

States of Meghalaya, and Nagaland for the Scheduled Tribes in pursuance of the amendments made in articles 330 and 332 of the Constitution by the Constitution (Fifty-first Amendment) Act, 1984 and for matters connected thereto."

The motion was adopted.

SHRI H. R. BHARDWAJ : I introduce the Bill.

—
12.54 hrs.

**NATIONAL SECURITY GUARD
BILL, 1986**

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF STATES (SHRI GULAM NABI AZAD) : On behalf of Shri Buta Singh, I beg to move :

"That the Bill to provide for the constitution and regulation of an armed force of the Union for combatting terrorist activities with a view to protecting States against internal disturbances and for matters connected therewith be taken into consideration."

SHRI D. B. PATIL (Kolaba) : I am on a point of order.

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

SHRI D. B. PATIL : Rule 69(1) of the Rules of Procedure says :

"A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law "

So far as the first part is concerned, i.e. about attention being drawn to clauses, it has been fulfilled. But about the second part,

the estimated expenditure about recurring and non-recurring expenditure involved if the Bill is passed into law, that information is not given.

Let us come to the Financial Memorandum. In the Financial Memorandum it has been stated that there is no likelihood of non-recurring expenditure being involved during next year. But about recurring expenditure it has been stated --

"The recurring expenditure on the administration of the Security Guard during 1985-86 was of the order of Rs. 3,86,08,972.00."

Nothing is said about the recurring expenditure in 1986-87. What has been said in the rule is that...

MR. DEPUTY SPEAKER : You can say these things when you speak.

SHRI D. B. PATIL : Let me complete.

SHRI INDRAJIT GUPTA : If the Financial Memorandum does not comply with the requirements...

SHRI MOOL CHAND DAGA (Pali) : It is already there in the Financial Memorandum...

SHRI INDRAJIT GUPTA : The current financial year is 1986-87. He says that the estimated expenditure for the current year is not given. Only the expenditure of the past year is given. What is likely to be the estimated expenditure during the current year ?

SHRI D. B. PATIL : I have got a precedent, and there are rulings by the Chair. I am now quoting from Shakdher's book on procedure—Third Revised Edition of 1979. At page 452 it says :

"During discussion on the motion for reference of the Essential Commodities (Second Amendment) Bill to a Select Committee, a point of order was raised that the Financial Memorandum appended to the Bill was incomplete, as it did not give an

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estimate of the recurring and non-recurring expenditure involved. The point of order was upheld by the Chair, and further consideration of the Bill was postponed with a view to enabling Government to furnish a revised financial memorandum giving particulars of recurring and non-recurring expenditure involved. The revised memorandum furnished by the Government was circulated to members separately. A letter conveying fresh recommendation of the President for consideration of the Bill received from the Minister was also published in the Bulletin."

SHRI INDRAJIT GUPTA : It is a clear ruling.

SHRI D. B. PATIL : The ruling of the Chair is that if the financial memorandum is not complete, the discussion has to be postponed. I request that since the Motion for the consideration of the Bill is not in order, it should be held as out of order.

SHRI G. M. BANATWALLA : Send the Minister back.

SHRI GHULAM NABI AZAD : We have already mentioned things regarding recurring expenditure for 1985-86, and for 1986-87 it will be the same. It is almost the same..

MR. DEPUTY SPEAKER : The Minister indicates that this is the trend.

SHRI MOOL CHAND DAGA : There is no additional expenditure.

SHRI G. M. BANATWALLA : Think coolly about it. We may move on to the next item for the time being.

MR. DEPUTY SPEAKER : No.

SHRI D. B. PATIL : We have the precedent. It was postponed...

SHRI INDRAJIT GUPTA : This National Security Guard was set up in 1984. In the Financial Memorandum, he

says that during the last financial year, viz. year ending 31st March 1986. The recurring

13.00 hrs.

expenditure on the administration of the Security Guards was so much. It is quite a big amount also—Rs. 2.86 crores. But nowhere does he say what is going to be the estimate of the recurring expenditure in the current year obviously when they are expanding the force.

SHRI GHULAM NABI AZAD : Since it has already been constituted, it will be the same.

SHRI INDRAJIT GUPTA : How can it be the same because the Bill provides for expenditure for force, expansion and giving further training.

SHRI GHULAM NABI AZAD : Since it has already been constituted, most of the things about which we are talking are training and other things. As for the number, that is not going to be increased.

SHRI INDRAJIT GUPTA : The estimate must be given. For such a big amount, we cannot vote.

SHRI C. MADHAV REDDI : What is the figure in the current year's budget?

SHRI GHULAM NABI AZAD : There would not be any change...(*Interruptions*).

SHRI INDRAJIT GUPTA : Even if it is Rs. 100 more, you have got to take the sanction of the House. How can it be done otherwise?

SHRI G. M. BANATWALLA : Next wednesday.

SHRI GHULAM NABI AZAD : This is a very important Bill. We cannot postpone it.

SHRI D. B. PATIL : You cannot bypass rules.

SHRI G. M. BANATWALLA : Send the Minister back.

MR. DEPUTY SPEAKER : Anyway, the Minister has informed whatever already incurred. The same may be this time also.

SHRI INDRAJIT GUPTA : It may be the same. That is not the way that appropriations are voted and estimated from the Consolidated Fund of India.

SHRI C. MADHAV REDDI : It has already been estimated and voted. The figure we want to know.

SHRI D. B. PATIL : I will explain further.

MR. DEPUTY SPEAKER : We can get that clarification.

SHRI GHULAM NABI AZAD : There would not be any extra expenditure; it will be the same what had been mentioned for 1985-86.

(*Interruptions*)

SHRI D. B. PATIL : Here are new clauses. Clause 4 of the Bill provides for the constitution, etc. It is all right... (*Interruptions*). It is a question of rules; rules are to be followed. If they are not followed, then what is the use of making these rules ?

SHRI INDRAJIT GUPTA : We must follow the rules. The Speaker is telling everything about rules.

SHRI D. B. PATIL : Here fresh clauses 4, 5 and clause 18 read with clause 2(1) are new clauses. Under these new clauses, the expenditure is likely to be incurred in the current year and also next year. What is expected of the rule is what expenditure is likely to be incurred will have to be incurred. The expenditure will have to be given, that has been involved so far as the administration of the National Guards is concerned. So far as new expenditure is concerned, please go through the financial memorandum. The practice is that the estimated expenditure that is likely to be incurred is given separately clause-wise. If you permit, I will quote from the financial memorandum. This is the financial memorandum No. 57. Under

each clause the expenditure that is likely to be incurred is given.

MR. DEPUTY SPEAKER : Can you indicate what is the estimate that had been voted ?

SHRI GHULAM NABI AZAD : I will reiterate that as far as 1985-86 and 1986-87 budget is concerned, the provision is also the same.

MR. DEPUTY SPEAKER : When he has accepted it, then what is all this ? When he has given an assurance, that is all right.

SHRI G. M. BANATWALLA : We have not applied our mind to it.

AN HON. MEMBER : If the Minister says something, we shall accept that.

MR. DEPUTY SPEAKER : That is the voted budget.

SHRI D. B. PATIL : This was not circulated to us before.

SHRI INDRAJIT GUPTA : There is a recurring expenditure and there is a non-recurring expenditure. The Financial Memorandum says clearly that as the Security Guard has already been constituted, no additional expenditure of a non-recurring nature is likely to be involved when the Bill is enacted. I understand that. But what about the recurring expenditure ? The recurring expenditure on the administration of the security guard during 1985-86 i.e. past year, was of the order of Rs. 3.86 crores. There is nothing to say what is the estimated recurring expenditure going to be in the current financial year.

SHRI GHULAM NABI AZAD : I have repeated it that it will be the same and there will not be any deviation.

SHRI INDRAJIT GUPTA : This is very irregular. This kind of thing should not be there.

SHRI D. B. PATIL : Clause 80 is a new clause. Clause 80 says that every General Security Guard Court shall...

MR. DEPUTY SPEAKER : Since the Minister has already clarified, you can mention all these things when you speak on the Bill...*(Interruption.)*

I have already given my ruling.

SHRI D. B. PATIL : You are not taking into consideration the precedent that I have quoted. I have quoted the precedent that if the financial memorandum is incomplete, the Chair has held at that time that the discussion will be postponed. Are you over-ruling that?

MR. DEPUTY SPEAKER : When the Minister gives the statement that the expenditure is the same for 1986-87, on this I am telling you that you can mention all these points when you speak on the Bill. That is my ruling.

SHRI INDRAJIT GUPTA : That has to be circulated. The Bill is providing for many new clauses which do not exist at present.

MR. DEPUTY SPEAKER : He takes that responsibility.

SHRI INDRAJIT GUPTA : They are setting up special courts; they are going to appoint judges. Where is the expenditure going to come from? The money cannot be pilfered out of the Consolidated Fund of India like this in a stealthy manner. If there may be a mistake, there is nothing wrong in that. Everybody makes the mistake. Sometimes if a mistake is made it has to be corrected. Why should he go on publicly saying that there is no mistake?

MR. DEPUTY SPEAKER : After correction only he is telling that this is not mentioned, but anyhow, the expenditure is the same ..*(Interruptions)*

SHRI INDRAJIT GUPTA : It cannot be the same amount.

SHRI C. MADHAV REDDI : It may be the same amount. It is budgeted; it is voted by us. The figure is available. You cannot say that it may be the same. Already the figure is available in the Budget, because

this is a recurring expenditure as this is a force which is already created. You are not going to create a new force. So for this, the expenditure has already been budgeted. The vote of the House is already there. What you have to say is only that this is the figure in the Budget. You do not say that it may be the same.

SHRI INDRAJIT GUPTA : You can say that so much money has been allotted for this in the Budget.

MR. DEPUTY SPEAKER : There are some precedents. With some Bills there was no financial memorandum...

SHRI G. M. BANATWALLA : What is the precedent?

MR. DEPUTY SPEAKER : I am giving another precedent. During the consideration of Abducted Persons (Recovery and Restoration) Continuance Bill, 1965 the Speaker pointed out that the Bill did not contain the required financial memorandum. The Minister thereupon read out the financial Memorandum.

SHRI INDRAJIT GUPTA : Then why did he not read out the financial memorandum?

SHRI BHOLANATH SEN : It is here, Sir. Section one says: "It shall come into force on such date as the Central Government may by notification in the Official Gazette appoint." How do they know on which date it is going to come into force. The Act may not come into force till the 2nd of March; it may come into force on the 15th of March or on the 1st of March.

SHRI GHULAM NABI AZAD : Sir, I would like to request that by the time I get figures, I may be allowed to read the statement so that we can go ahead.

SHRI INDRAJIT GUPTA : It is all subject to the Financial Memorandum being regularised.

SHRI GHULAM NABI AZAD : Sir I beg to move:

"That the Bill to provide for the constitution and regulation of an armed force of the Union for combating terrorist activities with a view to protecting States against internal disturbances and for matters connected therewith be taken into consideration."

During the last few years terrorism has been steadily assuming menacing proportions in some parts of the country. The terrorists indulge in wanton killings, arson, looting and other heinous crimes such as hijacking with a view to terrorise the peaceful citizens and to create fear and panic in the minds of certain sections of public and to disturb the even tempo of life and harmony among different sections of the people. With a view to effectively combat such terrorist activities, the Government has created an Armed Force called the National Security Guard. The nature of the duties assigned to the Force requires that the Force should have a statutory sanction appropriate to its special needs and it is imperative that the highest standard of discipline is maintained amongst its members. This object is proposed to be achieved through a stringent code governing the members of the National Security Guard.

The Bill seeks to provide for the constitution, control, direction and superintendence of the Force. The Bill specifically lists offences which, if committed by members of this Force, shall be punishable by duly constituted Security Guard Courts; punishments which can be awarded for these offence; constitution of Security Guard Courts and its procedures as well as provisions relating to confirmation, revision and execution of sentences passed by such Courts.

With these words, I commend this Bill to the House for its consideration.

SHRI C MADHAV REDDI (Adilabad): Mr. Deputy Speaker, Sir, I rise to make a few comments on this Bill, which obviously seems to be a very defective draft, not only with regard to the Financial Memorandum which was just now discussed but also with regard to several other clauses. Before I go to all these clauses, I would like to confine myself to the Financial Memorandum.

We have voted a particular figure for the police in the 1986-87 budget but it has to be split up and it should be told to us as to what is the actual expenditure which is going to be incurred on this National Security Guard Force during 1986-87. That may not be readily available with the Minister but before the Bill is actually passed, we would like that figure to be obtained. The split up of the police figure is to be obtained and we should be told whether this figure is going to be the same as it was in 1985-86. Even if there is not going to be any recurring expenditure on this Force, the fact remains that the whole Act is going to be a redundant unless some expenditure is provided because you cannot implement several clauses, such as, the clauses relating to the Courts, etc. because today we do not have existing Courts for this Force. And naturally you are not going to set up any training classes for training this Force. Several other clauses are going to be inoperative during 1986-87. That is a very valid point raised by the Opposition on this Bill.

Sir, the main object of this Bill seems to be just to formalise the force that already exists today. There is already the National Security Guard in existence from 1984. It was established by an executive order without any legislation at that time and it is already in existence and there is a recurring expenditure on this force. Now, Sir, a very comprehensive Bill is being brought forward according to the Memorandum of Objects and Reasons.

But what is this comprehensive Bill ? If you go by the clauses, take clause 4. Clause 4 says that a force will be created, a force will be established which will be called the National Security Guard. Then clause 140 says that the existing National Security Force will be deemed to have been established under this Act. What are you going to do with regard to the annual recruitment ? What is the clause which deals with the enrolment of the members to the Force ? There is no such clause.

Sir, I was going through the clauses of this Bill carefully and I found that several clauses were just borrowed from the existing laws, the Army Act and the CRPF, BSF and several other Acts which are already in exis-

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tence and the clauses had been just borrowed, some of them out of context, into this, but while doing so, you have not taken that particular clause which deals with the recruitment of the personnel of this force.

Now, I would like to refer to the Army Act. It was said that the Army Act was actually the basis for several clauses of this Act. But clauses 13 and 14 of the Army Act deal with the mode of enrolment and then the procedure of enrolment etc. They clearly mention how the enrolment takes place, how they are to be recruited, what is going to be the test and so on and so forth.

Similarly, Sir, I would like to refer to the Border Security Force Act. Clause 6 says that the persons to be enrolled in the Force and the mode of enrolment and the procedure for enrolment shall be such as may be prescribed by the Central Government. It is very clear. You cannot just rely on clause 4 of the Bill which says that there shall be a Force constituted. But unless there is a clause dealing with enrolment, it is difficult for the Government to make rules. Even if they make rules for the enrolment, who is going to be enrolled, what age he should be and then whether a female should be enrolled or not—like this several other things are there with regard to enrolment. The clause is not there. I am afraid if the Act is not there for this, you can do so under the existing executive order. You are enrolling members to the Force. But when you are bringing a comprehensive Bill and omit such a particular clause about enrolment, then it is a great lapse and you will not be able to enroll a single jawan from next year onward.

The CRPF Act also says about enrolment. Clause 5 of this Act says that before a person is appointed to be a member of the Force, he should be enrolled like this and that, it is clearly mentioned in this Act. Similar is the case with the Central Industrial Security Force Act. There also, there is section 5 which deals with enrolment. And all these five acts are dealing with the existing established forces. They mention about this. Why is it that you have omitted that particular clause here and how are you

going to meet the situation? Even if you take the plea that you are not going to recruit a single person now, after all certain personnel have to retire and you have to take somebody if some jawans retire or resigns. Please show me the clause or the provision which enables the Government to recruit the persons. That is a very serious lapse.

Another lapse which I have noticed is with regard to clause 15. The title to clause 15 says :

"Offences in relations to the terrorists and other persons in arms against the Union and punishable with death."

Are we dealing with the offences committed by the terrorists at present? This Bill has nothing to do with those terrorists. What we are doing here is, we are only bringing a consolidated Bill regarding the forces which would be called the National Security Guard. That is all. If these personnel commit any offence, they will be tried in certain courts, special courts which are to be called National Security Guard Courts. That is all. You are not dealing with the offences committed by the terrorists for which other Acts are there, for which we recently passed the Terrorist and Disruptive Practices (Prevention) Act etc. The penal code is there. But why do you mention this particular thing? You only deal with the force, the jawans and not the offence committed by the terrorists. Actually in the body of the section, it is very clear. But in the title, it is given that it deals with the offences committed by the terrorists and death penalty will be given and all that. That is all wrong. There is no relation with the actual working of the clause itself. These are the things which have to be looked into.

The object of the Bill is very laudable. We are certainly going to support this Bill, because we all know that the terrorist activities have to be countered since terrorism has come to stay in this country. The crimes are taking place; terrorists are resorting to various types of activities and there should be some force to deal with terrorism in the country effectively. But the point is, will this Bill help in effectively countering terrorism? The National Security Guard, as it is consti-

tuted today, I am sure, is not in a position to counter the terrorist activities, as contemplated in the Bill, because it is first another force. We have already 5 such establishments and the National Security Guard will be the sixth establishment. We have the CRPF; we have the BSF; we have the Assam Rifles; we have the Indo-Tibetan Border Police; and we have the Central Industrial Security Force. We have these 5 establishments, in addition to the police which we have regularly in the Centrally administered territories like Delhi etc. These 5 forces which are under the control of the Central Government have various functions of their own and specific function has been assigned to each force. CRPF is a sort of emergency force which is responsible for the maintenance of law and order. On the request of the State Government, they will go and assist the State police anywhere in the country. The Border Security Force is only in-charge of maintaining peace in borders. But whenever there is a need, they come inside and undertake peace keeping activities in any State. But this National Security Guard is a force which is essentially meant to meet the terrorist activity. So what is the type of training we are going to give? What is the type of equipment we are going to give them? What is the type of particular orientation we are going to give? Nothing has been mentioned in this Bill. We have been telling on the floor of the House that we must have a big force of commandoes. Their training should be such that they should go into quick action whenever there is a terrorist activity. They should be fully equipped with several gadgets and they should also be under certain guidance where it is possible for them to take quick action. Such a type of thing is not contemplated here. I would like to know. Is it the intention of the Government to have this force as a commando force, to have a separate sort of training for this and to have a separate command office and is it going to be a force which will be effectively countering the terrorist activities in the country? These are the points I would like the Minister to answer.

It has been said that this force will be only a contingency deployment force. It is OK. In other words, you will be sending this force whenever there is such an activity in any part of the country. You are not

going to send this force *suo motu*. You are going to send this force when it is asked for by the State Government. That is OK. But suppose if it is going to be a force which you are going to use against the terrorists anywhere and in any part of the country without the consent of the State Government and without the help being asked by the State Government, then that is going to be wrong. Even all these forces whenever they go to the States, they are at the command of the State Government and they go there at the instance of the State Government and when the State Government asks for it. Otherwise, the force is not sent unless there is a blanket permission from any particular State and the State says, 'We want a particular force to come whenever the Central Government feels that they can send.' That is different. But many States have not opted for this and they get the force only when they ask for it.

The other point which I would like to mention in this regard is the courts. I welcome the idea of establishing special courts which are on the lines of the Marital Law Courts in the Army. We have these courts and the procedure, etc. is laid down in the Army Act. Same clauses have been borrowed in this particular Bill we have no dispute with that because the personnel of this force cannot be punished in any other court for offences committed in connection with their activities. For them certainly we must have a separate court and there should be no objection to it. But when you are abrogating Art 33 of the Constitution because you are telling these people, 'You are not going to enjoy certain fundamental rights which are in the Constitution, such as you will not be a member of any political party, you cannot organise yourself for any trade union activity, etc. etc.'—it is there in the Army Act—but while you have borrowed from this Act, you have omitted another provision in the Army Act. That is at the time of recruitment under the Army Act it is read out to the member that we are abrogating Art 33 of the Constitution, you have no rights, you cannot do this, you cannot do that—it is a big statement which is read out because a member who goes into the force should know what it is. He should know while accepting the job what right he is losing. But in this Bill he is kept ignorant of that. He is not told that he is going to lose these fundamental rights. It is mentioned in the Army Act but

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you have omitted that particular clause in the Bill. All this should be read out to the man who is going to be recruited. Otherwise he will be accepting the job without knowing the dangers or without knowing the risks involved in it.

MR. CHAIRMAN : Please conclude.

SHRI C. MADHAV REDDI : In spite of our three years' experience of dealing with the terrorists activity in Punjab, we do not seem to have learnt many lessons. It is very very tragic. We are tackling terrorism just as we are tackling any other crimes. I have been told that when people are arrested, they are treated as the common criminals and they are kept in the jail where there are other criminals and a lot of things happen there and ultimately when they come out, they become hardened criminals. Recently some of the accused people and the convicts have been separated from the Jails in Amritsar. I am very happy about that. But this should be done not only in Jails in Amritsar but in all the jails wherever these terrorists are kept. They should be separated and separate jails should be established for them so that special treatment is given; special education and special motivation etc. is given to them so that whenever they come out, they will be living as peaceful citizens of this country.

Finally, I would say that it is very unfortunate that our country has joined a group of small countries which are facing perpetually the menace of terrorism in the world. It is very unfortunate because ours was a very peaceful country till recently. But today we are on par with Lebanon and with Libya, Israel etc. where terrorism is a continuous menace. They are facing it for the last 30 years. It is a recurring menace. There is no end to it. It looks to be that we may have to face this situation for many many long years to come while we are trying to tackle this problem politically. But if you have to meet with force, we must be prepared. We must know that this menace, the national problem has to be reflected everywhere, in everything, whatever we do. In the budget it has to be reflected. This Rs 3.80 crores is nothing. It is a pittance. This has

to be increased. Our training should be difference. Our attitude should be different. Out thinking should be different. The entire approach and orientation should be different to tackle this particular problem. That is the lesson that we have to learn and I would request the Government to see that this Bill is used in such a way that the terrorism could be effectively controlled in this country.

MR. CHAIRMAN : Shri Birinder Singh.

The time allotted for this Bill is only 2 hours. We want to finish this Bill today itself. Kindly be very brief.

[*Translation*]

SHRI BIRINDER SINGH (Hissar) : Mr. Chairman, Sir, I rise to support the National Security Guard Bill, 1986. Ever since the forces of terrorism and separatism have started raising their ugly head, the need to take such a step to curb it has been felt, so that the problem can be dealt with without taking the help of the Army to maintain law and order. After independence such forces had been raising their head, but none of those forces—whether it was the Telengana agitation or the Nagaland agitation—were as dangerous as the present ones. They were of course backed by foreign powers, but their support was not as much as it is today. A new force is being constituted by this National Security Guard Bill which should be treated differently from the ordinary Police Force and also from the armed forces. It is intended to tackle the problem of terrorism due to which our Prime Minister, Shrimati Indira Gandhi herself was assassinated and also others like Gen. Vaidya had to meet the same fate. This Bill is meant to curb the incidents of terrorism, which are being backed by certain foreign powers. The new force called the National Security Guards is being organised for this purpose. In this connection, I shall certainly say that no Member of this august House can disagree with the contention that the important question lurking in the minds of every citizen of this country at present is whether the Parliament will frame a law which would curb terrorism and also those forces which are trying to disintegrate the country. It has become essential to raise

such a force, in order to deal with this problem of terrorism. It is true that this force was created two years ago but it is also true that its recruitment, training and other matters should be different from that of other forces.

Mr. Chairman, Sir, the C.R.P.F. and the B.S.F. (established in 1949 and 1968 respectively), and such other forces were created for the purposes of tackling the problems of communalism and for curbing atrocities on the weaker sections, but as their organisation and structure was similar to that of the ordinary Police Force, the desired results could not be achieved. 80 per cent of the Punjab Police armoury was merged with the B.S.F. at the time of its creation. Similarly, all other forces organised for such specific purposes did not have the required training facilities, nor was the recruitment made according to its requirement.

Sir, in order to become a good doctor or an engineer, one needs to be trained in a medical college or an engineering institution for at least five years, but the personnel of the police force, who have to look after the national security, are getting only 9 months training, which is not adequate. Next, I would like to point out the reasons underlying the spread of terrorism. Terrorism spreads either because of incomplete education or because of shortcomings therein. Matriculates with J.B.T. training or Graduates with additional B. Ed. qualification are recruited as teachers. When such teachers are there to impart education, the natural result is that children take to the path of terrorism. Till proper education is not imparted to the children, they will continue to take to the path of terrorism. It is necessary to provide competent teachers for imparting quality education to the students. So the 9 months training period is very short to deal with these terrorists. Recruitment of personnel to the National Security Force has been made from the army and other sources. This mode of recruitment will not meet the requirements of the National Security Guards. So I would like to suggest that physically fit boys in the age group 14-16 years should be recruited and such types of training should be imparted to them as to instil a sense of nationalism and patriotism among them. It

is true that our armed forces are discipline and efficient but in the war the soldiers in the armed forces shout their own war cries. Some shout of Har-Har Mahadev, some of Allah-ho-Akbar before charging at the enemies. The war cry is a spontaneous reaction of the fighting forces. In the same way the personnel of the National Security Force will have to be on the alert round the clock to save the nation.

Recently, the assassination of General Vaidya took place. Had the National Security Force been constituted on these lines and had there been soldiers and officers imbued with a sense of dedication to the nation, there was no reason that the guard sitting on the back seat would not have fired at the three persons who escaped after the shooting. I would, therefore, say that in the setting up of the National Security Force, intelligence should be given its due place.

On completion of the five years' training, the jawans will emerge as dedicated soldiers. They should then be sent to the intelligence agencies. At present, the personnel in the Intelligence Agencies are those people who have been rejected by the States. Those persons the Chief Minister of a State does not like are sent to the intelligence department and they work there half heartedly. If our intelligence agencies work with efficiency and promptness, there can be no reason why they fail to forestall the activities of the terrorists.

As regards retirement, I would like to say that the efficiency and alertness of the commando force can be maintained only when we retain the personnel in the force upto some specified age. I would suggest that if a jawan does not obtain any rank in the army, he should be retired at the age of 35 years.

[English]

MR. CHAIRMAN : Please conclude.

[Translation]

SHRI SHANTI DHARIWAL : Mr. Chairman, Sir, you are not allowing him to continue. The Hon. Member was giving a good speech. It would be a pleasure to hear him. Please be considerate.

KUMARI MAMATA BANERJEE
 (Jadavpur) : Mr. Chairman, Sir, I would like to support the Bill wholeheartedly. The Bill has been introduced in the House at the right moment. I would request the Hon. Minister that the Constitution (Amendment) Bill seeking to amend Article 249 of the Constitution introduced in the Rajya Sabha should also be brought forward in the Lok Sabha. This was of utmost importance for the security of the country. It is matter of concern and shame that the terrorists are harming the country by spreading terrorism. We should make every effort to maintain the unity and the integrity of the country. This Bill has been brought forward with a view to maintaining the unity of the country. I, therefore, support the Bill.

We talk a lot about the Africans, Nicaragua and for the release of Nelson Mandela. It is India which spearheaded the movement for establishing peace in the world. The U.N.O. and the League of Nations were not in existence at that time. India eschewed at that time :

Shri nandatta Vishwa Anritasya Putra.

It was Mahatma Gandhi who is the pioneer in this field and now our Prime Minister, Shri Rajiv Gandhi is trying to establish peace in the world.

It is unfortunate that Indiraji, Sant Longowal, Lalit Makan, Arjun Dass and General Vaidya had fallen to the bullets of the terrorists. If the terrorists think that by killing big leaders they can disintegrate the country, they are mistaken. The country cannot be disintegrated because if one person is killed, thousands would take his place. I would like to quote an urdu couplet :

*Raat jitni bhi sangeen hogi,
 Subha utni hi rangeen hogi
 Gam na kar agar hai badal ghanera,
 Kis ke roke ruka hai Savera.*

The provisions in the Bill are laudable. I would, therefore, extend my thanks to the Hon. Minister that the Director General should be recruited from the army and he should be an award winner. He should be imbued with a sense of integrity and patrio-

tism for the country and should be efficient. You should provide him proper security, so that he may carry on his work fearlessly.

The personnel for the National Security Guard are recruited from the police cadre. You should make this recruitment from the army. The service personnel do not get any job after the age of 35 years. He mans the border from morning to evening in hard conditions but he does not get any good facility.

[*English*]

I would like to request the Hon. Minister to kindly assure us about one thing regarding the National Security Guards.

[*Translation*]

The National Security Guards should be provided with modern weapons. If the National Security Guards are equipped with sticks, how can they perform their duties effectively ? A bodyguard was provided to General Vaidya but he proved ineffective when the terrorists shot at the General and his wife. Why did the body guard not react ? The guard should not only have modern weapons but should also be given training to use those weapons in such a situation.

Besides, the National Security Guards should be provided with helicopters. If some incident takes place anywhere, they cannot reach the place from another state within an hour. So they should be provided with helicopters and vehicles so that they may reach the spot quickly and take action.

Thirdly, we, whether on this side or on the other side, feel sorry.

[*English*]

Everybody is concerned about the way our Intelligence Wing works.

[*Translation*]

What is the performance of the Intelligence Department ? Indiraji, Sant Longowal, Lalit Makan, General Vaidya were assassinated. What has been the role of the Intelli-

gence at that time? Even the Intelligence department of the States is a failure. I would like to know about Darjeeling. Yesterday, the C.P.M. Members were saying a lot about Darjeeling. I would like to ask them how the G.N.L.F. leader, Subash Gheishing, escaped to Delhi from Darjeeling? Why the Intelligence department of the State Government failed to know about it? I would, therefore, request that a separate Intelligence Wing should be constituted for the National Security Guards which may submit intelligence reports to the Government from time to time. In case of failure of the Intelligence Department of the Government, it is the Intelligence Wing of the National Security Guards which would furnish information to the Government.

[English]

General Vaidya has lost his life for the unity and integrity of our country.

[Translation]

I have one more request to make. In regard to General Vaidya, I would like to say:

[English]

We should have a Brigade after his name, so that it will remain with us forever and everybody will remember his name.

[Translation]

We would, therefore request you that a Brigade after his name should be constituted to perpetuate his memory. A brigade by the name of General Vaidya should be constituted in the National Security Guards.

More attention should be paid towards the safety of the Prime Minister and other V.I.P.s whose names are in the hit list. At present the body guards fail to react when the situation so demands. They should be motivated to react. So far as we are concerned, there is no need to worry but—

[English]

—This National Security Guard should be a symbol of determination, dedication, loyalty,

patriotism and a disciplined and intelligent branch to protect our nation.

[Translation]

But we do not know how the protection is provided.

[English]

We are concerned about the protection of our Prime Minister. This National Security Guard should also provide for the security of our Prime Minister and they should also have intelligence wing to protect the people on the hit list.

[Translation]

DR. CHANDRA SHEKHAR TRIPATHI (Khalilabad) : Mr. Chairman. Sir, I would like to support the National Security Guard Bill, 1986 which has been brought forward in this House. There are no two opinions that there has been spurt in the activities of such people during the last 5 to 10 years in the country which is not only posing danger to the national unity and integrity of the country, but is also causing communal riots and tension. In the statement of the objects and reasons of the Bill, it has been stated that the need of the hour is to maintain law and order in the country and to maintain domestic tranquillity as well. In my opinion only that Government is successful which maintains the law and order and provides security to its citizens in the country and creates an atmosphere in which people go about their business in peace and without fear. The way the incidents of violence, rape, kidnapping, mass carnage and an atmosphere of unrest is increasing in the country, the Government should take strong and stringent measures in this direction. I am very happy that our Home Minister has introduced this Bill here although it is a bit late. It should have been brought much earlier in view of the fact that innocent people were being murdered and an atmosphere was being created in the country in which the common people were losing faith in the law and order machinery. But I have full faith that this National Security Guard Bill, 1986 is comprehensive enough to combat those undesirable elements whose activities can pose danger to the people of the country and have made the lives of com-

[Dr. Chandra Shekhar Tripathi]

mon people difficult and to deal with such people who can create an atmosphere of instability.

Mr. Chairman, Sir, a study of the Bill shows that several measures were taken from time to time to maintain law and order in the country; a police force was constituted initially and subsequently Provincial Armed Constabulary was constituted, then Border Security Force and later on Central Reserve Policy came into existence. In addition we have the Indian Army but it is deployed when a State is declared a disturbed area or when in a State it looks that certain undesirable anti social elements can disturb the law and order situation or when innocent people are massacred on a large scale. This has not been considered a good step on the floor of this House as well as outside and I feel that except in exceptional circumstances, Army should not be deployed. Although the clauses relating to discipline, duties and structure of Cadre are by and large based on the Indian Army Act yet the Security Force, which will be constituted after the passing of the National Security Guard Bill, will have its own code of discipline and its own mode of training in order to train them in dealing with those elements. In the training that will be imparted, discipline has been given a very important place and I am confident that with the formation of the National Security Guards the Government will get a big help in maintaining law and order and in dealing with the terrorists and secessionist elements.

14.00 hrs.

So far as the question of doing one's work with honesty is concerned, we have seen in India that there have been cases of desertion and instances of breach of discipline in the Indian Army. So far as this Bill is concerned, I have read its different clauses and sections and I feel that efforts are being made to make it a disciplined force. Not only the personnel serving in it will be loyal to the country and do their duties, but the Government too will succeed in achieving the aim for which the Security Force was constituted,

I would like to have another clarification from the Hon. Minister. It has not been made clear in it whether the Force which is going to be constituted will be well-equipped like the Army or not? Since the Security Force is being constituted with the purpose of dealing with a very difficult situation, I hope it will fulfil its responsibility competently like the Army. Also, today for the national unity and integrity, a strong centre is needed. The way all the secessionist forces are raising their head with the help of regionalism, linguistic fanaticism, religion and other parochial considerations, it is very necessary that there should be a strong Centre. There is unanimity on this point that if the Central Government is not strong, the unity and the integrity of the country can go haywire at any moment. This country, which was built by the sacrifices of people who laid down their lives or were hanged, can disintegrate. I congratulate the Minister of State for Home Affairs who has presented this comprehensive Bill to deal with such elements. Under this Bill, a well equipped, disciplined and a strong Force will be organised which will face the separatist and secessionist tendencies and anti-national people and sustain the unity and integrity of the country. This Force will keep the country powerful and the Central Government strong.

With these words, I once again support the National Security Guard Bill, 1986 and conclude by congratulating the Minister of State for Home Affairs.

*SHRI BAJU BAN RIYAN (Tripura East): Mr. Chairman, Sir, this National Security Guard Bill has been drafted on the model of the Army Act, 1968. I had expected that the Hon. Minister in his introductory speech will mention as to what type of people will constitute this special force. I had also expected that he will mention about the role of the existing paramilitary forces like the BSF, the CRPF, the Assam Rifles, the ITBP etc. in combating terrorists in various States. He has not mentioned about that. Due to the introduction of this Bill it appears to me that the activities and influence of the terrorists are on the increase in our

*The speech was originally delivered in Bengali.

country, and because of the increasing terrorists activities, the existing para military forces are proving unequal to the task of combating them and that they have become weak and ineffective. Does the Govt. want to say that they will disband all the existing forces and create a totally new force? But I don't believe that even with this new force the Govt. will be able to curb and combat the terrorists effectively. All those people who will form this force, who will be recruited therein, are all citizens of India.

In Section 12 of this Bill it has been stated that the personnel of this force shall not be permitted to attend any meetings of any political party, they cannot become members of any political party or that they will not have rights to form unions. That means that they will not have political consciousness or that they will not have any idea how the country is running. They will be totally uniformed about all this. In this situation the citizens of this country will constitute this security force, will be very weak in their knowledge of the country's problems. In whatever part of the country they may be called upon to do duty, they will fail because of this handicap of lack of knowledge and information.

Sir, our experience is that in the entire North-Eastern region of our country, the terrorists' activities are going on far a long time. The terrorist problem has taken root in that area. The Govt. is making efforts to combat them with the BSF, the Assam Rifles, the CRPF etc. But nowhere has this problem been solved. On the other hand they are on the increase. Due to the fact with Laldenga, the terrorists in that area have laid down their arms and surrendered though temporarily. This is a good development no doubt. But the fact remains that whose who were indulging in anti-national activities could not be curbed by force, their activities could be checked only through a political salution. Those who will constitute this force, must be given the right to form unions to generate political consciousness in them. Along with terrorism, we seen communal disturbances taking place in different parts of the country at different times. The root cause of all these, I think, is the policy of economic development and planning of the present Govt. In our North

Eastern region no big or medium scale industry has been set up as yet. As a result of that, the people of that region do not get equal opportunities for economic development as is available to the people of other regions of the country. They do not have any opportunity of working in industries and to participate in the production process and economic development of the country. Such opportunities are denied to them. The Central Govt. is wilfully not allowing the opportunity. All the developmental proposals forwarded by those States where the left front Govt. is in power are being turned down. For example, some time back a meeting of the North Eastern Council was held. In that meeting of the North Eastern Council, various projects, for Tripura were recommended under the current 7th Five Year Plan. These included irrigation and water supply projects, road construction projects, small industries projects etc. etc. A project for setting up an agricultural university was also there. But instead of sanctioning them for our State, they were given to some other States. Why was this done? This was done because the Prime Minister wanted it like that. This was a political devision. Such political decisions are resulting in economic imbalances and economic disparity among different areas. Some areas are remaining economically backward permanently without any prospect of economic development. Such imbalances in economic development is giving rise to terrorism in certain areas.

I will like to tell the Govt. that there was no need to bring forth this Bill. There is just no need to set up or create such a force at all. The various existing forces could be strengthened further, more powers could be given to them and better training could be imparted to them, if found necessary. If the Govt. thinks that this will be able to provide employment to some unemployed people through this force, then that is of course a different matter. But how many people they have been able to provide with jobs. Nearly two years have elapsed. You have also spent a few crores of rupees. By spending these crores you have only been able to provide for a few officers, nothing else. Even now you have not made provisions for any training. This Bill also does not say anything about what type of training will be given. This Bill only says what will

[Shri Baju Ban Riyan]

be the service rules and conditions of those recruited as security guards. Only the bans and restrictions on their activities have been prescribed herein. That is why I tell the Govt. that there was no necessity of this Bill at all. This is only making top-heavy. This will have the effect of demoralising the existing forces like the BSF, the CRPF, the Assam Rules etc. This will discourage them. Therefore, I suggest that you abolish the other existing forces and create this new force to combat the terrorists and secessionists. The continuance of the existing forces and the creation of a new force will only aggravate the problems. Some officers may be provided with jobs that is a separate matter. But the purpose and objective with which you are raising this new force will be defeated. It would have been better if you drafted a particular force at the place where it is asked for and can be more effective you are not acceding to that also. In Tripura, the atrocities by the TNV and other terrorists are continuing for the last 6 or 7 years. We have asked for the deployment of the Assam Rules in this area since they are more familiar and conversant with the hilly areas and they will be able to combat the terrorists more effectively there. But you refused to give us the Assam Rifles. Instead, you gave us the CRPF and other forces. I will request the Govt. not to treat the existing forces as weak. I think they are sufficiently strong. If you accede to the request of the State Govts. for a particular forces at thought necessary by them, then you will be able to combat these anti-national forces effectively. If you are able to remove the regional imbalances in economic development, if you are able to remove the economic disparity through proper planning and through setting up industries in undeveloped and backward areas, then that will go a long way in combating this problem. A change in political outlook is necessary. This is the main solution of the problem of terrorism, I think.

SHRI ZAINUL BASHER (Ghazipur) :
Mr. Chairman, Sir, to deal with terrorism, communal riots, hijacking and such other undesirable activities, the National Security Guard Bill has been presented in the House. I Support this Bill.

Mr. Chairman, Sir, Every one knows that for the last few years these problems have come before the country in a dreadful manner. Earlier such problems were prevalent in the North-Eastern part of the country but the problem of terrorism has now shifted from North-East to Punjab and it seems it is spreading to other parts of the country. The communal riots after independence are not new for the country. These riots continue to occur quite often. Constant efforts have been made to deal with these incidents effectively but these have not been stopped effectively. Though State Governments are responsible for maintaining law and order yet it has been found that the State Governments have been unable to deal with this problem on their own. The State Governments have been using the Police Forces of the Centre to quell even minor communal riots and the Central Government had been assisting them. CRPF, BSF and sometimes even the Railway Protection Force, whose function is to protect the railway property, are engaged in curbing such type of riots. It is commendable and it deserves maximum praise. Our Central Forces have done a commendable job. In whatever field they have worked, be it containing terrorism or curbing communal riots, they have done appreciable job. They have earned the confidence of almost all the classes of the people. This is the reason that wherever there is some disturbance or communal riots, the people of that area ask for the posting of CRPF or BSF. People are losing confidence in the local people, though it is not a desirable thing. You should pay attention to this aspect also so that a feeling of confidence among the people is instilled in the State Police Forces. The Government of India should pay attention towards it. If need be, the Government of India can make arrangement to impart training to the State Police or Para-military Forces so that these Forces are able to work in the States in the same manner in which the Central Forces work and earn the confidence of the local people. But the problem particularly the problem of terrorism, has become so serious, that CRPF or BSF—BSF is meant only to protect our borders—have become outdated to face these challenges. Keeping in view the seriousness of the problem, the conception of the National Security Guard Scheme has taken a shape and we see at different places these people wearing black uniforms.

[English]

SHRI INDRAJIT GUPTA : He is revealing the Colour of their uniform also. How do we know ?

SHRI ZAINUL BASHER : It is written there, NSG : You see it.

SHRI INDRAJIT GUPTA : I cannot go near to them.

SHRI ZAINUL BASHER : It so happened that I have gone near to them.

SHRI INDRAJIT GUPTA : So, now the colour will have to be changed since he has seen it.

[Translation]

SHRI ZAINUL BASHER : They must have worn that uniform as per the Government orders. It is a good thing that a Bill regarding NSG has been brought.

Through you I want to submit a few things before the Hon. Minister. It is clear from the Bill that the training, weaponry, communications and ranking in the N.S.G. will be on the same lines as in the Army. But the most basic thing to deal with terrorism is proper intelligence. Without this, terrorism cannot be dealt with. Terrorism raises its ugly head in Punjab but a former Chief of Army Staff is shot dead in Pune. We need an intelligence wing to check the spread of terrorism in the entire country. Kindly tell us whether N.S.G. will have an Intelligence Wing or not ? Will N.S.G. have its own intelligence wing or whether it will depend on State Governments or Central Governments Intelligence ? The condition of the Intelligence agencies of the State Governments is quite well known to us and we also know the condition of the Central Government's Intelligence agencies. The way terrorist activities are going on unchecked, we shall call these agencies as unsuccessful. You may tell us in your reply as to whether N.S.G. will have its own Intelligence Wing or not ? It is necessary because you will entrust the entire task to it and not partially. It should have its own intelligence because it should know about the activities of the terrorists and where they are hiding.

Secondly, some clarification is needed about the status of N.S.G. vis-a-vis the State Government and the state police if it is asked to combat terrorism ? Will it work under the local police of the State Government or will it work independently ? For example, C.B.I.. when entrusted with any investigation task, works independently without any assistance of other organisations. It conducts independent and impartial enquiry. It functions in its own way in calling witnesses, lodging, FIR and launching prosecution in the court. After passing of this Bill, suppose you entrust N.S.G. the task to combat terrorism in Punjab and if the terrorist do not remain confined to Punjab and spread their activities to Assam, Madhya Pradesh or Karnataka, how coordination would be effected between N.S.G. on the one hand and the State Government and the local police on the hand. I would request the Hon. Minister to clarify these points.

One more point I would like to know What will be the mode of recruitment of the officers of the rank of D.I.G. or I.G. of the N.S.G. ? Will they be drawn from the I.P.S. as is being done in case of C.R.P.F. and B.S.F. ? this practice is demoralising the people of these forces because the training imparted to the I.P.S. officers is of an entirely different nature. The I.P.S. officers can be civil police officers or they can be appointed as S.P., D.I.G. or I.G. where the work is confined to the cases of civil nature or maintenance of law and order. But you are creating a new Central force where the duties would be of entirely different nature. Not only here, but in the case of all the Central forces, the nature of duties is distinct from civil duties. Who do you not promote the commandants of the Central Police Forces to the rank of D.I.G. or I.G. ? You want to appoint I.P.S. officers as D.I.G. and I.G. in these forces. If you promote their own officers, it would not only boost their moral but would also provide them more promotional avenues. A Battalion commandant works in the jungles of Assam and Tripura and is more capable and experienced than the I.P.S. officers to deal with terrorist because he has the field experience and has risen from ranks. Even after 15 to 16 years, he remains on the post of commandant. Why you are not promoting them and why you are appointing an S.P. or a D.I.G. over

[Shri Zainul Basher]

him ? Therefore, in order to combat terrorism, will you promote the officers of N.S.G. or as usual some I.P.S. officers as Director General to command them ? This mode of working will not serve the purpose. Therefore, I request that the policemen working in these Central Police Forces, like CRPF, B.S.F., Industrial Security Force, RPF etc. should be provided promotional channel upto the highest rank.

Sir, through you, I would like to submit my last point that more ex-servicemen should be recruited in these forces because their training and experience would be very helpful in tackling such situations.

14.24 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Therefore, you should give more and more representation to the ex-servicemen in these forces. In this regard I would even suggest you to send your requirements to the Army authorities in advance so that they may give the names of the retiring personnel who could be recruited immediately after retirement. They would be very helpful to you and it would be an admirable, step.

In the end, I would like to say that a 15 point programme for minorities was formulated by our late Prime Minister shrimati Indira Gandhi, which provides that in all Police Forces more and more representation should be provided to the minority communities especially the Muslims. Therefore, I want that like other Police forces, adequate representation should be given to the minorities in this new force also i.e. the N.S.G.

The Central Reserve Police Force has provided adequate representation to the minorities and I commend it. But other forces like B.S.F., Industrial Security Force and R.P.F. have not provided enough representation to the minorities. Therefore, I request you that like CRPF, you should ensure adequate representation to the minorities in these forces also.

I hope that the Hon. Minister will ensure adequate representation to the minorities especially to the muslims, as per the 15 Point Programme, in this newly created National Security Guard force.

With these words I conclude.

[English]

PROF K. V. THOMAS (Ernakulam) : I rise to support the National Security Guards Bill, 1986. It is very painful that the land of Shri Buddha, Shri Shankara and Guru Nanak has come under the grip of communal violence and terrorism. Our great cultural heritage is for love and mutual respect. But terrorism and communal violence is a new aspect in our national life. When terrorism started in Punjab with a new phase, Army and Para-military forces were called in. Similarly, when communal riots started in other parts of the country like Gujarat we had to call the army. Army is used to fight the enemy, not to shoot at our own people. So, it is not good to call the army quite often to fight terrorism and to curb communal violence. Sir, it is in this context that the idea was mooted, to have a National Security Force. National Security Force has got a very peculiar function to perform. It has to fight against terrorists who are being trained by powerful foreign countries, who are being financed by them, who are being equipped with modern weapons. So, the National Security Force should be given all the combat training which is necessary for our army. But at the same time this National Security Force has to deal with peaceful civilians. For example, if they are going to Punjab, we cannot say that all Sikhs are terrorists. There are only very few who are engaged in terrorist activities. So, the National Security Force dealing with terrorism should bear in their mind that there are a large number of citizens who want to live peacefully. That is why when army is called in to curb communal violence there have been complaints that army is behaving just like they are fighting against the enemy. It is in this context that we thought of National Security Force.

SHRI SYED SHAHABUDDIN (Kishanganj) : I don't think that there have been many complaints against the army. There

have been complaints, but not against the army.

PROF K.V. THOMAS : Very often there have been instances in which complaints have been raised when the army went into action to curb communal violence. It is in this context, I am telling this. My point is this. When the National Security Guard people are being trained, they should be trained in modern weapons. At the same time, they should be educated that they are dealing with fellow-citizens. They should be educated in weaponry; they should be educated for developing their own minds that they would be dealing with the common citizens. That type of education should be given to the National Security Guard.

SHRI SRIHARI RAO : Internal enemies are more dangerous than the external enemies. You must know it.

PROF. K.V. THOMAS : They are our brothers. When we are going to the Punjab, you cannot say all the Sikhs are against the country. They are peace-loving people and they love the country very much. But there are very few who have turned terrorists. When we are dealing with the terrorists we should have this in mind. In that way, these people have to be trained.

Coming to our armed forces, they are doing a very good service to the nation. But at the same time, we should look properly into the welfare measures. If you go to some place where Jawans are staying, it is worse than the place where animals are kept. There should be proper electrification, proper water supply. I know, in my State Kerala, during the period 1960 to 1970, the police constables were not given proper place to stay. But it is during the period of 1969-75, in the Achutha Menon Government, when my Hon. friend, Shri Vakkonji was the Minister, at that time, action was taken and a flat system was introduced and flat was offered to the police constables. What I am suggesting is that our jawans, whether they are in armed forces or in the newly formed National Security Guard, they should be given proper facilities.

Regarding the children of the jawans, jawans are moving from one place to

another. Their children should be provided with ample opportunities for good education.

With these words, I support the Bill.

DR. S. JAGATHRAKSHAKAN (Chengalpattu) : Mr. Deputy Speaker, Sir, on behalf of the A.I.A.D.M.K., I support the National Security Bill, 1986 brought forward by the Hon. Home Minister. Sir, a Bill of this kind should have been thought of and come up before this House for consideration and enactment long back. In fact, I think the Government of India has already delayed this matter. Sir, it is a very laudable measure that the Government is proposing to take now, if not later. On behalf of our Party, A.I.A.D.M.K., I would like to reiterate to this august House that it is our primary and fundamental duty to protect our country by each and every citizen of this country without any Party or regional considerations. This is what our Constitution says very clearly. I am sure that all the Members, whichever Party or rank they may belong will welcome this laudable measure with great sincerity.

Sir, by opposing this Bill, it would mean that we would be encouraging the smuggling activities and the activities of the terrorists. With this present measure, the Government of India would not only be able to arrest the activities of the smugglers and the terrorists but the influx of the refugees would also be curtailed and kept a check on this. Moreover, lifting of cattle would also be prevented.

Sir, in this connection, I would like to know from the Hon. Minister what would be the composition of the Force and how many divisions, ranks and the total number of personnel would be recruited because we have a long border on the northern, western and north-eastern regions of our country. Apart from this, our country has a long coastal borders on the Western, Eastern and South-eastern regions. Sir, I need hardly to mention here, in this House, that in the Southern region of our country, we have already been facing difficulties because of ethnic problem created in Sri Lanka. Moreover, Sri Lankan Government is also getting arms and ammunitions from the U.S.A.,

[Dr. S. Jagathrakshakan]

Pakistan and Israel. Apart from Coast Guards, the National Security Force personnel should also be posted on the long coastal areas, particularly on the coastal areas contiguous to Sri Lanka. I may also bring to the notice of the House that this Force would also be in a position to help the fishermen living on the coastal sides. But, at the same time, instructions should be issued to these personnel that they should not harass the fishermen and take advantage of their innocence and backwardness.

Another point is that the personnel for this Force should be recruited from all those States where they would be posted so that those personnel may not face any problem with the local people especially in regard to language, culture etc.

Such armed personnel should be posted in the States only after consultation with the concerned Chief Minister. The personnel so posted in the States should be under the control and work in cooperation with the concerned State Police Force.

I may also suggest that the salaries and the service conditions of the National Security Guards and the BSF should be put on par because the nature of duty and the risk involved are the same in these two Services.

Another important thing I would like to point out here is that the Government should see to it that the discipline of the personnel working in this Force is strictly and forcibly ensured.

Some time back, ** DMK leader, had openly said in one of his public speeches that there was a proposal of creating a separate armed force in Tamil Nadu from among the DMK party workers in order to protect his party workers in that States. DMK party leader should not have made such an utterance in public—it is irresponsible—which is against the Constitution of our country and which is also anti-social and anti-national. The party leader should know that the armed force can only be

created and maintained by the Government only.

For making such irresponsible utterances by DMK party leader, ** I would strongly plead with the Central Government to arrest ** and his party should be banned.

I once again thank you for giving me this opportunity of speaking on this Bill.

SHRI N. TOMBI SINGH (Inner Manipur) : I rise to welcome and support this Bill...*(Interruptions)*. I support this Bill because this Bill, above everything else, recognises the necessity of a specialised force to deal with insurgency and terrorism. I am speaking with the background of several decades of experience in a State where insurgency has been sweeping. We have seen army in action against insurgency. We have also seen the CRP, the army rifles, the State Police and also the State Police force from other States being invited and used in that area. This has been our experience that every force has shown achievements and failures.

SHRI ANIL BASU : The prevention against insurgency is signing of accords.

MR. DEPUTY SPEAKER : Security is not necessary then.

SHRI N. TOMBI SINGH : That is a difficult matter. It has been our experience that even where the army was utilised, we saw them complaining that they have been trained to fight with the enemies and the external forces but they are put there to fight against their own civilians. Similar was the complaint from the CRP and also the local Police generally forced to over-smart themselves. The danger of over-smarting local force is known to all. They become unfit in times. This handling of terrorism in any State should be by a specialised force. Now, the difficulty is that we cannot again generalise the conditions because what you find in Punjab may not be found in a State like Tripura, Nagaland or Manipur.

**Not recorded.

**Not Recorded.

The social conditions are different and the background is so different from State to State and naturally terrorism in Punjab and terrorism in the North Eastern Hill Areas are very different. Therefore, when we train the National Security Guards, the question of imparting versatile training to cover all the possibilities should be kept in mind.

During the period from 1979 to 1983 when the Manipur valley was in revolt and insurgency became so gripping in the region where the society is well-knit and it is a very thickly populated area and father was divided from the son, because a total family was involved very rarely and for that matter much less the whole community was involved and only individuals under organisations were operating, the general method of handling by the Police or the CRP or the Assam Rifles or even the Army was not sufficient. Naturally the Army had to say that their training has not been sufficient. There were times when people were to be afraid of the Army for their excesses. The innocent people— they were afraid of terrorism on the one side and they were also afraid of the Army and the Police on the other because in a crowded market place, for instance, some terrorists came and they hit and ran away. Then after they had left, the Army or the Police operating in that area was just coming only to create havoc in that civilian area, torturing and harassing innocent people in several cases. Naturally during that period there were a lot of complaints against the armed forces. Some members were cautious to give the impression that there were no complaints against the Army. That is not correct. There were lots of complaints against the Army although...they had their bright points now and then.

SHRI INDRAJIT GUPTA : Even now it is there.

SHRI N. TOMBI SINGH : Here I would like to recall the memory of Gen. Vaidya. When he was in charge of the Eastern Command, he was one of the officers who appreciated and said, 'Yes, we should have special training. Our normal Army training is not sufficient to handle this situation.' So he was making very, very important and always substantial contribu-

tions to the improvement of the insurgent situation in our region. So in his death today we gratefully recall his services and say that a great personality that an Army Officer who could be of tremendous use at this juncture has been lost.

This Bill provides mainly for disciplinary matter. Now when we come to the disciplinary matter, we have also to think of job satisfaction, service conditions, etc. apart from the training of the officers and other ranks. We have to see that parochial considerations, communal considerations and linguistic considerations do not operate in the National Security Guards in the promotions and disciplinary actions because we see that in the Army, in the CRP and other forces a lot of suicide cases is being reported. It is reported that the internal dis-satisfaction, the domestic dis-satisfaction in the Army, in the CRP and also in several other para-military forces is just rising and we do not have sufficient machinery to look into them. Naturally no redress comes in spite of complaints and letters. Then the officers or other ranks feel suffocated and frustrated and their commit suicide. So this should be kept in view.

The National Security Guards should have its own intelligence. A valid reference has been made to intelligence. It should have its own intelligence. Now the Home Ministry has got agencies dealing with the secret information. SIB is one such organisation. My experience with the SIB is very disappointing. During the last election, my High Command observers used to tell me that according to the information given by the SIB and other secret information agencies operating in the State, my position was always third or fourth and never above. But I asked them not to bother about these agencies and to count on my being elected with comfortable majority. To their dismay I was elected with good majority. Actually they are sitting in their offices and relying on the information of some informers. I do not know who are these informers. They do not have the correct information. My contention is that this secret information, intelligence relating to the Army Para-military Forces and the National Security Guard is of very great importance, because we cannot just kill the terrorists and finish them and terrorism. Terrorists,

[Shri N. Tombi Singh]

however much we may deny, they are always politically rooted and they are also socio-economically rooted. They organise such activities, just because they have been given political backing by other organised political parties or underground parties or by just individual groups. In this case, we should see that intelligence should be properly utilised and I emphasize on this. By the maximum utilisation of intelligence, we can minimise harassment to the civilians. Unless you utilise intelligence, you are going to harass innocent civilians, provoke them and they will also become sympathetic terrorists. They may support the terrorists because, they are angered; they are provoked against the forces operating against the terrorists. In this context, I would like to emphasis upon the training of the Security Guards. Normally, the training in the use of arms is there. The training in their physical exercises is also there. But they should also be given training in order to assess the different situations-communal situation, regional situations so that they should be able to handle the situation not merely by arms, not merely by the use of their lathis but by using special methods so that terrorism can be just wiped out from the roots. This way I think this Bill can just bring much relief to and lessen the pressure of the armed forces and the para-military forces and the local police now being oversmartered to meet temporary situation on the one hand and it can just lessen and minimise harassment and the suffering posed to the civilians from both sides on the other. With these words I support the Bill.

[*Translation*]

SHRI DHARAM PAL SINGH MALIK (Sonepat) : Mr. Deputy Speaker, Sir, I rise to support the National Security Guard Bill, 1986. I would raise 2 or 3 points regarding this Bill. It is a comprehensive Bill. It provides for the mode of raising a force known as National Security Guards and contains other clauses regarding offences and punishment. This matter has been under consideration for the last two years. The National Security Guard force was raised in 1984. Although this Bill has been based on the Army Act and the Border Security Force Act, yet I would like to stress two or three points regarding this Bill.

First of all, I would say that the Indian Evidence Act has been made applicable in the case of this Bill. India is facing this problem of terrorism since 1982 especially in Punjab. The need of this Act was felt with the emergence of terrorism in Punjab. A number of terrorists were arrested in Punjab but they could not be convicted as per the Indian Evidence Act. Any lawyer knows that nobody would come forward to give evidence against the terrorists. In this regard I would, therefore, suggest that instead of the existing Evidence Act another Evidence law should be enacted to deal with terrorists and it should be made applicable in this Bill. The existing Evidence Act is not adequate to deal with the terrorists. Thousands of terrorists have been arrested and only FIRs have been filed against them but no challan has filed in any court against these terrorists. No person is prepared to give evidence against the terrorists. In my view, summary trial should be adopted in such cases. I agree that this Bill has provided for the constitution of three types of courts i.e. General Security Guard Court, Petty Court and Summary Court but these are only to deal with minor offences inviting lesser punishment. It is the general Court which deals with the terrorists. But the problem would remain the same because nobody would like to give evidence against the terrorists.

Secondly, one of our colleagues from the opposition has pointed out that there is a provision in the Bill which prohibits the personnel of National Security Guards from taking part in the activities of any political party or forming any associations or union. It is their contention that India is a democratic country and this provision would affect the political awareness of its personnel and they would not know which party is in power in the Centre or in the States. But I think in the present circumstances we need a force which works irrespective of the fact which party is in power in Centre or in State. In the present circumstances, the more important task of the National Security Guards is to protect our national integrity. It has been provided in the Bill that the personnel of the National Security Guards will neither participate in any political party, association or union nor from their own association or union. I would also say that the proper implementation of the Act is even more important than passing the Act. The Indian

Penal Code contains provisions regarding punishment to the Army deserters or multi-neers, but how is it that these provisions did not prove effective? The main reason is that they are not properly implemented. The same problem may confront us in the case this Bill also. However, stringent Act we may pass but unless it is implemented properly, it would not serve any purpose. The Bill contains provision regarding punishment. The definition of a terrorist in the Bill is quite comprehensive and I think if the Act is implemented properly, it would be helpful in rooting out terrorism, otherwise the problem would remain the same. As has been pointed out by Shri Zainul Basher, the officers of the National Security Guards would be drawn from other organisations. If we want to achieve the results, we shall have to raise a force with specialisation in dealing with terrorism only. Suitable police personnel can also be taken in this force but I would like to say that the police personnel are trained for an entirely different purpose and not to deal with terrorism. The Army personnel are trained to deal with external forces and external aggression. But the purpose of constituting National Security Guards would be entirely different and it would require a different type of training also. They will have a different kind of armoury and weaponry. All these things will be covered under the rules which would be framed after the passing of the Bill. There is no such thing in the Act. Only then can we say that we can give a peaceful life to the citizens of the country or can maintain the integrity and unity of the country.

Some Hon. Members have suggested that the retired personnel from the Army should be recruited in the National Security Guard. The National Security Guards should be made an independent force and it should have its own rules and mode of recruitment. It is a permanent force and is not to be raised for 15 days or 2 months. In a country where there is a plethora of problems relating to religion, caste, regionalism, linguism, we shall have to raise an independent force to maintain national unity. This is very essential. Besides, I would like to say one thing more. It is written in Section 8 that—

[English]

"Every person subject to this Act shall hold office during the pleasure of the President."

[Translation]

It is right—

[English]

It is otherwise applicable in all the Acts.

[Translation]

As regards the service conditions of the National Security Guards, the person who is to be recruited in the National Security Guard, must know up to what age he will be in service so that he may do his duty with full devotion and courage.

I would also like to give a suggestion. In the type of work which we want to assign to this force, undoubtedly the personnel will have to face dangers while performing their duty. Taking this in view the Government should get them insured for a heavy sum so that they are amply compensated in case of an accident.

Many Hon. Members have expressed their views in regard to the Intelligence agencies. Which agency will be entrusted the responsibility of feeding the National Security Guard with intelligence information about the terrorists? Terrorism has taken roots in Punjab due to the failure of the Intelligence agencies. The outside forces have sustained it. In this regard I would suggest that the National Security Guard should have its own intelligence wing which may identify the terrorists for the force. If the National Security Guard depend on the state Police or some other agency for Intelligence, they may not get any help. All the activities of the terrorists in Punjab are being carried out at the behest of the political parties there. They incited these young people for their nefarious ends, but later on their hold on them had weakened. These young men saw through the stratagem of the politicians who wanted to perpetuate their rule by using their muscle power. So, they thought why should they not rule in State? If the Act is implemented

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[Shri Dharam Pal Singh Malik]

vigorously, it can take care of all these things. With these words, I extend my support to it.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj) : Mr. Deputy Speaker Sir, Terrorism is not just a criminal act directed against individuals. It is a crime against humanity and a very negation of the democratic process. Therefore, we have got to fight terrorism with all the force at our command, with all the courage and the commitment that we can muster, if India is to live and continue as a civilised society.

I am afraid, the way the Government seems to look at the problem appears as if it emphasizes variety rather than efficiency. They seem to think that the remedy lies in multiplying the agencies rather than making them more effective.

15.00 hrs.

No case has been made out why a new force is required. We have the Army, the Navy, the Air Force and the Coast Guard. We have the armed constabulary in all the States and we have the para-military forces of the Central Government Assam Rifles, BSF, Indo-Tibetan Force, CRPF, RPF, CSIF and now we want to create a new force called the National Security Guard. I am not passing any judgement. But I would like the Government to come out with a clear statement as to why a new force is needed. After all today terrorism is being fought in every village of Punjab with the help of the C.I.D. In what way does it find the existing forces not adequate ?

I know we are living in an age of specialisation and by their very designation some of these forces are said to be specialised. BSF is supposed to look after the border security. ITBP and the Assam Rifles have a regional specialisation. CSIF has an industrial pursuit and RPF looks after the Railways. CRP is an all-purpose force but we find that in actual practice all the Central forces at a critical moment, I am sure the Government cannot help it, are brought in to

assist the state authorities against internal disturbance. (*Interruptions*) My point is that the purpose of the proposed has not been very well defined as to in what way an action against terrorists is different from what you have trained the CRPF for. My point is that this must be cleanly brought out whether it is to guard the security of the State or of an individual ? Is it an individual oriented force or a situation oriented force ? That is one thing which I want to be clarified.

Sir, I have read both the Preamble and Section 4 which defines the purpose of the force. I have gone through the Bill. The Bill is obviously modelled after the Army Act and the BSF Act, as the objects and purposes statement itself says. Where are the conceptual differences which you want to bring about. I feel there are none and the Bill is a carbon copy. In fact, you are creating another branch of the armed forces. It does not create a para-military or a police force. The Government should take the country into confidence when it is taking such a step.

Now, Sir, even if you establish a case for a specialised force for the purpose of fighting acts of terrorism and the terrorists have you properly quantified the requirements and gone into the proposed strength ? The Security Guard already exists. You have said in the financial memorandum that in the previous financial year it cost you about Rs. 4 crores but then it was a force under establishment. That was a transitional stage. What is it going to cost to the nation ? We know what the Army costs ? we know what the paramilitary forces cost. We would like to know what this additional force is likely to cost ?

Now a word about the pattern of recruitment. It is a very important point. Some Hon'ble Members have already made this point. I am aware of the seething dis-content in the ranks of some of the para-military forces. Some Members have talked about the inadequacy of intelligence service. But I am also aware of the dis-content in the ranks of RAW. And, if I may say, Mr. Deputy Speaker, this dis-content primarily arises from the wrong policy of deputation followed by the Government. An Hon. Member pointed out that IPS officers are

brought in. I know a force cannot be Constituted over-night. In the initial stages when you are trying to constitute the force obviously there shall be deputations but if deputations continue as a matter of policy for decades and decades obviously you block the legitimate promotional aspirations of the people who constitute the force. Also people who have been trained in one milieu cannot be quite effective in another milieu. People who have been trained for a particular purpose cannot be effective when the purpose is different.

15.01 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Therefore, you must very carefully go into the question of mode and pattern of recruitment and the question of special training, both for jawans as well as the officer corps and this menace of deputation must be stopped. It should not be a private pasture for people who are not wanted in their own services.

There is also the menace of adhoc appointment. I am aware of the fact that in the RAW a lot of operatives were inducted in an adhoc manner primarily because of personal connections and that has proved to be a disaster for our premier intelligence service. That should not be repeated. At least we must learn from our experience. Therefore, both the menace of deputation, and the menace of adhocs must be clearly set aside, if this force is to be effective and if this force is to perform the purpose for which you are forming it.

Having said this and having given you certain suggestions, I am still here to support the Bill. I began by saying that terrorism must be fought with all the resources that we possess. Therefore, I do not mind that today if you consider in your judgement that a specialised force is required, with a specialised training, with a specialised pattern of equipment, with special ethos, by all means, go ahead, but please do not repeat the mistake that were done and please do not simply think that by multiplying the number of forces, you can become more effective in fighting the menace of terrorism.

[Translation]

SHRI P. NAMGYAL (Ladakh) : Mr. Chairman, Sir, the Hon. Home Minister has introduced this Bill in the House with the objective of constituting National Security Guard. I extend my support to it and would like to give some suggestions and I would also like to elicit some information. I fully support the contention of Shri Madhav Reddi that nothing has been said about the mode of recruitment in the Bill except what is written in section 4 that a new force by the name of National Security Guard would be constituted. Nothing has been said about what will be the mode of recruitment and how recruitment will be made. I would like that it should be made clear.

It appears from the Bill that this force is being raised to fight the increasing menace of terrorism in the country. Obviously, things like hijacking will be taken care of by it. Also, body guards for V.V.I.Ps. will also be covered in it. I would like to raise some points regarding their recruitment. So far as the recruitment of officers is concerned, their selections should be done in the same way as is done by N.D.A. or the Military Academy through competition. The I.A.S. or I.P.S. officers should not be inducted into it because such officers are careerists and will never come forward to face the terrorists. The selection of officers for this force should be made on the basis of a competitive examination as is done for the selection of Army officers by the N.D.A. or the Military Academy. There the personal or academic qualification of a boy is not taken into consideration. On the contrary attributes such as boldness, capacity to take decisions and talent are taken into consideration. In the beginning you should call officers on deputation from the State cadres, from B.S.F., I.T.B.P., Industrial Security Force or Para-Commando Forces for this newly constituted force because we need personnel for this newly constituted force who are fit in all respects. So far as the recruitment of other ranks is concerned, preference should be given to sportsman or N.C.C. cadets because it has been seen that sportsmen are considered weak in studies and boys with good academic record will not join the fighting forces. They are very par-

[Shri P. Namgyal]

ticular about their career. I am not casting any aspersion on anyone. These are my own views. As such I would suggest that such persons should be taken in this Force as are sportsmen, N.C.C. cadets and who have interest in adventurous life. If is boys with adventurous bent of mind who opt for N.C.C. and sports.

As regards recruitment of Jawans in the army, the Government have enhanced their qualification and now graduates are also being recruited as jawans. They do not have a sense of duty or dedication. They are argumentative because they know the background. So I would suggest that highly qualified persons should not be taken in this force. Such persons should be taken in the commando operations who are fearless and who are ready to lay down their life. Such jawans are needed for this force. Therefore, highly qualified persons should not be recruited in this force.

Mr. Chairman, Sir, I would also like to say about the people of hill areas and tribal areas. The people of these areas are regarded brave. They have given a good account of their ability and valour a number of times. So they should also be recruited in this force.

Mr. Chairman, Sir, some Hon. Members have suggested that there should be separate Intelligence Wing for this force. I am not in its favour. At present there exist a number of Intelligence agencies, for example, IB and RAW. The Army, the Police and the B.S.F. have their own Intelligence agencies. How do these agencies function? They submit their reports to the higher authority like the Cabinet Secretary or the Military Secretary. The persons who make assessment of these report get confused. For example, a few days back the chief Minister of Arunachal Pradesh had issued a statement that the Chinese had set up their camp there. Later on, the Government denied it. But after some time the Government gave a statement in the Parliament that they have actually set up a camp there. I think that multiple Intelligence agencies create confusion. So

there is no need to have a separate Intelligence Wing for this force. The need of the hour is to strengthen the Intelligence agencies already functioning and there should be more co-ordination among them.

Mr. Chairman, Sir, as regards training for this force, I would suggest that this force should be trained in such a way that the personnel of this force should have the knowledge of *Judo*, *Karate* or some other technique. What I mean to say is that it is not necessary that they may use weapons only. They should also be able to fight without weapons when the need arises.

There is need to impart training to them to combat with bare hands a man armed with a pistol.

Mr. Chairman, Sir, the salaries of the personnel of this force, should be quite high. Besides, they should also be covered by insurance for a substantial sum. Otherwise, if it is not done, a jawan would always be worried about his family's future after his death. Therefore, they should be given good salaries and a good insurance cover, so that after his death his family may not face any hardship. But the foremost thing is one should be a patriot.

Now, I want to speak about the clauses of the Bill. It is said in sub clause 2 of clause 25 :

[*English*]

Drunkenness and owing to the influence of alcohol or any drugs.

[*Translation*]

Alcohol is a must for such forces. The commandos are always given one or two pegs, before they go into action in order to shake off any fear.

So far as drugs are concerned, the provision regarding drugs be deleted. If anybody uses drugs, you can punish him even otherwise.

SHRI GHULAM NABI AZAD : He may then take shelter of the plea that he had used drugs because there was no provision prohibiting it.

SHRI P. NAMGYAL : To my mind, drugs should not find any mention in it. The person who does not perform his duty well, as is provided in clause 26, a punishment of 10 year's imprisonment has been provided for a deserter. To my mind this is very less. A terrorist like Jinda who has committed 2 to 3 dozen murders, can escape by offering money. I think such persons who are involved in escapes, should be given at least 20 year's imprisonment.

In section 32 there is a provision of 10 year's imprisonment for a person who destroys property. The sentence provided for in the Bill for persons involved in looting of armoury, should be increased. With these words, I support the Bill.

SHRI AZIZ QURESHI (Satna) : Mr. Chairman, Sir, I support this Bill. This land of Gautam, Nanak, Chishti and Gandhi had never accepted terrorism or its philosophy. History bears testimony to the fact that terrorism in an organised form came into existence after 1916 but the Congress Party as well as Mahatma Gandhi always opposed terrorism. If we turn the pages of history, we shall find that whenever terrorists indulged in activities—be it for the country's independence or to kill the Viceroy by throwing a bomb on his train—the Congress Working Committee always passed a resolution against it and it was drafted by a person no less than Mahatma Gandhi himself.

I remember that Pandit Nehru had written somewhere in his autobiography that after attending the meeting of the Congress at Calcutta, he boarded a train. When the train started, 3 to 4 Bengali youth entered his compartment. Those were the days when Pandit Nehru used to write against the terrorists. They warned him that unless he stopped speaking against terrorism, he would also meet the fate of the Britishers and the enemies of the nation. Further, Panditji wrote that he recollects a lot of things about them but he was sorry that he could not ask their names and addresses as they were in a hurry. He further added that he did not know about their whereabouts and it was possible that they might have been killed by English policemen or might be leading a condemned life in a jail or might be serving a life term in Andaman.

Alas, if had known their addresses he would have told them that the path which they had chosen for bringing revolution was wrong. There can be several ways of bringing about revolution or reaching one's goal through peaceful and democratic means.

Whatever may be the past history of terrorism or its philosophy, in the modern times it is a legacy of the imperialists and the capitalist countries. The imperialists and the American interest was behind terrorism in Lebanon. They had engineered partition of Lebanon through Israel in order to crush the Palestinians. As a result, Lebanon is still burning. We all know who is behind the problem of terrorism? Even now, the imperialist powers are spreading and sustaining terrorism in our country by imparting training and providing money to than through Pakistan. They wish to destroy our unity and integrity. But history bears testimony to the fact that India never yielded to any pressure or terrorism and has been successful in preserving its integrity. The Government of India has always fought against it.

I would like to remind you of the Chaurā-Chaurā incident after which Mahatma Gandhi had withdrawn his movement. When Shaheed-e-Azam Sardar Bhagat Singh threw a bomb in this august House as a warning to the imperialist, talks were going on between Mahatma Gandhi and the Viceroy. Most of the people at that time were of the view that Mahatma Gandhi would try to get Bhagat Singh released. But Mahatma Gandhi did not even mention about Bhagat Singh during his talks and Bhagat Singh had to sacrifice his life.

[English]

SHRI ANIL BASU (Arambagh) : Is this relevant?

SHRI AZIZ QURESHI : Let me speak.

SHRI ANIL BASU : You should be relevant to the subject.

SHRI AZIZ QURESHI : I am relevant. Allow me to speak. Try to improve your understanding, then you will come to know that it is relevant.

MR. CHAIRMAN : It is for me to see whether it is relevant or not.

[*Translation*]

SHRI AZIZ QURESHI : Just now it was said that this Bill will not be an effective weapon against terrorism. I wish to tell you that the ethos, the leadership and the ideology of the Congress Party had always opposed the terrorist activities in the country.

So far as this Bill is concerned, clause 15 provides for death sentence, 14 year's imprisonment and other punishments. But the Bill does not provide for the appellate authority to which the person condemned to death sentence or awarded any other punishment would appeal. Should he approach the High Court or the Supreme Court or any other Court or whether your verdict will be final and no appeal shall lie against it.

Similarly, you have provided in clause 56 that if any person is detained for more than 48 hours, information to this effect will be given to the commander of the National Security Gaurd. After this, the Bill does not mention anything. I wish that a provision to this effect should be made in the Bill that on receipt of the information, the commander of the National Security Gaurd would pass it on to the concerned court so as to prevent misuse of the powers at any level. I feel that you will bear it in mind while framing rules under section 193 and also consider these points so that terrorist activities could be eliminated in the country.

With these words, I support the Bill.

[*English*]

SHRI AJAY MUSHRAN (Jabalpur) : I rise to support the National Security Guard Bill 1986. I quite realise the necessity and the urgency to bring this Bill to make the Present National Security Guard System more disciplined and more work-oriented. I congratulate the Hon. Minister that while making this Bill he has heavily relied on the Army Act for various functions which he has foreseen this force will perform, and when this force is not performing to the entire

satisfaction and entire fulfilment of this aim of force, as to how they will be punished.

I have to make a few suggestions through you. Sir, If you go through the source of recruitment, which is not very much defined here, you will find that it is not proper. I want to warn the Hon. Home Minister that we should not create another agency like BSF, CRPF and all these things which are known as protection force, because neither they give "protection" nor they are "force". So, to ensure that the aim of creating a force which is going to be at a perennial cost of about Rs. 3.8 crores is really achieved, in the sense that it counters threat from terrorists, not only counter threat, but also it completely destroys terrorists who are operating in various parts of the country, the recruitment standard for the sake of any regional consideration or caste or colour or creed should not be reduced; there should not be any let-up. Whatever standard you lay down, whether it is education, whether it is physical, whether it is mental or whether it is psychiatric process through which people would be screened before they are brought into this force, all those stipulations must be adhered to. Secondly, connected with recruitment is training. Any force, howsoever well recruited, if they are not trained properly, even if they are given the finest weapons, but if they are not given proper training, you will be creating something like not creating a force. I do not name the force. There are some forces which are extremely well armed with more sensitive modern weapons, but because they are not trained properly, they are not able to perform their job, because, as I said, in the army, it is the man behind the gun who matters more than the gun itself. So, the training should be of the highest standard. You should not complete with the police; you should not complete with the BSF; you should try and complete with the army, and if you come to the level and standard of training of army, I am sure, this force will be a success; nothing short of army training and standard should be accepted. In the beginning, you will not have enough officers of this particular force, officers who originally joined this force. So, you may be taking them on temporary basis or you may permanently seconded persons from the police. I am very much against taking people permanently seconded persons from

the police. With great respect to the police force, the philosophy, the training and the performance year after year is of a different type than that of the force which you are contemplating to raise by this Bill for the destruction of terrorist, because terrorists, in my opinion, are worse than enemies. Enemies we know; our probable enemies we know, but terrorist we do not know, whether they are being protected by X or Y or by the State Government Ministers; we do not know who are protecting the terrorists. To find out terrorists and beable to destroy them is a more difficult task than fighting against known enemies across the border.

SHRI GHULAM NABI AZAD : About Syed Shahabuddin's point, I want to make it clear that we had no force whatsoever in any form either BSF or CRPF as far as the terrorists are concerned. We have no force as such so far which is basically and primarily meant to fight out the terrorists. Most of the Hon. Members have said that we should wind up other forces. We have not so far the anti-terrorist force. This is entirely a new force.

In continuation of the Financial Memorandum circulated with the National Security Guard Bill, 1986 (Bill No. 93 of 1986) I wish to state that National Security Guard is a part of the Central Police organisations under the administrative control of the Ministry of Home Affairs. For administrative convenience, no separate budget head has been provided. On account of its very nature of duties, their pay and establishment expenditure are met from one or more Central Police Organisations having their own head of account.

15.31 hrs.

**COMMITTEE ON PRIVATE MEMBERS'
BILLS AND RESOLUTIONS**

Twenty Third Report

[English]

SHRI RAMSWAROOP RAM (Gaya) :
I beg to move :

"That this House do agree with the Twenty-third Report of the committee on Private Members' Bills and Resolutions, presented to the House on the 13th August, 1986."

MR. CHAIRMAN : The question is :

"That this House do agree with the Twenty-third Report of the Committee on Private Members' Bills and Resolutions, presented to the House on the 13th August, 1986."

The motion was adopted

— — —
15.32 hrs.

**CHILD LABOUR (BENEFIT AND
REHABILITATION FUND) BILL* 1986**

[English]

SHRI ANIL BASU (Arambagh) : I beg to move for leave to introduce a Bill to provide for the formation of a fund for the benefit of child labourers and for their rehabilitation through education, training, and specialisation in some trade or avocation.

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to provide for the formation of a fund for the benefit of child labourers and for their rehabilitation through education, training and specialisation in some trade or avocation."

The motion was adopted

SHRI ANIL BASU : I introduce the Bill.

— — —
**DOWRY PROHIBITION (AMENDMENT)
BILL 1986***

(Amendment of section 2)

[English]

SHRI THAMPAN THOMAS (Mavelikara) : I beg to move for leave to introduce

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