of Home. The Border Security Force is deployed on the borders. They have some problems. They have some sorrows. That has also to be looked into. If the provisions of this Bill can cover this and give some relief to the BSF personnel, then, it is all right. If not, it has to be looked into how they could be covered by the Government.

It was first constituted in 1965. The present Act came into existence in 1968. Since then, the BSF has come a long way. As far as I know, the present strength of the BSF consists of 157 battalions. They are deployed to guard 7,411 kilometre long international border. It is very difficult to guard it from enemy's infiltration. They have also to perform many other recent responsibilities like preventing terrorism and insurgency. The Armed Forces are given the role and responsibility of promoting a sense of security amongst the people living in the border areas. The responsibility of preventing trans-border crimes help the administration in the maintenance of public law and order in inaccessible areas which isolated from the normal life of the whole society.

MR. CHAIRMAN: Either you conclude in a minute or we will continue next week. At 3.30 p.m., we have to take up Private Members' Business.

SHRI SAMAR CHOUDHURY : An inadequate deployment is done for guarding the border check posts and border

outposts. The forces foil the danger and threat from the enemy. ...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : An encroachment upon the Private Members' Business is not proper. ...(*Interruptions*)

MR. CHAIRMAN: He said it in a different way. ...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : He cannot be a party to that because the time has been set apart. ...(*Interruptions*)

MR. CHAIRMAN : You can continue next time, Shri Chaudhury.

Now, we take up Item No.16.
