

sity hostels. I also request the Minister of Human Resource Development for the construction of more hostels with adequate number of rooms therein so that the students reading in Delhi University and other universities and also the M. Phil and Phd. students do not face the acute problem of accommodation.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : Since we have business to finish and since there are many members who want to speak, I would like to propose that we should forgo Lunch Hour today, tomorrow and the day after tomorrow.

MR. DEPUTY SPEAKER : I hope the House will accept the suggestion given by the hon Minister.

SEVERAL HON. MEMBERS : Yes.

MR. DEPUTY SPEAKER : So, there will be no Lunch Hour today, tomorrow and the day after tomorrow.

12.24 hrs.

SPECIAL PROTECTION GROUP BILL
Contd.

[English]

MR. DEPUTY SPEAKER : The House now will take up further considered of the following motion moved by the Shri P. Chidambaram, on the 10th May, 1988, namely :

“That the Bill to provide for the constitution and regulation of an armed force of the Union for providing proximate security to the Prime Minister of India and the members of his immediate family and for matters connected therewith, be taken into consideration.”

Shri V. S. Rao :

SHRI V. SOBHANADREESWARA RAO (Vijayawada) : Mr. Deputy Speaker,

Sir, it is not mere numerical strength of the SPG which can give a fool-proof protection, but we are told that there are about 1400 persons. What I want to impress upon the hon. Minister is that it is innovative thinking and receiving the latest practices that are adopted in other countries where those respective governments are taking the necessary steps to protect the Prime Minister or the President or the Head of a State.

It is perfection in the application of these ideas, new methods that is all the more important. When Mrs. Gandhi was alive, we were told at a particular point of time during the month of October that the security people had exercised a particular thing where the Prime Minister was declared to have been hurt and immediately a team had to take her to the hospital. That is the information we had. Whether it is wrong or right, I do not know. But what happened is, that when she was actually fired at, the entire exercise had gone to the wind and it took more than nearly half an hour to take the Prime Minister—to be precise may be 20 minutes—from No. 1, Safdarjung Road to the Ram Manohar Lohia Hospital. But my point is, that in future this type of things should not happen. What are all the ideas that are being thought over, there must be perfectness in their implementation. And, I do not wish the Special Protection Group set up to continue for ever. I hope that the situation will change in the very near future that actually for the security of the Prime Minister such an elaborate Special Protection Group, this set up, this arrangement may not be necessary, may not be needed.

I hope that the Government, if it really takes some steps to implement the provisions of the Punjab Accord in all sincerity and also takes stern measures, stern steps against those persons who were responsible for the 1984 riots after the assassination of Madam Gandhi in Delhi and other parts of the country, it will heal the wounded Sikh psyche and it will definitely reduce the danger to the security of the Prime Minister.

Whatever may be the greatest care we take, always there will be some element of security risk. And, I would like to ask who is not exposed to security risk? Is no

[Shri V. Sobhanadreeswara]

a Chief Minister of a State subject to that? Are not Members of Parliament subjected to such security risk? In our public life we may be taking some decisions which may not be liked by some people or a group of people, who may be having some vested interests.

If this Special Protection Group set up is to be made permanent, ultimately a day may not be far off when several Chief Ministers also may demand setting up such types of special protection groups. We are informed by the Financial Memorandum that this security group had cost Rs. 4 cores and 68 lakhs, recurring expenditure during 1987-88. It will be much more, or many more times, because for the entire security of the Prime Minister, because this is the expenditure only on the Special Protection Group. If the amount being spent on the NSG and the commando forces, or the money spent when he visits the States is added, it will be much more, and may run to several tens of crores of rupees. My point is that the Government should be in a position to give protection even to a common citizen of this country.

SHRI H.A. DORA (Srikakulam) : When they have failed to do.

SHRI V. SOBHANADREESWARA RAO : So, my submission is, let us not make this a permanent institution, where it increases the distance between the ruler and the ruled, the Prime Minister and the people, and the Chief Minister and the people of the State.

Now, I would like to say, several Chief Ministers are going without adequate security arrangements. For example, our Chief Minister, he goes all the while to the people, he mixes with the people, and there may be other Chief Ministers in other States who go like that. Because, ultimately it is the people's affection that gives more safeguard. What I want to impress upon is, let us not make it a police raj. This will not help in strengthening the democratic character or our constitutional functioning.

I would like to give one warning to the Government. During the days of the Emergency very rigid provisions were there.

But I would like to say that those very rigid provisions did not help Mrs. Gandhi, the then Prime Minister. A large number of people were against the introduction of the Emergency, and the people were disgusted, they were very much hurt by some of the decisions which were implemented during the Emergency. The intelligence people could not provide any information to the Prime Minister. She thought that she would win. What happened? In the entire Northern area, in several States not even a single seat was won by the ruling party then.

So, what I say is that this type of Police Raj, the dictatorial regime does not help, to gauge the pulse of the people. It is only when democracy is there, only when there is a free Press, only when the Fundamental Rights are given to all the people of this country, then only, the Government will be in a position to know. So, ultimately I appeal to the Government, for one thing. Let us hope a day, which the father of our nation had wished, would come in the independent India, even a lone woman can go during the night times in a street and in a lane without any fear or apprehension. I hope such a good memorable day may come in the near future and I wish for that. So, let this Special Protection Group Bill be a temporary phenomenon. After some time, in the near future, let this set up be not there and the present security provisions are quite adequate.

With these words, I conclude and thank for giving the opportunity.

PROF. N.G. RANGA (Guntur) : Mr. Deputy-Speaker Sir, I am glad that the Telugu Desam party is willing to support this Bill and they have only some doubt whether it should be a permanent organisation or a temporary organisation. So far as that is concerned, the answer would be left in the hands of the Parliament. In course of time if the Parliament feels so confident that the Prime Minister's life and security are absolutely safe, then they themselves would be willing to withdraw this Act itself. That is a different matter, and whether it should be permanent or temporary is not of very great importance, because we take it for granted that Parliament would always be

there, and the party in power would have a sense of responsibility to come forward with the necessary Bill, if found necessary, to withdraw this legislation. It would also be open to the private Members of this House to introduce their Private Member Bills and make various suggestions also as per the rules of the House in order to ensure that this Bill, when becomes Act, be withdrawn, but the most important thing is whether there is any necessity for such an organisation at all. In regard to that, judging from the speech of Shri Rao, Telugu Desam party is willing to let this organisation to come into existence. Why is this organisation so important? Why is it very necessary for the Government to think of safety and security of our Prime Minister? That is a very important question.

The Prime Minister holds a pivotal position in our Governmental set up and in our Constitution also. He is not like the American President, but at the same time he holds similar responsibilities. The American President is both President and Prime Minister put together. Here, the Prime Minister and the President are different. The President has his own organisation. The Prime Minister also should have an organisation for his safety and security. Why are we so very keen about it? My hon. friend has just now given some reasons. One of them is that there is an atmosphere of terrorism in our country. They think it is a kind of temporary aberration in our political life. All over the world, every one knows, statesmen in all democratic countries are aware of the fact that terrorism has become a world phenomenon, not only a bandit's phenomenon too. Therefore, it is a security menace and we have to look after our public figures, public statesmen in the light of that new menace. Now, why the Prime Minister alone? It is because as I have said, he holds the position here like the Prime Minister in England and in many of the erstwhile British dominion. . .
 (Interruptions).

SHRI S. JAIPAL REDDY
 (Mahbubnagar) : Does Prof. Ranga know that there is no special organisation in England to protect the life of the Prime

Minister though the Prime Minister in Britain faces a similar terrorist threat? It is the Scotland Yard in Britain which provides the protection to the Prime Minister in Britain. Does he know that there is no parallel in the world?

MR. DEPUTY SPEAKER : Why are you intervening like this?

SHRI S. JAIPAL REDDY : He is the senior-most member of this House. I am a junior Member. I want to seek enlightenment from him.

PROF. N. G. RANGA : Am I to take it that the Janata Party is opposed to this Bill? I hope, they are not. I take it that they are in favour of this Bill.

SHRI S. JAIPAL REDDY : To express serious reservations about the Bill is not to oppose the Bill.

PROF. N. G. RANGA : What is this? I take it that the Janata Party is not opposed to this organisation. If they are opposed to the formation of this organisation, let them say so. Then I will be able to give them the answer. On the other hand, they are also in favour of it. The point that my friend has raised has got to be answered. There is a Scotland Yard in England. We have our own organisation also. But because in actual practice it had been found not enough, that is why, we have already created an organisation. That organisation has got no particular statutory status. We propose to give statutory status to that organisation. Only recently some of the papers were wise or foolish enough to go on saying that this Prime Minister is costing several crores of rupees. So many crores of rupees are being spent for his safety and security. I say that this money has got to be spent. This kind of organisation is absolutely necessary. It is there already. We want to give through this legislation a statutory status to that organisation.

Regarding the question why specially for the Prime Minister, the hon. Minister will give the answer. But most important is that here is the phenomenon of terrorism. Just now, one of my friends has brought to the notice of the House through the Spea-

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ker how threats are being held out by the terrorists. We know what has happened yesterday and what is happening in and around the Golden Temple. It is not only because of the Punjabi trouble but various other reasons are also there. Thugs and pindaris used violence. But now other people are using violence in order to smuggle, in order to print illegal coining, in order sell so many wrong medicines and so many other things. To deal with those people we need an organisation. But then the question is : Why for Prime Minister only ? Because there are international agencies. We cannot be blind to that. We in India are not in isolation. International agencies from all parts of the world are interested in de-stabilising their respective regimes by destroying their pivotal political figures. It has happened in the past. It has happened here also. It was not only because of Punjab situation that Indiraji was done to death. There is a very good book entitled "The Ambassador" written by an American. The story is like this. America was interested in destabilising one of the regimes in Indo-China. Therefore, the ambassador gave an opportunity to the murderers to murder their Chief of the State. Similar things are happening all over the world in many countries. We read about them. How can we be blind to these things ? National as well international agencies' interest get themselves intertwined.

In Question time, my hon. friend was hard put to it to give the answer about how many foreign countries are interested in spending money in our country, to the tune of hundreds of crores, in different ways, ploughing it in the name of so many organisations for several purposes. One of those questions was tabled by my hon. friend Mr. Rao himself. Most of them are legitimate, some of them may not be, and one or two may even be dangerous. Apart from it, several of our own traders, our own businessmen are unpatriotic enough to be in league with other countries in carrying on their trade and passing on percentage out of their own profits, or out of their own incomes, clandestinely or under the desk, to various political parties in our country. It is a well-known thing. It is a notorious

fact. Many of our political parties draw their incomes in this manner. All these agencies are interested in upsetting our Prime Minister. Why ? Our Prime Minister has come to be one of the most important chiefs of the NAM movement all over the world. Not only the two great super powers, two or three other sub-super powers also, which hope to become super powers themselves, full-fledged super powers, are all interested in seeing to it that the Indian Prime Minister kowtows to them, listens to them. From day to day, several American statesmen and many others also go on retailing the information that on so many occasions, India has voted for America and on so many more occasions she has voted for Russia and therefore, she is more for Russia than for America. So, they are carrying on all this canvassing against us. One day one super country, another day another super country is angry with us. Therefore, they are very particular about the political line taken by our country and through our Prime Minister. Several other countries have destroyed their Prime Ministers. Similar attempts could be made, can be made and have been made in the past, and that is one of the reasons why we should have a special organisation like this to protect the Prime Minister. The question of protecting the Chief Ministers is another matter. If any Chief Minister also feels similarly endangered, well, we are not here to give an answer. But so far as the Prime Minister of India is concerned, we have had our experience in the past and we are having this special therat here today. Therefore, there is a need for a special organisation. Then the other question is whom is this special organisation to protect. Supposing this organisation itself begins to turn against the Prime Minister, then what is to happen ? That is the danger. It happened in the case of Indira Ji and here also we have to take sufficient care. That is why I am glad that it is not made a part and parcel either of the police or of the armed force. It is a separate organisation, though it is called armed force, and it would be under the direct control of the Home Ministry. (*Interruptions*).

SHRI S. JAIPAL REDDY : No, it is not under the control of the Home Ministry.

PROF. N.G. RANGA : Once it is a department of the Government, it can only be under the Home Ministry and it is for the Home Minister to make it clear to us.

SHRI S. JAIPAL REDDY : Let the Home Minister clarify, Sir...*(Interruptions)*.

PROF. N.G. RANGA : I suggest that it should be under the Home Ministry. The Bill is being piloted by the Home Ministry itself. Therefore, it would be under the control of this Parliament indirectly, directly under the control of the Home Ministry, and finally, of course, under the control of the Prime Minister.*(Interruptions)*. I do take note of the point made by my hon. friend Mr. Rao. Indira Ji made a mistake in not listening to her security people when they suggested that so and so should not be on guard on that day. I do not wish to go into details.

Similarly, also I do not want the Prime Minister to try and exercise that kind of discretion. Yet, I say that subject to correction. If by any chance the Prime Minister comes to know that so and so is objectionable, then it should be open to him to say so and his word should be final. But if on the other hand he says, 'I am going to allow anybody and everybody to be on guard' so far as he is concerned, I want a Prime Minister not to be so empowered because the organisation's decision must be final provided he has got the veto of saying, 'So and so, A and B are not wanted here.' I would like the Government to take note of that.

There is also another thing. The Prime Minister in our country also happens to be the head of the Party and from time to time he is obliged to preside over party confabulations, attend party meetings, celebrations and so on. On all such occasions what should be the responsibility of this organisation? I thought that my hon. friend would notice this and then draw the attention of the Government. Now, it is my duty to draw the attention of the Government. Parliament must make up its mind. When you have a Prime Minister in a country like ours at the head of the Government and also at the head of his Party organisation, is he to be protected entirely

whatever may be his activities? My view is, he should be protected whatever may be his activities because he is supposed to be entirely—100 per cent—the servant of the nation as Prime Minister. But as Prime Minister, he may undertake several other functions—ceremonial, political and personal. We should not be prepared to make any distinction about these things as long as any one continues to be a Prime Minister. Whatever may be his public or private functions, he must be protected. We must do these things with our eyes wide open. If, on the other hand, you have any doubts about it, then it is for Parliament to express its views and it is for the Prime Minister and the Government to take note of those views and then take necessary precautionary steps.

Sir, one other thing of very great importance I would like to place before the House is : Is the Prime Minister entitled to take a holiday or not? Several of our papers have been talking about it in a very light hearted manner. Every other Government servant is having these holidays.*(Interruptions)*. We, Members of Parliament are having our recess. The Ministers are not supposed to have any holidays at all.*(Interruptions)*. Even during the holidays they are supposed to attend to official work. But certainly the Prime Minister has never asked for holidays and all the time, all the 365 days, days and nights, they are supposed to be on duty and therefore, I would not like the Prime Minister or anybody to say that he is going on a holiday. He can have rest, he can have holiday provided he says so, that he needs a holiday and, therefore, he goes on a holiday. When he is on a holiday, is he Prime Minister or not? I say he is Prime Minister because the rest of the world is not going to be on a holiday. When the Prime Minister is on a holiday, we do not have the Deputy Prime Minister entitled to carry on the duties of the Prime Minister. According to our Constitution and our political set up there is only one Prime Minister. Even if there were to be a Deputy Prime Minister, it is between them to divide their functions and see to it that the Prime Minister's duties and activities are carried on day and night throughout the year without any let or hindrance. Today that is the position. When we do not have

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a Deputy Prime Minister, why should some of our newspapers be so loose-minded as to go on accusing the poor Prime Minister just because he wanted to talk openly, some 10-day holiday. What is wrong in it? When he has holiday, it would cost and it is the cost which the Government must be prepared to foot the bill. The country must be prepared to welcome the resilience and frankness on the part of the Prime Minister to say unlike Jawaharlal Nehru, unlike somebody else and so on—he would like to have a holiday. Why should he not? He is also a human being. But he has a special responsibility. Therefore, he cannot be having holiday every day as we are having. He can have holiday for a particular period of time and the country must be prepared to welcome it and give him the freedom to recoup his own energies and come back again with redouble energy. All these things we should keep in our mind and we should allow our Prime Minister to function in an effective manner.

I wish to say that the country has complete confidence in our Prime Minister. According to our Parliamentary system, the Opposition can always go on opposing the Government. The Prime Minister has got to keep the confidence of Parliament as a whole, not only of the ruling Party but of the Opposition also. Only this morning I said so—that on every crucial occasion, the Prime Minister must be prepared to hasten to invite the Opposition for consultations and take them into confidence and win their confidence as much as possible. When he cannot win their confidence then let him be prepared to say frankly, "Friends, we are not able to agree on this point. But nevertheless, the country has charged me to carry on this function. Therefore, I am carrying on this function in this desired manner and you must be prepared to put up with it." That kind of patience, the Opposition must be prepared to exercise in our democracy. I hope the responsible leaders of the Opposition are willing to discharge that function and the Prime Minister also, I hope and trust, would be ready to invite the co-operation of the Opposition on all crucial occasions and whenever possible, on all important questions also. But so long as that goes on, let

us be prepared to hail the Prime Minister as our Prime Minister. But my difficulty is this. Sometime ago, some of our friends have gone about saying, "Oh, down with so and so as Prime Minister; he must resign; he must make way for somebody else; hold the elections". He had the elections. He is not the Prime Minister made at anybody's mercy or at anybody's charity. True was nominated too. Then, soon after there were general elections. In the general elections, he was elected by the overwhelming majority. It was open to our friends, as it was open to me, when I was in the Opposition also to the Opposition, to say to the people, "Do not elect so and so". They have said so. They have not only said, "Do not elect Congress to have majority, but they have also said, do not elect Rajiv Gandhi, the Prime Minister back again to power." The people have returned him to power. He is the elected leader of a massive majority of people in our country. This is the biggest democracy, in area and in population. Only in history, we are 40 years old, the American democracy is 200 years old. But nevertheless ours is one of the largest, biggest democracies and we must play our role in a very responsible manner. And, therefore, I suggest that my hon friends of the Opposition should be willing to support this Bill in a wholehearted manner, without, any reservation whatsoever and without squabbling at it and then saying, we should have a temporary organisation. Is it necessary for us to say that it should be temporary? It would be doubting the capacity of Parliament in our country to deal with the situation as it arises.

I wholeheartedly support this Bill.

SHRI S. JAIPAL REDDY (Mahbubnagar) : Mr. Deputy Speaker, at the very outset, I must make one thing clear. I am not among those who grudge any amount of expenditure being incurred on providing security to the Prime Minister of India.

PROF. N.G. RANGA : I am happy to know it.

SHRI S. JAIPAL REDDY : I am also not one among those who believe that the terrorist threat is of immediate short-term nature. In the nature of things today, it is likely to be of long-term nature and there is real and serious threat to the lives of

many VVIPs in our country. I do not want to take the time of the House to go into the reasons for this phenomenon.

Therefore, I would welcome any step to optimise the security environment for our leaders.

But then this Bill is innocuous on its face value but has some outrageous, obnoxious and atrocious features.

SHRI BIPIN PAL DAS (Tezpur) : There are more words in the dictionary.

SHRI S. JAIPAL REDDY : My first plea would be to refer it to the Joint Select Committee so that the implications and ramifications of some of these provisions, can be examined and analysed in depth.

PROF. N.G. RANGA : No.

SHRI S JAIPAL REDDY : I do not know why the Government of India should hesitate to refer it to the Joint Select Committee. The Special Protection Group has already come into existence. It is already operative. Therefore, there is no urgency about conferring statutory status on this Group. What the Bill ostensibly aims at doing is to seek to confer statutory status on this existing Group. Therefore, I want to know the specific and concrete reasons why the Government of India would not like to refer it to the Joint Select Committee.

SHRI A. CHARLES (Trivandrum) : It is only to avoid further unnecessary delay, it should not be referred to Joint Select Committee.

SHRI S. JAIPAL REDDY : I quite see the most important office in our system is the office of Prime Minister. There is no question about it. There cannot be two opinions about it. But, do we at the same time forget that there are two other offices which are superior to the office of Prime Minister in the warrant of precedence namely, the President of India, and the Vice-President of India ?

Can't there be a Group of this kind to cover the protection of the President of

India, the Vice-President of India and the Prime Minister of India ?

PROF. K.K. TEWARY (Buxar) : Why are you becoming hypocritical by saying that ?

SHRI S. JAIPAL REDDY : Why should there be a separate Group only for the office of Prime Minister ?

I cannot answer like a sycophant,

13.09 h/s.

I would like to know under whose control this group will function. I would like the learned hon. Minister of State for Home to clarify. I do not know what to call him because he is a Minister in the Prime Minister's Office; he is also a Minister in the Home Ministry. I do not even know in what capacity he is tabling this particular Bill—may be as a Minister of State in the Office of the Prime Minister because the Home Ministry's status has been downgraded a lot in the recent years. . . . (Interruptions). I would like the learned hon. Minister of State for Home, Shri P. Chidambaram,—I do not know his exact portfolio—to tell as to whether there is a parallel in any part of the world where such a programisation has been created under a statute for the protection of a person holding a particular office. (Interruptions)

MR. DEPUTY SPEAKER : Dr. Datta Samant, you cannot come and disturb the proceedings. Under Rule 373, you cannot do so. You have already withdrawn from the House.

(Interruptions)

MR. DEPUTY SPEAKER : When you have withdrawn from the House, you should not come and sit in the House throughout the day.

(Interruptions)

MR. DEPUTY SPEAKER : When the hon. Speaker has named you and when you have withdrawn yourself from the House, you should also obey that. Therefore, you have to follow the rule.

(Interruptions)

MR. DEPUTY SPEAKER : It is the rule.

(Interruptions)

MR. DEPUTY SPEAKER : Nothing will go on record.

(Interruptions)**

13.03 hrs.

Dr. Datta Samant then left the House

SHRI S. JAIPAL REDDY : I would like the hon. Minister to note this fact to answer me as to whether there is any parallel. As far as I know, the President of America is protected by the American Secret Service which is not meant exclusively for this. The President of France is offered protection by an organisation called SDECE which is a part of Interior Ministry in France. In Britain, where Prof. Ranga was educated, the Scotland Yard provides the protection; they have a special Group. In Russia, of course, it is the KGB. But, we may have such extra-Constitutional paramilitary force specially meant for the protection of a single individual, whoever he may be at a particular point of time, operating only in Banana Republic and not in any major democratic nation. (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) : How is it extra-Constitutional ?

SHRI S. JAIPAL REDDY : I will come to that point later. Therefore, I am questioning the need for conferring statutory status. I know this for a fact that this Group is not under the control of the Home Ministry. I wish Prof. Ranga were here. He would have been enlightened. It is not under the control of the Home Ministry. It is directly under the control of the Office of the Prime Minister. I want the hon. Minister to tell me as to whether there is any such Group in any part of the world

which is directly under the control of the Office of the Chief Executive of the nation (Interruptions) So, the point I am trying to emphasise is that this Bill has no parallel in any one of world's Constitution.

Coming to the Bill itself, the Bill does not indicate the ceiling of the force. It looks as though it will be one more CRPF or BSF, one more independent armed force. The ceiling must be indicated. I do not know what is the present strength. What provision in this Bill prevents the Government from increasing the strength to ridiculous limit? It could be increased to 2,000, even to one lakh. Who knows ?

SHRI P. CHIDAMBARAM : There is Parliamentary control over the Budget. All these are elementary questions.

SHRI S. JAIPAL REDDY : So long as you have a brute majority with which you even refuse to refer the Bill to a Select Committee, we know what those controls mean in actual practice.

I am only envisaging a threat. If the Prime Minister is to have a separate armed forces Group whose number could be very large and under his direct command, its implications for the democratic polity can be, theoretically and hypothetically, hazardous. Suppose the Prime Minister of India loses the majority in Parliament and becomes liable for dismissal but he refuses to oblige, to obey the order of the President, with the support of his Group, what would happen ? I have, therefore, prefaced my remarks by such expressions as 'hypothetical' and 'theoretical'. (Interruptions) We know how, to continue to be in the office of Prime Minister, Emergency was imposed in this country and two lakhs of people were thrown into the jail for 18 months. What I am saying is not more atrocious than what happened in the past. We have seen that with our naked eyes. Therefore, to avoid such reactions, I have prefaced my remarks by such expressions as 'theoretical' and 'hypothetical'

MR. DEPUTY SPEAKER : Please conclude.

SHRI S. JAIPAL REDDY : You cannot pass this Bill in a hurry.

MR. DEPUTY SPEAKER : Why ? The Business Advisory Committee has allotted two hours and we have to finish it. There are so many other Bills which we have to take up. Even if you are agitated, I cannot help it.

SHRI S. JAIPAL REDDY : They will have their way. Let me have my say.

MR. DEPUTY SPEAKER : Within the allotted time, you can have your say. I have no objection to that.

SHRI S. JAIPAL REDDY : Clause 4, sub-clause (3) reads :

“Notwithstanding anything contained in this section, any person or any member of any other armed force of the Union may be appointed to the Group. .”

Would it mean people not employed in the armed forces ? Could it be some private person ? Could it be some Youth Congress Member ? I would like to know this. I am merely raising a question with the hope that I would get the answer.

Clause 10, sub-clause (b), reads :

“be a member of, or be associated in any way with, any society, institution, association or organisation that is not of a purely social, recreational or religious nature;”

‘Social’ and ‘recreational’, I have no objection to. But I have my deep doubts about the expression ‘religious’. We must remember that the former Prime Minister, Shrimati Indira Gandhi, fell a prey to a bullet of a religious fanatic. Therefore, any member of any sectarian organisation should be excluded from this Group. That is the point I wanted to make.

Now I come to the most obnoxious feature of this Bill. Clause 15 reads :

“No suit, prosecution or other legal proceeding shall lie against the Group or any member thereof or whom powers have been conferred or duties have been imposed under this Act, or any order issued or any rule made thereunder for anything which is in good

faith done or purported to be done or omitted to be done in pursuance of this Act or any order issued or any rule made thereunder or any order issued under any such rule.”

While the wordings may be of the general nature, I would like to say that this Group operates under lot of tension. Members have already pointed out in the past, how even Members were treated by this Group and other police forces on so many occasions. Therefore, this particular Clause in this Bill has its ominous implications. Therefore, I do not know how the effect of this particular provision can be softened, the Minister should take care to think over this. I have only one word to say that since the ramifications are very large, implications subtle, I would appeal to the Minister to again to refer it to the Joint Select Committee.

SHRI SHANTARAM NAIK (Panaji) : Sir, I stand here to fully support the Special Protection Group Bill. In fact I had expected the Members of the Opposition parties to whole-heartedly cooperate with the Government in supporting this Bill. In fact, when Mr. V. S. Rao was speaking yesterday and he continued his speech today also, it was not very clear from the beginning whether he was supporting it or opposing the Bill. He was, in a way, expressing the need for such a Bill and in the other way, he was giving example of Prime Minister visiting States and addressing meetings in a bullet-proof glasses. In other words, he clearly meant that he was opposed to any sort of protection to the Prime Minister, even a bullet-proof glass. This approach of the opposition parties, especially by the Janata Party, is a highly condemnable approach. Therefore, they are in their true colours that they have come to participate in the Bill.

Mr. Jaipal Reddy has gone to the extent of saying that this is an extra-constitutional Bill. If this was so, why did he not come in this House and opposed it at the time of introduction of the Bill ? They have every right to do so. We would have seen what sort of opposition he would have made. He has taken the oath under the

[Shri Shantaram Naik]

Constitution. He is now saying that this Bill which is duly introduced by the Government, is an extra-constitutional Bill. Such a rare statement made by an Hon. Member is highly condemnable.

Secondly, even Mr. V. S. Rao, when he spoke, made some sort of a comparison between the earlier period of Pandit Jawaharlal Nehru and of now. He said that Pandit Jawaharlal Nehru was very popular at that time and there was no need for such protection. That era, as we all know, was a different era. He should have distinguished between that era and the present era without comparing it with popularity. He should not have said, "other leaders, subsequent to Pandit Jawaharlal Nehru are unpopular, and therefore, this sort of protection is needed." This sort of insinuation is not fair and it is very bad.

Secondly, I would say that we have an example of Indiraji before us. When Indiraji was assassinated, everybody in this House had expressed the need for protecting the Prime Minister to the fullest extent. At that time, they did not express any sort of reservation. After that, a duly constituted committee was appointed and the Committee gave its report and thereafter this Bill has come to give statutory support to the Group that has been constituted. Now they have forgotten what they had said during those speeches when Indiraji was assassinated.

I will just refer to one or two clauses of the Bill and end my speech since there is hardly any time for me.

Clause 10(1) says :

"No member of the Group shall, without the previous sanction in writing of the Central Government or of the prescribed authority—

(a) be a member of, or be associated in any way . . ."

While granting sanction under Clause 10, I suppose the Government would frame certain guidelines. When these guidelines will be framed to grant sanction—although I believe these rules will be framed subsequently—if the House comes to know at

this stage what sort of guidelines or criteria will be adopted in framing these guidelines, it will be very helpful.

Clause 11 says :

"The prescribed authority may, by order in writing, terminate the appointment of any member of the Group in the public interest and such termination shall be deemed to be discharged simpliciter and shall not amount to dismissal or removal."

It has to be discharged simpliciter. But the Supreme Court has given certain rulings, with respect to discharge simpliciter. I would like to know whether these rulings will affect the implementation of this clause or not; that may kindly be clarified.

Lastly I would only say that I would have been very glad had the Opposition Parties wholeheartedly supported this Bill without any reservation. Even now those who are going to participate in this debate may very specifically—they have got their tight to say—without mincing words say at the outset whether they are supporting this Bill or opposing this Bill in clear terms and not like what Mr. Jaipal Reddy or Mr. Rao have said. Let them make it very clear.

SHRI INDRAJIT GUPTA (Basirhat) :
Mr. Deputy Speaker Sir, since the time is very short I will only raise a few points which arise out of this Bill.

Of course, I am not opposing it because Mr. Shantaram Naik is behaving like a prosecuting attorney here demanding all sorts of things from us. I am not opposing the Bill at all; but that may not mean that I am wholeheartedly supporting this Bill as he would like us to do. For that he will have to take an X-ray of my heart to find out !

It is obvious to anybody that the Prime Minister is high on the hit list or target list of those forces which are indulging in violence today in this country and forces which have already taken heavy toll including the life of the previous Prime Minister. So, the question of providing protection to the Prime Minister is not a controversial one in my opinion. He must be provided with adequate protection.

But a question arises as to what about other prominent figures in public life. What about the President? The President is highest executive authority in our Constitution. Just because he has not got the powers which some Presidents in other countries and other constitutions have, we are inclined to regard him more or less as a constitutional figure-head. Does it mean that he is not entitled also to a special type of protection which is not of course available to any ordinary citizen in this country?

Casualties of the terrorists at the moment are of course mainly the ordinary citizens of this country who, I regret to say, are not being provided with even the minimum protection which citizens are entitled to. This is creating an obnoxious and peculiar atmosphere as far as public opinion is concerned. Anyway I don't want to go into that now because it does not fall strictly within the purview of this Bill. From what I see all around I do believe that if any prominent political leader or an Hon. Member of this House approaches the Government for special protection—because he believes that his life may be in danger—they do provide him with some kind of protection. As I see here among various localities of this city. Everybody is not provided. Everybody is not provided. Everybody does not ask for protection. I do not grudge that. Some people should be given protection in the form of some kind of protection around their house like police pickets if they feel they are threatened. They are welcome to go and ask for protection from the Government and they get it but there are people who, for example, Sir, have in the normal course of their duty visited Punjab quite often and addressed meetings there. Now not all of them approach the Government in Delhi for protection. Personally I would never approach the Government for protection but some people have got protection here who have never been to Punjab especially after the present situation arose. I do not grudge that even. May be they feel they need protection? But as far as the Prime Minister is concerned the only question that I would like to ask is why after three years since April 1985 when this Special Protection Group was formed now suddenly it seems the Government has

woken up to the fact that the Group which has been in existence and functioning for three years has no legal status and, therefore it is necessary to have a statute in Parliament to give it the necessary legal status. That is put here clearly. If it has been functioning for three years and doing its job with reasonable amount of efficiency—I do not know—I do would like to know why it is so necessary to have this particular law. The Group is in existence. It has been working for three years and nobody ever raised any question about it here. I do not think much has been spoken about it or written about it in the Press. There are some comments made about some incidents which took place where the Prime Minister's life was threatened and perhaps some flaws were found in the security arrangements. Action was also taken against some people but they were not members of this Group. Action was taken against some police officers for the Rajghat incident. Action was taken against police officers and not against any member of this Group, as far as I know. So the question is if this Group was working satisfactorily and with reasonable amount of efficiency to the satisfaction of the Government for three years why has it become so urgently necessary to have this Bill? What was the difficulty? May be there was some legal difficulty which I am not aware of. That should be explained before we decide to pass this Bill.

Then, Sir, it is going to have the same status as any armed force of the Union. In that case I would like to know and seek clarification on Clause 4 sub-section (3). I can understand people being recruited for this Group from the police or from the Army or from para-military forces and given the necessary training and all that but what is the meaning of 'any person'. It says :

“Notwithstanding anything contained in this section, any person or any member of any other armed force of the Union may be appointed. . .”

Any member of any other armed force of the Union I can understand. That is logical. But what is the meaning of 'any person'?

[Shri Indrajit Gupta]

other than any member of police or armed force I do not follow. Does it mean that any sort of friend or any confidante or any political figure or anybody can also become a member? Or he may be an Indian; he may be a foreigner. Can he be a foreigner also? I don't know. Can he be made a member of this Group because he may have technical know-how in such matters? Or, he may be a consultant in matters of security, I don't know. This thing should be clarified. What is the meaning of 'any person'? To say that he has to be recruited from among all these various bodies, which are already doing security work of one type or another, I can understand. What is this 'any person', I don't know.

It should be made clear where are the limits. Are there any restrictions or are there no restrictions? I am asking these questions because Mr. Naik spoke just now quite feelingly. I share his feelings, of course, about the shock that the whole country got when Mrs. Gandhi was assassinated by a member of her own security guard. There were security arrangements for her. But there was some serious lapse somewhere. Unfortunately, we will never know about it. This country will never know. This Parliament will never know because the findings of that Commission have been hushed up. That Commission might have been able to throw some light on the type of lapse in security arrangements for a Prime Minister which should be avoided in future, a lapse which may have some thing to do with the constitution or the functioning of the bodyguards or the security guards who were there, the way they were deployed. Who commanded them? What were the kind of instructions given to them? What were the safeguards, if any, which were there against the kind of thing which happened? We don't know anything.

I have spoken many times in this House about this question. I feel very strongly about this that a Prime Minister was assassinated like this within the compound of her own house, by her own security guard. A commission of inquiry was appointed. It went into the whole matter. It gave a report. This Government brought an amendment to the Commissions of Inquiry

Act in order to take powers to prevent such a report from being made public. Why should that be done? Why should we not know? That is not a normal thing which happens every day. At least, such a thing never happened before in our country. Have we not a right to know? Everybody knows that something went wrong. Those two members of her security guard were able to do the deed which they did because of certain lapses in the whole thing. Certain important people must have been involved in that. Nobody took the responsibility from the Home Minister down wards to the person commanding or being directly in charge of those security guards in her house. No body has taken any responsibility for what happened. It is a scandalous thing.

Whatever special power group or anything you make now for proximity protection of the Prime Minister and his family, first of all, you have to guarantee and ensure—of course, within the bounds of human possibility—that this kind of thing may not happen again. So, it is very important. The recruitment is very important. The selection of personnel is very important. Who is going to do all this? We don't know. Is it the Home Ministry? Who is going to do it? Is it some other intelligence agency of the Government? Is it RAW? Who is it, we don't know. Who is going to select and recruit these people? If the assassination of a previous Prime Minister had not taken place, I would not have raised these questions. I would not have been as much concerned about it as I am now. So, this is a very cavalier way of doing one thing. You form a protection group under the approval of the Cabinet, without the approval of the Parliament. Okay, you did it. Nobody questions it. Go ahead, do it. Let it function. For three years, it has been functioning like this without any law or any statute or any approval of Parliament or anything. Now, suddenly you decide to bring this Bill. Well, you have brought it. We are not opposing it. We are not going to oppose it. But you must clarify to the satisfaction of the Members about the points which I have raised. I suppose it is going to be an elite kind of force with a lot of expenditure behind it because the financial memorandum says 'recurring ex-

penditure of the forces during 1987-88 was of the order of Rs. 4,68,21570'. We do not know whether this kind of figure will be recurring in future also and once the Bill is passed, whether it could be inflated very much, nobody is going to grudge about the expenditure. Of course, we will never know what is actually spent.

The weapons which are being used by the terrorists of which we are talking about every day are the most sophisticated and dangerous kind. We know that. I think Mr. Chidambaram had said in the Parliament before a day or two, I read it in the Press, that he has admitted that the type of weapons that are flowing into the country in a larger number and which are made available to the terrorists are far superior in sophistication and in their effectiveness, probably, to anything which our security forces have got. To a question by Mr. Arun Singh, it has been admitted in the other House that even the self-loading rifles, a standard equipment of the Indian Army, our semi-automatic rifles which are made in Ishapur are far to inferior to other automatic weapons such as AK-47. So, everything has become more difficult and more complicated. The weapons are more sophisticated and dangerous. Our method of forming protection forces is not known to us. We cannot ask for details about that but we must know the answer to what Mr. Reddy posed and there is no harm in telling as to which is going to be the administrative machinery or Ministry under which the forces are going to function. Will it be the Home Ministry, or the Defence Ministry or the Prime Minister's own Secretariat? We do not know anything. We would like to have clarifications on these points because first of all I do not know whether the top executive of any other country is governed by any legislation or any law, whether in USA or Britain we have a special legislation, whether it is considered essential or not. But surely they have very high level, high-powered type of protection there and the machinery for their heads of States and heads of Government. I am sure that they have. And I am sure that it must have been supplied by Mr. Chidambaram and his friends and how they do it they whether it is essential to have this kind of Bill or not. The forces have been there. It has been acting. May be something

has gone wrong or may be legally since some technical flaw has been found and therefore, this has come forward before us now. Please explain these things. Don't follow a habit that you have now developed so much. You try to keep the House in the dark about everything and the public in the dark completely about what happened in 1984. We do not like this kind of a thing. Be clear and frank about this. I conclude.

SHRI AMAL DATTA (Diamond Harbour): Sir I shall be brief as you have asked me to do so. A question has been raised and I do not expect the Minister to answer but I can point out the reason why at this stage, after three years of the functioning of the Special Protection Group, the Government thinks it necessary to give it a statutory status. By the last two Clauses, the Special Protection Group has been given retrospective effect. Whatever has been done by the Special Protection Group by this time, during this period, when it was not a statutorily constituted body, is being given the statutory sanction by Clause 18, the retrospective effect. Then, Clause 15 says:

"No suit, prosecution or other legal proceedings shall lie against the Group or any member thereof on whom powers have been conferred or duties have been imposed under this Act."

By virtue of the retrospective effect given by Section 18, read with the immunity conferred by Section 15, whatever illegalities the people constituting this Group have committed, those people will be given immunity. That is the reason why this Bill is being brought now in a great hurry. After more than three years, the Government wakes up to the fact, then they cannot wait for some time for the Bill to be passed. Obviously, there is something, which we do not know. Parliament is the last body to know what is happening in the country, until we are informed of something through the newspapers. We are never taken into confidence on its own by the Government. Something may have happened because of which this immunity retrospectively has now become necessary for the members of the Special Protection Force, not all members, but for one or more

[Shri Amal Datta]

members, it might have become necessary. Therefore, they are in a hurry. This will come out later.

Nobody denies that there may be special security for the Prime Minister. That security has always been provided by the Group so long. But now this Group is being given statutory sanction. Very well. But, they are doing it retrospectively. But if they are giving immunity to some wrong done earlier, I have objection. The Minister will clarify it.

Then, the other thing is the financial involvement. The finance involved has been stated in the financial memorandum. Usually, what is stated is the financial implication of the Act itself. What has been stated here is that the recurring expenditure on the administration of the force during 1987-88 was of the order of Rs. 4.68 crores and odd. What is the meaning of this ?

I emphasise the word 'recurring'. That is what happened only in 1987-88. Since they are bringing this Bill three years after the constitution of the force, they could have given year by year expenditure incurred on this Group. Apart from the recurring, there may be other capital expenditure incurred by this Group. That is not being given. That is being kept away from Parliament. The financial memorandum is incomplete. They do not say what is the likely expenditure to be incurred on the Group year by year, at least for the year 1988-89. That also, they are not prepared to say. That should have been according to me, brought before the Parliament. There is no question of hide and seek in this. Everybody knows that the Prime Minister's security is causing the country hundreds of crores of rupees. Even then we have not raised this question. Why this hide and seek ? Why don't you take the Parliament into confidence ? I know that whenever the Prime Minister goes on tour to any State, the entire security expenditure is to be met by the State. I have personal knowledge. When he went to West Bengal last year for elections, the expenditure from the State exchequer itself exceeded Rs. six crores. Similarly, whenever he goes to other States,

the States have to arrange for expenditure according to a pattern laid down by the Central Government and this is all within the money which is given under the Constitution and the Finance Commission's recommendations. This is not the money which is released to the States. The States, as it is, are poor and are made poorer by the Prime Minister's visit. . . (Interruptions).

Whatever it is, let them tell us the correct picture according to them. Why don't they collect the data from all the States ? The Home Ministry has a certain blue book according to which the States have to arrange the security of the Prime Minister and this requires expenditure to be borne by the States themselves. It is not reimburseable by the Central Government. In that case, why do they not collect the data from all the States and see what is the cost to the nation of the security given to the Prime Minister ? I am not saying that it will not be given, but I am only saying that let us know what it is costing the nation. Let the Parliament and the country know what it is costing. That is all. It is costing Rs. hundred crores, I do not mind, but let them tell the country. Why are they hiding it ?

Another objectionable clause in this Bill is this. So far as the Special Protection Group is concerned. I have nothing to say. As I have said, you are giving statutory sanction to it retrospectively and giving immunity, to that I have objection. You are not giving the full amount spent on this. To the expenditure, I have no objection, but I have objection to not giving the full amount of it; you are only saying that this is the recurring expenditure for the year 1987-88. Why ? You are giving the recurring expenditure for 1987-88; you are not giving the expenditure for acquisition of capital assets and other things. The total expenditure is being hidden from Parliament even with regard to the past year. Nothing has been said about the expenditure in the present year, recurring as well as capital. I have never seen a financial memorandum like this in any of the statute.

SHRI HAROOBHAI MEHTA (Ahmedabad) : It is clearly stated that no additional expenditure of a non-recurring nature is likely to be involved. That is there.

SHRI P. CHIDAMBARAM : I will answer it; I am not hiding anything.

SHRI AMAL DATTA : Because of the passing of the Bill and because of giving statutory position to this Group, there is no additional recurring or non-recurring expenditure likely to be involved. Then, they say that the recurring expenditure on the administration of the force during 1987-88 was of the order of Rs. 4.86 crores. What prevented them from saying, if they how contend, that there was no non-recurring expenditure in 1987-88. Later on, it would be discovered that Rs. 10 crores of non-recurring expenditure was made, but this sentence cleverly disguises it. They are saying that no additional expenditure of a non-recurring nature is likely to be involved. They are not saying that no recurring expenditure had been made in 1987-88.

Another objectionable thing in this Bill is that they can call upon State, local or any authority to give assistance to this Group. They may not be able to come to the assistance of the Group if they are not police people. But it is not specified in the Bill that they must be police people. You kindly look at Clause 14. It says :

"It shall be the duty of every Ministry, and Department of the Central Government or the State Government or the Union Territory Administration, every Indian Mission, every local or other authority or civil authority or military authority to act in aid of the Director or any member of the Group whenever called upon to do so .."

A Corporation or a local authority can also be asked to come in aid of this Group. By whom? By any member of the Group and not by the Director alone. This is highly objectionable, (*Interruptions*)

SHRI HAROOBHAI MEHTA : It is fragmented reading on his part. (*Interruptions*)

SHRI AMAL DATTA : Why are they disturbing me Sir ?

MR. DEPUTY SPEAKER : Let the

Minister take care of the questions. Do not interrupt him. Please conclude.

SHRI AMAL DATTA : This is the most objectional clause because anybody can be called an authority practically, so far as legal terminology is concerned. Anybody who exercises any kind of statutory or other power can be called an authority. For example take the case of a municipal corporation. This Group can ask them to make a road for the Prime Minister to ensure his security. How can they do it if they are not paid for it? If they do not do it, they will be penalised. So, this kind of an objectional clause should not be allowed to be there. This is nothing but taking away the authority of these bodies because of the Prime Minister's so called security, in view of the fact that any member of the Group and not the Director alone can ask them to come to the aid of the Group.

Another objectionable thing is that this is meant only for the Prime Minister. Why cannot the Council of Ministers be included? Why not the entire council of Ministers be given the assistance of this Group? I do not know as to what was happening so long. Are these special Protection Force people the same people whom we see in some kind of a black dress, who are called the Black Cats ?

SHRI P. CHIDAMBARAM : No, no.

SHRI AMAL DATTA : Well, I do not know who these special protection force people are. (*Interruptions*)

There is nothing to laugh at, Mr. Chidambaram. You should be sorry that this Parliament has come to such a stage because of you people. You never take Parliament into confidence.

SHRI P. CHIDAMBARAM : Sir, the hon. member speaks without reading the provisions of the Bill and he makes cynical comments. He makes derisive comments and he expects me to take him seriously. He can ask any number of questions and I am willing to answer him. But he is making derisive comments.

SHRI AMAL DATTA : I can ask any kind of questions. I only asked whether these are Black Cats.

SHRI P. CHIDAMBARAM : You cannot ask 'tongue in cheek' questions. This is Parliament of India.

SHRI AMAL DATTA : I can certainly ask any kind of question. The Black Cats are also giving protection to other Ministers. My question is whether that protection is being taken away. If that protection is removed, what sort of protection is being envisaged for the other Ministers? Of course, the Minister for Internal Security can protect himself very well. But other Ministers may not be in such a position. Also, what kind of security is given to Members who might be likely targets of attack? Nothing has been stated in this Bill. One Special Protection Group for Prime Minister and for his immediate family for which certain definition is given, which also, to my mind, is incomplete. The present Prime Minister does not have a living sister or brother. If another Prime Minister who has a sister or brother comes, he would be excluded from the definition of family as given in this Bill. This is highly objectionable that a statute of Parliament is being passed with just one person in mind. *(Interruptions)*

MR. DEPUTY SPEAKER : You please wind it up. I cannot allow you any more. Five minutes are allotted for your Party and you have already taken 15 minutes.

SHRI AMAL DATTA : Do not discriminate Sir. You have allowed other people to speak for so much time. *(Interruptions)*

MR. DEPUTY SPEAKER : Two hours are allotted for this Bill. Now you want more and more time. You should have raised it in the Business Advisory Committee's meeting.

SHRI AMAL DATTA : If you don't want me to speak, I will not speak. After three and a half years, this is what the Parliament has come to. All right.

MR. DEPUTY SPEAKER : I appreciate that you come here to speak. But you have to keep time factor also in mind.

SHRI BASUDEB ACHARIA : Why cannot you allow him to finish his speech? Let him speak for just five minutes.

MR. DEPUTY SPEAKER : No. He has been given sufficient time.

SHRI BASUDEB ACHARIA : Let him conclude his speech.

MR. DEPUTY SPEAKER : He has already concluded.

SHRI AMAL DATTA : I have not concluded. You have not allowed me to conclude.

MR. DEPUTY SPEAKER : I cannot allow. The Minister may reply.

SHRI S. JAIPAL REDDY : That shows the casual manner in which you are treating such an important Bill.

SHRI AMAL DATTA : I have come here as a representative of the people. I have not come here to be humiliated in this way.

SHRI ATAUR RAHMAN (Barpeta) : I do firmly support the purpose of this Bill, in principle. But there are many things as pointed out by various colleagues here—Members of Parliament—which would attract the attention of the framers of the Bill. I have had no opportunity to go through the rules and regulations. It is not possible. But I am sure those rules and regulations are already framed but not included in this Bill. So, it is not possible to comment in detail.

Terrorism is a hand maid of the politicians. It has been going on from the time of Abraham Lincoln, Kennedy, Sadat, Mrs. Indira Gandhi, Liaquat Ali Khan and latest being Mujibur Rahman.

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Olof Palme also.

SHRI ATAUR RAHMAN : Yes, Olof Palme.

But this terrorism will always be there. What a pity. It is on the rise. And why it is on the rise? It is for the politicians to decide and to see what are the causes which are contributing to this sort of terrorism all over the country.

The security of a Prime Minister of a

country like India cannot be taken lightly and cannot be made a party plank. I pity, Shri Rajiv Gandhi, who wears a very thorny crown. In this context, I would like to compare his days with the days of Jawaharlal Nehru and his daughter Mrs. Indira Gandhi. But Jawaharlal Nehru really enjoyed the confidence of the people. I had an occasion of being with him on duty and I can tell you how easy it was. I can recall the earthquake of 1950 in Jorhat. Jawaharlal Nehru and Mrs. Indira Gandhi came and sat with me in the same jeep and I was driving the jeep and it was possible to do that in those days. People were disciplined. He was liked by people. I have seen Jawaharlal Nehru riding on footboards and addressing the crowds. It was possible in those days. Why it has become so difficult now, that day in and day out the dreadful things are happening and we cannot do anything about them. The police will never be able to do unless the standard of politics improves. That is what is happening. The Prime Minister's security is closely tied down with the trend of politics. There are various facets—some are pleasant and some are unpleasant. He has to pull strings and he has to stand in between a person's ambition and his own survival. There are other very-very important questions which have come in the way of politics. One particular aspect is very-very dangerous and that is the politicians jockeying for Ministership. Politicians jockeying for Ministerships, not only here but also in the States, is causing all the worries to the Police and to the Government. It is very much a security risk. (Interruptions) One who has worked in the Police would know that this is indeed adding fuel to fire.

AN HON. MEMBER : It is not confined to one party. (Interruption)

SHRI ATAUR RAHMAN : I am told that in Karnataka, Chief Minister mingles with the people. Nothing happens to him. So, it is this bane of Westminster type of democracy which is going to finish us.

SHRI INDRAJIT GUPTA : I agree with you.

SHRI ATAUR RAHMAN : This was understood by some people who have migrated away from England and who have introduced a better type of administration—but many people will not like me to hear. It was the Presidential form of Government. (Interruptions)

PROF. MADHU DANDAVATE : In the Presidential form, will no Ministers be required ?

SHRI ATAUR RAHMAN , No; only Secretaries.

PROF. MADHU DANDAVATE : They have all the functions of the Ministers.

SHRI HAROOBHAI MEHTA : There also, Lincoln and Kennedy could be assassinated.

SHRI ATAUR RAHMAN : But it is a different matter. Politics there has not become so dirty. Politics here has become a dangerously explosive game. And 1988 is not 1958. If we can realize this particular fact, it would be better for the country as a whole.

We have got a Blue Book. It is revised every month or every quarter. This is not going to lead us anywhere. In spite of this Blue Book, Mrs. Gandhi was assassinated, and the present Government is afraid that the same might be repeated. That is why they are bringing in this particular Bill. But this duty was very efficiently carried out all these years without having a Special Protection Group Bill. But you want to have it have it by all means. If you think that your National Guards or your State Police are not good enough, certainly have it. I support it; but I feel that this Bill could have been brought in a different way, i.e. by way of modification, and amendments to the National Guards Act.

Going through the Bill, I find that these security guards would not have Police powers. They will not have Police powers for arrest and search. Clause 2 (h) does not make any mention about it. There may be occasions when the security guard in close proximity may have to search a person. That is why I thought that the

[Shri Ataur Rahman]

power of search and arrest should have been provided for, in Clause 2 (h) There you have said :

“all words and expressions used and not defined in this Act but defined in the Indian Penal Code ..”

The words ‘Criminal Procedure Code’ should have been added here. But they are not there.

Whatever may be the role of this Special Group, they cannot function without the cooperation of the people in the Police. That is there; that has to be there. Otherwise, it would be a disjointed plan of security for the Prime Minister.

14.00 hrs.

When National Security Guards come into existence, they should not be converted into errand boys as it happens in the case of most of the Ministers. They are asked to pick up and respond to telephones; they are asked to receive guests-visiting Ministers. That sort of duties should not be given to them.

We have a very unpalatable fact here in this City. Without any previous warning, suddenly, if one is going to the airport or to attend a function, the road is blocked in Delhi. This is causing anxiety and irritation among the people. If this is necessary, I think it can be done for five minutes as it was done in the past. Why to hold up the traffic for 15-20 minutes? When the police men on duty are unable to tackle the traffic, they call them names and hold out threats. That is not the way to handle the situation.

I am sure the Prime Minister can use a helicopter for a sort hops. Why use a road convoy for him when he can fly from the airport to a particular place as is done in other countries? That will relieve a lot of strain from the overworked police force. This can be done here easily when it is done elsewhere. The NSG should be having their own helicopters. I would strongly suggest that the Prime Minister in cities and big cities should helicopters instead of making the policemen stand for

hours and hours together without rhymes or reasons.

[*Translation*]

Something more was there. But you donot allow us to speak. What could be done ?

[*English*]

There was an instance when a security guard assaulted one of our MPs...

MR. DEPUTY SPEAKER : No, no, it was already raised here.

SHRI ATAUR RAHMAN: I would very strongly urge that compensatory allowance be given to the police men on security duty as they are all the time on tenter hooks. They are subjected to highly tense mental state. I should very strongly recommend a Special Compensatory Tension allowance for them be sanctioned and I hope the House will consider this suggestion. They have no social life. This is absolutely true. They do not know the faces of their children sometimes. They really do not know their own children. They have no time to take their children to the schools and even to hospitals.

Last of all, I would ask the Minister to let us know what is the present strength of this PG ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI JAGDISH TYLER) : I want to seek a clarification. You said something about the police men. What about their children ?

SHRI ATAUR RAHMAN : They are so busy that they are unable to look after their own children; they have no time to take their children to schools and even to hopitals; they have no time for their social life. (*Interruptions*)

PROF. SAIFUDDIN SOZ (Baramulla) : Sir, I am on a point of order.

MR. DEPUTY SPEAKER : What is the point of order ?

PROF. SAIFUDDIN SOZ : Let him finish his speech.

MR. DEPUTY SPEAKER : You can raise a point of order at any time. Do you want to raise it after he finished his speech? What is it? I cannot understand. What is your point of order?

PROF. SAIFUDDIN SOZ : You listen to me and then you can give your ruling.

My point of order is that last time when I wanted to speak on Punjab, you said that there was no time. Now, today you say that there is no time.

MR. DEPUTY SPEAKER : There is no time. What can I do?

PROF. SAIFUDDIN SOZ : I have to speak. The Business Advisory Committee had fixed two hours for this.

MR. DEPUTY SPEAKER: That is why I requested the hon. Members to restrict themselves. But nobody is listening. What am I to do? I have asked the hon. Members when they were speaking to restrict themselves, according to the time. Nobody is interested in listening. What can I do? That means some have to forego.

SHRI ATAUR RAHMAN : I want the hon. Minister to report to the House every time there is an increase in the SPG.

PROF. SAIFUDDIN SOZ : This is not fair.

MR. DEPUTY SPEAKER : I cannot allow, Sorry.

PROF. SAIFUDDIN SOZ : What is your ruling?

MR. DEPUTY SPEAKER : The House has to decide.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) : How long will you take?

PROF. SAIFUDDIN SOZ : Only three minutes.

SHRI P. CHIDAMBARAM : Let him

speak. Give him three minutes of my time. (Interruptions)

PROF. SAIFUDDIN SOZ (Baramulla) : Mr. Deputy Speaker, this is not a bill to oppose. There is no question of opposing the Bill. It is not the question of Mr. Rajiv Gandhi. It is the protection, proximity protection to the Prime Minister; and Prime Minister is not only a person, he is an institution. Therefore, whatever measures are required to be taken to provide proximity protection to the Prime Minister and his immediate family members, is due to him and this should be done.

There is another thing, basic difference between the protection of a common man and such a VVIP. We have witnessed a situation when Madam Indira Gandhi was assassinated. It creates a sickening situation for the country. The common man feels, that when the Prime Minister of the country is not safe, how will be the others, how will be the lowest of the low safe in this country? I think, Shri Indrajit Gupta has expressed his concern about certain things. I would request the hon. Minister to respond to that concern. I have nothing to add. But in one area I want Mr. Chidambaram's attention.

I will not go to the details. I have read this Bill. I am not here to give comments on even clause 15. But now I understand why a situation arises where we feel that some of these forces, some personnel of these forces do actually misbehave, not to speak of others, but with the Members of Parliament. I will give you one concrete example, because this Bill gives vast powers to them. You make them immune from anything. Clause 15 says, that no suit or other legal proceeding shall lie against the group, etc., etc.

But I will give you a concrete example. Last week I had to attend the meeting of the Consultative Committee of the Ministry of Personnel, Public Grievances. I came on a scooter but the road here was blocked. I had to get the Annex. So, I gave up the scooter and starting walking. I was not allowed to cross the road. (Interruptions)

SHRI INDRAJIT GUPTA (Basirhat) :
By whom?

PROF. SAIFUDDIN SOZ : By the members of this group (*Interruptions*)

SHRI INDRAJIT GUPTA : How do you know ?

PROF. SAIFUDDIN SOZ : I will tell you how I recognised them later.

Anyhow, I recognised them and I argued with them. I told them that I am going to the same meeting, which is to be presided over by the Prime Minister. I told them that I am a Member of the Consultative Committee. Anyhow, I reached the Annexe. There, they have created a drama. The gate through which I have to enter was closed. I told them, I am already late to the meeting. They told me to go through back gate. I said, I am a Member of Parliament and even they are not prepared to see my identify card. I told them, I am not only a Member of Parliament, but I am a Member of the same Committee, and I am much more concerned than you about the Prime Minister's security. At that time, the Prime Minister was already in the meeting. I insisted that I will not go through the back gate and I will enter only through this gate because I have been invited to this meeting. The most unfortunate thing was my argument with them. I never create any situation. I told them that we are all interested in the security of the Prime Minister, and then they opened. There was not a single person, who recognised me and in fact no Lok Sabha security man was there. Mr. Chidambaram knows that I was late by fifteen minutes to the meeting. When I reached Committee Room 'D', they started looking into the list. This is a basic question Mr. Chidambaram. Our Identify card has no value with the staff. Can a M.P. be the security risk for the Prime Minister? I am not worried about the Members of Parliament. Let there be a journalist. This group should understand that there are so many countries, where they carry identity cards. They can even frisk. I offer myself and said 'frisk me'. There is no danger. They will not frisk you. They will not see your identify card.

I will tell you one more thing. In our Parliament, from the gate towards the Parliament Street up the North Block, this entire area is unprotected, They do not

do this drama here. Vendors etc. enter through it. Anything can happen. All these areas are unprotected. I tell you I had walked once. I found no police and no arrangements. But there, they are telling us that they are doing their duty. So far as the Parliament is concerned, it is the Speaker's writ which should run at large. Lok Sabha men should be there in all the gates and they should tell, he is a Member of Parliament. Wherever we go, we show them the identity cards. At least the identity cards of MPs should have a meaning. They require a special training to be courteous atleast with the representatives of the people. Even they misbehaved with me near the Committee Room 'D'. If you are prepaped, I will locate that SP and then in your presence, I would tell him. I kept quiet at that time because my leader, the Prime Minister is the leader of all, was inside. Had I decided to join in the altercation, they would have openly said :

[*Translation*]

These M.P.s overawe us.

[*English*]

I assure you that they are doing this drama only to make us understand that they are very important.

When I see Clause 15, it gives a lot of powers to them. So, I am all for the Prime Minister's security and I support this Bill, but my only request is that the hon. Minister should go into the details of how this group is working. They require some training for behaving with the citizens of India.

MR. DEPUTY SPEAKER : Mr. Kalanidhi.

(*Interruptions*)

SHRI HAROOBHAI MEHTA (Ahmedabad) : All of us feel that these aspects should be taken care of by the Government. We hope and trust that they will do it.

DR. A. KALANIDHI (Madras Central): I thank you as well as the hon. Minister, Shri Chidambaram, for having permitted me to take part in the discussion on the Special Protection Group Bill. I endorse

the views expressed by Shri Indrajit Gupta and Shri Amal Datta seeking some clarifications from the hon Minister for bringing such a legislation in a hurried manner and why for three years you kept this Special Protection Group working either efficiently or partly efficiently or inefficiently without giving a legal status. Whatever it may be, whether it is late or not, as the saying goes, better late than never. On behalf of the DMK I welcome and support this Bill with a few suggestions.

What made the Minister to bring this Bill I do not know. Probably, they have realised the value and importance of the late Prime Minister Mrs. Indira Gandhi, after four years of her assassination or because of sudden spurt in violence and terrorism in the border areas or because of the supply of latest sophisticated weapons to the terrorists from neighbouring countries. Whatever it may be, one to appreciate has been brought that this Bill forward at least at this juncture though it is late.

While bringing such a Bill, please remember one thing. Do not take away the Prime Minister from the general public. Already there is a lot of gap existing between the Prime Minister and the general public. Now, by this type of Bill, do not keep him away from the general public. Even the Members of Parliament sometimes find it difficult to approach the Prime Minister to express their grievances. If that is the case, you very well appreciate the nature of hardship that is experienced by an ordinary citizen to express his grievance to the hon. Prime Minister of India. Mere giving a legal status alone is not going to give much protection to the Prime Minister. You should improve the efficiency of such a Special Protection Group. The latest equipment and latest techniques should be adopted. Whatever methods, knowhow and techniques are available in foreign countries, that should be imported to this country. Proper protection should be given to the Prime Minister so that another catastrophe should not happen as happened to our late Prime Minister, Shrimati Indira Gandhi.

In paragraph 2 of the Bill, the words 'proximate security' have been mentioned.

That means protection. We very badly experienced in Madras, Chengalpat District and Anna District that in the name of proximate security, even the people who paid municipal taxes, their shops were removed and people were harassed. So also for the visit which the Prime Minister is going to make to Ooty, shops have totally been removed even though they paid municipal taxes and lot of harassment is caused to the general public. I only request the Minister of Public Grievances to look into this matter. When he gives proper security to the Prime Minister, please see that public should not be put to undue hardship. Awareness should be created in the minds of the people about the importance of the Prime Minister and the President of the country. At the same time, the Prime Minister should also realise that he should mingle with the general public. He should win over the hearts of the general public so that there may not be any necessity in future of bringing such a Bill.

Before I conclude, I only suggest that the scope of this Bill should not only be confined to the Prime Minister of India, but it should be extended to the present President and his immediate family members and also the past President and his family members.

With suggestions, I welcome and support this Bill on behalf of my party DMK.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) : I am grateful to the hon. Members for broadly extending support to the Bill and also for the views and comments expressed by them on matters relating to the Prime Minister's security. Let me make one thing clear at the outset. This Bill is intended to protect the person who holds the Office of the Prime Minister. The Office of the Prime Minister is a pivot around which the polity of this country revolves. We all know that attempts at destabilisation of the political structure of developing countries do not

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stop short of even assassinating the chief executive of the country.

We lost Mrs. Indira Gandhi very tragic circumstances. During that time, we had assigned the duty of protecting the Prime Minister to the regular police. In the Union Territory of Delhi, the responsibility was with the Delhi Police. But we found that that system could not provide protection to the person who was holding the office of the Prime Minister. A Committee was appointed to go into the matter and on the basis of the Committee's Report, the Special Protection Group was constituted on the 1st of April, 1985. . . . (*Interruptions*).

SHRI AMAL DATTA : Did you inform the Parliament at that time ?

SHRI P. CHIDAMBARAM : I was not here, I cannot say.

SHRI AMAL DATTA : Why not say no ?

SHRI P. CHIDAMBARAM : You wait until I answer. Sir, I do not have to answer every question which is put in the form of an interruption and a derisive interruption as that. It is an interruption, it is a derisive interruption, it makes mockery of Parliamentary procedure (*Interruptions*).

SHRI AMAL DATTA : We have got the right to get the information. . . . (*Interruptions*).

SHRI P. CHIDAMBARAM : Sir, he has asked questions and I am answering. How can I answer when he is not allowing me to speak ? . . . (*Interruptions*).

He usurps to himself a right which no other Member of Parliament has got. He has asked so many questions and I have noted down. He has asked another question and I will answer it.

SHRI AMAL DATTA : You are talking as a Minister.

SHRI P. CHIDAMBARAM : Yes. And you are asking questions as an hon. Member.

SHRI AMAL DATTA : I am only asking the questions from the Government and you happen to be in the Government.

SHRI P. CHIDAMBARAM : I will answer. You must allow me to answer, not give a command performance here (*Interruptions*).

MR. DEPUTY SPEAKER : Don't make any interruption in between. If there is any doubt, that can be got clarified at the end of his reply.

SHRI P. CHIDAMBARAM : I am not answering a command performance here, I am answering a debate. You have raised a question and I know how to answer. If at the end of my answer, I do not answer your question, you can ask me the question again. . . . (*Interruptions*). You have to wait until I complete my next sentences. Sir, the Members are entitled to raise questions and I have no objection. But the Members were not present when I made my introductory speech. Members do not refer to the Statement of Objects and Reasons and then they do not allow us to stand up and give our answer at the end of the debate. He is raising questions to which there are answers already in both the S. O. R. as well as in my introductory speech. Mr. Amal Datta was not here when, I believe, the introductory speech was made. So, obviously he will not know what I said. He will not read the proceedings of the House either. So, he has to be a little more patient. I was patient when he was speaking. This is unfair.

PROF. MADHU DANDAVATE : Objection sustained.

SHRI P. CHIDAMBARAM : Thank you.

Sir, on the first of April, 1985, by an executive order, the Group was constituted. We are advised that it is possible to constitute a Group or any organisation by an executive order because executive power extends to the legislative power of Parliament. This Group was constituted under the Cabinet Secretariat and if hon. Members, who raised the question, had cared to look into the Statement of Objects and Reasons, it is disclosed that the Group was set up under the Cabinet

Secretariat. When the Grants are voted for the various Ministries and Departments, Grants are voted for, the Cabinet Secretariat also, I believe and these matters are reflected in the Budget which is presented to the House and the Appropriation Bill is passed ... (*Interruptions*). Sir, today we are advised that it would be much better, taking in to account the peculiar functions of this Group, that it should be constituted as an Armed Force of the Union. If hon. Members will kindly look at article 33 of the Constitution, it enables Parliament to constitute Armed Forces of the Union. We are now constituting the Special protection Group as an Armed Force of the Union within the meaning of article 33 of the Constitution. That is why this Bill is being brought so that the SPG will become an Armed Force of the Union, just as the CRPF, just like the BSF, and just like some other forces are.

Cabinet Secretariat is under the Prime Minister. All Ministries and Departments of Government, which are not allocated to any Minister, are, under the Allocation of Business Rules, under the Prime Minister. The Cabinet Secretariat is headed by the Cabinet Secretary and the Minister in charge is the Prime Minister. (*Interruptions*).

SHRI S. JAIPAL REDDY : Why can't it be a part of the Home Ministry ?

SHRI P. CHIDAMBARAM : I am answering it. It is under the Prime Minister. The Prime Minister by virtue of powers given to him under the Allocation of Business Rules is entitled to make an Order of Delegation, delegating his supervisory powers to any Minister. What has happened in this case is, after careful consideration we have decided that this Group should continue to be under the Cabinet Secretariat, the Secretary of the Cabinet should be the Secretary responsible for this Group while the Prime Minister is the Minister responsible for the Group, he can by an Order of Delegation give the day-to-day supervision of this Group to any Minister, and in fact the Prime Minister has done so, by an Order of Delegation he has assigned this to a Minister of the Government of India.

Sir, questions were raised about expenditure.

SHRI S. JAIPAL REDDY : Who is the Minister ?

SHRI P. CHIDAMBARAM : The Minister is 'Yours faithfully' now'.

SHRI S. JAIPAL REDDY : I agree, but you are under the Prime Minister directly. That is the point.

SHRI P. CHIDAMBARAM : He can assign it to any Minister.

SHRI S. JAIPAL REDDY : The Cabinet Minister dealing with this is in the Cabinet of the Prime Minister. (*Interruptions*).

SHRI P. CHIDAMBARAM : He can assign it to any Minister, he has assigned it to me for the time being. He can assign it to any Minister.

As regards the expenditure. . . .

SHRI H.A. DORA : It is classified information, Sir.

SHRI P. CHIDAMBARAM : It is not I will answer it. What is classified about it ?

Sir, questions were raised about expenditure. What we have stated in the Financial Memorandum is correct. There has been on other kind of expenditure except revenue expenditure. Whatever equipment is purchased for the Special Protection Group is shown as revenue expenditure. In 1985-86 we spent Rs. 3,85,32,000, in 1986-87 we spent Rs. 3,70,82,000 in 1987-88 up to March 1988, the expenditure is estimated at Rs. 4,68,21,000, which is the figure reflected in the Financial Memorandum. (*Interruptions*). That is what I am saying. Every equipment purchased for this Group is not of a nature which will have a very long life and therefore, it is shown as revenue expenditure. I can give you break-up of expenditure for equipment also, there is no difficulty. About equipment, Sir, in the first year we did purchase considerable equipment, in the second and third year the expenditure is tapering off, equipment is also shown as revenue expenditure, there is

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no other kind of expenditure incurred for this Group.

Sir, some doubts were raised about certain provisions of the Act. But before that, let me clarify one thing. All that goes in the name of security arrangements is not part of the Special Protection Group. The SPG is a very special organisation intended only for proximate security. For example, the police officer who reportedly stopped Mr. Soz at the gate is not part of the SPG, he is part of the Delhi Police. If the Prime Minister was visiting, say, Madras or Bombay, and there was a function in a particular place and he had been stopped at the gate, in all probability that officer would be an officer appointed by the Tamil Nadu Police or the Maharashtra Police. As I said so very clearly, the duty of the SPG is to provide proximate security to the person of the Prime Minister and the members of his immediate family, and proximate security has been defined as 'protection provided from close quarters, during journey by road, rail, aircraft, watercraft or on foot or any other means of transport and shall include the places of functions, engagements, residence or halt and shall comprise ring round teams, isolation cordons the sterile zone around, and the rostrum and access control to, . . . The Group which we are talking about is a group which provides ring round protection and the protection in the sterile zone. If a meeting is taking place in Committee Room 'D', the SPG would have responsibility to Committee Room 'D' and perhaps the corridor leading to Committee Room 'D'. There are other agencies which carry out security duties, particularly the State police. Sir, I do not want to debate about Mr. Soz as to what happened on that. He was with me for an hour and a half thereafter, and I am sorry he did not bring it to my notice then, in fact he has not brought it to my notice so far, I have on my own learnt about the incident and I have tried to gather information about the incident, but this is not the place where we should say that this is what has happened, that is what happened. I am willing to sit with Mr. Soz and explain to him if there is any . . .

PROF. SAIFUDDIN SOZ : I never wanted to create any fuss.

SHRI P. CHIDAMBARAM : If there has been any mishap on the part of Delhi Police, equally I am responsible for that also and I will certainly. . . . (*Interruptions*). You are not listening to me, Narayan Dada. I said, if there is any lapse on the part of any one in Delhi Police, I am equally responsible for that and I am willing to apologise to Mr. Soz for the inconvenience caused to him.

PROF. SAIFUDDIN SOZ : Thank you very much. (*Interruptions*)

SHRI P. CHIDAMBARAM : Sinister meaning should not be read into fairly simple clauses. What has happened here is that there is a Special Protection Group in for and when an Act, is made today, we do not constitute the Group all over again. We deem the existing Special Protection Group as a Group in this Act and all persons already appointed to the Special Protection Group are deemed to have been appointed under this Act. More than that there is no reason to read anything in clause 18.

The immunity or indemnity clause in clause 15 is identically worded to immunity or indemnity clause in many other Acts. The immediate example which comes to my mind is the Terrorists and Disruptive Activities Act where police have been given certain powers and clause 15 here is identical to the particular clause in TADA. These clauses are very well-known indemnity and immunity clauses. I do not think they should be read in a manner in which they should not be read. This applies only when an act is done in pursuance of this Act, That is a limitation. "In good faith" is another limitation. You cannot do any act and claim immunity. These are very well-known to our courts of law and I am sure, courts of law will not give such sinister interpretation to this Act, as some people would like to give. This is a very simple clause, simply copied from the past Act and past pieces of legislation.

Again a question was asked about clause 4, sub-clause 3. Again you do not read the sinister meaning of the word "person". There could be an officer of the Government of a State, or the Government of India, or an officer of a local authority who may, in an emergency, be required to

perform certain duties. He may be called upon to perform certain duties. I can readily recall from history, an example when President Kennedy was assassinated and Vice-President Mr. Lndon Johnson had to be sworn in as President at Dallas airport. I am sure, they did command the services or requisition the services of a large number of authorities in Dallas. in the State of Texas. In an emergency which could happen, the Director or any other officer of the Group should have the power to command or requisition the services of anyone. It may become necessary for a temporary period of time to appoint an officer of a State Government or requisition services of an officer of a local authority to perform certain duties. These are matters in which we have to take a pragmatic view and we cannot read in the manner in which Mr. Jaipal Reddy reads. The most charitable description of that is to say, frivolous in reading in that way, by saying "person" will mean a member of the Youth Congress. This kind of flight of fancy will take you nowhere, will not even take you back to your constituency. I think, he should read it and do it. . .

SHRI S. JAIPAL REDDY : It may not take me back to the constituency but bring me back to Lok Sabha.

SHRI P. CHIDAMBARAM : First you have to go there and then come back here. If you do not go there, you will never come back here.

Then, objection was taken to the word "religious" in clause 10(1) (b). This is nothing but copy of the rules which are already in the Central Government Service rules under the C.C.S. (Conduct) Rules. We have done nothing which is different from the Conduct rules.

Then, Mr. Shantaram Naik, I believe, raised the question of "discharged *simpli-citer*" We have deliberately put it there. By virtue of article 33, we are entitled to restrict the fundamental rights of Armed Forces of the Union. Members of the Armed Forces of the Union do not enjoy all the fundamental rights which an ordinary citizen enjoys, they cannot, because of the nature of their duties. What we are trying to say

is, if we find that a member of the SPG is unsuitable, I do not want to go through the painful process of disciplinary proceedings against him and dismissing and removing him. I simply want to discharge him. But to provide against any arbitrary action, we have provided the constitution of appellate court. The appellate court will consist of very high officers and they will look into the matter.

SHRI ATAUR RAHMAN : In that case, article 311 will not be applicable to them.

SHRI P CHIDAMBARAM : I am coming to that.

No member of the SPG is being appointed directly to the SPG. Rules have been framed to provide for deputation from various posts. What we are trying to do is, he has no right to any post in SPG. If I have the vaguest suspicion that he is unsuitable for SPG, I do not want to punish him. I will simply revert him back to his parent organisation and whatever action that can be taken by the parent organisation is a different matter. We do not want him to claim a right to any post in SPG, nor do we want him to claim a right under article 311, in respect of a post in SPG. So far as SPG is concerned, it will discharge its services. If he has a right to a post in his parent organisation, those rights can be worked out. We cannot convert the appointment and the personnel management of the SPG into one of those highly legalistic, elaborate procedures because that will go against the very structure under which the SPGs are tried to be raised. We want to make it a deputationist post and the SPG will certainly go back. That is why, Section 11 has been deliberately put there and I am sure the courts will interpret it correctly. If there is any lacuna pointed out later, we can amend it.

SHRI S. JAIPAL REDDY : What is the point in having 311 at all ?

SHRI P. CHIDAMBARAM : 311 is not a fundamental right. 311 is a Constitutional right created by an article of the Constitution. 311 applies to persons holding civil posts. Article 33 enables Parli-

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ment to restrict fundamental rights. First of all, 311 is not a fundamental right but Articles 14 and 16 are fundamental rights. We do not give the same fundamental rights as any other citizen to the armed forces of the Union. We can restrict it. This is an armed force of the Union. That is why, we do not want to give them the full plenitude of the fundamental rights. But I am not going into all that.

All I am saying is if a person appointed as SPG is unsuitable, I will discharge him. To guard against a rare case where there may be a suspicion of arbitrariness, I am providing an appellate court which will obviously consist of very high officers who will go into the matter and decide whether there has been any element of arbitrariness.

SHRI AMAL DATTA : Arbitrariness is only in transferring him back to his parent post.

SHRI P. CHIDAMBARAM : It is only that. 12 is only against 11. Kindly see Sections 11 and 12.

SHRI AMAL DATTA : What you are saying is redundant.

SHRI P. CHIDAMBARAM : Well. If it is redundant, let it be there. I think it is necessary. There is no harm if it is redundant.

I will explain the circumstances in which it might be necessary to call upon any officer or any authority to render assistance in an emergency and the officer of the SPG in charge of that particular station or function must have the authority to call upon any authority to render aid in furtherance of the objects of the Act, in furtherance of the duties cast upon them and not for any other purpose. I think the Sections must be read in the light of the Objects and Purposes of the Act. I think it is a very simple and non-controversial Act.

SHRI INDRAJIT GUPTA : Can a foreigner be a member of this Group ?

SHRI P. CHIDAMBARAM : It is a hypothetical question. Let me answer it in a

hypothetical manner. It is a hypothetical question which may not arise. Under Clause 14 we have said :

“Every Indian Mission, every local or other authority, every civil or military authority, to go in aid of the Director of the Group.”

I think that is pretty clear and it embraces only Ministry/Department of Central Government, the State Government, Union Territory, every Indian Mission, every local or other authority. If an Indian Mission has a foreign national employed there and the foreign national is asked to do something, basically the foreign national has to do it. These are hypothetical questions which really do not go to show concern for the security of the Prime Minister. But I believe these are being raised to score points. If a foreign national is engaged in an Indian Mission, certainly he will be asked to do it.

Some questions are being raised why this is not extended.

SHRI INDRAJIT GUPTA : You might think of employing somebody as a consultant on security matters. He may be in the security group. Way he hypothetical about it ?

SHRI P. CHIDAMBARAM : He might be appointed direct.

SHRI INDRAJIT GUPTA : You are bringing foreigners in training security men.

SHRI P. CHIDAMBARAM : We might employ a person as a consultant in which event he will be clearly governed by Section 4 of the Act. He will be appointed to the Group.

SHRI INDRAJIT GUPTA : What is hypothetical about it ?

SHRI P. CHIDAMBARAM : Hypothetical question is : will it apply to non resident Indian ? Those words are intended to score points. They do not show concern for the Prime Minister. After all, we know the intonation and inflexion behind these phrases. Records will not show it but those who share it will know about what is being implied.

PROF. MADHU DANDAVATE : He means non-Indian resident.

SHRI P. CHIDAMBARAM : He means non-Indian resident. He means non-Indian.

A question was raised about the President of India. Government is fully aware of the need to protect the persons who hold the Office of President and the Office of Vice-President of India. In fact, in the case of the President of India, there is a separate establishment which is a part of the Estate and President's establishment. The expenditure of that establishment is charged on the Consolidated Fund of India.

SHRI S. JAIPAL REDDY : There is no law.

SHRI P. CHIDAMBARAM : There is no need for any law. There is no need for any law because it is a well-established system under which it is being there for several years. No difficulties have been found in the working of that system. If there are difficulties experienced in the working of that system, certainly we can think of a law. But, at the moment, the Government is not advised on the need for any law.

SHRI INDRAJIT GUPTA (Basirhat) : Because, no attempt has been made on any President's life here. (*Interruptions*)

SHRI P. CHIDAMBARAM : Now you are suggesting that. As regards the inconvenience experienced by certain Members of Parliament and others, let me say that I do not, for a moment, defend any conduct of any person which causes inconvenience to any hon. Member. Please do not put all the blame on SPG. Most of the incidents, in fact, all the incidents that have been reported so far do not involve SPG. They involve State Police; they involve the Union Territories' Police. As I tried to explain in other forums, within the precincts of Parliament and Parliament House Annexe, the Police are only assisting the Parliamentary security staff. We have made it repeatedly clear. We have submitted it to the hon. Speaker and the hon. Speaker issued a direction that it is the Parliamentary Security Staff whose orders

will prevail. The hon. Speaker has directed the Parliamentary Security Staff to be present at every gate and every function. If there are any shortcomings in that system, certainly I am sure this can be brought to the notice of the hon. Speaker. I am sure, the hon. Speaker will take corrective action.

SHRI AMAL DATTA : I was going to the Parliament Annexe. I was stopped from entering the Annexe building. I was going to hold the PAC meeting there. I was asked to show my pass. I did not have my pass. The Parliamentary Security Staff was not there.

SHRI P. CHIDAMBARAM : That is a point, Mr. Amal Datta, which must be addressed to the hon. Speaker because the Parliamentary Security Staff function under the control of the hon. Speaker.

SHRI AMAL DATTA : Even when the Parliamentary Security Staff came, the Delhi Police objected. I started shouting and that worked. (*Interruptions*)

SHRI P. CHIDAMBARAM : Sir, written instructions have been issued by the hon. Speaker that the security force provided by the Delhi Police will work under the control of the Parliamentary Security Staff. This was discussed in a meeting of the Opposition Leaders. I do not know whether Mr. Amal Datta was present there. If there has been any lapse, certainly it should have been brought to the notice of the hon. Speaker. I have no doubt in my mind that the hon. Speaker will take corrective steps.

As far as Delhi Police is concerned, I realise that there have been shortcomings. There have been cases where they have shown excess zeal. We are trying to correct as much as possible. But it is not possible to bring about a cultural change or total behavioural change over-night...(*Interruptions*) We are trying our very best. We are doing our best. Hon. Members have to realise our difficulties. Despite all our efforts, if there are one or two lapses, I am sincerely sorry. We are trying to take corrective action.

Sir, I don't believe there is anything

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else which I have to answer in respect of the points raised by hon. Members. I would still . . .

SHRI S. JAIPAL REDDY : I have two questions, if you have patience.

SHRI P. CHIDAMBARAM : I have it in great quantities.

SHRI S. JAIPAL REDDY : I just wanted the hon. Minister to point out if there is any parallel legislation of this kind in any part of the world where there is any force raised under a statute to protect one person. It is not so in America; it is not so in Britain; it is not there in (Interruptions)

PROF. MADHU DANDAVATE (Rajapur) : Let him reply. You have yet to become Minister. (Interruptions)

SHRI S. JAIPAL REDDY : I raised one question in regard to the need to fix a ceiling on the strength of the Group. He has not referred to that.

SHRI ATAUR RAHMAN (Barpeta) : I have also raised that question.

SHRI P. CHIDAMBARAM : As regards the first question, the U.S. Secret Service is governed by a statute. But the responsibility of the U.S. Secret Service extends beyond the protection of the President of the U. S. It extends to certain other officials in the U.S. . . . (Interruptions) It extends to certain other persons also. So far as my information goes, in the Soviet Union, there is a specialised organisation which protects, I believe, the General Secretary of the Soviet Union as well as the Members of the Politburo. I do not know whether they have any law comparable to our law. I have no way of knowing. But regardless of that, I do not see any reason why we should copy a system which is elsewhere or not to copy a system . . . (Interruptions)

SHRI S. JAIPAL REDDY : I compliment the hon. Minister on this unique piece of innovative legislation.

SHRI P. CHIDAMBARAM : We have

to take note of the situation in our country. We have to provide for the threat perception in our country. We have to make a law under our Constitution; we have to take note of the imperatives of our Constitution, particularly articles 14, 16, 33 and 311, we have to take note of the fact that our Constitution provides for Civil Services, Armed Forces, rights and duties. We have to make a law. There is no other comparable Constitution in the world which has these kinds of protection. (Interruptions) You have raised your question. Now let me answer . . .

SHRI S. JAIPAL REDDY : The Minister cannot be allowed to get away with sweeping Constitutional formulations.

SHRI P. CHIDAMBARAM : I cannot help it if the hon. Member disregards the Constitution of India. All I can tell him is that I am bound by our Constitution . . .

SHRI S. JAIPAL REDDY : You are trying to say that the system in India is weak. We have copied it from the British.

SHRI P. CHIDAMBARAM : I hold no apology at all. The Government is entitled to bring a law before this Parliament, a law which fits in with the requirements of this country. There are imperatives in our Constitution, there are rights and duties imposed by our Constitution, and we have to make a law having regard to that. My hon. friend may have a disdain for the Indian Constitution, but

SHRI S. JAIPAL REDDY : No.

SHRI P. CHIDAMBARAM : But I cannot share that view.

As regards the strength of the force, in my introductory speech I have said that the strength of the force today is 1400. There are strict procedures for sanctioning posts. The matter will go before the Ministry, before the Cabinet. It has to come up with an appropriation Bill Parliament has got budgetary control over expenditure of every Ministry/Department. I see no reason why we should provide for any unusual features here which are not provided for in other forces like CRPF or BSF. Parliament's budgetary control is paramount and supreme.

MR. DEPUTY SPEAKER : The question is :

"That the Bill to provide for the constitution and regulation of an armed force of the Union for providing proximate security to the Prime Minister of India and the members of his immediate family and for matters connected therewith, be taken into consideration."

The motion was adopted

MR. DEPUTY SPEAKER : The House will now take up clause-by-clause consideration of the Bill.

Clause 2 (Definitions)

SHRI K. RAMACHANDRA REDDY (Hindupur) : Sir, I beg to move :

Page 1, lines 18 and 19,—

for "husband, children and parents"
substitute "husband and children"
(2)

Sir, under Clause 2, proximate security is sought to be provided to the parents of the Prime Minister also. One can understand the Prime Minister and his wife and children being provided security. As far as his parents are concerned, can proximate security be provided to them also? Does it not offend article 14 of the Constitution which says that everybody is equal before law? Simply because one happens to be the father or mother of the Prime Minister, can they get the security? Can there be such a discrimination like this and that too when such a protection is not available even for the President or the Vice President? So, in the definition of "members of immediate family" of the Prime Minister, the word 'parents' may be deleted.

SHRI E. AYYAPU REDDY (Kurnool) : Sir, I want to seek one clarification. Here "members of immediate family" means. . .

MR. DEPUTY SPEAKER : I am now allowing. Mr. Minister, are you accepting his amendment? Have you anything to say?

SHRI P. CHIDAMBARAM : I am not accepting his amendment.

MR. DEPUTY SPEAKER : I shall now put the Amendment moved by Shri Ramachandra Reddy to the vote of the House.

Amendment No. 2 was put and negatived

SHRI E. AYYAPU REDDY : Sir, I just wanted clarification on the wording. Kindly read that before you pass it. There should be some sense. . .

MR. DEPUTY SPEAKER : You should have given notice of an amendment for that.

SHRI E. AYYAPU REDDY : That is why I am seeking clarification. Here it is stated that "members of immediate family" means wife, husband, children and parents. The Prime Minister's family can have a spouse, children and parents, but it cannot include at the same time wife, husband, children and parents. The wordings 'wife, husband' must be substituted by the word 'spouse'. It is meaningless to say, "members of immediate family" means wife, husband, children and parents".

MR. DEPUTY SPEAKER: The question is :

"That Clause 2 do stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill

MR. DEPUTY SPEAKER: The question is :

"That Clause 3 stand part of the Bill".

The motion was adopted

Clause 3 was added to the Bill

Clause 4 (Constitution of the Group)

MR. DEPUTY SPEAKER : Now Clause 4.

SHRI K. RAMACHANDRA REDDY :
I beg to move :

Page 2, line 16,—

add at the end—

“and such force shall not consist of more than five hundred persons” (3)

The Special Protection Force has been constituted three years back. The Government knows what will be the strength of the protection force. But they do not bring any number. They leave it to the delegated legislation or the rules to be framed later. The Minister has said that 1400 persons are there. Even if we take that for granted, in future, some more persons may be required. So, you make it that it should not be more than 2000. Why do you leave it so vague? In future, the Prime Minister may come and say: “I want to have a protection force of one lakh persons or two lakh persons.” If such is the case, why don't you have a ceiling? I have put it as 500. If it is too little, you make it 2000. Why don't you come forward with this definite number and why do you leave it to the rules to be framed in future?

SHRI P. CHIDAMBARAM : I have already explained that the Parliament's budgetary control is there. That is sufficient.

MR. DEPUTY SPEAKER : Now I put amendment number 3 to Clause 4 to vote.

Amendment No. 3 was put and negatived

MR. DEPUTY SPEAKER : The question is :

“That Clause 4 stand part of the Bill.”

The motion was adopted

Clause 4 was added to the Bill

Clause 5 (Control, direction etc.)

MR. DEPUTY SPEAKER : Now Clause 5.

SHRI K. RAMACHANDRA REDDY :
I beg to move :

Page 2,—

for lines 34 and 35, substitute—

“be assisted by not more than three Deputy Directors, five Assistant Directors, five Joint Assistant Directors and other officers as may be appointed by the” (4)

It deals with Assistant Directors, Deputy Directors and Joint Assistant Directors. Why don't you give the number of Deputy Directors, Assistant Directors, Joint-Assistant Directors needed? The SPG is in existence for the last three years. Why do you leave it to the rules? Why don't you come forward with the number of persons you want in future. The Prime Minister may say that he wants 100 Assistant Directors or so. Why don't you make it more clear and definite?

SHRI P. CHIDAMBARAM : The same answer which I have given to the previous amendment.

MR. DEPUTY SPEAKER : Now I put amendment number 4 to Clause 5 to vote.

Amendment No. 4 was put and negatived

MR. DEPUTY SPEAKER : The question is :

“That Clause 5 stand part of the Bill.”

The motion was adopted

Clause 5 was added to the Bill

Clause 6 (Liability for Service in and outside India)

MR. DEPUTY SPEAKER : Now Clause 6.

SHRI K. RAMACHANDRA REDDY :
I beg to move :

Page 2, line 38,—

for line 38 substitute—

“India and the group shall be liable to serve outside India only when Prime Minister or his family goes abroad.” (5)

Clause 6 is very loosely worded. Clause 6 says members of the Special Protection Group are required to work outside India also. Are they required to work outside in the event of the Prime Minister going abroad or also when Prime Minister does not go? In order to make the statute more definite, I say, there must be prepared to work outside India when Prime Minister and his family goes abroad and not otherwise.

SHRI P. CHIDAMBARAM : I cannot understand his objection. He has to serve anywhere in India or abroad in connection with the duties of protecting the Prime Minister.

MR. DEPUTY SPEAKER : Now I put amendment number 5 to Clause 6 to vote.

Amendment No. 5 was put and negatived

MR. DEPUTY SPEAKER : Since there are no amendments to Clauses 7 to 18, I will put together Clauses 6 to 18 to the vote of the House. The question is :

“That Clauses 6 to 18 stand part of the Bill.”

The motion was adopted

Clauses 6 to 18 were added to the Bill

MR. DEPUTY SPEAKER : The question is :

“That Clause 1, the Enacting Formula and the Long Title stand part of the Bill.”

The motion was adopted

Clause 1, the Enacting Formula and the

Long Title were added to the Bill

SHRI P. CHIDAMBARAM : I beg to move :

“That the Bill be passed.”

MR. DEPUTY SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted

14.55 hrs.

RAJGHAT SAMADHI (AMENDMENT) BILL

As passed by Rajya Sabha

[English]

THE MINISTER OF STATE IN THE
MINISTRY OF URBAN DEVELOPMENT
(SHRI DALBIR SINGH) : Sir, on behalf of
Smt. Mohsina Kidwai I beg to move :

“That the Bill further to amend
the Rajghat Samadhi Act, 1951, as
passed by Rajya Sabha, be taken into
consideration.”

The Rajghat Samadhi Act, 1951, as amended by the Rajghat Samadhi (Amendment) Act, 1959, provides for the constitution of Rajghat Samadhi Committee to administer and maintain the Samadhi of Mahatma Gandhi at Rajghat. This Committee consists of, among others, three Members of Parliament, two from the Lok Sabha and one from the Rajya Sabha to be elected by each Houses from amongst its Members. The Parliamentary Joint Committee on Offices of Profit had observed that since Rajghat Samadhi Committee administers and controls the affairs of the Samadhi and ‘samadhi fund’, the Members of Parliament of that Committee were liable to be disqualified under Article 102 (1) (a) of the Constitution. In order to obviate such a situation and to give protection to the Members of Parliament of the Rajghat Samadhi Committee from disqualification, I have brought forth this Amendment Bill for making a suitable provision in the Rajghat Samadhi Act for the purpose.

Opportunity has also been taken to provide that the rules and bye-laws framed under the Rajghat Samadhi Act shall be published in the official gazette and laid before the Houses of Parliament, in terms of the recommendations of the Committees on Subordinate Legislation for both the Houses of Parliament.

I now move that the Rajghat Samadhi (Amendment) Bill, 1988 as passed by the Rajya Sabha on the 27th April, 1988 be taken into consideration.