

MR. DEPUTY SPEAKER : The question is :

"That the Bill further to amend the Government Savings Banks Act, 1873, and the Government Savings Certificates Act, 1959, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER : Now, let us take up clause-by-clause consideration of the Bill.

The question is :

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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

SHRI JANARDHANA POOJARY : Sir, I move :

"That the Bill be passed."

SHRI MOOL CHAND DAGA : Sir, I want to speak a few words.

MR. DEPUTY SPEAKER : Alright. You can speak.

Motion moved :

"That the Bill be passed."

SHRI MOOL CHAND DAGA : I want to just make a point that when the rules are framed by the Government, the rules are laid on the Table of the House. The rules will be given the shape of statutory rules after they are approved by the Parliament or as soon as they are published in the Gazette. That is one point which I want to make it clear.

The second point is that suppose the rules are approved by the Committee on Subordinate Legislation and latter on when the Committee on Subordinate Legislation finds that there are certain lacunae and they give some suggestions after thoroughly examining them, the statutory rules will come into force as soon as they are passed by the States.

SHRI JANARDHANA POOJARY : The valuable suggestion made by hon. Member, Shri Dagaji is noted.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

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14.35 hrs.

INTELLIGENCE ORGANISATIONS (RESTRICTION OF RIGHTS) BILL

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : I beg to move :

"That the Bill to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to the members of certain organisations established by the Central Government for purposes of intelligence or counter-intelligence so as to ensure the proper discharge of their duties and the maintenance of discipline among them, be taken into consideration."

Sir, the Constitution (Fiftieth Amendment) Act, 1984 came into force with effect from 11th September, 1984. This Act amended article 33 of the Constitution so as to bring within its purview persons employed in any bureau or other organisations established by the State for purposes of intelligence or counter-intelligence and persons employed in or in connection with the telecommunication systems set up for the purposes of any force, bureau or organisation referred to in the article 33. Parliament is, therefore, now empowered to enact a law determining

to what extent any of the rights conferred by Part III of the Constitution shall, in their application to the persons working in Intelligence Bureau (IB) and Research and Analysis Wing (R&AW), be restricted or abrogated, so as to ensure proper discharge of their duties and maintenance of discipline among them.

Prior to this amendment, article 33 empowered Parliament to restrict or abrogate the rights conferred by Part III of the Constitution relating to fundamental rights only with regard to members of Armed Forces or Forces charged with the maintenance of public order. In exercise of this power, Parliament had enacted the Police Forces (Restriction of Rights) Act, 1966. This Act provides for restrictions on members of the Forces charged with the maintenance of public order with respect to the right to from associations, freedom of speech, etc. This Act, *inter alia* applies to CRPF, Assam Rifles and also Indo-Tibetan Border Police which was raised under Central Reserve Police Force Act, 1949. The other two Armed Forces under the Ministry of Home Affairs viz., BSF and CISF are governed by specific Parliamentary legislations, i. e. Border Security Force Act, 1968 and Central Industrial Security Force Act, 1968. These enactments also contain provisions analogous to those contained in the Police Forces (Restriction of Rights) Act, 1966.

The amendment of article 33 of the Constitution had been mooted by the Government with the intention of placing appropriate necessary restrictions on the employees of I. B., R&AW and DCPW which are sensitive organisations working in connection with the security of the State. This was felt necessary in the context of growing indiscipline among certain sections of the employees of these organisations and a strong tendency among them to adopt methods akin to those of trade unions. In fact, it was felt that if urgent action was not taken to curb these activities, not only the efficiency of the organisations would suffer but also the security of the State itself may be endangered.

Now that Parliament has acquired the power to legislate with a view to restrict or abrogate the rights conferred by Part III of the Constitution, with respect to these categories of organisation, it is considered necessary to enact such a law at the earliest in respect of Intelligence Bureau and R&AW whose functions have a material bearing on the security of the State. There has been erosion of discipline in IB and R&AW in recent years, due to agitational activities of a section of their staff. It is necessary to ensure that the personnel of these organisations work with total dedication and discipline in the discharge of their duties. The Bill seeks to achieve these objects by placing some restriction on the members of IB and R&AW.

The Government are also conscious of the need for providing adequate opportunities for ventilation and redressal of genuine grievances of the staff. In the I. B., arrangements for this purpose already exist at the Headquarters and in the field units of the organisation and these are being strengthened in order to deal effectively with the legitimate grievances and aspirations of the staff. Arrangements also exist for the redressal of grievances of the staff of the Research and Analysis Wing as well as for looking after their welfare at the Headquarters and in the field units organisation.

I commend the Bill to the hon. House.

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to the members of certain organisations established by the Central Government for purposes of intelligence or counter-intelligence so as to ensure the proper discharge of their duties and the maintenance of discipline among them, be taken into consideration."

Hon. Members, the time allotted for this Bill is very short. I request the Members to be very brief. Shri H.A. Dora, Only five minutes,

SHRI H. A. DORA (Srikakulam) : Sir, is the 5-minute limit only to the Member who initiates the discussion ? You are putting control on the time also.

MR. DEPUTY-SPEAKER : The time-limit is not only to the initiator but also to the Member who is ending the discussion.

SHRI H. A. DORA : Sir, I may be given a longer time.

MR. DEPUTY-SPEAKER : I have told only five minutes. Please be brief.

PROF. MADHU DANDAVATE (Rajapur) : Time is never given, time is taken !

SHRI H.A. DORA (Srikakulam) : Mr. Deputy Speaker, Sir. While speaking on the Bill, I may be permitted to submit to this august House, the inherent weaknesses in the Bill itself. The Bill says, to ensure the proper discharge of duties and the maintenance of discipline among them"—does it convey any other meaning than the meaning that hitherto these two intelligence organisations viz., Intelligence Bureau and also the RAW have been discharging their functions improperly and without any discipline ? It only conveys that meaning. In order to ensure the proper discharge, as there is no proper discharge hitherto made by these two organisations, and as there is no proper discipline prevailing in these two organisations, this Bill has been introduced in this august House.

I may be permitted to submit that the RAW, as my colleague Prof. Madhu Dandavate has put it, is really a 'raw'. There is any amount of failure on its part right from the beginning. It has been constituted in the year 1968. Its main objective is to evaluate intelligence outside the country, to monitor the intelligence outside the country. But it has been used as the private property of some of the politicians in the Ruling Party. Therefore, the RAW has become a colossal failure in this country. I may be permitted to submit in this particular House that in recent days its failure is crystal clear. RAW failed to observe the state of affairs that has been

prevailing in Assam ; it failed to observe the state of affairs that has been prevailing in Punjab ; it failed in assessing the situation even in the capital i. e. Delhi. It also failed in Gujarat.

Therefore, this particular piece of legislation is necessary. But is it a comprehensive legislation ? Will it really give a fillip to this sensitive organisation ? Will it definitely, I mean, give a fillip to these sensitive organisations which will bring about a proper assessment—internal assessment as well as external assessment in this country ?

We have been fully posted with the failures in external assessments. In the year 1962, when China made an aggression on this country and in 1971 also when Pakistan invaded this particular country, the central intelligence failed to give its assessment as to these invasions were being made by the foreign countries. Thus, the central intelligence is a failure. It is a total failure, if I may be permitted to put it that way.

I may be permitted to submit that Article 33 of the Constitution as it stood prior to its amendment in 1984, precisely a year back is as follows :

"Parliament may by law determine to what extent any of the rights conferred by this Part shall, in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them."

By the amendment of 1984, it introduced clause (c) which says :

"persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter intelligence ;"

and (d) which says :

"persons employed in, or in connection with, the telecommunication systems set up for the purposes of any Force, bureau or organisation referred to in clauses (a) to (c),"

These are the two new clauses that have been introduced in order to enable the Parliament to pass laws restricting the rights of persons employed in these two sensitive organisations.

What I would like to submit is that by introducing this piece of legislation, could the discipline be controlled in these two sensitive organisations ? According to me it cannot be controlled. Merely by restricting their right to join and to associate themselves with any political organisation or any trade union or labour union or public association the discipline cannot be brought to order. Therefore, I respectfully submit that this is not a piece of legislation which, according to the objects and reasons that are stated in the Bill itself, could bring about the normalcy. There is no discipline and indiscipline is prevailing. That indiscipline cannot be curbed by introducing this particular piece of legislation. I, therefore, submit that a comprehensive Bill is needed in order to ensure discipline and also their dedication to the country as prescribed by law.

Therefore, my submission is that this Bill to some extent eradicates the evils that are prevalent in these two organisations, but it itself is not sufficient to bring about a radical change in the discipline of these two forces.

SHRI SHYAM LAL YADAV (Varanasi):
I rise to support this Bill.

The Bill is, I think, quite innocuous and a simple one. The objections that have been raised by my hon. friend from the other side, I do not think, have contained any material objection. Rather he has been making certain observations that discipline cannot be imposed by this legislation. I think he has missed the spirit of the Bill.

Under our Constitution, you know, everyone has got certain fundamental rights. But Art. 33 makes certain exceptions and empowers the Parliament to legislate on certain forces of the State which are charged with the maintenance of law and order or with the defence of the country or intelligence or counter intelligence organisations or persons engaged in tele-communications systems. The persons who are employed in these organisations should have certain

restrictions because of the nature of job that they are charged with. They cannot take the same liberty with their activities as the employees of other State departments. These are very sensitive departments and their job is also very sensitive. Therefore, it is necessary that they should not enjoy the same type of liberty or freedom of association or speech as is available to other sections of employees.

Sir, the hon. Minister has explained in the House about the facilities that are available to employees in the intelligence and counter-intelligence agencies. It convinces us that the employees of these organisations do have certain avenues to agitate for their legitimate grievances concerning their employment, promotion, pay-scales, etc. so, there is no need for them like others to indulge in trade union activities.

Sir, in our country this has become rather an everyday affair for the Central and State Government employees and employees engaged in public sector undertakings to form trade unions and agitate for their salaries, promotions, etc. The other trade union organisations also go on supporting them. Actually the Government is run by these persons. The persons who are responsible to implement the policies of the Government themselves from trade unions and agitate for their grievances. They do not care for the ordinary people. But then certain laws have been made for them. I have no objection to that. But, I think, it was a proper step on the part of the Government to have got Article 33 amended in the year 1984 so that Parliament could have the power to legislate. Otherwise the Article as it existed prior to that amendment could not confer these powers on the Parliament. That Article related only to the members of the armed forces or forces charged with the maintenance of public order. Now, by the amendment of 1984 Article 33 was enlarged and persons employed in intelligence or counter intelligence services and employed in connection with tele-communication system were also brought in. The duties of Intelligence Bureau or RAW have been included in the Schedule. Their duties are such that if they are not insulated against these trade union activities they cannot discharge their functions impartially or with confidence.

[Shri Shyam Lal Yadav]

Sir, in many of the other democratic countries there are intelligence agencies where great restrictions are imposed on the persons working in these organisations. I do not know what is in the mind of the Government in this regard as to what should be done prior to the employment of persons in these organisations, what should be the method of looking into their antecedents, social behaviour or their activities prior to their entrance into these services. Secondly, in the Bill restrictions have been imposed that these persons cannot communicate with the Press, publish or cause to publish any book, pamphlet or poster except with the prior permission of the Head of the intelligence organisation. I do not know what is the mind of the Government and whether these persons will be free to do all these things after they have left the services voluntarily or after their retirement. Some time-limit should be fixed so that they cannot immediately, after their retirement, divulge any secret or confidential matter that they might have dealt with while in service which may jeopardise the interest of the country, interest of the organisation or the defence of the country. What will be done for this? This point should have been taken care of while drafting this Bill. But I think the Home Minister may have certain ideas or there may be certain provisions in the Bill of which I am not aware, which will enforce discipline after their retirement. We know that in many countries, the persons who are employed in certain Intelligence Department cannot write, publish articles, etc. and there are restrictions imposed on these matters by the Governments of those countries. I think that these activities that have been banned here in clause 3 of the Bill are such that they are very necessary for the employees. Once they have the employment, they have remuneration and they have the opportunities for redressal of their grievances, I do not think there is any need for them to go in for trade union activities.

In the past, there was an agitation in the I.B. and there was an agitation in the RAW also. At that time also, I think most of the people did not like the activities of these organisations. One thing I would like to submit is that in the schedule only Intelligence Bureau and RAW have been included and

the powers have been conferred on the Central Government to include any other organisation or exclude any other organisation that is mentioned here. I would like to know what is the idea of the Government about the Central Bureau of Investigation. I do know that this agency is mostly concerned with the investigation of cases. But there are cases which are linked with the defence personnel and recently there were some cases in which international offenders were involved in fraudulent activities with the banking system or economic system and with export trade also. So, I would like to know whether there should be some restrictions on some of the people who are concerned with such sensitive activities in the C.B.I. and that is also to be looked into. One thing is quite clear that other defence organisations which are charged with the maintenance of order and which are constituted by the Home Ministry do have certain provisions on these lines. As the hon. Minister was pleased to state, C.R.P.F., B.S.F., Indo-Tibetan Force, Central Security Force, etc. do have certain restrictions. Therefore, I think that it is in the fitness of things that the Government has brought forward this Bill.

One thing I would like to submit before I conclude, is that the permission to publish these documents, letters, etc. have been conferred on the head of the Intelligence Organisation. While defining such organisation, if there is any dispute whether it is in a society, in an association or in any other industry, the Central Government will have the authority to decide. So, is it not better if this power of issuing statements, letters, publications, etc. is also conferred on the Central Government so that there may be a unanimity of decision? It will be quite in keeping with our secular system of government. There are organisations which have caste character and there are also other non-secular organisations. There should also be excluded and members of the forces should not be encouraged or rather they should be discouraged from joining the institutions, associations or organisations which are of a nature which may create hatred in the society or amongst different classes of the people.

15.00 hrs.

With those words, I support the Bill.

One thing more. As Shri Daga said earlier in connection with another Bill, I would also like to say that all the rules framed by the Government under this Bill will have to be laid on the Table of the House and unless the House decides to disagree, the rules as framed by the Government and laid on the Table of the House become final after the lapse of certain time. Those provisions are quite good. I, therefore, support the Bill.

[*Translation*]

DR. G. S. RAJHANS (Jhanjhupur) : Mr. Deputy Speaker, Sir, I support this Bill. There is nothing to offer in this Bill, because everybody is aware of the role of Intelligence Bureau and RAW, but all of us are very sorry to note that the Intelligence Agencies are not working as efficiently as they should have worked. I do not want to repeat anything, but there is no doubt that there are many shortcomings in their work. All the existing Intelligence Agencies or the agencies likely to be formed in future, would be covered by this Bill. In this connection I would like to tell you one very interesting thing. I would like to request the hon. Minister that he should bring forward a comprehensive Bill which could cover all such Agencies under it.

15.02 hrs.

[SHRIMATI BASAVA RAJESHWARI
in the Chair]

I would not refer to the name of the state, but you might have heard that the chief Minister of that state had suspended some Engineers, because they were found guilty. The reason for their suspension was that there had been bungling in the construction of a large dam and as a result many people had drowned. When the concerned Senior Engineer was suspended all the subordinate and Junior Engineers threatened to go on strike. As a result, the chief Minister of that state had to withdraw his order and he set up another committee to enquire into the matter.

SHRI RAM PYARE PANIKA : It was your own state.

DR. G. S. RAJHANS : When did I say so ?

SHRI RAM PYARE PANIKA : Even if you do not disclose the name of the state, all of the state, all of us would come to know the same of the state.

DR. G. S. RAJHANS : Recently, an S. P. wanted to transfer some of the inspectors on account of a crime committed there. All those persons formed an Association and demanded that they should not be transferred but it is the S. P. who should be transferred. You can well imagine the repercussions of police personnel indulging in such type of talks. The hon. Minister might be aware of this. The people having vested interests refuse to leave a particular place. Leading newspapers of the country have written editorials on this subject. It is not surprising that the people with vested interest demand that the honest S.P. should be transferred and they should not be transferred to any other place. Such type of things may take a serious turn later on. I would like to recent my own experience. I am not such whether I should say this or not.

SHRI NARAYAN CHOUBEY (Midnapore) : Please do reveal it.

DR. G. S. RAJHANS : When I was working in a Newspaper the officials of I.B. used to come to me with the request that such and such thing might be published in the Newspapers about this officers, but I did not allow its publication. I was surprised to see that officials of I.B. used to come to me. I would like to tell you that officials of I.B. are still engaged in this task of mud-slinging against the Government. I would like to suggest that there should be counter Intelligence Agency against this Intelligence Agency.....(*Interruptions*)..... what is happening at present. It is a very sensitive issue and it should not be taken so lightly. There are very high officers in Private Companies, but even these high officers are removed from service within 24 hours, because of the discipline there. They are afraid that they cannot be allowed to form any association. If anything is taking the country to dogs, it is the associations formed by high officials. If the

[Dr. G.S. Rajhans]

Bank officers drawing a salary of Rs. 5,000 form an Association and say that they would not allow the work to go on, how can the country march forward? If the country has to march forward, the forming of Associations by high officials should be banned legally, as this is not in the interest of the country. I do not talk about small people, they might be allowed to form Trade Unions, but if big Engineers, officers, Police officers want to form trade unions and if they want to take part in trade Union activities, they should not be allowed to do so.

Same thing should be applicable for Public Sector also. The people working in the Public Sector Units think that their services are secure and nobody can remove them from their services. This is the reason that over Public Sector is running at a loss. If a little sense of insecurity is brought in you will find that the efficiency has increased. The efficiency in Private Sector is more only because of sense of insecurity in it. I would, therefore, request you to bring forward a comprehensive Bill, under which not only the personnel of I.B., RAW and Telecommunication are covered, but the people of other Departments are also covered.

[English]

SHRI HANNAN MOLLAH (Uluberia):
In the objects of this Bill it is stated :

It is proposed to enact a law with a view to check the tendency of growing indiscipline in these highly sensitive organisations" etc.

This is the theory always propounded by the Government whenever they want to take away the rights of the people, whichever section they may belong to. Here is my objection because this argument comes from the class character of the Government. And the question is whether they will be able to stop indiscipline with some legislation only. I will request the hon. Minister to have some self introspection and see whether these rigid rules and the policy followed by the Government are causing indiscipline in various walks of life and whether taking

away the rights of a section of the people will serve the purpose or not. You know very well that in various State, though police organisations have no rights, still there are various types of indiscipline like police revolt etc. That is why I want to know whether taking away the rights will serve the purpose. Rights should be given and at the same time, discipline also got to be maintained.

In Clause 2 (b) it is mentioned: "member of any Intelligence Organisation" means any person appointed to, or employed in any Intelligence Organisation". I do not know whether the Class IV staff and even ordinary peons will also be included under it or whether there is some difference. Then again, in clause 3 (b), they have mentioned the words, "...is not of a purely social, recreational or religious nature." The Govt. will allow them to join. Those organisations? With regard to those organisations which have political overtones, such as the RSS, Jamait-i-Islami, Anand Margis, etc., I do not know what the decision of the Government

Another point mentioned by hon. Minister is that there is scope for the redressal of their grievances. But nothing codified and there is no mention about it in the provisions of the Bill. Shri Yadav has also mentioned about it. I would like to ask the hon. Minister why we have not codified the ways of redressal of their grievances, It should be mentioned in the Act itself. So many assurances are there and so many assurances are given in this House too, but all these things should be codified properly, as it is done in the case of Army. In Clause 6 (a), with regard to delegation of powers, two institutions are mentioned. We do not know as to when and how more institutions will be included for this purpose, an Amendment to this Act could be made. Otherwise, it will not be in the interest of the people.

With regard to the organisations which are in the purview of this Act also, I would like to mention a few words about their performance. What is going on in these organisations? Some of the failures of these organisations are mentioned. Recently, I warned the Government that a serious attempt is being made by some

foreign agencies to infiltrate in all walks of life, whether in the Government Departments or in the spy organisations or in the research institutions, universities or educational institutions and especially in the voluntary organisations. Crores of rupces are coming from those foreign countries and they are trying to turn the people in these organisations against the interest of our country. I asked the Central Government, last year, as to how much foreign money is coming from foreign countries to the voluntary organisations. The Minister replied that, it is to the tune of Rs. 210 crores. And this is being distributed to the voluntary organisations in the name of research and public welfare. But in these voluntary organisations, there are foreign agents who are operating against the country's interest and this also I wanted to mention here.

The multinational agencies are also very active here and they are working against the national interests. So all these loopholes should be kept in mind, and properly plugged. Our intelligence agencies have failed to know about the accumulation of arms in the Golden Temple, leakage of Defence secrets by spies, even the assassination plot of our late Prime Minister, information regarding sorts at various parts of the country such as communal riots, caste, riots and so on. They have failed to know about all these things. These intelligence agencies should perform in a better way and to ensure this, there should be a legislative watchdog also, like a Parliamentary Committee to see all these things from time to time. We should not leave it in the hands of the bureaucrat alone. So, I will suggest to the hon. Minister that with an iron hand, you cannot bring discipline. It will not serve the purpose.

SHRI PRIYA RANJAN DAS MUNSI (Howrah): Madam Chairman, this Bill by itself is no doubt very important, in this hour of the nation. But I am sorry to say that the intelligence organization functioning in this country is doing everything—I can say that the intelligence organization is lacking only in one thing, and that is intelligence.

The very concept of intelligence is just the opposite of the concept of foolishness.

But sometimes counter-intelligence and intelligence organizations in this country function in a manner which gives me this impression : 'A child is playing with the detective book in his childhood, and trying to find out who the culprits are. It finally says : Mummy, I am feeling sleepy. Give me food. I do not like to finish the book.'

If for what they have done, a part from Satwant Singh and Beant Singh anyone else is otherwise responsible for the cruel killing of Mrs. Gandhi, it is the counter-intelligence system of this country. Now the Commission is doing its work. Surprisingly enough, there was the police in charge on that day, and the Deputy Commissioner in charge on that day. From the days of Pandit Nehru to those of Indira Gandhi, it is written and recorded in the Blue Book and the Log Book that the sten guns in the P.M.'s house are always kept in the out-house. Seven sten guns are kept in the out-house, which cannot be requisitioned and used without the instructions of the top officers or police, the Commissioner of Police or anybody else, for exclusive close-quarter battle. Surprisingly enough on that day, from seven in the morning, this gentleman was moving with the sten gun right on the lawn, and the intelligence or counter-intelligence people did not do anything. As a result, what happened ?

I wish all of them—the former chiefs of security for the Prime Minister, who were associated with Prime Minister Jawaharlal Nehru and Indira Gandhi—appear before the Commission. They will substantiate my views, as to how these sten guns come out. There is never a sten gun in PM's house, unless it is taken out from the out-house where there are seven sten guns. I hope the Minister will substantiate this. Only seven sten guns can be kept in the out-house. Out of them, one was brought out in the morning, and this man was moving around in the lawn. Nobody stopped. Whom do you blame ? It is the Intelligence and counter-intelligence system, where as Mr. Hannan Mollah rightly pointed out, foreign influence is increasing every day. Have you gone into this aspect, viz. after their retirement from service, what do they do ? They have palatial houses in the Defence Colony

[Shri Priya Ranjan Das Munsi]

-of Delhi, or in Bombay or in the Salt Lake area of Calcutta. How do they get the money ? Don't you understand ?

I do not question their *bona fides* at all, because many of them are patriotic. But many of them are killing this country and bringing this country into disrepute. What is happening right in the Capital?

When I came to this House in 1971, I was the Youth Congress chief. I shouted twenty times; and still I find that it is there viz. the functioning and the clandestine operations of the World Assembly of Youth centre, financed by CIA—in the Vishwa Yuvak Kendra right at Chanakyapuri, managed by a trust, still being funded by EZEDY of west German Organizations. They are doing whatever they like, right in the Capital. And the Government is saying that its intelligence is functioning, and that its counter-intelligence is functioning. You go and find out from the Trust how much money they have got from Ezedy, and for what purpose they have spent it. It is continuously going on, and there is no check, no stopping, nothing is there. There is the that every year comes from outside to fund the Gandhi Peace Foundation. We have the Kudal Commission. Intelligence knows where the money goes, and what they do with it. Yes ; intelligence activity consists of nothing to be done, except appointing enquiry commissions. This is how our intelligence is functioning.

I disagree with Mr. Hannan Mollah on only one point. Never in any part of the world, be it the Soviet Union, United States or China, is there any kind of trade union activity permitted in the intelligence organizations. Never, in any part of the world. I am prepared to accept if he can any example. Never, Its operation itself is done in such a manner that hardly people know. The methods of redressal are not to be made known to known to us. It is such an organization. But there, we are allowing it and encouraging it for years together ; and we are discussing it. You should be very ruthless in stopping this sort of activities there.

I have every sympathy with these people, but there are certain trades and professions in the country, where such things are not liberally encouraged.

Now about the functioning of the system. How are you functioning ? Do you have a separate intelligence cadre in the country. No.

You have the Intelligence Bureau. You have the subsidiary intelligence branch. You have the Detective Departments in the respective State Capitals and Metropolitan cities. You have RAW and CBI. How do they function ? A Deputy Commissioner of Police in Calcutta, who is looking after the traffic arrangement, may be asked to look after the CBI branch tomorrow or he may be summoned by RAW to become the Joint Director of RAW. Is this the function of the intelligence system ? How do you actually introduce the concept of intelligence among them ? We need a separate intelligence cadre in the country. Normally, a police officer just after passing the IPS examination, cannot do the intelligence job. There are lot of political pressures in the respective States or lot of other influences and they cannot dedicate themselves fully. Intelligence is not merely a work ; it is a science ; it is an art. If you see the history of the intelligence system of the other countries you will find that never in the other parts of the world have things happened as they are happening here. Here a Deputy Commissioner of traffic today in Calcutta city will be asked to become the Joint Director of RAW tomorrow. A man who is looking after civil defence today will be asked to look after CBI tomorrow. Is this the function of the intelligence ? I do not understand the entire system. I hope the Home Minister will bring forward a legislation in the next session of Parliament. You must build up a new cadre for intelligence system in the country with brilliant people. There are people in the IB Department. I am not questioning their bonafides. But, sometimes, I feel pity for my country. Intelligence needs education, academic brilliance. It is not merely a job of doing chowkidari. There are people without any idea as to what intelligence is. Sometimes, they may go to a village, get some notes and submit a report. Is this the function of the intelligence ?

In RAW, there are some people who claims themselves to be big shots, but they try to come in contact with some party in an embassy, exchange some words and make a trip abroad or take some hot bath in some hotel, have a telephonic conversation and submit a report. I know this is how somebody is functioning just for his trip abroad. Intelligence itself, once again I repeat, is a dedicated and missionary job ; it is not merely a professional thing, and there you need the total system to be re-vitalised. Now I request you to bring forward a comprehensive Bill in the next session at least after the death of Mrs. Gandhi.

The other day, our young friend, Shri Lalit Maken died. You may have issued a statement, but how do you justify that a young MP was being given security at his new residence ? Although guards were provided at his residence, when he came out nobody bothered.

I never asked for police protection. One fine morning, a SHO came to my house and told me that he had been told from the top to give me a guard. I said, "I do not need it." He said, "No, no, we have to give you." Then I said, "All right, you give me a guard." Then they posted a constable with a lathi from 7 p.m. till 10 a.m. to expose me to everybody that I am a dangerous man. That constable was posted without a gun. Then I told him to please leave the place and added that I would survive on my own, because if there was any *humla* he would die since he had only a lathi. It is not a matter of laughing, but this is the way how the system is functioning in the Capital. Therefore, I demand that you should bring a totally new system for the intelligence cadre both for the RAW and the other system right upto the higher level in the respective States, and the people should be recruited not from the regular police staff. In that profession, you kindly see and meticulously examine for people with academic brilliance. Intelligence means intelligence ; intelligence does not mean only cleverness. They should be brought into the mainstream not merely by promotion and other things but on merit. I do not like to be misunderstood by my Muslim friends, Hindu friends and the SC&ST. For recruitment in the Intelligence Department

and promotion, please do not go by the criteria of caste, community and creed. It should be done on merit and efficiency. That is the demand of the system. Let there not be any quota. If you can do it, the system will improve.

SHRI RAM SINGH YADAV (Alwar) ; I support the Bill which has been introduced by the hon. Home Minister.

I put a question to the hon. Minister. When the 50th Amendment to the Constitution was passed on 11 September, 1984 and the Government was empowered to make appropriate legislation in this regard, why has the Government not initiated the relevant legislation up till now ? This is one of the major factors which should have been taken into consideration by the Government then and there. But no reason for the delay has been given even in the present Bill.

It is true that allegations and counter-allegations are being levelled and have been levelled against the intelligence agencies. But we must look at the working of these agencies and the hardship they have to face.

Up till 1967 there was only one agency and that was IB which was looking after the work of internal external intelligence. Till that time complete information was being gathered and the country was well looked after by this wing. It was for the first time in 1967 that a second wing i.e. RAW was created. It was a bad day in the history of India when the Janata Party and its Prime Minister condemned this agency. It was only due to that regime that this agency, as a matter of fact, lost its moral strength and it was reduced to nullity in the eyes of the people. In efficiency was brought into it during the Janata Party regime. Mr. Morarji Desai, when he was the Finance Minister, gave the sanction for the creation of RAW. But he has condemned this agency in his autobiography in these words :

"I had not then realised the real intention of Shrimati Gandhi and agreed with the proposal. I cannot forgive myself for my stupidity in not seeing the possible implications of that seemingly

[Shri Ram Singh Yadav]

innocent action. This was the instrument of coercion which Shrimati Gandhi used against all who came under her surveillance including members of her own Cabinet."

So, it was the Janata Party Government which had demoralised these agencies—IB and RAW—and it was Mr. Morarji Desai who condemned these agencies. Even now, the hon. Home Minister, who is very dynamic and intelligent, can take appropriate action in this regard. I may give some suggestions in this respect.

It should be an independent cadre. Now, there are deputationists. As a matter of fact, the persons, who are not liked by various States, are sometimes taken on deputation. But they are not very much interested to work here. There should be one regular cadre,

Secondly there should be a continuous and regular training for the intelligence personnel.

The salary which is being paid at present to these persons is meagre. It should be much higher than what is given to other open services.

When you except that these secret services must work 24 hours actively and intelligently, than it is the obligation upon the nation, upon this Parliament, upon the representatives, to provide all facilities to these intelligence personnel.

I will also suggest to the hon. Home Minister that he should induct assessors who may be academicians, journalists or persons specialised in particular fields, in trade, in economics or in commerce, so that they can assess the field report of the intelligence personnel and come to the right conclusion. He may also look into the fact that the assessment of the field reports needs very close scrutiny by the higher authorities of the same agency. It is only this that can bring eminence to the intelligence agencies.

I may also submit that the hon. Minister has provided in this Bill that the personnel of these agencies can collect funds for the religious, social and recreational nature of associations, but the nation has witnessed that even when the funds are collected in the name of religion, they are misutilised. So, the hon. Home Minister should give a second thought to it and see whether the word 'religious' should be kept in this section 3, sub-section (b) or it should be omitted. We should not pleasure incorporate these words simply under the pretext or plea that the persons living in the nation are, by and large, religious minded.

I may also submit to the hon. Minister to give his personal look to clause 7 where it is provided that whatever rules are framed, can be annulled with the consent of the other House. I think this power should be given only to this House. If this House wants to improve or disapprove of any rule, then this House alone should be competent to do so and there should be no need to take the consent of the other House. With these words, I support the Bill and hope that the hon. Home Minister will take into consideration the suggestions which have been advanced by me.

SHRI THAMPAN THOMAS
 (Mavelikara) : Madam Chair Person, I want to supplement what Shri Munsi has said. Really it was an opposition speech, it was not a speech supporting the Bill. He has narrated the poor state of affairs of our intelligence agencies in the country. But who is responsible for this? I would like to ask the Home Minister to come forward with a clear-cut answer as to who is responsible for this. Is it not the Governmental machinery and the political power which sees to it that, that power is used by them? All of you have used these intelligence officers for your political purposes in this country. When you wanted to declare Emergency, you wanted the advice of the RAW, when you wanted to fix up the election date, you wanted the report of the RAW, when you wanted to fix up the candidates in various constituencies you secretly consulted the RAW and then you decided your candidates. Election strategy was formulated by you consultation with the RAW. I know in my constituency how the election campaign went on.

I myself know that every time intelligence report goes to the political party in power, they change their strategy accordingly. If they want to bring a DIG to my constituency, his intelligence police report goes to the Congress leadership and then he is brought. Similarly if they want some communal leader to come and campaign in a particular segment, it is the intelligence police which gives the report to the political party which is in power. You have used them and you have misused them. Now you complain that the country is in peril. You are responsible for this. You cannot shirk your responsibility. I say it cannot be done by tightening the mouth of the people. By chaining the people who are working for this country you cannot give us freedom. You cannot chain us in this manner. Yesterday you brought in ESMA. By this you want to chain the working class in this country. You are depriving them from their right to bargain. I know you could pass it and you are going to do that. Today you are bringing in this law to chain the intelligence forces and keep them under your custody for your convenient use. We oppose it. We cannot agree to that. We all want to see that India is a free country where every person has a right to express his opinion. Whether he is in the police force or whether he is an industrial worker or whether he is a common man, he should have the right to express his opinion. That is the freedom which we believe in and which we got on 15th August, 1947. That is the freedom which we envisaged for our people, but you being in power think that for all the time you will be in power and so you can change them and control the country. But, I would like to submit that you are all living in a fools' paradise. Tomorrow some other party may come up to power. If this law is there, will it be good for the country? That should be the test to be applied before making an Act. Suppose tomorrow another party is elected to power and this law is there, then will it not go against you? Have you thought that way about this? Without giving consideration in that manner, if you are bringing in this Bill it will be very dangerous for the country. We want freedom and free society and free association. Shri Das Munshi has asked whether there is any trade union movement for the police organisation.

SHRI PRIYA RANJAN DAS MUNSI : for intelligence.

SHRI THAMPAN THOMAS : I was sitting with a Police Organisation representative of Malaysia in the ILO Conference in Geneva. I may tell you that everywhere in various parts of the world police officers are permitted to organise themselves by way of trade union and have bargaining. So, never think that it is not permitted. It is permitted. But here only because of the system which you follow in this country, you people in power want to use them for your convenience. That is why this deterioration has taken place. These are the Draconian laws by which you want to curtail the freedom of the people and particularly of the working class. That is why I oppose it tooth and nail.

[*Translation*]

SHRI GIRDHARI LAL VYAS (Bhilwara) : Madam Chairman, I support the Intelligence Organisations (Restriction of Rights) Bill, 1985. Just now an hon. Member was stating that this Government used the Intelligence Bureau to find out whether the situation was favourable or not. I would like to tell him that we are ourselves feeling aggrieved whereas he is complaining that Government uses this organisation.

I had said a few days ago also that worthless people had been recruited in an intelligence agency and they were not fit for intelligence work. I fully agree with what my friend Shri Munshi has said. You should provide training to Intelligence Bureau and RAW so that they may be able to supply correct information to you about the country as well as foreign countries. A number of developments have taken place so far. Our beloved Prime Minister, who contributed a lot in making this country powerful and strong, was murdered and your Intelligence Bureau could do nothing. Your Intelligence Bureau and RAW could do nothing. You should make radical changes in such a worthless organisation and set this cadre right. So far as B.S.F. is concerned, I had told the hon. Home Minister that all the discarded police officers are posted to these Forces, and the result is that the officers themselves feel disgruntled and do not work

[Shri Girdhari Lal Vyas]

there also. This is the state of affairs in all the armed forces. Leave aside military. Military intelligence is better than the Intelligence Bureau and RAW because it at least keeps all the information. No information is available with your organisations. Instead of helping any improvement in the conditions in the country and supply correct information to you from time to time, these organisations give wrong information. It is not possible for them to supply correct information.

I support the suggestion that either there should be a separate cadre for them and all round training should be given to them so that they may gather correct information or the entire system may be scrapped and communist discipline should be adopted so that discipline is enforced on everybody and you may get correct information. Some such arrangements are absolutely necessary.

You propose to effect certain changes in it. You have yourselves stated in the statement of objects and reasons that there is no discipline among them. A few days ago they had resorted to strike and held demonstrations which forced you to bring this Bill. Otherwise, you would not have brought this Bill. The demonstration held by them was a sort of warning to you about their functioning. I would like to submit that observance of discipline is necessary not only among them but also in every organisation. Discipline must be observed in this organisation because it is pre-requisites for supply of correct information. Discipline in every sphere is a must. There is total lack of discipline among your officers and employees. This organisation should be controlled in a manner which may be helpful in establishing a better order in the country. Will this system prove a success in eradicating poverty from this country and providing all types of amenities and comforts and comforts to the poor keeping in view the objectives and the spirit behind the working of this Government and the order which our Hon. Prime Minister wants to usher in this country ? I feel that radical changes need to be made for this purpose not only in Intelligence Bureau and RAW but in all other organisations also. This change should, therefore, be envisaged in entirety. You have imposed certain restrictions

on them preventing them from indulging in certain activities. But these restrictions will not help. You might have seen that wherever such restrictions were imposed in police forces, they went on strike, they formed unions and did all other things. Police unions have been formed in many States. The more you suppress, the more people try to raise their head. Military system is functioning properly due to the discipline enforced there. There is no need for any trade union there. But no sense of discipline was inculcated in these organisations and disorder crept therein. This has resulted in the demand for formation of trade unions, etc. Had these organisations been evolved as distinct identities, there would not have been any need to take these steps and today the country would not have faced humiliation on many occasions due to inactivity and carelessness of these agencies. I, therefore, suggest that if we really want to make them disciplined, it should be delinked from other cadres and a separate organisation should be evolved to create discipline and satisfaction among them. A system should also be devised to hear and redress their grievances.

With these words I support this Bill.

SHRI VIRDHI CHANDER JAIN
 (Barmer) : Mr. Chairman, Sir, I rise to support the Intelligence Organisations (Restriction of Rights) Bill, 1985. My hon. friends have expressed their views on it and have covered many points. Article 33 of our Constitution was amended in 1984. Although more than one year has elapsed, yet I feel that this Bill has been presented here in time and it is a comprehensive Bill also and there appears to be no lacuna in it.

The question is that full care should be taken about the antecedents of persons appointed to I.B and RAW services. It is very important because our intelligence agencies are not functioning properly. We have to pay attention to the nature of cadre also. If an independent cadre is formed, antecedents must be verified. Shri Vyas was saying that sons of big persons had been appointed in it. But I feel that it is not true. In some case it may be so. But if their sons are capable, they can be appointed there. I feel that it is not proper to level such charge,

Thorough investigations should be made about the antecedents of persons to be appointed in these sensitive services on which responsibility of country's security rests. Had we known about their antecedents, Smt. Indira Gandhi would not have been murdered. Out of the two persons involved in this murder, one used to accompany her but the antecedents of the other were not verified. He was recruited on *ad hoc* basis and in a very short period he was appointed to that post. It is, therefore, not proper to appoint anybody on such important posts without verifying his antecedents. I mean to say that full verification should be made about the antecedents of persons to be appointed in these services.

Secondly, there must be certain restrictions to prevent them from taking any undue advantage of the information available with them after retirement from these services. In the absence of any restriction, there is a tendency on the part of industrialists and industrial concerns to misuse the services of these persons after retirement from these services. Larkins' case is an example in this regard. If need be, the Constitution should also be amended for this purpose.

As pointed out by Shri Das Munsi, even now the position is that only those persons join the intelligence branch who do not get charge of District Headquarters. People try to go to District Headquarters from intelligence branches but no officer leaves the district headquarter for joining intelligence services, because they do not consider these service as important. Their services should be made important. The status of their cadre should be raised by increasing their salary and allowances so that they can work for the country's security.

With these words I support this Bill,

[*English*]

SHRI NARAYAN CHOUBEY
(Midnapore) : Madam Chairman, my young friend, Shri Priya Ranjan Das Munsi has spoken very nicely excepting the fact that he mixed up China and the Soviet Union in the speech. He is a very intelligent boy rather. Madam, in Soviet, Union and China, the whole State is against exploiters

and is for the people. The people who are in such Intelligence organisations have the motivation that they are serving the State which is a bulwark against the imperialism. There are such things. I don't think it is correct, as Mr. Priya Ranjan Das Munsi thinks, that our State is a State which is serving the poor, toiling people of the country. Rather this state of ours serve the employers. So no comparison can be made between USSR and India. Excepting the mixing up of things, his speech was *Amritham Bal Bhashitham* and nothing more than that.

Madam, the monumental failure of our RAW and Intelligence has been clearly shown in the assassination of our Late Prime Minister, Madam Indira Gandhi. How could these things take place? Definitely, for this treason, the poor people, the employees of the RAW who sometimes ventilate their grievances here and there, are not responsible. There must be persons getting four figures—5,000, 6,000 or 10,000—responsible for it. The failure of Intelligence agency is continuous. Smuggling of arms and ammunitions is going on unabated. There is RAW; there is Intelligence Agency; Even then, it continues. The chaos in Punjab continued for many years and we could not know many things. The experience in Assam' Gujarat and other States shows that our Intelligence system is very much defective and for that reason, the people for whom you have brought, this Bill are not responsible. The persons other than those people are responsible for these things. As has been clearly suggested, I do not know whether you will make a special cadre or given them special allowances. But the fact remains that if I become an officer in charge of certain important police station, say Howrah, my daily income is not less than Rs. 2,000 or Rs. 3,000.

SHRI PRIYA RANJAN DAS MUNSI:
It is more than that.

SHRI NARAYAN CHOUBEY : He knows it. What is the amount?

SHRI S. B. CHAVAN : You will be giving authentic information.

SHRI NARAYAN CHOUBEY : He gives more correct information.

SHRI PRIYA RANJAN DAS MUNSI: We will share our information.

SHRI NARAYAN CHOUBEY : An "intelligent" inspector gets Rs. 2,000 to Rs. 1,500 per month. Naturally, how could an intelligent person go to the Intelligence agency ? Moreover there is no motivation. First of all, I would urge upon the Government to motivate the people who are serving there. Ours is a poor country and it has to be saved. So, our people should not be enticed by rich countries who are very much trying to see that they can enter into our Intelligence agency, as some of them have already entered.

You have said that you want to discipline them. I agree, you discipline them. I do not grudge. But then, do you want to keep them satisfied also ? What is the channel by which you are trying to look after their grievances ? As Comrade Hannan Mollah suggested, have codified them ? Rather your codified information is passing, through your Intelligence men, to foreign countries. It is going to U.S.A. It is going to France. It is going to Canada. It is going to Britain. Naturally, you see that their genuine grievances are also looked after otherwise, simply by bringing in whips, you cannot control them. As madam Chairman knows and you also know, common constable in the police stations and the Intelligence men also are asked to do the work of rather casual labour. They are asked to carry the children of SPs to schools. Are they not human beings ? They are treated as slaves. They cannot talk and they have no voice. How do you solve this problem of the poor employees in Intelligence, whom these big people in the Intelligence Department treat as slaves ? How do you safeguard them ? What channels have they got to put forth their grievances before the authorities ?

Suppose, I am an employee under a big officer. If I make a complaint against the officer through the proper channel, I

am removed. I am punished. I am transferred. At least some safeguard also must be there against this.

Without these safeguards, there can be no discipline. You must motivate them. You must discipline them. You must satisfy them. All these three things should go on simultaneously.

Sometimes it so happens these boys of RAW go to some foreign countries. Suppose an Officer of RAW is sent to Spain. You take him to a school to learn Spanish. After giving him training in Spanish language, you ask him to go to Chile or to Indonesia. This is meaningless. You must have a policy. The person to whom training suited to a particular country is to be given, should be sent to that particular country. Otherwise, your funds are spent for nothing.

With these words, I neither support nor oppose the Bill.

MR. CHAIRMAN : Then what do you do ?

SHRI NARAYAN CHOUBEY : There must be discipline and satisfaction on the part of the poor employees and, at the same time, there must be motivation that our country has to be saved and our nation has to be saved. Our duty is to be done. Some motivation should be there. They speak of socialism and all that. But the security men are starving. The rich people go in cars and spend luxurious life. But their drivers are starving. Such a situation can never motivate them. You should motivate them. Then only you will be successful. Otherwise, however strong you may be, you are not going to be successful.

SHRI SHANTARAM NAIK (Panaji) : Madam, I will make two or three submissions. RAW and IB are two very sensitive parts of our nation and I attach importance to these Intelligence Departments.

I have seen this Bill in which certain restrictions have been put by Clause 3. Although these restrictions are very essential and a must, yet, I feel that on account of the provisions which are contained in the

Constitution in Part III, these have not been thoroughly restricted. With respect to the personnel in these two organisations, I think there will be some problems. For instance, if any action is taken under Clause 3, still Articles 226 and 32 will be open to them to go to respective High Courts or Supreme Court. No doubt, it is said in Part III that there will be nothing which prevents an employee from going to the court unless Part III is totally suspended. As no total restriction has been placed on the personnel in these two organisations, Articles 226 and 32 will still be available to them. If a person goes to a High Court or Supreme Court, it may be that the writ petition may be dismissed on account of the provision contained in Clause 3. Yet, if the court finds that there is a *prima facie* case, then, stay can be granted and stay in today's circumstances means at least two or three months and if a stay is granted with respect to unwanted men for two or three months, some problems will be there.

I, therefore, like the hon. Minister of Home Affairs to look into this matter, and see to it whether the entire chapter on fundamental rights with respect to personnel can be suspended, because it is very essential according to me.

16.00 hrs.

Secondly, there are codes of conduct applicable to Central Civil Servants. In that, certain provisions appear to be similar to those contained in Clause 3 of this Bill. Apart from that, the provisions contained in Official Secrets Act are also somewhat similar to the Clause 3 of this Bill. There is no mention with respect to this Act in Clause 3 as to whether Clause 3 is notwithstanding the provisions contained in the Official Secrets Act and the Code of Conduct. Besides, Clause 3, Sub-Clause (d) says —

"except for purposes of official duty, contact or communicate with any person on any matter relating to functioning, structure, personnel or organisational affairs of the Intelligence Organisation of which he is a member ;

Now, this is a sub-clause with respect to which, I think, there are some provisions in the said Code of Conduct.

Apart from that, ultimately, if a person violates this provision, what is the punishment provided for ? It reads :

"Any person who contravenes any of the provisions of section 3 shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both."

Now, no court of law is going to impose imprisonment for the first offence and that, normally, courts are inclined to impose fine. Besides, no court is going to impose maximum fine for the first offence. That means for a serious offence like Clause 3 (d), a person may get goscot free with Rs. 500 fine or Rs. 1000 as fine.

The Bill will not be effective unless imprisonment is made compulsory and no option is given to impose fine because these are serious offences and therefore, I feel that imprisonment should be made a compulsory clause.

Sir, with respect to both RAW and I.B., I would request that these two organisations should be dissolved and there should be only one organisation. There may be wings for local intelligentsia and foreign intelligentsia separately. But it should be one organisation under one head and there should be branches for various purposes, instead of having RAW and I.B.

Lastly, whatever personnel matters of RAW and IB are there regarding terms of payment, salaries, etc., they should be sorted out, I learnt that there are a lot of differences between Army personnel and IPS officers in RAW. It leads to friction between them and it hampers the working of RAW. This aspect may also be looked into.

DR. DATTA SAMANT (Bombay South Central) : Madam, it is quite surprising that for such an Intelligence Department of the nation the Government has to come forward with such type of Bill. I think, the Intelligence Department is having problem and I understand that they are not doing well. I think, as some of my hon. friends have rightly said that many times, we are the politicians who are at high places are responsible for this. I think, the Intelligence Department is more intelligent to study the boss and it acts just to keep him pleased. When the boss gets dissatisfied or disturbed, he blames them by saying. "You are not intelligent, you are doing all these things."

For whatever things have happened in Punjab, Assam and Gujarat, we cannot blame the Intelligence Department. I do agree that they are not working properly. The responsibility of the Government should be to tackle various problems like poverty, unemployment, etc., which are now increasing. We are just not bothered about the labour problem. Just when something has happened, they go on suppressing the labour. Police should not form union, CRP should not form union. Ultimately, you say that because of unions, everything is happening. Sir, Clause 3, Sub clause (a) reads :

"be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations ;

Government feels that the unions are damaging the intelligence. Something else is wrong somewhere. Hon. Minister has said that he will find out about this. Yesterday also the Essential Services Maintenance Act was passed. In that, it is said that without warrant one can be arrested. Economic offenders are just left out. In the union, if somebody goes on strike you arrest him. I say that there are some good unions. You were the Chief Minister of Bombay, you come with me to Bombay, I will show you to two - three hundred factories where my strong union is there, where production has gone up and where discipline is there. More premier automobile cars have been produced. The workers are doing well. They are getting Rs. 800 or Rs. 900 as salaries

to start with. Some sweepers are getting Rs. 2000 or so per month. There is not a single strike there. In Mazagon Dock Shipyard where my union people are working, production has increased more than two times and submarines are manufactured there. There is no need of workers going on strike there. If the management are a little intelligent and can provide facilities to the workers, I think the working class will definitely cooperate with the management. I think our economic failures and other failures are not at all due to the trade unions. They are suppressing these facts and I do not say that it is due to the big officers. There is no need of having these words in this Bill. As far as the wording in the Bill is concerned it should not be the attitude of the Government to gradually go on suppressing the working class and condemning them in this House and if this is the attitude of the Government, I think gradually a time will come when the working class will find it difficult to do any work. Then tomorrow you will say that the Secretary of the Department is controlling the Government servants working in his department and if they are not serving him properly, you will say that it is an essential service and you will not allow them to organise themselves. Yesterday when the Essential Services maintenance Act was discussed in this House, you mentioned that to form an association is the fundamental rights of anybody and it is a basic thing.

The words which are used here are really damaging and it is not in the interest of the working class. About political organisation, I can understand that they cannot take part in any activities of this country and if they want to be members of any political organisation, that is not allowed. But you are saying that because the trade union is there and you people are not acting properly in this country and therefore I condemn them. So, it is not the way of making them to act properly or by such suppression, it is going to act in the reverse way. In the Intelligence Department, you do not allow them to have their right and that way they will never cooperate with you.

Sir, in the Police Department, the same is the position. The police personnel are working for 12, 13 or 14 hours a day. About 25% of the police constables are not

housed in Bombay and they have to act as slaves. The salaries of the constables are Rs. 600 or Rs. 700 per month. What is the provision that has been made for the welfare of these police men? Now, the machinery about which you are talking, is entirely left to the mercy of the superior officers. What is the other alternative? There is no procedure at all? I suggest that the police men should have equal representation as workmen in the Government with one High Court judge sitting in their behalf. At least the grievances of these people will have to be looked into and should be solved. Such a type of provision, if the Government provides, will to some extent take care of these people. Now, you have no rules to implement them. According to this, you are going to implement them. There is a need that if some sections are not acting properly, you come out and say that these are the sections and the departments in the Intelligence Wing which are not acting properly. We do not know about this. But ultimately it will be decided which section or the department should be added or deleted. You should spell out this. Otherwise, it will be a bad way of doing thing. This House is the biggest in the country and the Government should come out with any legislation for enactment in this House. Why are you not coming out with reasons for including this section? In the present Bill, I have found in three or four places loopholes. But you are not doing anything for that. Therefore, I want this thing to be banned. You are just keeping it open. We can add anything and we can also subtract anything after that. Subsequently, you can say that these are independent departments.

Regarding the rules, you have rightly said that the rules can be framed and implemented and that is the bone of contention of the law. But then you say that these rules can be rectified by the Parliament and if the Parliament does not accept then it will be changed. Therefore, all these loopholes which are found here are really of very serious nature. I did not expect from the Home Minister that he would allow these loopholes and also put a ban on the activities of the Government servants and also gradually on the private sector employees also. Yesterday, you said that the Industrial Disputes Act will be used in

all these cases and action against them will be taken under ESMA. But in the law there is no provision and it will have to be rectified and then only action will be taken. I think that the Government policies, the economic policies of this country, are the major reasons for this and therefore they cannot act properly. Therefor, by implementing this law, I do not think any purpose will be served. In view of this, I oppose this Bill.

SHRI VIJAY N. PATIL (Erandol) :
Sir, I rise to support this Bill.

In a democratic society like ours, the Intelligence Department is more vulnerable to outside forces than other Departments of Government. The world has entered the satellite era of intelligence, but our country is not that rich to acquire the capability of satellite for collecting information required for intelligence agencies. But at the same time, we must feel ashamed of the fact that the Prime Minister of this country was shot dead by the persons who were supposed to protect her. Nowhere in the world we find such an example. Only one Head of the State was shot by the guards at the time of taking the guard of honour, not by the security men. As Shri Munsi has said, our Intelligence Department should be revamped and it should be controlled properly. We see that at the lower level, people who are not wanted in the police service are given jobs in the CID.

During the last year, we had a number of dangerous cases, which showed total lack of intelligence. There were spy scandals in which people like Coomar Narain were involved, and there was the Guns of Bellary case. In the Guns of Bellary case, one Shri G. Laxmanan had direct access even to the files of the Home Ministry. This is a very serious matter.

I will urge upon the Minister, who has worked earlier as the Chief Minister of Maharashtra, Finance Minister and as Defence Minister and as Minister in charge of various strategic Ministries and has got good experience to revamp this intelligence organization. It is not sufficient to bring forward this Bill alone. The implementation is important.

16.12 hrs.

[SHRI ZAINUL BASHER *in the chair*]

My friend, Shri Samant was objecting to the non-involvement of the officers of the Intelligence Department in the union affairs. This is very important. It is not necessary to bring unions in IB or RAW. Shri Samant may go to the extent of forming a union of the Members of Parliament, and he may also ask for the union of spies, and may also subscribe to that.

On the contrary, in other developing countries, how the spies and intelligence men are recruited. Without quoting the agency, I would like to mention how the spies are recruited. The directions are :

"Go, search for people who are hurt by fate or nature, who are ugly, these suffering from an inferiority complex, craving power and influence but defeated by unfavourable circumstances."

Such people are given power and employed intelligence organizations. They enjoy the superiority complex. They feel themselves superior over the handsome and prosperous people around them. They even work better for such intelligence agencies. Even in other agencies, the profiles of potential spies, potential intelligence agents and department employees are studied. They are studied very assiduously before enlisting them in-to the Department. Even lie-tests are conducted in the case of employees who are to be employed for other countries. Under such circumstances, I would like to urge upon the Minister to add one clause, that is on drinking. Hitler used women, wine and wealth to find out the military strength of Russia before the Second World War. Women, wealth and wine are influential phenomena because these are human weaknesses. You have taken care of wealth. But about wine also, I feel that there should be a mention in this Bill and this clause should be amended accordingly.

Even in developed countries with all their huge wealth invested in collecting intelligence information, one agency is not sufficient to collect the information and analyse it. It is necessary to have several agencies. But intra-departmental and intra-

agency coordination is very essential. Intra-departmental and intro-agency jealousies come in the way and at least, in this field, and rules should be made in such a manner that there may be proper collection of information, and its evaluation should be better so that the intelligence information required for the functioning of the Home Ministry in keeping law and order, for exchange of information in the international arena among different nations would be proper. It should serve the cause. With these words, I fully support the Bill and I thank you for giving me this opportunity.

[*Translation*]

SHRI MOHD. AYUB KHAN (Jhunjhunu) : Mr. Chairman, Sir, I support the Bill introduced by the hon. Home Minister. I would like to offer some suggestions in this regard. First of all, I would like to know whether the same type of training cannot be given to our intelligence agencies as is given to military intelligence ; whether our intelligence agencies cannot function like army intelligence ; and whether recruitment cannot be made to our intelligence agencies on the pattern of recruitment made to army intelligence. If any employee of army intelligence falls in the hands of the enemy, he will not open his mouth even if his body is cut into pieces. If the enemy orders him to raise his hands, he will prefer facing bullets to raising his hands. Can we not impart such training to our intelligence personnel ? The educational qualification of our intelligence personnel should be on the pattern of Army Intelligence Service. Their medical selection should also be on the same pattern so that it can be verified whether they have got enough guts or not because merely equipping them with arms will not serve the purpose. They should have the courage to operate arms also. During war we will not hesitate to sacrifice our lives to protect every which of our mother land. This should be the motive of our intelligence personnel. At the time of any army operation, we know the name of each soldier and commander of our enemy, but it is a matter of great surprise that we do not come to know about incidents of such magnitude. This shows how from an S.P. to constable can be influenced with money. It shows the type of collusion

among the policemen, the S.H.O. and traffic constables. It is our suggestion that a Pay Commission should be appointed for the employees working in the intelligence department. There should be separate residential arrangement for them. They should be given training to motivate them not to deviate from the path of duty by the allurement of money. They should be provided all the facilities and they should be given best training so that they may not hesitate to sacrifice their lives in the service of the motherland.

This is my suggestion and with this point of view I support the Bill.

SHRI C. JANGA REDDY (Hanamkonda) : Mr. Speaker, Sir, it is proper that it has been provided in the Bill that in the States the intelligence agencies should be kept aloof from other organisations. The members of the Congress party have said that a comprehensive Bill should be brought forward which should cover some big officers also. I agree with their suggestions.

As Mr. Munsi has said, Indiraji was assassinated despite the presence of RAW. Lalit Maken also met the same fate. There are three types of intelligence agencies in our State. One is a special branch of the State intelligence, the second is intelligence department of the Central Government and the third one is the RAW. There is no relation between the RAW and the intelligence department.

The Member who spoke earlier to me had stated that the work of the RAW was to help the Congress party in selection of candidates who can win the elections.

AN HON. MEMBER : They keep an eye even after winning the election.

SHRI C. JANGA REDDY : The RAW and the intelligence people give money to some people and get information. The State intelligence people sit in the hotels with 5 to 7 persons and write their report on the basis of the talks held with them. Then you take action on that basis.

You may recall that when the elections were announced in 1977, the RAW had advised Indiraji that Congress would win.

(*Interruptions*)

It is a fact that the Intelligence and the RAW had been functioning as a wing of the Congress party all these days. They had more intelligence about the Congress party than about the country. In 1977, elections were announced against their advice and the Congress was defeated in the election. The responsibility for the defeat was put on the RAW that they had given wrong information. What I mean to say is that the RAW should be kept aloof from the political parties. All these things are happening because of their contact with the political parties. They should have a separate cadre.

We find that often C.I.A. and K.B.G. are blamed and we malign other agencies. We are not prepared to mend ourselves. We just want to show that all this happened due to the intelligence agencies of America and U.S.S.R. We blame other agencies to hide our failures. There should be check on other agencies and they should be kept under surveillance. We should take steps to improve our intelligence.

In 1947 when the communist party in Andhra Pradesh was spearheading the land reforms movement and was against the fragmentation of holdings. They took up arms against the Nizam. Some intelligence men infiltrated into the movement and gave all the information to Government. Some of them had to sacrifice their life. You should give them some reward.

As my friend from Rajasthan had said an army jawan cannot be compared with a constable. The constable is always on the look out to make a fast luck whereas the jawan is free from such temptations. He is full of patriotism and is always ready to sacrifice his life. This is the reason that the intelligence agencies and the RAW should be kept away from the politics and they should have their separate cadre.

We have read in the newspapers that we send intelligence men to other countries. What is happening in Ceylon ? The Indian

[Shri C. Janga Reddy]

Government itself are instigating the Tamils and are providing them with money and arms. You should not do this.

Sir, you might be aware that in Russia the intelligence agencies keep an eye on each other, so much so that nobody knows who is observing whom. You have to mould your intelligence on that pattern.

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : I am thankful to all the hon. Members who have participated in the discussion. They have given very valuable suggestions as to what needs to be done, to make the intelligence agencies more effective.

I am reminded of 1980, when I was a Member of Parliament, before joining the Cabinet. Some of these members of RAW and I.B. had approached me. I know the grievances which they had put before me. I have also heard the speeches of all the hon. Members who have spoken here. Identical points have been repeated by most of the hon. Members, which clearly establishes why it was absolutely necessary that such a kind of legislation should have been brought in.

It is all right : everybody will have a grievance. I cannot deny the fact that everybody cannot be kept satisfied. Whether he is at the police station or in the I.B., ultimately it depends upon the character of the person. In the police station, there can be honest people who can never be corrupt, but there are people who believe in going to a particular station, so that they may be able to earn enough money.

So, I cannot say on behalf of anybody that the entire organization is very honest, or totally corrupt. The combination exists everywhere.

SHRI H. A. DORA (Srikakulam) : What is the ratio ?

SHRI S. B. CHAVAN : The ratio depends on who supervises them. Since I have administered one of the major States

in the country, I know what attempts were made by some of the people, in order to go to a particular place ; and when they were denied that, what kind of canards were spread.

These people who are now agitating for certain things, have already gone to the Supreme Court. They are spreading all kinds of canards. They are spreading half truth so that you may be able to abuse the government that the government has failed in this and that. These half truths are being spread by a large number of people including agencies outside the country. This is a very dangerous trend ; and if these things were to continue, I think, it will have very dangerous consequences ; and that is why we thought it necessary that such a Bill should be brought ; and this was possible only after the amendment of Article 33. In 1984, we could not legislate because that legislation was only to the extent of armed forces, and the police constabulary and other people, there was no provision for having a Bill of this nature ; and that is why in September 1984 Article 33 was amended which enabled Parliament to have legislation of this nature.

Two or three points I would like to clarify. In fact, I wanted to go early to Rajya Sabha. I have got two Bills pending. I do not know what I will have to tell them except that I may be excused. I am in full agreement with what the hon. member, Shri Shyam Lal Yadav suggested that antecedents of new recruits in government service are being verified and especially in IB and RAW it is very necessary that we should do it. I admit the kind of incidents which are taking place clearly establish the fact that there is something wrong in also finding out the antecedents of the people. People of this nature have been recruited who could drag their organisation to the Supreme Court and abuse them in all quarters. I admit that there is basically something wrong, that wrong people have been recruited. All kinds of things are being spread by them. I do not want to go into them and it will not be proper on my part to defend any organisation though you have tried to provoke me to say something, but, I think,

I will have to keep myself cool and not give my reaction to any of the points which you wanted me to say something.

A point was made that this is all right that some kind of a restriction has been put. But after they retire, is there any kind of restriction? Even after the retirement, the official Secret Act is applicable, and I don't think that those who are in possession of it can divulge the secrets. They are prohibited from doing this; and if any one were to do it, we would certainly take action against the people. Why is it that the CBI has been excluded? I think the previous Act of 1966 covers all the investigating agencies of the police, and that is why there is no separate provision made for CBI.

I could not get the point but still something was said about the rules and the ennobling powers which the government has taken; that is why because of the fact that at present there are a few branches of the intelligence—one for internal and another for external; in future may be that are or more organisation may also be added for doing this kind of intelligence work,—this enabling provision has been provided that if any agency is created later on, it is also covered by this.

Mr. Daga raised the point that if the Committee on Subordinate legislation were to take a particular decision, what will happen to this Act? I think, before the matter goes to the Committee on Subordinate Legislation, the rules have to be framed. We cannot keep the Act in an animated suspension. And the rules have to be placed before the House for approval. If the House so pleases, it can approve those rules. Or it can also amend those rules. If the House makes any amendment, then the amended rules will become applicable. So the stage of taking up all these rules for consideration of the Committee on Subordinate Legislation will arise at a very later date. Till then we cannot continue like that. Even then the Committee on Subordinate Legislation is going to recommend only whether it requires a statutory provision or not and whether under the Act we could have framed the rules that we have framed. This is the

only point that the Committee can go into. If we wait till then the purpose for which this Act has been brought, will be defeated. That is why, we cannot continue to wait till the Committee on Subordinate Legislation were to go into the details of the Act.

Mainly these were the points which were raised by the hon. Members barring one or two Members who were feeling very strongly that there should be total freedom of association, freedom of speech and other things. Mr. Thomas was very critical. He was saying that it is because of the suppression of these rights that these things are erupting. But this is not borne by facts. Right from 1979 to 1985 you know how things are happening. Indiscipline has developed because of certain political reasons. I do not want to go into all those aspects. With that kind of encouragement, things have gone to such an extent that the matters have now gone to the court. But it is a matter which can be fought out at the Supreme Court level.

PROF. N. G. RANGA (Guntur) : What about coordination?

SHRI S. B. CHAVAN : Coordination is definitely required. But there are a large number of things on which though I can say what is being done, I do not think that even that matter should also be divulged in the House.

Improvement in their service conditions is required. I have asked the officers to look into that. If you prohibit them from forming an association, then an alternative forum is to be provided where their legitimate grievances could be solved. In fact, we are thinking of going into the details. At the apex and field levels they must have some organisation by which if they have any grievances, they should be able to put forth those grievances and officers are there to redress those grievances. May be in certain matters there may be financial implications. They can report back such matters to the Directors and the Directors can report that to the Government so that their grievances can be redressed. I do not think, it is necessary to codify what sort of machinery is being set up for looking into the grievances of these people.

MR. CHAIRMAN : The question is :

"That the Bill to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to the members of certain organisations established by the Central Government for purposes of intelligence or counter-intelligence so as to ensure the proper discharge of their duties and the maintenance of discipline among them, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : Now, we take up clauses. The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

MR. CHAIRMAN : Clause 3 Mr. Munsi are you moving your amendments ?

SHRI PRIYA RANJAN DAS MUNSI :
No.

Mr. Chairman : The question is :

"That clause 3 stand part of the Bill."

The Motion was adopted.

Clause 3 was added to the Bill

Clauses 4 to 7 and the Schedule were added to the Bill

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

SHRI S. B. CHAVAN : I beg to move :
"That the Bill be passed."

MR. CHAIRMAN : The question is :

"That the Bill be passed."

The Motion was adopted.

16.40 hrs.

TOBACCO BOARD (AMENDMENT) BILL

[English]

MR. CHAIRMAN : We shall now go to the next item—item No. 14. Shri P.A. Sangma.

**THE MINISTER OF STATE IN THE
MINISTRY OF COMMERCE (SHRI P.A.
SANGMA) :** Sir, I beg to move : *

"That the Bill further to amend the Tobacco Board Act, 1975, be taken into consideration."

The Tobacco Board set up in 1976 under the Tobacco Board Act, 1975 has been functioning with the prime objective of development of the tobacco industry and regulation of the production and curing of virginia tobacco having regard to the demand therefor in India and abroad and promotion of exports of tobacco and tobacco products. The working of the Tobacco Board, the efficacy of the various provisions of the Act and their shortcomings, the problems of growers, curers, traders, exporters and others connected with unmanufactured tobacco and tobacco products, have been in continuous examination of the Government. With a view to enabling the Board to play a more effective role in production, development, marketing and export of tobacco, it has been found necessary to amend suitably the provisions of the Tobacco Board Act, 1975. It is accordingly proposed to bring about amendments to the Act to achieve the following objectives.

- (i) To increase representation to the growers on the Board for more effective participation ;
- (ii) to empower the Tobacco Board to regulate production of virginia tobacco *inter alia* on the basis of differences in soil characteristics and agroclimatic factors in different regions of the country where this type of tobacco is grown, and the effect thereof on the quality and quantity of the tobacco produced in these regions ;
- (iii) to require the processors of virginia tobacco and the manufacturers of products made therefrom to register themselves with the Tobacco Board. This will help the Board in having control over cigarette manufacturers who are the

*Moved with the recommendation of the President.